

finish debate on these, so we would not be interrupted continually with votes.

We are going to do everything within our power to complete this bill as quickly today as possible. There has been this contentious issue raised dealing with delaying amendments. This is not going to hold up this bill. We believe we can dispose of these amendments in a relatively short period of time and go to final passage. The Leahy amendment should not hold up this bill. We have cooperated, we feel, immeasurably. We started out with about 300 amendments, and we have completed work on these. We are waiting to go. We hope the time is shortened, and we will move forward and do the best we can.

I apologize to my friend from Massachusetts. He has a question to ask.

The PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Yes. One of the amendments we were considering yesterday was the Reid amendment, offered on behalf of the Senator from Vermont, myself, and other members of the Judiciary Committee, about getting certain reports we have not been able to receive yet. I am wondering, since it is still in order, whether we are going to have an opportunity to address that issue in a short time discussion or debate, or is it the position of the majority leader that we are not going to have an opportunity to have that amendment offered and considered and voted on and disposed of?

Mr. FRIST. Mr. President, in response, through the Chair, that discussion continued last night with the managers as to how that particular amendment is handled. What we did do last night, so we can continue business, is agree upon the five we laid out. No commitments have been made, at least from the leadership level, in terms of particular amendments that are out there.

So I suggest right now, or after you complete your remarks, getting together with the managers of the bill. Right now the only agreement is we will continue straight ahead with these five amendments and keep the ball rolling.

Mr. KENNEDY. Mr. President, I thank the majority leader for his willingness to move ahead. There are a number of us who are going to insist we at least have an opportunity to offer that amendment and address it at some time. I know I can speak for the Senator from Vermont, and he would be willing to enter into a short time agreement. It is a matter of enormous importance and consequence involving, we believe, the security of American troops because that is what the Geneva Conventions are all about: protecting American troops.

It is important on an issue of this importance and consequence that we move toward final conclusion, that we have a resolution of that issue. As a matter of fact, it is, I believe, imperative.

I thank the majority leader. We will find how we can deal with this issue over the course of the day. I thank our leader as well.

#### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2400, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2400) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Service, and other purposes.

Pending:

Bond modified amendment No. 3384, to include certain former nuclear weapons program workers in the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program and to provide for the disposal of certain excess Department of Defense stocks for funds for that purpose.

Reed amendment No. 3353, to limit the obligation and expenditure of funds for the Ground-based Midcourse Defense program pending the submission of a report on operational test and evaluation.

Bingaman Amendment No. 3459, to require reports on the detainment of foreign nationals by the Department of Defense and on Department of Defense investigations of allegations of violations of the Geneva Convention.

Warner amendment No. 3460 (to amendment No. 3459), in the nature of a substitute.

Feingold modified amendment No. 3288, to rename and modify the authorities relating to the Inspector General of the Coalition Provisional Authority.

Landrieu/Snowe amendment No. 3315, to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, and to provide for a one-year open season under that plan.

Reid (for Daschle) amendment No. 3409, to assure that funding is provided for veterans health care each fiscal year to cover increases in population and inflation.

Ensign amendment No. 3467 (to amendment No. 3315), to provide a fiscally responsible open enrollment authority.

Daschle amendment No. 3468 (to amendment No. 3409), to assure that funding is provided for veterans health care each fiscal year to cover increases in population and inflation.

Reid (for Akaka) amendment No. 3414, to provide for fellowships for students to enter Federal service.

Reid (for Leahy) amendment No. 3387, relative to the treatment of foreign prisoners.

Warner (for Lott) amendment No. 3220, to repeal the authority of the Secretary of Defense to recommend that installations be placed in inactive status as part of the recommendations of the Secretary during the 2005 round of defense base closure and realignment.

Warner (for Bennett/Hatch) amendment No. 3373, to provide for the protection of the Utah Test and Training Range.

Warner (for Bennett) amendment No. 3403, to prohibit a full-scale underground nuclear test of the Robust Nuclear Earth Penetrator weapon without a specific authorization of Congress.

Warner (for Inhofe) amendment No. 3280, to reauthorize energy saving performance contracts.

Warner (for McCain) amendment No. 3442, to impose requirements for the leasing of aerial refueling aircraft for the Air Force.

Warner (for McCain) Amendment No. 3443, to impose requirements for the aerial refueling aircraft program of the Air Force.

Warner (for McCain) amendment No. 3444, to restrict leasing of aerial refueling aircraft by the Air Force.

Warner (for McCain) amendment No. 3445, to prohibit the leasing of Boeing 767 aircraft by the Air Force.

Levin (for Biden/Lugar) amendment No. 3378, to provide certain authorities, requirements, and limitations on foreign assistance and arms exports.

Levin (for Byrd) amendment No. 3423, to modify the number of military personnel and civilians who may be assigned or retained in connection with Plan Colombia.

Levin (for Byrd) amendment No. 3286, to restrict acceptance of compensation for contractor employment of certain executive branch policymakers after termination of service in the positions to which appointed.

Levin (for Corzine) amendment No. 3303, to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55.

Levin (for Daschle) amendment No. 3328, to require the Secretary of the Air Force to maintain 3 additional B-1 bomber aircraft, in addition to the current fleet of 67 B-1 bomber aircraft, as an attrition reserve for the B-1 bomber aircraft fleet.

Levin (for Daschle) amendment No. 3330, to authorize the provision to Indian tribes of excess nonlethal supplies of the Department of Defense.

Levin (for Dayton) amendment No. 3203, to require a periodic detailed accounting of costs and expenditures for Operation Iraqi Freedom, Operation Enduring Freedom, and all other operations relating to the Global War on Terrorism.

Levin (for Dodd) amendment No. 3311, relating to the imposition by the Department of Defense of offsets against certain contractors.

Levin (for Dodd) amendment No. 3310, to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to the Federal law enforcement officers in certain high-cost areas.

Levin (for Feingold) amendment No. 3400, to enable military family members to take leave to attend to deployment-related business and tasks.

Levin (for Graham (FL)) amendment No. 3300, to amend the Haitian Refugee Immigration Fairness Act of 1998.

Levin (for Leahy) amendment No. 3388, to obtain a full accounting of the programs and activities of the Iraqi National Congress.

Levin amendment No. 3336, to authorize the demolition of facilities and improvements on certain military installations approved for closure under the defense base closure and realignment process.

Levin (for Kennedy) amendment No. 3201, to assist school districts serving large numbers or percentages of military dependent children affected by the war in Iraq or Afghanistan, or by other Department of Defense personnel decisions.

Levin (for Kennedy) amendment No. 3377, to require reports on the efforts of the President to stabilize Iraq and relieve the burden on members of the Armed Forces of the United States deployed in Iraq and the Persian Gulf region.

Levin (for Reed/Kohl) amendment No. 3355, to ensure the soundness of defense supply chains through the support of Manufacturing Extension Partnership centers that improve the productivity and competitiveness of small manufacturers; and to clarify the fiscal year 2004 funding level for a National Institute of Standards and Technology account.

The PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. I thank the Chair.

Mr. President, I see the proponent of the first amendment on the floor, and we are prepared to engage. So at this time, I yield the floor.

The PRESIDENT pro tempore. The Senator from New Jersey.

AMENDMENT NO. 3303

Mr. CORZINE. Mr. President, I call up amendment No. 3303 and ask for its immediate consideration.

The PRESIDENT pro tempore. The amendment is pending. The Senator is recognized.

Mr. CORZINE. Mr. President, I ask unanimous consent that Senator MURRAY from Washington be added as a co-sponsor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORZINE. Mr. President, this amendment is very simple, but very important for those who serve us so well and so ably across the globe. It is an amendment that will lower the retirement age for National Guard and Reserve troops from 60 to 55. During this critical time when so many members of the Guard and Reserve are serving bravely in Iraq, Afghanistan, and elsewhere, I think this is the least we can do.

We are moving the retirement age to match up with the civilian retirement age in the country. The current retirement age was established 50 years ago at a time when it neared civil service retirement age. In the intermediate time, we have lowered civil service retirement age to 55, but we left Guard and Reserves at 60. It does not make sense that we are treating civilian Federal employees differently than we are treating reservists, particularly, I will point out, in a changed security situation.

Because the world has changed so dramatically since the cold war, our Guard and Reserves have a very different role today than they did during that time period. I have a chart that shows in stark terms what has actually happened with deployment of our Guard and Reserve members. This is the number of major contingencies and operations with Reserve participation. From 1953 to 1990, there were 11 callups. From 1991 to 2001, there were 50. I think all of us know how seriously our Guard and Reserve are involved in Iraq and Afghanistan.

They truly have become an integral part and contributor of our Nation's defense on the front lines. Not coming into the Reserve training centers once a month, 2 weeks on a summer's day, but they are on the front lines defending America day in and day out, and I

think it is time we recognize that and made some adjustments to 50-year-old policies.

Considering the demands we are placing on our ready Reserve right now, not only do they make up 46 percent of our uniformed Armed Forces personnel, they are especially important in areas of expertise most pertinent to the stabilization and nation-building missions in Iraq and Afghanistan. Guard and Reserves count for 97 percent of military civil affairs units—think of what we are using them for in Afghanistan—and 70 percent of engineering units. Think of what we are trying to do with regard to reconstruction in both Afghanistan and Iraq. And 66 percent of our military police.

As a matter of fact, they just called up a National Guard unit in my home State of New Jersey. They sent out about 100 folks to Guantanamo. It is incredible how we are using over and over our Guard and reservists for the very functions we need in the new world we are facing.

As we all know, mobilization is up dramatically. More than 160,000 Reserve personnel are now on active duty. Last year, the number of Reserves was more than 400 percent what it had been 4 years earlier—a 400-percent increase in the number of reservists on duty relative to 4 years ago. Again, the number of deployments is exploding, whether it is in Haiti, Afghanistan, Bosnia, or Kosovo. Name it, that is where we are using these folks day in and day out.

Reservists are serving longer durations as well. Last year the average duration was 319 days for the reservists and guardsmen. That, by the way, only included those who completed their assignments. That is looking at the folks who had been sent back home. That does not take into account the extended time many of those on call are serving.

With some 140,000 troops currently serving in Iraq and 40 percent of Guard and Reserves, it is clear we are relying more and more on these brave Americans, more than at any time in the recent past.

The next chart I have demonstrates one component of our Reserve forces, the Army National Guard. By the way, in New Jersey, we have about 7,000 of the 9,000 National Guard folks on call, just as a backdrop—7,000 out of the 9,000. Until the end of 2002, the number of mobilized personnel was relatively stable at 20,000, which is what we see on this chart. After that, it exploded upward. It was about 70,000 when I last brought up this proposal when we were discussing the Iraq supplemental last year, and it is up 20,000 which, by the way, was in the October period, and now it has gone up another 24,000, to almost 95,000 National Guard personnel mobilized in the service of the Nation.

It is clear our Reserve forces are no longer a part-time force. This is not sideline work. We have entered a new era where a larger number of troops will be deployed for long periods of

time, and our policies need to change. We have a 50-year-old policy, one that does not even match up with our civilian retirement age. I think our National Guard and Reserve units have made an unbelievably important contribution, and we need to reflect that in our policies as we go forward.

That is what this amendment is about. I know the problems facing the Guard and Reserve because I have talked with a lot of these folks myself. There are 303 Guard and Reserve members from my State of New Jersey who are over the age of 55, fifty-five of whom have already been deployed. Additionally, there is a large swath of folks in that 45-to-55 age bracket. These people would like to have responses.

To make this a little more personal, 2 weeks ago Saturday, we lost Guard folks in Iraq. One was 51, and one was 46. These were people who had made long-term commitments to serve our Nation. They were wonderful people with great life stories about how they participated in the community.

I went out to Walter Reed, and there were seven of New Jersey Guard folks who were injured in the same firefight.

You do not meet braver people, and they are performing and sacrificing the same way our other troops are. They have a contingent risk, and they have all kinds of interference in their lives. Why are we not addressing some of the fundamental needs these individuals have that are at least the same as our civilian employees? I feel passionately that we need to respond to what has changed in how we operate our military forces as we go forward.

I understand the budgetary considerations. I know there are reasons that push this back, but we need to put faces to these individuals and understand it. By the way, there are good personnel management policies and if there are these earlier retirements people are not staying around longer than they would otherwise so that they could get the benefits they want to have and there could be a greater flow and help recruiting; lots of good reasons that are independent of the change in policy in activation and use of our Reserve Forces. It is something I have a hard time understanding.

I have some other things in here. We can talk about stop-loss orders and how that has impacted the lives of so many of the military folks who are extending their terms of duty. I think there are about 16,000 reservists who are under this new policy because of our needs as a nation, and those are perfectly reasonable. We are not arguing about whether that was the right or wrong thing to do. It needed to be done. It had to be done. It was an exigency that needed to be done, but we ought to reflect that in our policies. We need to change policies when circumstances have changed.

Finally, this is one of those things that the people who represent our military men and women in the Reserves

and Guard are absolutely almost 100 percent behind. The military coalition, including the Reserve Officers Association, Veterans of Foreign Wars, Air Force Sergeants Association, the Air Force Association, Retired Enlistment Association, Fleet Reserve, Naval Reserve Association, National Guard Association, all of these people feel strongly that this is one of their top priorities.

There are others. We can talk about health care, the demonstrations of it and a number of issues. But why are we staying with a 50-year-old policy that is not even as reflective of retirement needs of people who are risking their lives to protect Americans as we are with our civilian employees? I am not criticizing what our policy is for our civilian employees in the Federal Government. We ought to reflect the fact that we are using these folks on a regular basis. The deployments are up. The numbers are up and they are serving at great risk for us.

I think this is one of those things we can do to actually change the lives of their families and reflect those sacrifices they are making for us, and that is why I am asking for the support of the Senate with regard to changing the retirement age.

Mr. NELSON of Florida. Mr. President, will the Senator yield?

Mr. CORZINE. Yes.

Mr. NELSON of Florida. Mr. President, how much time does the Senator have remaining?

The PRESIDENT pro tempore. There is 4 minutes.

Mr. NELSON of Florida. Mr. President, if the Senator will yield, I say to the Senator that I think he is right on. In my State of Florida, we have the same experience and the very same statistics that he has pointed out with regard to New Jersey. This is not what was originally contemplated for the Guard and the Reserves, and because of their specialties, because there is not enough of the Active-Duty Force, they have become, in effect, a full-time active-duty force.

The good news is they are professionally trained warriors, as much as the Active-Duty force. The bad news is, this is not what they bargained for in the Reserves and the National Guard, because they have their own civilian lives. So I appreciate the Senator offering this amendment. I support it.

If the Senator is finished with his comments, I will take 30 seconds and point out one of the differences between the Senate bill and the House bill on something we tried to address in 2001, after the debacle we had in the 2000 Presidential election in Florida, where there was an inconsistency of the application of State laws on to the counting of military overseas ballots in the Presidential election.

One of the things we did was start a pilot study for Internet voting of overseas military. There was some concern that fraud could be injected into Internet voting. So what we have done in

the Senate bill is still have a process but have it delayed to the 2006 and 2008 elections. The House bill on Defense authorization has done exactly the opposite and instead has cut out any kind of pilot study on Internet voting for overseas military.

I hope when we get to conference that we will insist on the Senate provision.

I thank the Senator for yielding.

The PRESIDENT pro tempore. The Senator yields for a question. The Senator from New Jersey has the floor.

Mr. CORZINE. I yield the floor.

The PRESIDENT pro tempore. The Senator has 2 minutes remaining.

Mr. WARNER. Mr. President, if I might just speak personally, I served in the Reserves some 12, 14 years and we knew what we had as our obligation when we signed up. That is the way it has been throughout our contemporary military history.

I share with the Senator how the Reserves and the Guard with their families have borne the brunt of battle in the same way as the regular forces, but bear in mind that the regular forces, which are given an option for early retirement, have to put in a minimum of 20 full years of obligated service. If we continue to narrow the differences between the pay and benefits for the Reserves and Guard and the Regulars, pretty soon people will say, let's opt for the Reserve or the Guard rather than spend 20 years of our lives to gain those benefits that Congress accords our people.

For that reason, I intend to raise a budgetary point of order with respect to Senator CORZINE's amendment on that very point. The amendment would allow eligible reservists to be able to collect retirement pay at age 55 instead of age 60. That would be an extremely costly change to implement. CBO has estimated it would increase mandatory spending in 2005 by \$1.7 billion. It would cost \$8.2 billion in mandatory spending over the coming 5 years and \$16 billion over the coming decade. Those are very major costs.

I bring to the attention of my colleagues that already in this bill we have added, by way of amendments, an additional \$1 billion in direct spending, and discretionary spending is at \$10 billion. So this bill goes up and up and up, and it is going to the point where it might well become so top heavy we cannot persuade our colleagues to support it and/or the administration as they look at the overall budgetary aspects of our financial projections for defense.

Keep in mind there are additional costs that are incurred—I did not hear the Senator address these—regarding health care for retired reservists that would be caused by this amendment. The amendment would have the effect of lowering to 55 the age at which a reservist retiree or his or her dependents would become eligible for medical coverage under TRICARE.

The Department of Defense estimates that the added costs to the defense

health care program could be as high as \$427 million in the first year should this matter be enacted, and \$6.8 billion over the coming 10 years. So both the retirement costs as well as the health care costs have to be added in if the Senate wants to look at the total financial impact of the initiative by my friend from New Jersey.

The Senate considered this identical amendment less than a year ago. Senator CORZINE once before introduced it during debate on the Emergency Supplemental Appropriations Act for Iraq and Afghanistan in October of 2003. The amendment fell on a budgetary point of order failing to achieve even 50 votes.

The Department of Defense has voiced strong objection to the amendment, citing studies and experience showing that lowering the Reserve retirement age to 55 would not help the services meet recruiting, retention, or force management objectives. DOD advises that, in fact, 80 percent of those who would benefit from this amendment have already retired.

Let me be clear that my opposition to this amendment does not reflect any implied criticism of the patriotic service being rendered by the Reserve and the Guard. Once again, however, we are seeing a proposal to change a well-established condition of military service, one all of those who go into the Reserves fully understand at the time they commit to service. Should this amendment be passed, we are incurring an enormous financial impact on this bill and the outyear budget of the Department of Defense.

In response to the claim that the greater reliance on the Reserve component calls for increased rewards, please keep in mind the enhanced health care benefits included in this legislation already as a result of the work of Senator GRAHAM of South Carolina. Consider also Senator HARRY REID's amendment on current receipt and Senator LANDRIEU's pending amendment, should that be adopted, that would enhance the Survivor Benefit Program. That is a broad range of benefits going to the Reserve and Guard and others. These amendments equally benefit the Guard and Reserve retiree population, the same individuals who would benefit from the pending amendment of the Senator from New Jersey.

As I say, we currently added over \$10 billion in discretionary spending to this legislation on top of benefits we also increased in the underlying bill itself in committee.

In response to the assertions that the role of the Guard and Reserve is changing and the enhanced retirement benefits are needed, let me point out there is in the underlying bill a requirement for a commission on the National Guard and Reserve that would have the responsibility of examining the roles and missions of the Guard and Reserve, and specifically to "assess the adequacy and appropriateness of the compensation and benefits currently provided for the members of the National

Guard and reserve components" and "to assess the effects of proposed changes in compensation and benefits on military careers in both regular and reserve components."

I anticipate that this commission will provide important insights to the Congress in the continuing debate over these issues.

In summary, the Department of Defense simply cannot continue to absorb mandatory spending directives that drive the cost of military personnel, both Active and Reserve, to levels we simply cannot support at the same time we are trying to modernize, and also the operational costs of the military today.

I urge you to reject this amendment on the point of order.

At this point in time, the pending amendment offered by Senator CORZINE increases mandatory spending and, if adopted, would cause the underlying bill to exceed the Armed Services Committee's section 302 allocation. Therefore, I raise a point of order against the amendment pursuant to section 302(f) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER (Mr. ENZI). The point of order is not timely until all time has expired.

Mr. WARNER. I realize that. I thought all time had expired on the other side. I was about to yield back my time. Is that not correct?

The PRESIDING OFFICER. The Senator from New Jersey has 1 minute 51 seconds remaining.

Mr. CORZINE. I will yield back my time, but pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of the act for purposes of the pending amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. WARNER. The pending amendment offered by the Senator increases mandatory spending if adopted and would cause the underlying bill to exceed section 302. Therefore, I once again raise the point of order against the amendment, pursuant to section 302(f) of the Congressional Budget Act.

I yield back my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote will occur at the appropriate time. The Senator from Michigan.

Mr. LEVIN. The vote will then occur on the waiver?

Mr. WARNER. That is correct. And the votes, again, for colleagues who might not have followed the majority leader and Democratic whip's comments, are to be stacked at approximately 11:30, at which time we will proceed to all votes.

Will the Chair advise the Senate with regard to the next amendment in order and the time allocated to each side?

The PRESIDING OFFICER. The Senate will now consider a McConnell amendment and a Kennedy amendment, No. 3377, concurrently, for a total of 30 minutes equally divided.

Mr. WARNER. Mr. President, I did not hear. I was unable to hear the Presiding Officer. Will he repeat it.

The PRESIDING OFFICER. We now go to the McConnell and Kennedy amendments, concurrently, with 30 minutes equally divided.

Mr. WARNER. I thank the Chair.

AMENDMENT NO. 3472

The PRESIDING OFFICER. The clerk will now report the McConnell amendment which has not yet been reported.

The legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for Mr. MCCONNELL, proposes an amendment numbered 3472.

The amendment is as follows:

On page 247, between lines 13 and 14, insert the following:

**SEC. 1022. REPORT ON THE STABILIZATION OF IRAQ.**

Not later than 120 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees an unclassified report (with classified annex, if necessary) on the strategy of the United States and coalition forces for stabilizing Iraq. The report shall contain a detailed explanation of the strategy, together with the following information:

(1) A description of the efforts of the President to work with the United Nations to provide support for, and assistance to, the transitional government in Iraq, and, in particular, the efforts of the President to negotiate and secure adoption by the United Nations Security Council of Resolution 1546.

(2) A description of the efforts of the President to continue to work with North Atlantic Treaty Organization (NATO) member states and non-NATO member states to provide support for and augment coalition forces, including efforts, as determined by the United States combatant commander, in consultation with coalition forces, to evaluate the—

(A) the current military forces of the NATO and non-NATO member countries deployed to Iraq;

(B) the current police forces of NATO and non-NATO member countries deployed to Iraq; and

(C) the current financial resources of NATO and non-NATO member countries provided for the stabilization and reconstruction of Iraq.

(3) As a result of the efforts described in paragraph (2)—

(A) a list of the NATO and non-NATO member countries that have deployed and will have agreed to deploy military and police forces; and

(B) with respect to each such country, the schedule and level of such deployments.

(4) A description of the efforts of the United States and coalition forces to develop the domestic security forces of Iraq for the internal security and external defense of Iraq, including a description of United States plans to recruit, train, equip, and deploy domestic security forces of Iraq.

(5) As a result of the efforts described in paragraph (4)—

(A) the number of members of the security forces of Iraq that have been recruited;

(B) the number of members of the security forces of Iraq that have been trained; and

(C) the number of members of the security forces of Iraq that have been deployed.

(6) A description of the efforts of the United States and coalition forces to assist in the reconstruction of essential infrastructure of Iraq, including the oil industry, electricity generation, roads, schools, and hospitals.

(7) A description of the efforts of the United States, coalition partners, and relevant international agencies to assist in the development of political institutions and prepare for democratic elections in Iraq.

(8) A description of the obstacles, including financial, technical, logistic, personnel, political, and other obstacles, faced by NATO in generating and deploying military forces out of theater to locations such as Iraq.

The PRESIDING OFFICER. Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand the floor managers, we have a half hour, and that time is divided between the Senator from Kentucky and myself. We have two different amendments. At some time at the leadership's discretion we will have an opportunity to vote on those. The asking for the yeas and nays still is yet to be done, but it is certainly my intention to do so.

Mr. President, I yield myself now 5 minutes.

I want to address an issue that came up yesterday just prior to making the comments on my amendment because I do think it is of importance, as we are reaching the final hours in the deliberation of the Defense authorization bill, to make a comment on a particular amendment. This is effectively the Leahy amendment which is supported by a number of the members of the Senate Judiciary Committee.

I understand there is a reluctance on the other side of the aisle among Republican leadership—not necessarily the chairman of our Armed Services Committee but of the Republican leadership—voting on it.

I want to mention very briefly as we are coming into the final hours of the consideration of the legislation, the importance of the consideration of that particular proposal. I am very concerned that our Senate Republican friends are effectively stonewalling the release of the Justice Department memorandum on the torture of prisoners, and specifically the majority leader has filed cloture on the Defense bill in hopes of preventing a vote on an amendment that would require the release of the Justice Department documents.

The administration released a handful of documents yesterday, but the materials are far from complete. This is not a partisan issue; it is a constitutional issue.

It is required by our oath of office to preserve, protect, and defend the Constitution of the United States. The administration has shown a stunning disregard for the law and the usual rights of oversight, resorting time and time again to saying that we are at war.

We are not under martial law in this country. The laws and the Constitution are not suspended because we are at war. The actions of the administration

and questionable advice by the Justice Department contradict the founding principles of this country. Our country is not above the law. The President is not above the law. The Attorney General is not above the law. The Justice Department is not above the law. The Bush administration cannot continue to refuse to reveal memoranda because we are at war and because he does not want to. This is a precedent that could dangerously undermine our system of laws and government as we know them.

I believe the Senate itself is on trial. We have a constitutional and an oath of office responsibility to prevent this stonewalling of required accountability. If we look the other way and refuse to take action, then we are complicit in the gross violation and abuse of all that makes this country great.

America's Constitution is not a document of convenience to be followed only when we feel like it. It represents our best ideals as a democracy and protects our freedoms. I hope the Senate will uphold the Constitution and demand accountability for the prison abuses that are so contrary to all we stand for as a nation. I will have more to say on that later in the day.

The amendment which I offer on behalf of myself, the Senator from West Virginia, Mr. BYRD, the Senator from Michigan, Mr. LEVIN, Mr. LEAHY, and Mr. FEINGOLD, is a very simple amendment. Effectively, we understand that the President now is going to the EU and then to NATO. During that period of time, he will be asking our international allies and friends to participate and help offload some of the very heavy burden that Americans are bearing in Iraq, the most notable being the loss of life which exceeds 95 percent of the lives that are lost, and over 96 percent in terms of the casualties and the extraordinary expenditure of American taxpayers' funds, what I think will come out well in excess of \$4 billion a month.

We also ought to know the scheduling in some detail for the development of internal security—primarily police—and what is being done inside the country and outside the country, and what is being done in terms of other countries around the world in helping, assisting, and offloading the burden on American service men and women who are caught in the bull's eye over in Iraq.

Many, including myself, find it is going to be extremely difficult to remove the concept of occupation as long as we are the only ones who are involved in the security issues in Iraq.

This amendment is the result of efforts by the President. We are asking for a list of countries that are committed to deploying military and police forces. With respect to each country and the level of such deployment, we are asking for the scheduling of providing such assistance—that would be economic aid—and effectively when that assistance will come.

As a result of the President's efforts, we want to know the number of police and military forces in Iraq that have been recruited for policing and for the military—the numbers of members of the police and military forces that have been trained. We want a description of the anticipated U.S. military force posture in the region during the next year, including the estimate—I underline the word "estimate"—of the numbers of members of the Armed Forces that will be required to serve in Iraq during the next year. That is what we are asking for, effectively.

We are talking about planning, which the military does. Every year they have to submit a 5-year plan in terms of troops for the military. They have the Quadrennial Defense Review where they talk about the planning in terms of the troops and the needs in terms of the troops.

What we are trying to find out is what is the best estimate. We are asking for the estimate, and we are asking for that estimate 30 days after the bill becomes law. We hope this bill is going to come to a conclusion in the next 2 days. It then will go to conference. All of us are very hopeful and expect it will be concluded prior to the time of the summer recess. Then the administration will have 30 more days in order to make this kind of estimate and report. We will certainly know, since the President will return in the next several days, we will be able to make that kind of estimate.

Then we are asking: All right. Give us that information in 30 days, and level with the American people. Let the American people know. People ask: Why should we do this? It is because we have 140,000 American reasons to do it. That represents the American troops over there. That is the reason to do it. The American people are entitled to an estimate within 30 days, and then the follow-on and update of that in 6 months.

Americans who have members of their families serving over there are entitled to this information. The American people are entitled to this information.

There is ample precedents where we have required similar information in the Defense authorization—before going into the Balkans.

This is a matter of estimates. It is a matter of information. It is a matter of giving the American people the best information we have.

We have heard all kinds of estimates over all periods of time. We heard estimates yesterday by Mr. Wolfowitz talking about the American forces may be in there for years.

The American people are entitled to know what exactly this administration and this Defense Department, to the best of their information, can provide and should provide for the American people.

It is a simple amendment. It helps establish some benchmark for which we can measure the kind of progress we

are making in terms of help and assistance from other countries around the world—not only in terms of getting support for troops and financial support but also help in assisting and getting information to the American people with regard to the development of police forces and the training of those forces.

Those are essential elements in terms of Iraqi policy. The American people are entitled to this.

I withhold the remainder of my time.  
The PRESIDING OFFICER. Who yields time?

The Senator from Kentucky.

Mr. McCONNELL. Mr. President, the Kennedy amendment is little more than an effort to undermine the President and further the myth that our efforts to bring stability and democracy to Iraq are somehow unilateralist.

It is past time for some Senators to stop pretending that we are "going it alone" in Iraq. Neither the liberation of Iraq nor our efforts today could be characterized by anyone with a rudimentary understanding of mathematics as unilateral.

To begin with, the United States was merely a part of a coalition of 19 countries that toppled Saddam Hussein and liberated Iraq. In contrast, the United States joined only 16 other nations during World War II.

Nineteen is more than one. It is more than a couple. It is more than a few. It is a lot. Nineteen countries are more than most Americans will visit during their lifetimes.

The liberation of Iraq was less unilateral than the French opposition to it.

Since liberation, the administration has worked to bring more nations into Iraq to help stabilize and reconstruct that country. Currently, 34 nations are providing military and security forces to assist the Iraqis in defending their newly free country from the insurgents and terrorists.

The international commitment to Iraq has grown. Today the South Korean President announced that his country will push ahead with the deployment of 3,000 soldiers, despite the savage beheading of a South Korean citizen in Iraq this very week.

Although the junior and senior Senators from Massachusetts have both diminished the role that NATO countries are playing in Iraq, it is worth noting that 17 of these countries are members of NATO. NATO is involved in Iraq. It is also involved in Afghanistan. Both efforts are integral to our global war against terrorism.

Currently, 6,000 NATO troops from 25 nations are participating in the International Security Assistance Force in Afghanistan. There are over 8,000 foreign troops there, representing over half of the 15,000 non-Afghan forces in Afghanistan.

Now, the President's critics argue that NATO should be more involved, that the international community should be more involved. We all wish we had more help in Iraq. I wish we had

more help in Afghanistan. I applaud the President's recent efforts to secure passage of a new Security Council resolution that endorses the new Iraqi government's democratic transition and to encourage NATO to provide greater assistance. Predictably, Jacques Chirac opposed a NATO greater role. Given that NATO operates on the basis of consensus, Chirac's unilateral opposition will likely block NATO authorized deployments.

There are two principle barriers to greater international participation. It is important to focus on this. First, a number of countries, frankly, did not want democracy to take hold in Iraq. They do not like the idea that Iraq may become a democracy. Some nations are threatened by the march of freedom.

Mr. WARNER. Mr. President, I am going to ask the Senator to yield momentarily to the managers for the purpose of a unanimous consent request, which is concurred in by the leadership, without charging the time against the debate of this amendment.

Mr. President, on behalf of the leadership, I submit the following request: Currently, we are debating five votes with the understanding that at the conclusion of those votes, and possibly yielding back some time, a sequence of five votes will commence. I am now asking unanimous consent that sequence of five votes be delayed until 1:45 and that at the conclusion of the debate on the five scheduled votes, pursuant to regular order, we return to the first pending amendment at the desk, which is the Bond amendment, and proceed to debate that amendment.

Mr. REID. Mr. President, reserving the right to object, we on this side express our appreciation to the two managers for this arrangement. It will be most helpful to everyone, and it will help us see the end of this bill. We will have other amendments after we finish the Bond amendment.

No objection.

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

The Senator from Kentucky.

Mr. MCCONNELL. Let me start by saying there are two principle barriers to greater international participation. First, there are a lot of countries that did not want democracy to take hold in Iraq. They are not democratic themselves, and they do not want any democracies in the neighborhood.

Second, some nations are threatened by the march of freedom. Others had financial interests in the former Saddam Hussein regime. Some nations would not contribute troops unless we were to cede control in Iraq to the U.N., a prospect most Americans recognize as a dangerous fantasy. At such a price, their assistance is not worth the tremendous risk placing American security and Iraqi democracy in the hands of the U.N. entails.

Second, many countries that want to help simply lack the resources to help. As appreciative as we are of NATO's

contributions, we are also cognizant of its limitations. European nations spend on average about 2 percent of their gross domestic production on defense. Of that money, a majority is spent on personnel costs and benefits. Relatively little is spent to modernize or sustain the equipment, weapon systems, and logistic capabilities of NATO militaries.

Many NATO countries cannot generate sufficient forces or sustain their deployment outside of the European theater. They lack the weapons, the aircraft, the logistics, transportation, and supply capabilities the United States has. Because of these limitations, many nations have decided to contribute to Iraq's future by providing economic, humanitarian, or other forms of assistance to the liberated Iraqis. According to the Department of the Treasury, the 10 largest donors to Iraq have offered nearly \$8 billion in assistance. In addition, 29 donors have offered hundreds of millions more in financial aid, and 16 more have offered in-kind assistance.

Even if significantly more international troops could be deployed to Iraq, their deployment would not be a substitute for the long-term security needs of that country. These needs can only be met by Iraqi security forces.

There are clearly problems and challenges. The Iraqi security forces need training, they need equipment, and we will be providing it. We will be recruiting, training, and equipping Iraqis to defend Iraq from external attack and from internal subversion. These Iraqis, far more than foreign troops, will determine the future of that country.

The long-term solution to Iraqi security does not lie with the U.S. military. It does not lie with the U.N. or with NATO. It lies with the Iraqi people. We must be committed to supporting them and their efforts to bring stability and security to their own country.

I commend the soldiers of the U.S. military and those 32 other nations currently serving in Iraq for their brave efforts to bring peace to a troubled land.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we are all grateful for the participation of other countries around the world in Iraq. But the facts remain, when all is said and done, the estimate by the Defense Department is that 96.9 percent of the casualties are U.S. forces and 97 percent of nonhostile casualties are U.S. forces. We are grateful for the other countries, but the burden is on the U.S. forces.

I will mention what the difference is between the amendment of the Senator from Kentucky and my amendment, our amendment. There are only two basic differences. One is the number of reports. We have three reports. He has one report. And the timing of that report. The other difference, the major difference, is we are asking for esti-

mates of the number of American troops that are going to be there. The American families are entitled to that information. The families who have service men and women over there, whether they are in the Regular Army, Reserves, or Guard, are entitled to an estimate. They ought to be able to get an estimate. It is amazing that the Senator from Kentucky will not even include an estimate about the number of American troops that are going to be there. Not even an estimate.

Mr. WOLFOVITZ stated yesterday, when he testified in the House, in response to Mr. SKELTON, that, No, we are not stuck. The U.S. strategy in Iraq is clearly to develop Iraqi forces.

The Senator from Kentucky and I agree, we are asking for progress and estimating the progress in developing the security force and the police force. We agree with that. But he said the U.S. strategy in Iraq clearly is to develop an Iraq that can take over security from U.S. and allied troops. That is the policy.

What is wrong with asking the estimated time? What in the world is wrong with asking how long will it take, and get us a report 30 days after this bill? If that will not be accurate, give it to us 6 months after that. If that does not help, give us 6 months after that. Why in the world is there a reluctance to level with the American people about the amount of forces we are going to have over there?

The Senator from Kentucky includes reporting on the amounts of resources that will come from other countries. He includes in his amendment the training of the personnel, the security personnel, the police force. He gets a report on that. Why in the world do we prohibit the families who are serving over there, and the American people, from having an estimate about the amount of troops going over there?

Now we had that. We did that before. This is not something that is enormously new. In the 1995 Defense authorization bill, Congress required a report that had to include 11 elements, including: estimates of the total number of forces required to carry out the operation, estimates on the expected duration of the operation, an estimate of the cost of the operation, and an assessment of how many Reserve units would be necessary for the operation.

That was passed here. I do not know whether the Senator from Kentucky voted against that. I do not hear him saying: We had that in 1995, and I voted "no" because we can't do that sort of thing here.

We have done that before in Bosnia. Is Iraq less important than Bosnia? We were prepared to do that in Bosnia, and it got the virtual unanimous support of the Members of this body at that time. And we are not prepared to do it in Iraq? I am confused. I do not understand.

What possibly is the justification for not leveling with the American people on the best estimate this administration has on the number of troops we



are going to have over there? We are not saying: Give us a number, and then withdraw our troops; give us a number and then come back to Congress and tell us if you are going to need more troops. We are not asking that. Estimates, estimates, estimates.

We have the President who is going over to meet with NATO, with allies abroad. He is going to obviously, hopefully, ask others to participate because they clearly have an interest. They clearly have some responsibility. They have not recognized it. I wish they would. But clearly they have to understand they have an interest in the security of that part of the world, and they ought to be participating.

We know the French were all too interested in finding out and participating in the oil issues, and it was obviously indicated to American representatives at the U.N. that they did not think we were transferring sovereignty unless we were going to transfer over to the Iraqi ministers the ability to have independent European oil participation in the development of the oil resources over there.

We want them to be in there with regard to offloading the burden on American troops and helping and assisting in terms of developing the security and the police. We ought to know, and the American people ought to know, whether they are willing to do that.

The President is headed over there. All we are asking for is estimates. It is amazing to me, given the past precedents, that we are unwilling to share that kind of information with the American people. I think the American people are entitled to it.

That is what our amendment does. It is the principal difference with the McConnell amendment. When you come right down to it, that is the principal reason we have an alternative out here, because the opposition refuses to share with the American people estimates, estimates, estimates on the number of troops. I think the American people are entitled to it.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

If neither side uses time, time will be yielded from both sides equally.

Mr. KENNEDY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has a minute and a half.

Mr. KENNEDY. Mr. President, I yield myself the minute and a half.

I would mention, in his May 24 speech on Iraq, President Bush said:

[W]e'll maintain our troop level at the current 138,000 as long as necessary.

On May 4, General Swartz, of J-3 Operations, said: "the current plan" and "what we're working toward" is to keep the current level of deployments "through '05."

General Abizaid, on May 19, before the Senate Armed Services Committee, said:

[T]he force levels will stay about what they are, I think, until after the elections in Iraq.

Those elections are scheduled in Iraq for December or January.

We have had estimates by individuals. Why not share and give official estimates to the American people? That is the principal difference. I am still stunned by the unwillingness to share that kind of information with the American people.

I reserve any time I have.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I once again wish to emphasize to our colleagues, in the past the Committee of the Armed Services most particularly, and I think the Congress in general, has refrained from requiring the Department of Defense to provide detailed planning, manpower, or cost estimates for future military operations.

The very nature of any military operation is such that the planners do their very best. They establish parameters. There are some great quotes, which I cannot bring to mind, but in war is the unexpected. You never can know for certain what your requirements will be. Certainly in trying to project that into the future, much less the immediate days or weeks or months ahead—force level projections and cost projections or estimates based on assumptions—conditions can change so quickly, for better or worse, rendering such estimates of very little value.

So the Senator has put forth an amendment. In the course of our deliberations with the committee staff and this manager, and with the Senator and others, much of it is very useful and beneficial. There was a lot of thought given. We wanted to accept the amendment with slight modifications.

We have now, for example, at 3 o'clock this afternoon the Secretary of State coming up to brief the Senate. That is consistent with how the executive branch is trying to be very forthcoming, and the Department of Defense, the Department of State, and others, in providing information in briefings about the stabilization and reconstruction efforts in Iraq over the past year, providing numerous updates in a variety of areas, at least on a weekly basis. General Abizaid has been very clear about his force requirements for the next 6 months, reducing the need for what we call a sort of quick-fix report as proposed by the amendment by the Senator from Massachusetts.

The McConnell amendment requires a comprehensive, balanced report within an appropriate and feasible time period that enables the Congress to perform its oversight responsibilities. Therefore, I think this is a question of reasonableness, and that reasonableness is predicated on forthcoming estimates and forthcoming briefings by the administration on a broad range of issues that relate to the operations our military forces are courageously performing worldwide.

Therefore, I strongly urge our colleagues to support the McConnell amendment.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield the remaining time to the Senator.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. There is 30 seconds.

Mr. LEVIN. Mr. President, in the fiscal year 1995 Defense Authorization Act, we did precisely the same thing Senator KENNEDY is asking. I am going to quote section 2(B)A. This is relative to Bosnia at that time.

The report must include an estimate—"an estimate"—

of the total number of forces required to carry out such an operation, including forces required for rotation base.

There is good precedent for precisely what Senator KENNEDY is doing in terms of requiring an estimate. The troops deserve it. The Nation deserves that estimate.

Mr. WARNER. Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. There is 3 minutes.

Mr. WARNER. Mr. President, I simply say to my colleague from Michigan, how well you, and having been privileged to serve these many years together, recognize that the Balkan situation was one that had a measure of predictability that in no way parallels the complexity of the mission we are carrying out in the Central Command AOR. There are stark differences between those military operations.

So, Mr. President, at this time I urge colleagues to vote for the McConnell amendment, which we think is very reasonable. It could be viewed as a reinforcing of the Senator's desire to get the information we share with him in many respects—important to the Senate.

I yield back the time and ask the Chair to move to the next amendment.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Do the Senators wish to order the yeas and nays on both pending amendments?

Mr. WARNER. That is correct.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. By arrangement of the managers, there will be side-to-side votes. The McConnell amendment first, followed by the Kennedy underlying.

The PRESIDING OFFICER. The yeas and nays are now ordered on both amendments.

AMENDMENT NO. 3353

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I believe Senator REED controls the time on his side.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I yield myself 8 minutes.

My amendment would condition the acquisition of interceptors 21 through 30 for the ground-based midcourse national missile defense system on the implementation of operational evaluation and testing under the auspices of the director of testing in the Pentagon.

I will try to give a brief explanation of where we are with this system that is to be deployed. It is a combination of existing elements and some brandnew technology. The existing elements, first, the defense support system, a satellite system, is a cold war system designed to pick up the initial lift-off of missiles. That is in place. Then there is a group of Aegis ships that are out around the potential threat area of North Korea. That is a relatively new application of these ships. They were designed to intercept and detect cruise missiles and aircraft. Now we are attempting to expand that to track, at least partially, the flight path of an ICBM coming from a threat, specifically North Korea. Then there is the Cobra Dane radar, an older radar system. It is not particularly well adapted at discriminating, so it is therefore not the best radar we could have. The administration has canceled the X-band radar system, which is better. Then there are the interceptors with the kill vehicles on top.

The subject of this amendment is the interceptors. For many years, this ground-based system was designed to deploy 20 interceptors. Today, we are taking five for this deployment. But 20 was a rather significant number for technology that has not yet been proven. What the administration did this year is say, well, we want to go beyond that 20; we want 40. We want to buy 10 more, 21 through 30, and have long lead-time acquisition funds for 31 through 40. Well, the Congress in its wisdom already terminated the long lead time for 21 through 40, but we still have to budget this money for 21 through 30.

I don't propose to take that money away. I want to simply fence it, make as a condition to spend that money that this system will begin testing and evaluation. We had a vigorous debate about imposing this operational testing scheme. The result was now the Secretary of Defense is required to promulgate some criteria for operational testing and conduct these tests by October of 2005.

My amendment differs, and I think significantly so. It says we cannot depend upon the Defense Secretary's criteria and evaluation—a self-evaluation by the Missile Defense Agency. We need to get this program back into the traditional system of operational testing and evaluation, which is conducted by an independent agency in the Pentagon which designs, supervises the

tests, and makes sure the tests will do what we want to do: deliver to the field a system that actually works. I don't think it is unreasonable. In fact, I think it is entirely appropriate to say that before we buy these additional interceptors—10 more—we are at least in a situation where this rudimentary system has been entered into operational testing.

Let me specifically highlight the issue of the interceptors. The operation of the interceptor and kill vehicle is brand new. Neither has been tested in an interceptor test. We have not tried to fly them with a kill vehicle even against a target. Yet we are buying 10 more of them. It would be prudent to say let's wait and at least do a few tests with these new interceptors and kill vehicles. The new version of the kill vehicle, by the way, where the warhead would actually impact the incoming enemy missile, has never even been flight tested. We don't know what it will look like. In fact, problems with the kill vehicle have delayed the scheduled flight test from March until July 31 of this year; and, frankly, we are weeks away from that and it is entirely plausible that this would be delayed even further. So we are deploying a system in which we have not yet even tested in flight one of the most critical aspects of the system, let alone the fact that the rest of the system has been cobbled together by existing pieces of technology being used in new ways.

That is a strong argument, in my mind, to say how serious are we about saying this is deployment. But it is more compelling, in my mind, to say at some point we have to get operational testing and evaluation—not some improvised form by the Secretary of Defense being implemented by the Missile Defense Agency but a traditional system where the director of test and evaluation at the Pentagon does evaluation and testing. This amendment would do that. It would take no money away. It would simply say we cannot spend the money on the next 10 interceptors—21 through 30—until we have entered the traditional mode of operational test and evaluation. This amendment makes a great deal of sense. There are examples of how useful operational testing is.

The Patriot PAC-3 system—probably the closest analogy to this, even though it is a theater missile system—is designed to go against targets that are not as fast and don't leave the atmosphere. But it is the same hit-to-kill technology. In fact, I was bemused years ago when they would show the film clips of how successful we are in this new technology, and they would use PAC-3 film clips about the hit-to-kill technology.

The PAC-3 system was being tested developmentally. Then it went into operational testing and it failed four consecutive operational tests against a realistic target, one in which you try to simulate the conditions of battle-

field use. Even though it was successful in the developmental tests, it failed four consecutive operational tests.

Why are we buying missiles today that have the potential of duplicating the PAC-3 experience? Frankly, we could be in the unenviable position where the first time we try to fly this against a potentially real target, it fails. We have to have operational testing and the PAC-3 is a very good example. These operational tests are extremely useful in finally coming up with a system that is much more reliable.

So, as a result, I urge my amendment strongly. It doesn't take the money away. It simply lays out as a condition that we not spend it until we at least have operational testing. By the way, we are already buying 20 missiles.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I must say I am fortunate to serve on the Armed Services Committee with Senator REED and Senator LEVIN. Throughout the many years we have served together, we have had our honest differences of opinion. I don't mind sharing them. I enjoy our debates. It is constructive for the Senate. There is a process by which we go about it.

At some point, there has to be finality reached with regard to issues. I say, most respectfully, to my good friend from Rhode Island, the Senate has voted not once but twice, basically on the same issue raised by this amendment. I am reminded of Winston Churchill, one time in the depths of World War II, the early part of it in the Battle of Britain, when he went back to his old prep school and gave the famous speech saying, "Never, never, never give in."

Well, at some point, the Senate has to get on with its business. I think we have more than adequately debated the issues raised by this amendment. Nevertheless, I will take the time of my colleagues to carefully review it.

The Senate has already spoken on every single issue raised by this amendment. First, the testing. The Senate adopted the Warner amendment to require ballistic missile defense testing in 2005. That is the first Reed amendment. It rejected the testing approach which the Reed amendment puts before the Senate once again, an approach, I remind my colleagues, that the Pentagon's own chief testing official described as premature and not helpful to the program.

If the Reed amendment is adopted, it is just another prohibition in the program, possibly a gap in the production line, and all of those things end up in costly bills for the American taxpayers and disruption. We all know what happens when you break down and develop a system whereby you cannot predict with certainty as to how and when the units would be completed on production lines.



It comes down again to, Do you want to deploy a missile defense system or don't you? If you do, I suggest most respectfully to colleagues, let's accept the judgments that you have rendered and get on and not come back and back again and again on these same issues.

The Senate already rejected the Boxer amendment which would have halted the development. Do we want to halt production of missile interceptors for an extended period of time, a path that would increase costs, technical risks, and leave us vulnerable again to this threat where America stands defenseless to protect itself from an accidental or an intentional firing of a ballistic missile on to our territorial 50 States? That is the issue.

The Senate yesterday, after very thorough and, I thought, one of the better debates on this bill, presented by my distinguished colleague, the ranking member, Mr. LEVIN, rejected the Levin amendment which would have done basically the same thing as the Reed amendment. It would have resulted in a disjointed, disrupted program.

I suggest the Senate should not now adopt an amendment that would fence 2005 funds for additional missile defense interceptors until a testing requirement is completed, when it has already imposed a realistic testing requirement in 2005, explicitly rejected the kind of testing proposed in this amendment, and explicitly rejected the delays, costs, and disruptions that would result from withholding the funding needed to proceed with the testing and fielding of missile defense interceptors.

I most respectfully urge my colleagues to sustain the decisions that have been debated and voted on within the past few days by this Chamber.

I reserve the remainder of my time.

Mr. SESSIONS. Mr. President, I rise in opposition to the Reed amendment.

The amendment before us covers ground that was considered and already rejected by the Senate in the three missile defense amendments offered by Senators BOXER, REED, and LEVIN.

The amendment Senator REED offers today uses the same approach to testing proposed in his amendment that we considered last Thursday and that the Senate rejected. But his amendment today has the additional disadvantage of imposing a very significant cost—to the missile defense program and to our ability to defend the Nation from long-range missile attack. These costs are identical to those that the Senate rejected yesterday when we defeated the amendment proposed by Senator LEVIN.

Senator REED's amendment would prohibit expenditure of fiscal year 2005 funds for ground-based interceptors until initial operational test and evaluation is completed.

I would remind my colleagues that the Senate has already voted in favor of a Warner amendment to require re-

alistic testing of the ballistic missile defense system in 2005. Yet Senator REED is proposing, again, an approach which would require operational test and evaluation of the BMD system and prohibit the use of fiscal year 2005 funds to acquire additional missile defense interceptors until such testing is completed. This is precisely the approach that the Senate has already rejected and precisely the approach that even the Pentagon's own chief testing official believes is premature and unhelpful. The Senate has already spoken on the testing issue.

Furthermore, the amendment we are considering, if adopted, would do serious harm to the Nation's ability to defend itself from long-range missile threats. Just as with the Levin amendment yesterday, the Reed amendment would cause a break in production line for missile defense interceptors and unacceptable delays in the effort to defend our Nation from known and serious long-range missile threats.

Planning and conducting operational testing and completing the evaluation of such testing would take at least a year. During that year, no funding for the next 10 interceptors could be spent. Key manufacturing personnel would be lost, subcontractors would be lost, and knowledge of manufacturing processes would be lost. When a production line is broken, it has to be restarted. Rehiring and retraining workers, requalifying subcontractors, and reestablishing manufacturing processes would take additional time and a great deal of money. A production break would also increase technical risk to this program, since quality depends in significant measure on well-trained and experienced workers and well-qualified subcontractors and stable manufacturing processes.

Loss of these funds for just a year could result in a delay in fielding these interceptors of nearly 3 years and a 4- to 5-year gap between fielding the 20th interceptor and 30th interceptor. Restarting the production line would incur a cost to the taxpayer of more than \$250 million. Some Senators may argue that fencing funds is not a cut, but I would suggest that if the funds are lost for at least a year, there is not much difference between this fence and a substantial budget cut.

The threat more than justifies the need for additional GMD interceptors. That threat is here today. It was confirmed last year by the Director of Central Intelligence, in testimony before the Armed Services Committee, when he testified that the North Korea has a missile that can reach the United States.

The need for additional interceptors is based on the threat and all the evidence I have seen fully and clearly justifies the acquisition of the 10 interceptors in the budget request. Any significant slowdown in this effort would leave the ground-based midcourse defense element with a severely reduced inventory of interceptors by 2007 and

would leave our Nation vulnerable to North Korean and, potentially, Middle Eastern threats. Unfortunately, Senator REED's amendment, if adopted, will cause just such a serious slowdown.

Mr. President, the Senate has spoken already on all the issues raised in this amendment. I strongly urge my colleagues to be consistent and to oppose this amendment.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Mr. LEVIN. Mr. President, I wonder if the Senator from Rhode Island will yield 2 minutes to me.

Mr. REED. I yield 2 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I wish to ask the Senator from Rhode Island a question. The Patriot PAC-3 experience he described where I believe there were four failures, did that not, in fact, lead to changes in that system?

The PRESIDING OFFICER. Without objection, the Senator from Rhode Island is recognized to respond.

Mr. LEVIN. I thank the Presiding Officer.

Mr. REED. Mr. President, it actually did lead to changes in the operational use of the system, and those changes were very valuable once deployed in a combat situation.

Mr. LEVIN. Mr. President, the question again is whether this Defense Department is going to obey the law or do they believe they are above the law. The law is very specific. It reads:

The Secretary of Defense shall provide that a major defense acquisition program may not proceed beyond low-rate initial production until initial operational test and evaluation of the program is completed.

That is the law. This Defense Department too often has decided it is above the law; it is beyond the law; it is not going to abide by the law. We have written a law for a purpose. Operational test and evaluation is required by law, not by the Secretary of Defense, but by the independent office that was created to do this testing.

That is the definition of initial operational test and evaluation. No exception has been made for that. We deployed some UAVs, but we did not exempt them from independent test and evaluation. We deployed airplanes, but we have not exempted them from this requirement. This would be the first system that would be allowed to proceed beyond low-rate initial production without that evaluation.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEVIN. Mr. President, I ask for 1 additional minute.

The PRESIDING OFFICER. The Senator's time has expired. Twenty minutes was allocated and equally divided.

Mr. WARNER. Mr. President, we grant 1 additional minute over and above the time.

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

Mr. LEVIN. One final point in this minute. According to the agency's own papers, disclosures, the production rate capacity of these interceptors is one per month. That is the capacity. They are there. This is full-rate production. They are not at low-rate initial production anymore. The capacity is one per month. That is what they are doing now. That is their plan. Their plan is for one per month. The law says they cannot go beyond low-rate initial production without this independent evaluation.

That is what this amendment is about. It provides the money but says abide by the law, obey this law, there is a purpose for it—to make sure our weapons systems work.

I commend the Senator from Rhode Island for this amendment. It is quite different from any amendment that has been voted on before.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. ALLARD. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. The majority controls an additional 5 minutes 20 seconds.

Mr. ALLARD. Mr. President, I request 3 minutes.

The PRESIDING OFFICER. Is there objection to 3 minutes being yielded from the majority? Without objection, it is so ordered. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I have to agree with my colleague from Virginia, the chairman of the Armed Services Committee. We have had this issue before us not only this year a number of times but last year a number of times, and even the year before that to one degree or another.

Whether it is intentional, the net effect of these types of amendments is it delays the programs and it adds to extra costs.

We have had a lot of debate on all these issues that have been in this particular amendment. I think it is time for the Senate to move forward.

I will point out in response to the question that was raised by my colleague from Michigan that we had testimony in the full committee from the chief tester who says he believes we are in full compliance with the law. I do not think anything else needs to be said. We have that testimony. It is on the record in the committee.

I urge my colleagues again to join both Senator WARNER and myself in opposing this particular amendment.

We do have some different testing procedures. That is because this is a different program, unlike the many other programs we have had. So we have to deal with it a different way.

The bottom line again is the chief tester is happy with the way it is progressing. He has had access to the program that has been unprecedented. He is satisfied with the cooperation be-

tween the program office and the test community. I have a letter, again, that I submitted for the RECORD in the past that indicates he is fully satisfied. I will read specifically from the letter. It says:

My office has unprecedented access to GMD, and I am satisfied with the cooperation between the program office and the test community. I will continue to advise the Secretary of Defense and the Director of MDA on the BMDS test program. I will also provide my characterization of system capabilities and my assessment of test program adequacy handling as required by Congress.

In my view, it is time we move on. In effect, when we go for the formal testing that is being advocated in this particular amendment, we add an extra year of delay. It breaks up the manufacturing lines.

We have had this discussion at a previous date. The net effect is subcontractors have to be requalified, workers need to be retrained, and then the manufacturing process has to be relearned. It takes time, up to 2½ years, and money—some have estimated as much as adding \$250 million to the cost.

So I ask my colleagues to join me and Senator WARNER in opposing this Reed amendment. It has the net effect of adding costs to the program, delaying the program unnecessarily, and we do have adequate testing now.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

The Senator from Virginia controls the remainder of the time of 1 minute 45 seconds.

Mr. REED. Mr. President, I ask unanimous consent for 1 minute.

The PRESIDING OFFICER. The Senator from Virginia has been recognized.

Mr. WARNER. I will accommodate the Senator from Rhode Island.

Mr. REED. I ask unanimous consent for 1 minute.

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

The Senator from Rhode Island.

Mr. REED. I respect the chairman and the chairman of the subcommittee who have engaged in this debate. The question to me is: Will this system work? We really do not know if it will work. If we do not know it is going to work, why are we buying 10 additional interceptors at a price of about \$500 million?

So this is not the same amendment, the amendment written over and over again. This is an amendment about scarce resources—will we devote them to these interceptors that are untested or will we devote them to other issues?

I point out that there is nothing in this amendment that slows up the program. There is nothing in this amendment that would take away funds. It simply says, let us get into an operational testing mode before we buy these additional systems.

Final point. This system has been plagued by delays, but they are technological delays. The reason we are not having a test—we did not have one in

March, and we are having it in July—is because this kill vehicle is not ready for such testing. There is nothing about our amendment or about our procedures. This is a hard technology, but let us make sure it works.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank the indulgence of the Presiding Officer. The time remaining on this side is?

The PRESIDING OFFICER. The time remaining is 1½ minutes.

Mr. WARNER. Fine. I believe our case has been made very clearly to our colleagues that these issues raised by the Senator from Rhode Island have been passed upon by the Senate in the preceding 3 or 4 days after very careful, conscientious, and deliberate debate. The issues are settled. We must come to resolution, no matter how strong our differences may be, and accept the judgment collectively rendered by the Senate in these votes.

I yield back the remainder of my time.

Mr. REED. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, we will now proceed to the next amendment which Senator LEVIN will offer on behalf of a colleague, but I would like to ask for a brief quorum call so I can consult with the majority leader because we are making considerable progress in beginning to define what remains to be done and a course by which this bill can be completed today.

The PRESIDING OFFICER. Under the previous order, all time on the previous amendment has expired.

AMENDMENT NO. 3423

Amendment No. 3423 is now pending, and under the previous order 20 minutes has been allocated, 10 minutes on each side.

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

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

Mr. WARNER. Mr. President, we have on the floor now our distinguished and esteemed colleague, the former President pro tempore of the Senate, Mr. BYRD of West Virginia. My first request would be a unanimous consent to extend the time of this amendment from the current, as I understand it, 20 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. That we extend that to 40 minutes, equally divided.

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

Mr. WARNER. Thank you very much. I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from West Virginia.

The PRESIDING OFFICER (Mr. ENZI). Who yields time?

The Senator from West Virginia.

Mr. BYRD. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BYRD. I thank the Chair.

Mr. President, it is no secret that America's military forces are stretched thin across the globe. The relentless fighting in Iraq has exacted a heavy toll on the U.S. military, forcing thousands of American troops to face extended tours in a dangerous war zone. Stop-loss orders have prevented thousands more from leaving the military when their obligations have been fulfilled. America's men and women in uniform have gone far beyond the call of duty to meet the increasing demands that have been placed on them, and we owe them a great debt of gratitude.

In the face of such hardship facing America's military personnel, this is hardly a propitious time to arbitrarily expand U.S. military obligations overseas, and yet that is exactly what the bill in front of us does. In an effort to help the Government of Colombia launch a new offensive in its civil war against guerrilla insurgents and the drug trafficking that funds them, the Defense authorization bill substantially increases the number of U.S. military and civilian personnel authorized to support the operations of Plan Colombia in Colombia.

Plan Colombia is a 6-year antinarcotics initiative authorized by Congress in fiscal year 2000 to combat cocaine production and trafficking in Colombia. From the outset, many Members of Congress worry that United States intervention in Colombia's drug wars—even noncombat intervention—could serve to draw the United States into the thick of Colombia's longrunning civil war. In an effort to preserve congressional oversight and prevent mission creep in Colombia, Congress placed a cap on the number of U.S. personnel who could participate in Plan Colombia. Current law limits the number of U.S. personnel in Colombia in support of Plan Colombia to 400 military troops and 400 civilian contractors, for a total of 800.

This is a part of my statement. I believe it was in the year 2000 that we placed a limitation. Originally, the 800 was divided into 500 military and 300 contractors, making a total of 800. That limitation on the number is current. This bill, however, would double the number of military personnel authorized to participate in Plan Colombia, raising the troop cap from 400 to 800.

That troop cap is being doubled. The cap on civilian contractors would be increased by 50 percent, climbing from 400 to 600. This bill says let us put in a little more. Let us lift the number.

The increases reflect the number of military and civilian personnel requested by the administration to carry out a 2-year training and support operation in relation to an aggressive new counterinsurgency offensive being undertaken by the Government of Colombia called Plan Patriota. With the stroke of a pen, just like that—just a stroke of the pen—this bill would increase the number of U.S. civilian and military personnel authorized to be in Colombia to support Plan Colombia from 800 to 1400.

So we are just inching along, just inching along. That may seem like an insignificant increase to some, but I expect it looms large in the minds of U.S. forces who have seen their tours in Iraq extended or who have been prevented from leaving the military when their obligations have been fulfilled. The 800 military personnel who could be sent to Colombia under the proposal are 800 military personnel who would not be eligible to relieve American troops in Iraq, Afghanistan, or elsewhere. Before signing off on such a measure, the Senate should consider very carefully the ultimate goals of Plan Colombia and the amount of oversight Congress should maintain on the program.

I am offering an amendment. The amendment I am offering is an effort to address these considerations. My amendment provides a reasonable and sustainable level of support to continue Plan Colombia and to support Plan Patriota, but it limits the support to immediate needs, not presumed needs a year or two from now. Under my amendment, the cap on both U.S. military and civilian personnel would increase from 400 to 500 each, for a total limit of 1,000.

My amendment conforms with the House-passed version of the Defense authorization bill. The House bill caps the number of military personnel in Colombia at 500. The House bill does not address the civilian caps, but the State Department has determined it needs fewer than 100 additional contractors next year to support Plan Patriota.

Plan Colombia remains a volatile and dangerous mission. Three American civilian contractors operating in support of Plan Colombia have been held captive in the jungle by Colombian insurgents for more than a year. Five other U.S. civilians were killed as a result of aircraft crashes. Additional cocaine fumigation flights have been fired on, and since August 2003, two planes have been downed by hostile fire.

This is not the time, colleagues, and Colombia is not the place for the United States to ramp up its military commitment so sharply. Although the numbers may be relatively small, the mission in Colombia has been constantly increasing.

That is the problem. The mission in Colombia has been constantly increasing, evolving from a strictly antinarcotics campaign into an oper-

ation encompassing antiterrorism, pipeline protection, and an air-bridge denial program to intercept drug trafficking flights in Colombia.

A major infusion of additional U.S. personnel into Colombia will place more American personnel at risk and will increase the prospects of the United States being drawn ever deeper into Colombia's civil war.

The State Department has confirmed that it needs fewer than 100 additional personnel next year to accomplish its goals. The Defense Department has estimated that it needs no more than 158 additional personnel to support the second phase of Plan Patriota next year. Defense Department officials have also said they do not need a total of 800 personnel and do not anticipate a time when 800 military personnel would be in Colombia in support of the initiative. The Department is asking Congress to provide broad flexibility through an unnecessarily large troop commitment at a time when both human and financial military resources are severely limited.

I think Congress should take a more conservative approach to Plan Colombia and particularly to the involvement of U.S. forces in Plan Patriota. I am willing to authorize a modest increase in the number of military and civilian personnel for next year, but I believe Congress should review the progress that has been made a year from now before determining what the final number should be.

If the Pentagon cannot tell Congress how many troops it will need in Iraq a year from now, how can it say with such certainty how many forces it will need in Colombia 2 years from now?

The United States has spent the past 4 years training and equipping Colombian troops and flying cocaine crop eradication missions for the Government of Colombia. According to the Congressional Research Service, U.S. funding for Plan Colombia, since fiscal year 2000, totals approximately 3.7 billion bucks.

The administration has characterized the next 2 years as a "window of opportunity" to assist Colombia with its war against the insurgents. Now, that may or it may not prove to be true, but the burden of securing that window has fallen on—guess who?—Uncle Sam. That is where it lies, in the lap of Uncle Sam.

If the Government of Colombia is as committed to eradicating the drug crops and defeating the guerillas as the administration contends, then the Government of Colombia should take the lead in seizing this opportunity. Four years and \$3.7 billion into Plan Colombia, the United States should be on the verge of tapering down its commitment to Colombia, not sharply increasing it. Where are we going here? When is this going to come to an end?

Plan Colombia has ample flexibility built into it to allow the military to surge, if needed, to respond to emergencies such as search and rescue or evacuation of operation.

In addition, at the request of the administration, Congress has agreed to broaden routine exemptions to personnel-counting procedures, giving the Defense and State Department even greater flexibility in managing the number of personnel in Colombia.

Routine exceptions now include such activities as port calls, DOD civilian visits, certain military exercises, aircrew overnights as needed for weather, maintenance, or crew rest overlapped during deployment location, headquarter staff visits, and traditional commander's activities, just to name a few.

Instead of the United States committing more troops and more civilian contractors to Colombia than are actually needed, the Government of Colombia should increase the resources it is committing to Plan Patriota to mitigate the burden on the United States.

My amendment increases U.S. support for Plan Colombia, but it does so at a prudent level that allows the Defense and State Departments to commit the minimum number of additional U.S. personnel needed to assist the Government of Colombia in prosecuting Plan Patriota while maintaining necessary congressional oversight on Plan Colombia.

In recognition of the current sacrifices this Nation is demanding of its men and women in uniform, I urge my colleagues to support this amendment and to resist unwarranted and excessive increases in a level of military and civilian personnel that may be deployed in Colombia.

I yield the floor.

Mr. WARNER. Mr. President, my understanding is the Senator from Virginia has, under his control or his designee, 20 minutes; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. I will take a minute or two and ask unanimous consent that the Senator from Alaska be recognized for such time as he may wish, followed by the Senator from Alabama, and then the distinguished Senator, Mr. COLEMAN, chairman of the Western Hemisphere Subcommittee of the Senate Foreign Relations Committee, who will manage the remainder of the time.

Mr. SESSIONS. If the Senator will yield, I will yield to Senator COLEMAN ahead of me.

Mr. WARNER. Very well. But I wish to speak for a few minutes.

I must oppose the Byrd amendment and urge my colleagues to do the same.

The provision in the underlying bill to raise the troop cap in Colombia from the current limitation of 400 military personnel and 400 contractors to 800 military personnel and 600 contractor personnel was recommended by GEN Hill, Commander, U.S. Southern Command, with the endorsement of the Department of Defense, Department of State and the National Security Council. This provision was unanimously approved during markup by the Committee with no dissenting discussion.

The United States has been assisting the government of Colombia—through Plan Colombia—for several years as Colombia continues its struggle against narcoterrorists.

During the course of this assistance, we have asked the Colombians to develop a comprehensive strategic plan for taking back their country. They have developed and begun implementing this plan, with our help.

During the course of this assistance, we have urged the Colombians to modernize their armed forces and become more decisive in their pursuit of the drug-financed insurgents who have terrorized their country for decades. The Colombian armed forces have gained confidence and stature and are forcefully and decisively carrying out increasingly sophisticated military operations with successful results.

Over the years, we have asked the Colombians to invest more of their own national treasure in defense, reduce drug cultivation, respect the human rights of their people. They have done so with very promising results. The Colombian armed forces are now the second most respected institution in Colombia, behind the Catholic Church, according to recent polling.

During the course of our assistance, we have asked the Colombians to be forthright about their future plans, requirements, and needs for additional assistance—they have been and that is why our regional commander and the administration asked for a modest increase in the troop cap, at the request of the Colombian government.

The regional commander has developed a prudent plan to provide additional planning and training assistance that will enable the Colombian armed forces to carry out the sophisticated, coordinated military operations that will allow them to successfully defeat the terrorists and end decades of terror and violence in Colombia.

Troop strength will not automatically double in Colombia, it will ebb and flow depending on progress in Colombia's overall strategy and the availability of U.S. troops to provide assistance.

U.S. troops will not be involved in combat operations. They will continue to work from secure sites, help train additional Colombian military units and help them plan and coordinate military operations.

We have a clear window of opportunity to help President Uribe and the people of Colombia help themselves and end this conflict, but we need this slight increase in assistance to help them realize this goal. Colombia has made great progress, by all measures, and deserves our support.

The Byrd amendment would limit our ability to provide the assistance Colombia has requested and our military commanders have recommended. A modest increase in troops and assistance now does not foreshadow an endless commitment of troops, money and sacrifice—quite the opposite—it offers

the opportunity to help Colombia end this conflict in the near future. Defeating the narcoterrorists in Colombia, as quickly as possible, is clearly in the national security interests of our Nation.

The Byrd amendment will complicate the ability of our military commanders and our diplomats to help Colombia end this terrorist insurgency as soon as possible.

I urge my colleagues to vote no on this amendment.

I assure my colleagues that the discussion by the Armed Services Committee to raise these caps was one we did not take lightly. We considered it with very deliberate care. We feel we did so consistent with General Hill, commander of the southern command, who came up and specifically briefed the committee on the needs.

The bottom line is the nation Colombia has come a long way in the past few years to reestablish itself as a pillar of strength in that Central American band of nations where there is such fragility in the stability of these governments. It stands out as the courage of a government overcoming the insurgents in their countries, beginning to have success. For a very modest increase in our military presence and contractor presence, we can ensure the forward momentum of this success.

It is an enormous force multiplier of benefit to the United States of America. Were this nation to slip back into a situation which enabled more and more exporting of drugs from that region, possibly through Colombia, the consequence would be a weakening of that government, and there would be multiple degrees of negative impact on our economy, much less crime and death associated with drugs. So for a small number of additional military personnel which the military carefully crafted, the United States benefits greatly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I support the Armed Services Committee recommendation. It was also the administration's position that this cap on military personnel in Colombia be increased to 1,400. Senator BYRD's amendment reduces that to 500.

There has been dramatic success in the war on drugs in Colombia. I have spent a great deal of time trying to keep up with this. The President of Colombia, Mr. Uribe, deserves a great deal of credit. We should support his continued efforts. His efforts have caused terrorist organizations to come to the peace table.

If we were to reduce our support now, they would have no reason to stay at the peace table. More U.S. personnel will only move the process forward.

I do not think we should go back to limiting our assistance to the Government of Colombia, as suggested by my good friend from West Virginia. I personally spent time with the commander of the U.S. Southern Command, GEN James Hill, as did the

chairman of the Armed Services Committee. We were briefed, as were other members of the subcommittee, on the situation there. He has strongly urged us to support the administration's request to raise this cap.

It is my hope, depending on the circumstances here in the Senate, that a group of us can travel to Colombia this year and examine firsthand what is going on down there.

This country could be a beacon now against terrorism in South America. It is something we should support. We should not retreat from the war on terrorism. The increase to 1,400 is necessary to support this Colombian President, who has done so well, particularly against narcoterrorism.

I urge the Senate to support the request as it is stated in the Armed Services Committee bill, which is also the request of the administration. It certainly is the request of this Senator, who spent a great deal of time considering the problems in Colombia.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I rise in strong opposition to the amendment offered by the esteemed and greatly respected Senator from West Virginia concerning military and civilian personnel strength in Colombia.

I have been to Colombia, I have been to Bogota, and I have had a chance to personally visit with some of our troops that are doing training, and to visit with President Uribe on a number of occasions.

As chairman of the Foreign Relations Subcommittee on the Western Hemisphere, I believe the situation in Colombia is of paramount importance to the entire region. I must state very clearly this is not a civil war in Colombia. Colombia is not engaged in a civil war. Colombia, today, is engaged in a fight against narcoterrorists. That is what this is about. It is not about ideology anymore. It is about money. It is about drugs that are being used to fuel the insurgency. But this is not a civil war. I think that is important to understand.

If you reflect a little bit on the history of what has happened in Colombia, President Pastrana did everything in his power to try to negotiate a settlement. He even set aside a parcel of land, known as a "despeje," as a token of good faith, but it was to no avail. You see, the narcoterrorists had no interest in negotiating a political solution because, again, it is not a civil war. Their objectives were and remain to intimidate the public and to make money through criminal means.

Let me be perfectly clear, all three of the groups—the FARC, the ELN, and the paramilitary AUC—are all terrorist organizations in the eyes of the United States and must continue to be treated as such by the Government of Colombia.

During my last visit to Colombia, I was speaking to the Ambassador from

one of the Scandinavian countries who has been involved in trying to create some opportunities for peaceful negotiation. I said to him: Historically, in the past, there may have been a civil war here. There may have been those in some of these organizations who were carrying some ideological belief and fervor that somehow they could change the system of government in Colombia. But today you have a democratically elected President with overwhelmingly high approval ratings, I think around 80 percent. Anybody in this body would like to have those kinds of approval ratings. You have a very active opposition party, a very active democracy in Colombia.

Speaking to this Ambassador, he admitted: Yes, today it is about drugs, and it is about money.

That is what we are dealing with today. That is the passion. That is the common link of those who are engaged in a battle with the government. The top fundraising enterprise of all three of these organizations is drug trafficking. They also are involved in extortion, kidnapping, and intimidation. There are few, if any, legitimate political objectives. They are narcoterrorists.

In fact, this Senate has voted to treat the guerrillas as such. Expanded authorities passed by this Congress allow the U.S. to support the Colombians in their efforts against the insurgents, not just for the purpose of fighting drug trafficking, but also for opposing the terrorist insurgent threat. All three of these groups appear on the State Department's list of terrorist organizations.

As I said before, President Uribe, who enjoys a great deal of popularity in Colombia, was elected with a clear mandate—that the narcoterrorists can be dealt with only from a position of strength. They must be weakened militarily to the point where they abandon their enterprise.

Under the leadership of President Uribe, the tide has begun to turn. Kidnappings are down. Murders are down. The terrorists in many instances are laying down their weapons. Coca eradication has reached record levels. But the task is not yet finished.

It is important. It is not a matter of: Well, we have put resources into Colombia; when are we going to get it done? As we well know, in this country the battle about drugs and narcotics is an ongoing battle. It is something where what we have to do is maintain the pressure, maintain the commitment, maintain the consistency, and not send a signal that somehow we are putting a cap on it.

Again, the numbers we are talking about here are very minimal, whether it is the Armed Services Committee recommendation of increasing the military cap from 400 to 800 and the civilian cap from 400 to 600, with a total increase of 600, versus the distinguished Senator from West Virginia talking about 500. But the message is not minimal.

The understanding of this body of the importance of what we are doing in Colombia, and continuing to build upon success, is important. That is not minimal. What we do here will be heard in Colombia. It will be heard around the world. We have to do the right thing.

Under the Colombian Constitution, President Uribe is limited to one term in office. What this means is during the final 20 months of President Uribe's term, there is a limited window of opportunity to seriously weaken these groups and to move beyond this conflict that has devastated the Colombian people for decades.

That is why I believe the time is right to increase the cap, again slightly increase the cap, on the number of United States military and civilian personnel in Colombia who are assisting the Colombians. We are not talking about lifting the cap entirely. We are talking about increasing the number of military personnel who can be in Colombia at any one time to 800 and civilians to 600. I applaud the chairman for including this necessary provision in the underlying bill.

This is not a blank check. Human rights protections are still very much in place. The United States Government works only with Colombian security forces who have been thoroughly vetted. I am a strong believer in human rights, and in each and every one of my meetings with Colombian officials I raise the human rights issue. I talk about the importance that human rights has in this country and has for our support of what is going on in Colombia. Human rights protections must remain essential to our involvement in Colombia, and the Colombians understand that. President Uribe understands that.

Moreover, the activities of U.S. troops are limited. They are there to train the Colombians. Our troops will continue to operate from secure sites only and will not be exposed to combat.

United States activities in Colombia and the region will continue to deal with the nonmilitary facets of Colombia's crisis as well. We are supporting programs for internally displaced people. We are encouraging alternative crops so farmers are not growing coca and they can make a living for themselves and their families. We are supporting human rights and rule-of-law efforts across the board.

For anyone familiar with the situation in Colombia, it is clear President Uribe is bringing security, stability, and law and order to a country that so desperately needs it. Plan Colombia is a Colombian strategy to retake the country from the grip of narcoterrorists. United States support for Plan Colombia is predicated on a mutual understanding of what is at stake in Colombia, and a belief that the United States and Colombians can work together to address the crisis. We have a critical window of opportunity here to make a major push against narcoterrorists in our own hemisphere.

during these final 20 months of President Uribe's term.

When President Uribe was elected and sworn in, there were mortar attacks on his life. I think there have been about 10 to 15 attempts on his life. He is an extraordinarily brave individual. So often we look around the world and say: America will be there to support you, but you have stand up for yourselves. Colombians are standing up. They are saying they want to win this battle against narcoterrorism.

Ninety percent of the cocaine in this country comes from Colombia. We Americans—our kids, our families—have a stake in the success of what happens in Colombia. Again, this is the time. This is the place to send a strong signal that we will strengthen our efforts against narcoterrorism.

The risk is the risk of doing nothing, the risk of sending a signal that somehow we are going to cap this and limit our effort, that somehow this battle against narcoterrorism is a short-term, we-are-in-it-this-week and we-are-out-next-week approach. This is not about that. Again, we are not talking about a civil war. We are talking about working hand in hand with a government that is deeply committed, that has put its own troops on the frontline, that personally has made the commitment not just of fighting narcoterrorism but to economic reform, pension reform, a commitment to human rights, to the rule of law.

The right thing to do is to support the Armed Services Committee recommendation. The right thing to do is to reject the amendment of the distinguished Senator from West Virginia.

I yield the floor.

Mr. GRASSLEY. Mr. President, I rise today to express my opposition to Senator BYRD's amendment to Section 1052 which would cap the number of U.S. military personnel and civilian contractors operating in Colombia at 500 and 500, respectively. I support the current committee language that increases the caps to 800 and 600, respectively, because it will enhance our efforts to help the Uribe administration stop the flow of drugs from their country and into ours.

The situation in Colombia is at a critical point. We must ensure that it continues to move in the right direction. Colombia is a strong ally and major trading partner of the United States and is critical to the stability of the Western Hemisphere. It is also the home of three major terrorist organizations that derive about 70 percent of their funding from the production and distribution of cocaine, nearly half of which ends up on our streets. Their violent activities are a result of the need to maintain their narcotics trade, which has resulted in the social and economic instability of the country and the region.

President Uribe has shown a strong commitment to ending the drug trade in Colombia by the end of his administration in 2006. I am extremely encour-

aged by his successes in drug eradication and his efforts to strengthen democracy and the rule of law. In 2003, coca production was down 21 percent and opium poppy was down 10 percent from the previous year. So far this year, the number of hectares of coca eradicated and the number of drug seizures are up from last year. We must continue this success that is needed to maintain domestic and international support for the eradication program.

In Colombia, narcotics trafficking and terrorist acts have made it one of the most dangerous places in the world. Last year, Vice President Francisco Santos-Calderon testified before the Senate Drug Caucus that more than 8,000 acts of terror were committed against the Colombian people over the previous 5 years, including over 30,000 violent deaths during each of those years. However, since the vice president's testimony, there have been significant reductions in the numbers of homicides, assassinations, kidnappings and other terrorist acts. I am encouraged by these numbers and know that these changes are very encouraging to the people of Colombia.

Our counter-narcotics efforts in Colombia include military funding for equipment, training and education programs for Colombian military personnel. Raising the existing personnel caps will allow additional U.S. personnel to be made available to train Colombian personnel, and will enhance their ability to conduct their counter-narcotics missions. We have a window of opportunity here that we need to take advantage of. The United States must be willing to help the Colombian government reach this goal. I strongly urge my colleagues to oppose this amendment and ensure an adequate number of U.S. personnel available in Colombia.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I wonder if the Senator from West Virginia would yield me 4 minutes.

The PRESIDING OFFICER. The Senator has 3½ minutes remaining.

Mr. LEVIN. I wonder if he would yield me 2 minutes.

Mr. BYRD. Mr. President, I yield the full 3½ minutes to my friend from Michigan.

Mr. LEVIN. Mr. President, I thank Senator BYRD.

The Byrd amendment allows for increases. That is the most important single point to make. There has been a suggestion that somehow or other if the Byrd amendment is adopted, that would reflect some kind of a decrease in support for what we are doing in Colombia. The Byrd amendment provides for an increase from the current level both on the military side and on the civilian side. The current military level is 400. The Byrd amendment allows for an increase to 500.

On the civilian side, the current level in law is 400. The Byrd amendment provides for an increase to 500. So both on

the military and the civilian personnel, the cap is raised by the Byrd amendment—not as far as the bill before us raises it. The committee raised it by more than that. But the question is by how much will we raise the cap, not whether we are going to raise the cap.

The Byrd amendment is a more modest increase. It is a more gradual increase. It is appropriate in terms of the circumstances in the world today. We have our troops spread all over. There are great needs, including in Colombia. I happen to agree with my good friend from Minnesota that we have successes in Colombia. I have been there, too. I have witnessed some of these successes. I support our efforts in Colombia. But given the kind of commitments that we have around the world, given the kind of demands on our troops around the world, it seems to me that a modest increase is called for at this time.

Again, we are not talking about reductions, we are talking about increases. The House of Representatives did not allow for an increase on the civilian side at all. They would retain the current cap of 400. The Byrd amendment would allow for that to go up to 500.

An increase, yes; an endorsement of what is going on in terms of the efforts in Colombia, yes, because if we raise the cap, that does reflect an endorsement of those activities. But given the requirements for our troops around the world, the demands upon us, this kind of a modest increase is appropriate.

Finally, it is unlikely that they will be able to use this many additional forces in any event. According to the State Department, the dates for increases in personnel are not just going to depend on our approval but also on program developments, personnel availability, and circumstances that exist on the ground.

The Byrd amendment represents a very proper, cautious, modest increase in flexibility for our Defense Department and State Department. It is appropriate that there be an increase but not as large as is currently in the bill.

I support the Byrd amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. There is 5½ minutes on your side.

Mr. COLEMAN. Mr. President, the recommendation of the Armed Services Committee is a proper, cautious, moderate increase. That is what we are talking about. The numbers are not that great, but the message is significant. The message is significant. What we have is a recommendation, developed by General Hill from SOUTHCOM, saying this is what we need to make sure we are living up to our commitment and to modestly strengthen our commitment, that we have seen success. Let's reward success. Again, in a proper, cautious way.

I agree with my distinguished colleague from Michigan. That is the kind



of increase we need. But we are seeing success with murder down, kidnapping down. We are seeing great courage from President Uribe. We see Colombians step to the plate. We have to maintain the pressure. We are not talking about civil war. We are talking about a battle against terrorist organizations. Winning this battle will have a direct impact on the lives of Americans. It will have a direct impact on slowing the flow of cocaine and narcotics into this country.

On both sides of the aisle our colleagues are seeking the same outcome; that is, to have a proper, cautious, moderate increase in strength. But it would be wrong to send a signal to reject the recommendation, the thoughtful, reasoned, rational, proper, cautious recommendation of the Armed Services Committee on this issue. Let us send the right message and let us do the right thing by upholding the judgment of the Armed Services Committee, by not stepping back, not by placing the caps that this amendment would place.

Let's reaffirm our commitment to Colombia, to the world, about fighting narcoterrorism and winning this battle.

I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from West Virginia has 19 seconds.

Mr. BYRD. Mr. President, have the yeas and nays been ordered on this amendment?

The PRESIDING OFFICER. They have not.

Mr. BYRD. I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays have been ordered.

Mr. BYRD. I yield back the remainder of my time.

The PRESIDING OFFICER. Time is yielded back.

AMENDMENT NO. 3384, AS FURTHER MODIFIED

The PRESIDING OFFICER. Under the previous order, the pending amendment is Bond amendment No. 3384 on which there is no time limit.

The Senator from Missouri.

Mr. BOND. Mr. President, I call up amendment No. 3384 and ask unanimous consent to incorporate the modifications that are at the desk.

The PRESIDING OFFICER. Is there objection to modifying the amendment?

Without objection, it is so ordered.

The amendment, as further modified, is as follows:

At the end of subtitle D of title XXXI, insert the following:

**SEC. 3146. INCLUSION OF CERTAIN FORMER NUCLEAR WEAPONS PROGRAM WORKERS IN SPECIAL EXPOSURE COHORT UNDER THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.**

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

(1) Energy workers at the former Mallinkrodt facilities (including the St. Louis downtown facility and the Weldon Springs facility) were exposed to levels of radionuclides and radioactive materials that

were much greater than the current maximum allowable Federal standards.

(2) The Mallinkrodt workers at the St. Louis site were exposed to excessive levels of airborne uranium dust relative to the standards in effect during the time, and many workers were exposed to 200 times the preferred levels of exposure.

(3)(A) The chief safety officer for the Atomic Energy Commission during the Mallinkrodt-St. Louis operations described the facility as 1 of the 2 worst plants with respect to worker exposures.

(B) Workers were excreting in excess of a milligram of uranium per day causing kidney damage.

(C) A recent epidemiological study found excess levels of nephritis and kidney cancer from inhalation of uranium dusts.

(4) The Department of Energy has admitted that those Mallinkrodt workers were subjected to risks and had their health endangered as a result of working with these highly radioactive materials.

(5) The Department of Energy reported that workers at the Weldon Springs feed materials plant handled plutonium and recycled uranium, which are highly radioactive.

(6) The National Institute of Occupational Safety and Health admits that—

(A) the operations at the St. Louis downtown site consisted of intense periods of processing extremely high levels of radionuclides; and

(B) the Institute has virtually no personal monitoring data for Mallinkrodt workers prior to 1948.

(7) The National Institute of Occupational Safety and Health has informed claimants and their survivors at those 3 Mallinkrodt sites that if they are not interviewed as a part of the dose reconstruction process, it—

(A) would hinder the ability of the Institute to conduct dose reconstruction for the claimant; and

(B) may result in a dose reconstruction that incompletely or inaccurately estimates the radiation dose to which the energy employee named in the claim had been exposed.

(8) Energy workers at the Iowa Army Ammunition Plant (also known as the Burlington Atomic Energy Commission Plant and the Iowa Ordnance Plant) between 1947 and 1975 were exposed to levels of radionuclides and radioactive material, including enriched uranium, plutonium, tritium, and depleted uranium, in addition to beryllium and photon radiation, that are greater than the current maximum Federal standards for exposure.

(9) According to the National Institute of Occupational Safety and Health—

(A) between 1947 and 1975, no records, including bioassays or air samples, have been located that indicate any monitoring occurred of internal doses of radiation to which workers described in paragraph (8) were exposed;

(B) between 1947 and 1955, no records, including dosimetry badges, have been located to indicate that any monitoring occurred of the external doses of radiation to which such workers were exposed;

(C) between 1955 and 1962, records indicate that only 8 to 23 workers in a workforce of over 1,000 were monitored for external radiation doses; and

(D) between 1970 and 1975, the high point of screening at the Iowa Army Ammunition Plant, only 25 percent of the workforce was screened for exposure to external radiation.

(10) The Department of Health and Human Services published the first notice of proposed rulemaking concerning the Special Exposure Cohort on June 25, 2002, and the final rule published on May 26, 2004.

(11) Many of those former workers have died while waiting for the proposed rule to be

finalized, including some claimants who were waiting for dose reconstruction to be completed.

(12) Because of the aforementioned reasons, including the serious lack of records and the death of many potential claimants, it is not feasible to conduct valid dose reconstructions for the Iowa Army Ammunition Plant facility or the Mallinkrodt facilities.

(b) INCLUSION OF CERTAIN FORMER WORKERS IN COHORT.—Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398); 42 U.S.C. 7384(14)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

“(C) Subject to the provisions of section 3612A and section 3146(e) of the National Defense Authorization Act for Fiscal Year 2005, the employee was so employed for a number of work days aggregating at least 45 workdays at a facility operated under contract to the Department of Energy by Mallinkrodt Incorporated or its successors (including the St. Louis downtown or ‘Destrehan’ facility during any of calendar years 1942 through 1958 and the Weldon Springs feed materials plant facility during any of calendar years 1958 through 1966), or at a facility operated by the Department of Energy or under contract by Mason & Hangar-Silas Mason Company at the Iowa Army Ammunition Plant (also known as the Burlington Atomic Energy Commission Plant and the Iowa Ordnance Plant) during any of the calendar years 1947 through 1975, and during the employment—

“(i)(I) was monitored through the use of dosimetry badges for exposure at the plant of the external parts of an employee’s body to radiation; or

“(ii) was monitored through the use of bioassays, in vivo monitoring, or breath samples for exposure at the plant to internal radiation; or

“(ii) worked in a job that had exposures comparable to a job that is monitored, or should have been monitored, under standards of the Department of Energy in effect on the date of enactment of this subparagraph through the use of dosimetry badges for monitoring external radiation exposures, or bioassays, in vivo monitoring, or breath samples for internal radiation exposures, at a facility.”.

(c) FUNDING OF COMPENSATION AND BENEFITS.—(1) Such Act is further amended by inserting after section 3612 the following new section:

**“SEC. 3612A. FUNDING FOR COMPENSATION AND BENEFITS FOR CERTAIN MEMBERS OF THE SPECIAL EXPOSURE COHORT.**

“(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Labor for each fiscal year after fiscal year 2004 such sums as may be necessary for the provision of compensation and benefits under the compensation program for members of the Special Exposure Cohort described in section 3621(14)(C) in such fiscal year.

“(b) PROHIBITION ON USE FOR ADMINISTRATIVE COSTS.—(1) No amount authorized to be appropriated by subsection (a) may be utilized for purposes of carrying out the compensation program for the members of the Special Exposure Cohort referred to in that subsection or administering the amount authorized to be appropriated by subsection (a).

“(2) Amounts for purposes described in paragraph (1) shall be derived from amounts authorized to be appropriated by section 3614(a).

“(c) PROVISION OF COMPENSATION AND BENEFITS SUBJECT TO APPROPRIATIONS ACTS.—The provision of compensation and benefits under the compensation program for members of the Special Exposure Cohort referred to in subsection (a) in any fiscal year shall be subject to the availability of appropriations for that purpose for such fiscal year and to applicable provisions of appropriations Acts.”.

(2) Section 3612(d) of such Act (42 U.S.C. 7384e(d)) is amended—

(A) by inserting “(1)” before “Subject”; and

(B) by adding at the end the following new paragraph:

“(2) Amounts for the provision of compensation and benefits under the compensation program for members of the Special Exposure Cohort described in section 3621(14)(C) may be derived from amounts authorized to be appropriated by section 3612A(a).”.

(d) OFFSET.—The total amount authorized to be appropriated under subtitle A of this title is hereby reduced by \$61,000,000.

(e) CERTIFICATION.—Funds shall be available to pay claims approved by the National Institute of Occupational Safety and Health for a facility by reason of section 3621(14)(C) of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by subsection (b)(2), if the Director of the National Institute of Occupational Safety and Health certifies with respect to such facility each of the following:

(1) That no atomic weapons work or related work has been conducted at such facility after 1976.

(2) That fewer than 50 percent of the total number of workers engaged in atomic weapons work or related work at such facility were accurately monitored for exposure to internal and external ionizing radiation during the term of their employment.

(3) That individual internal and external exposure records for employees at such facility are not available, or the exposure to radiation of at least 40 percent of the exposed workers at such facility cannot be determined from the individual internal and external exposure records that are available.

(f) It is the sense of the Senate that all employees who are eligible to apply for benefits under the compensation program established by the Energy Employees Occupational Illness Compensation Act should be treated fairly and equitably with regard to inclusion under the special exposure cohort provisions of this Act.

Mr. BOND. Mr. President, we are not going to take much time, although I see my colleague from Iowa is here. This is a measure designed to compensate the former energy workers at the Mallinkrodt site in the St. Louis, MO, area and the Iowa atomic energy workers at what was known as the Burlington Atomic Energy Commission plant and the Iowa ordinance plant.

We have gone through many iterations trying to work it out to make sure that all sides are comfortable. I appreciate the courtesies of the New York Senators who have issues. We look forward to working with them on solving their issues. There has been a great deal of work put into this. Some people may think it is small, when it is less than a couple hundred million dollars, but let me tell you, this is huge to the former workers and their families who are directly affected.

I went back to Missouri last Friday, after we had talked about this on the

Senate floor. I met with some of the workers and some of their families. The young woman who has been the leader in this effort, Denise Brock, was there. She told me how much this meant to her mother, who lost her husband several years ago as a result of the cancers brought on by excessive radiation. She also told me that when I spoke last Thursday about Jim Mitalski, a former Mallinkrodt worker who had gone into the hospital and slipped into a coma—he lost a foot, had multiple cancers—she said she made a recording of the floor remarks I made, took it down and played it next to Mitalski’s bedside where he seemed to be in a deep sleep. She said as she played it and we mentioned his name, she saw a smile come over his face, and she believed that he did know that we were going to do something. Unfortunately, Mr. Mitalski has since died.

That is happening to workers in Iowa, in Missouri, and all across the country. Yes, they were on the forefront. They were the atomic warriors, and they made what nobody knew at that time were great sacrifices of their health so we could win World War II.

Mr. President, I thank the Chair and I thank all of the people who worked on this issue.

I thank all parties for their assistance. I urge adoption of this after the appropriate comments are made.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Iowa is recognized.

Mr. HARKIN. Madam President, my colleague from Missouri, Senator BOND, and I have been working very hard on this amendment to address the very serious situation faced by former Department of Energy workers in Iowa and Missouri. I thank Senator BOND for his leadership on this issue, and for working very closely to address this very problematic situation. We have also worked very closely with the chairman and the ranking member in reaching an agreement enabling us to get this amendment done. I thank both Senator WARNER and Senator LEVIN and their respective staffs for all of their help in reaching this agreement.

This amendment authorizes adding workers who were employed in nuclear weapons facilities in Missouri and Iowa who are suffering from serious cancers to the group of workers who are already eligible for automatic compensation. The groups of workers eligible for automatic compensation, a “special exposure cohort, as it is called”, already exists for workers from Kentucky, Ohio, Alaska, and Tennessee.

But since this original legislation was passed in 2000, we have learned a great deal more about the facilities in Iowa and Missouri that makes it necessary to include the Iowa and Missouri workers in the special exposure cohort as well.

In Iowa, over the last 4 years, we have discovered there are virtually no documents that exist that show what workers at the Iowa Army Ammunition

Plant were exposed to between 1947 and 1975. This makes it almost impossible to estimate radiation doses received by the workers, a required step before they can be compensated.

Almost 4 years into this program, only 38 Iowans have received compensation. Of the people who worked at these plants assembling nuclear weapons, working with very highly radioactive materials, some are still alive and are elderly, but they are ill and they are dying.

My friend from Missouri spoke about visiting some of his workers in Missouri. I, too, have had that experience over the last several years—visiting my fellow Iowans who worked at the Iowa Army Ammunition Plant during those years after World War II, up until about 1975. They are ill and they are dying and far too many of them are suffering from very painful cancers.

In fact, it is most poignant that this is happening right now because the individual who first brought this to my attention several years ago, Bob Anderson, is once again ill himself. In 1997, Bob wrote me a letter and said that he and some of the former workers at the Iowa Army Ammunition Plant had contracted cancers. Many were dying and he knew they had been exposed to radiation, and he asked was there anything I could do about it because they were not getting any medical help whatsoever.

I, then, wrote a letter to the Department of the Army to inquire about this. I received a reply from the Department of the Army that said basically there were no nuclear weapons ever assembled there. Well, we just took the answer from the Army and sent it back out to Bob Anderson. This upset him greatly. He came back into my office in Iowa and said: Wait a minute. They are wrong; we assembled nuclear weapons there for almost 30 years.

So we started looking at it further, and we found that the Department of the Army was wrong. We had gotten misinformation from the Department of the Army. We finally dug back through the DOE and the old Atomic Energy files and found out that, in fact, they had assembled nuclear weapons at IAAP for close to 30 years. This was all very confusing. We finally got it straightened out. These workers were exposed to radiation, they weren’t told what they were being exposed to and they were told at the time this was top secret that they could not discuss it with anyone, that they could receive prison terms if they were to talk about this with anyone.

Many of these people became sick and many died without ever having breathed a word that they had worked assembling nuclear weapons because they were loyal, patriotic citizens. They had taken an oath and were sworn to secrecy that they would not talk about it. Even today some still will not speak about the work they did.

Well, for those who are left, we finally got it cleared that they could

talk about it openly with their doctors, their health care practitioners. But Bob Anderson is the one person singularly responsible for highlighting and bringing to the public attention what happened at the Iowa Army Ammunition Plant, the person who started the ball rolling, so to speak, to get us to understand that there were all these workers who had been exposed but who are unaccounted for.

Bob Anderson is the one who was responsible for us and for the Department of Energy now looking at the Department of the Army trying to find the records, and now understanding that there are no records. There are no dosage records for these people.

Several years ago, when he first contacted my office about this, he had been diagnosed with lymphoma. He has struggled with it ever since. As we speak today, Bob Anderson is in a hospital. He had his thyroid taken out. I spoke with his wife the other day on the phone while he was undergoing surgery. Later on, after he had gotten out, the doctor told her that his cancerous thyroid was the largest swollen thyroid he had ever seen in his life.

We are now waiting for the biopsies. We are hoping it has not spread. But as we stand here today, Bob Anderson lies in a hospital bed waiting to find out if he now has a second kind of cancer, thyroid cancer, on top of his lymphoma. Bob Anderson who side by side with other IAAP workers spent many years assembling nuclear weapons, who had been exposed to radiation, who had not been told what he was exposed to, and who did not wear dosage badges. All Bob Anderson is asking for is fair treatment, and that is what we are accomplishing today. That is what the managers of the bill have agreed to.

So I would like to extend a big thank you to Senator WARNER and Senator LEVIN and their staffs for helping us get this through. These are people who are suffering, they are dying. They need help, and they have no place to turn other than us in the U.S. Congress.

As I said, some people were put into that cohort in 2000. We recognized then that there would be people out there for whom there were no records, and for whom fairness would require that they should be put into that special cohort. That is what this amendment does. This amendment is an important step in that direction: to get these people put into that special cohort to provide them automatic compensation.

Again, I thank my colleague from Missouri for his leadership and help on this issue. I also again thank Senator WARNER and Senator LEVIN and their respective staffs for helping us work this out. I thank Bob Anderson for his courageous stand, for over the last several years never giving up, for his advocacy, not just on his own behalf but for thousands of his fellow workers in Iowa and, I daresay, in Missouri and other places. Even as he lies in the hospital,

I want him to know we are doing everything we can to right this wrong and to get compensation to those former nuclear weapons workers.

Madam President, I yield the floor and 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. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The question is on agreeing to amendment No. 3384, as further modified. Is there further debate? The Senator from Missouri.

Mr. TALENT. Madam President, I appreciate the chance to offer a word or two on the amendment. My friend from Missouri and my friend from Iowa have covered the ground very well. In part, I rise to compliment them on their dogged tenacity on behalf of these workers who deserve this compensation and now have a chance of receiving it because of their hard work.

I also compliment the managers of the bill who, even though in their States they do not have people directly involved in this, have seen the plight of our Missouri workers and Iowa workers and have worked with us to get this amendment adopted.

It simply means workers in Iowa and Missouri are going to have the same opportunity to get this compensation under expedited rules and procedures that already exist in other States so they will actually have some recourse and some compensation for the illnesses they have suffered because of this overexposure, and they will get it before they pass away because of the cancers that have resulted.

There have been many tragic instances where people have fought for this compensation, have waited for what the law says they are entitled to, and have never gotten it. This amendment holds out hope now that we will be able to do justice in these cases.

I compliment my friend from Iowa and my colleague from Missouri for their very hard work, and I join them in offering and supporting the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I commend the Senators who have been involved in again bringing this issue to the forefront, fighting the hard fight that was necessary for this to be accomplished.

As far as I know, there are no other Senators at this point who wish to talk about this modified amendment. As far as we are concerned, it can be adopted.

Mr. SCHUMER. Mr. President, I would like to acknowledge Senator WARNER and Senator LEVIN for their efforts on this legislation, which is vital to the men and women of our military and our national security. At this

time, I, along with my colleague Senator CLINTON, would like to engage Senators WARNER and LEVIN in a colloquy regarding the needs of employees who worked in Department of Energy, DOE, and DOE-contractor facilities on atomic weapons-related production in New York and throughout the United States.

Mrs. CLINTON. I also wish to recognize the efforts of my friends from Virginia and Michigan on this bill and their willingness to engage in this colloquy in order to discuss the needs of New York's former nuclear workers and the necessity of providing them with prompt access to the compensation they have earned through service to this country.

Mr. WARNER. I thank the Senators from New York for their remarks, and would be happy to engage them in a colloquy.

Mr. LEVIN. I am also happy to engage in this colloquy with the Senators from New York.

Mr. SCHUMER. I thank my esteemed colleagues, Mr. WARNER and Mr. LEVIN, for recognizing the common plight among sick workers throughout our great Nation. In my home State of New York, thousands of nuclear workers labored for decades during the cold war in hazardous conditions at DOE and contractor facilities unaware of the health risks. These workers helped to create the huge nuclear arsenal that served as a deterrent to the Soviet Union during the cold war, but many paid a high price in terms of their health. It is now our obligation to assist them in all possible ways, so that their sacrifices do not go unrecognized.

Mrs. CLINTON. I wholeheartedly agree with the senior Senator from New York. Our State's contribution to America's security throughout the cold war was large and important. New York is home to 36 former atomic weapons employer sites and DOE facilities—more than any other State in the Nation. Fourteen of these facilities are located in the western New York region alone.

Under the Energy Employees Occupational Illness Compensation Act of 2000, Congress made a promise to the people who worked at these sites and others like them across the country that they would receive uniform, timely compensation under the act under certain conditions. But to date, NIOSH has completed just one of the many needed site profiles in New York that are needed to administer the program.

One of the provisions of that act provides for what is known as a special exposure cohort. The act named facilities in four States that would be added to the special cohort, which in essence results in prompt payment of benefits under the act without the need to go through a dose reconstruction process.

The Bond-Harkin amendment would, under certain conditions, add several facilities in Missouri and Iowa to this special exposure cohort. I am very sympathetic to the plight of these

workers, but I am even more concerned about the workers that I represent. Many of the New York workers are in very similar plights as the workers in Missouri and Iowa who might be helped by the Bond-Harkin amendment.

I am encouraged that the amendment recognizes this fact, in that it includes a sense of the Senate declaring that all eligible employees deserve fair and equitable consideration under the act's special exposure cohort provisions.

Mr. SCHUMER. I agree, and hope that when the Bond-Harkin amendment is discussed in conference, the Senators from Virginia and Michigan will take into consideration the workers in New York and throughout the country who share a similar set of circumstances to those workers in Iowa and Missouri. In particular, I would ask that they look at how the special exposure cohort issue can be addressed in the most equitable way possible, and contemplate options that would provide for equitable access to the special exposure cohort for New York's workers.

Mrs. CLINTON. I echo the request of my colleague from New York. I would also ask whether the Senators from Virginia and Michigan share our understanding that the Bond-Harkin amendment to the National Defense Authorization Act of 2004 does not in any way reflect the view that New York's workers or those of any other State are less deserving of access to special cohorts than those named in the amendment.

Mr. WARNER. Mr. President, I thank my esteemed colleagues from New York for their dedication to this cause. We indeed recognize the sacrifice workers made throughout our country in the nuclear arms buildup of the cold war and will endeavor to take into account the similar situations that exist for nuclear workers throughout our great Nation. I agree with their assessments of the Bond-Harkin amendment and assure the Senators from New York that I will take their concerns into consideration when conferencing the House and Senate bills.

Mr. LEVIN. I join my friend from Virginia in recognizing the commitment of the Senators from New York to finding a solution to this critical problem. I share their understanding regarding the scope and intent of the Bond-Harkin amendment, and will do our best to address their concerns when conferencing the House and Senate bills.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3384, as further modified.

The amendment (No. 3384), as further modified, was agreed to.

Mr. LEVIN. 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. COCHRAN. Madam President, I ask unanimous consent that the calling of the quorum be rescinded.

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

UNANIMOUS CONSENT REQUEST—S. 2507

Mr. COCHRAN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 580, S. 2507; that the Cochran amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

Mr. REID. Madam President, reserving the right to object, I have spoken with the distinguished junior Senator from Michigan, Ms. STABENOW. She has some problems with the way this piece of legislation is written. She thinks there should be more attention focused on fruits and vegetables. She would like to have further discussion with the distinguished senior Senator from Mississippi.

As a result of that, I hope something can be worked out on this. I reluctantly note my objection on behalf of my friend from Michigan.

The PRESIDING OFFICER. The objection is heard.

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

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

Mr. WARNER. Madam President, the managers of the bill, in consultation with the leadership, are making progress, I assure colleagues.

#### MORNING BUSINESS

Mr. WARNER. At this point in time, I ask unanimous consent that the Senate go into a period of morning business, with Senators allowed to speak for up to 8 minutes each, with the right to petition for other time if there is no objection by others waiting, and the Senate resume consideration of the authorization bill at the hour of 1:40.

Mr. ENSIGN. If we could modify the unanimous consent that I be recognized at 1:05 to speak for 8 minutes.

Mr. WARNER. I have no objection to that.

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

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Nevada.

#### OIL-FOR-FOOD PROGRAM

Mr. ENSIGN. Mr. President, I rise to speak about the Oil-for-Food scandal. I do so because I have been told that high ranking officials at the State Department and Paul Volcker, who is heading up the U.N. investigation, believe Senators are not personally committed to gaining access to all relevant

documents, including U.N. audits. That is not true.

A bipartisan group of Senators, including ranking members from the Armed Services and Foreign Relations Committees, wrote to Mr. Bremer in Iraq asking him to secure the Oil-for-Food documents.

I ask unanimous consent that the letter be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, June 9, 2004.

Hon. L. PAUL BREMER, III,  
Administrator, Coalition Provisional Authority,  
Baghdad, Iraq.

DEAR MR. BREMER: We are writing to inquire about the status of documents relating to the United Nations "Oil-for-Food" Program (OFF Program), and express our concerns about recent developments that could jeopardize American interests with respect to those documents.

The Section 2007 report submitted to Congress in April states that you have ordered "all relevant records in Iraqi ministries be inventoried and protected so that they can be made available" for certain investigations into the OFF Program. We also understand that the Coalition Provisional Authority (CPA) has recently entered into a Memorandum of Understanding with the Independent Inquiry Committee (IIC) regarding the sharing of documents and information relating to the OFF Program.

Our concern is that all documents related to the OFF Program be secured not only for the IIC and the Iraqi Board of Supreme Audit (BSA), but also for investigations conducted by Congressional committees. Accordingly, we request that the CPA work with the Inspector General's Office of the Department of Defense (DoD IG) to secure a copy of all documents that are being gathered for the BSA and the IIC investigations. Once such documents are secured, a complete set of documents relevant to the OFF Program should be delivered within sixty (60) days or no later than August 31, 2004, to the General Accounting Office for further delivery, upon request, to any Congressional committee of competent jurisdiction. Please identify by no later than June 11, 2004, a person at the CPA and at DoD IG responsible for securing the documents in response to this request.

We are sure you will agree that these documents should be secured for all investigations into the OFF Program, whether in Iraq or the United States. In light of the recent dissolution of the Iraqi Governing Council, the formation of a new Iraqi government ahead of schedule, and the rapidly-approaching June 30th turnover date, we are concerned that American access to such documents will be jeopardized. Accordingly, we believe that the documents should be secured, duplicated, and delivered to DoD IG prior to June 30, 2004.

Sincerely,

NORM COLEMAN,  
CARL LEVIN,  
SAXBY CHAMBLISS,  
JOSEPH R. BIDEN, Jr.,  
LINDSEY GRAHAM,  
JOHN ENSIGN.

Mr. ENSIGN. Congressional investigators have an interest in making sure those documents are available and accessible. A subpoena has been served on BNP by the Permanent Subcommittee on Investigations. Chairman COLEMAN and the ranking Democrat, Senator LEVIN, have also sent letters seeking Oil-for-Food documents to