

Mr. STEVENS. Mr. President, I ask unanimous consent that following the vote on the Biden amendment, no further business other than a colloquy or colloquies that I have to offer for the RECORD be in order, and that the Senate immediately go to third reading and final passage of this bill.

Mr. REID. Mr. President, I ask the chairman's request be modified: Or whatever the two managers agree on? Because there may be something.

Mr. STEVENS. Very well, I will amend that request: Unless there are other matters offered based on unanimous consent approved by both managers, that we immediately go to third reading and final passage of the bill following the Biden amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. I ask it be in order to get the yeas and nays on passage of the bill.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. I suggest the absence of a quorum for 3 minutes.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. STEVENS. It has been requested I ask this vote commence immediately. I ask unanimous consent that we start the vote on the Biden amendment. This is a motion to table the Biden amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Indiana (Mr. LUGAR) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 148 Leg.]

#### YEAS—53

Alexander	Cornyn	Inhofe
Allard	Craig	Inouye
Allen	Crapo	Kyl
Baucus	Dole	Lott
Bennett	Domenici	McCain
Bond	Ensign	McConnell
Brownback	Enzi	Miller
Bunning	Fitzgerald	Murkowski
Burns	Frist	Nickles
Byrd	Graham (SC)	Roberts
Campbell	Grassley	Santorum
Chafee	Gregg	Sessions
Chambliss	Hagel	Shelby
Cochran	Hatch	Smith
Coleman	Hollings	Stowe
Collins	Hutchison	

Stevens  
Sununu

Talent  
Thomas

Voinovich  
Warner

#### NAYS—45

Akaka  
Bayh  
Biden  
Bingaman  
Boxer  
Breaux  
Cantwell  
Carper  
Clinton  
Conrad  
Corzine  
Daschle  
Dayton  
DeWine  
Dodd

Dorgan  
Durbin  
Edwards  
Feingold  
Feinstein  
Graham (FL)  
Harkin  
Jeffords  
Johnson  
Kennedy  
Kohl  
Landrieu  
Lautenberg  
Leahy  
Levin

Lieberman  
Lincoln  
Mikulski  
Murray  
Nelson (FL)  
Nelson (NE)  
Pryor  
Reed  
Reid  
Rockefeller  
Sarbanes  
Schumer  
Specter  
Stabenow  
Wyden

#### NOT VOTING—2

Kerry

Lugar

The motion was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from California is recognized.

#### CHANGE OF VOTE

Mrs. FEINSTEIN. Mr. President, I beg the indulgence of the Chair. If I may, on rollcall No. 148, I voted "aye". It was my intention to vote "nay". Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

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

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator BURNS be removed as a cosponsor of amendment No. 3490.

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

Mr. STEVENS. Mr. President, I have a list of the members of the subcommittee staff for the Defense Appropriations Subcommittee who have worked so hard on this bill. So often, Senator INOUE and I as the cochairmen of the committee get credit for what is done, but I think we have the hardest working staff in the Congress. They have done an admirable job, and we have a fair and balanced bipartisan bill. I ask unanimous consent that the list of their names be printed in the RECORD.

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

#### DEFENSE SUBCOMMITTEE STAFF

Charlie Houy, Betsy Schmid, Nicole Diresta, Kraig Siracuse, Tom Hawkins, Alycia Farrell, Lesley Kalan, Jennifer Chartrand, Brian Wilson, Brian Potts, Kate Kaufer, Mazie Mattson, Janelle Treon, Steve Wacakaski, Bob Henke, and Sid Ashworth.

#### FUNDING EMBASSY-BAGHDAD OPERATIONS

Mr. HAGEL. I understand the State Department expects to fund the Embassy-Baghdad operations using emergency spending in Fiscal Year 2005. It

is also my understanding that Senate Appropriations Committee agrees with the State Department on this issue.

The House version of the Fiscal Year 2005 Defense Appropriations bill includes \$665 million in emergency spending for the Department of State to fund Embassy-Baghdad operations, IT costs, logistical support, and security requirements. Chairman STEVENS and Senator GREGG, and I understand that the Senate Defense Appropriations Committee will accept the House position on funding Embassy-Baghdad operations, IT costs, logistical support, and security requirements during the upcoming conference. I appreciate the support from Chairman STEVENS and Senator GREGG on this matter.

Mr. STEVENS. I agree with the Senator from Nebraska. The State Department has traditionally administered the funds necessary for embassy operations. Although the Senate bill does not allocate the funds to the State Department, we will do our most to support the House language in conference on this matter to ensure the State Department retains the authority to obligate the subject funds.

Mr. GREGG. I agree with Chairman STEVENS. We will do our most to support the House language. We are both aware of the significant funding needs the State Department is facing in the construction of a U.S. Embassy in Baghdad. I hope the Secretary of State will act expeditiously to address this funding need.

#### RAPID EQUIPPING FORCE

Mr. COCHRAN. Mr. President, I commend the chairman and the committee staff for their outstanding work in bringing this legislation to the Senate for consideration.

Mr. STEVENS. I thank the Senator for his kind comments.

Mr. COCHRAN. I note that the committee included funding in the Defense Appropriations bill to address the threat of Improvised Explosive Devices, IEDs, in the Iraq theater. Specifically, I am referring to the inclusion in Title IX of the bill which appropriates \$25,000,000 for a force protection initiative using the Rapid Equipping Force concept.

Mr. STEVENS. The Senator is correct.

Mr. COCHRAN. It is my understanding that the money is to be used to help our deployed soldiers fight the current IED threat that we hear so much about in the war in Iraq.

Mr. STEVENS. That is the purpose of the appropriation.

Mr. COCHRAN. Would this money also be used to address the force protection issues of counter-fire and detection techniques that exist in the technology base, such as sensor technologies that have demonstrated real-time detection, classification and location of enemy fire?

Mr. STEVENS. The Senator's understanding is correct. These funds are also envisioned to be used for these types of force protection initiatives.

Mr. COCHRAN. I thank the Senator for his clarification of this issue.

#### M1A2 SEP TANK MODERNIZATION

Mr. SPECTER. Mr. President, I would like to take this opportunity to thank Chairman STEVENS for his leadership in ensuring the rapid modernization of our land combat forces both in the FY 2005 Defense Appropriations bill as well as the Contingent Emergency Reserve Fund. I would also like to take a moment to address the urgent need to fund continued modernization of the M1 Abrams main battle tank fleet.

It is encouraging that this Committee has taken a leadership role in resourcing the modernization of the Army's armored forces with the M1A2 SEP tank, the most modern battle tank in the world. As proven in its deployment to Iraq, the M1A2 SEP is designed for decisive combat and net-centric warfare; indeed, it represents a revolution in armored warfare. Is the Chairman aware of the capabilities afforded by the M1A2 SEP tank?

Mr. STEVENS. I am aware of the M1A2 SEP and its capabilities.

Mr. SPECTER. We have encouraged the Army to pure fleet its first-to-fight armored units with M1A2 SEP tanks primarily to ensure overwhelming lethality and survivability but also to reduce the logistics burden on our soldiers. However, it has come to my attention that the Army does not intend to pure fleet its armored forces with M1A2 SEP tanks. In fact, under the Army's current plan, the 3rd Infantry Division—which spearheaded Operation Iraqi Freedom—will continue to cope with M1A1 tanks that were produced 20 years ago. Is the Chairman aware of this fact?

Mr. STEVENS. I am.

Mr. SPECTER. I thank the Senator. I would also point out that 3rd Infantry Division is the first division to transform to a new force structure the Army calls modularity and also is likely to be called upon to return to Iraq within the next year. It strikes me as ironic that the Army's premier armored unit lacks the combat punch and network capability of the rest of the Army's major armored forces. Finally, there is the issue of the tank industrial base. In the next few months, the last Abrams Upgrade tank will roll off the produc-

tion line, representing the end of significant tank work in this country. In late 2006, the last M1A2 SEP Retrofit tank—a less complex upgrade—will be produced for the 3rd Armored Cavalry Regiment. Absent funding in FY 2005 for continued tank production, the U.S. tank industrial base will cease to exist. We ignore the implications of this action at our own peril.

Mr. President, I urge the Chairman to consider the modernization of the 3rd Infantry Division with M1A2 SEP tanks.

#### FUTURE TACTICAL TRUCK SYSTEM

Mr. LEVIN. Mr. President, today we have before us S. 2559, the Fiscal Year 2005 Defense Appropriation bill. Included in this bill is important funding for a variety of tactical wheeled vehicle programs including the Future Tactical Truck System, FTTS. FTTS is an important program supported by the Army's National Automotive Center that will develop technologies that can increase the range, durability and survivability of our military tactical wheeled vehicle fleet. These advances will ensure that as the Army transforms itself it will have a technologically advanced tactical wheeled vehicle fleet that can best meet our Nation's security needs. I would ask my good friend, the Chairman of the Senate Appropriations Committee, if he is aware of this important program?

Mr. STEVENS. Mr. President, I join my good friend from Michigan in his support for this program and the National Automotive Center. I understand the Army and the Office of the Secretary of Defense have confirmed that the FTTS program is on track and possesses a transition pathway that will enable the insertion of new technologies into the Army's tactical wheeled vehicle fleet. These technologies will enable the Army to field a lighter, more mobile and more effective fighting force.

Mr. LEVIN. I thank my friend from Alaska, and agree with his characterization. I believe that this program is making important technical advances that will greatly benefit the Army. I am particularly appreciative of the committee's recommendation to increase the investment in the Army's Heavy Tactical Vehicles program, in

order to support the transition of these types of technologies into Army systems, consistent with the Army's Tactical Wheeled Vehicle Strategy. However, I am concerned that the bill we are considering this program by \$5 million. Such a cut would undermine this program and hinder efforts to further develop revolutionary technologies while defining the future scope of this program.

Mr. STEVENS. I concur with the Senator from Michigan. This is an important program, and I support investing in the FTTS science and technology efforts at the National Automotive Center at the level requested by the President. I assure him that I will work in conference to fund this program at the President's Budget request.

Mr. LEVIN. I thank the distinguished Chairman for this support.

Mr. NICKLES. Mr. President, the Department of Defense appropriations bill for FY 2005, S. 2259, as reported by the Senate Committee on Appropriations, provides \$384.012 billion in budget authority and \$401.785 billion in outlays in FY 2005 for the Department of Defense. Of these totals, \$239 million is for mandatory programs in FY 2005.

Additionally, the bill provides \$7.158 billion in budget authority and \$7.054 billion in outlays in FY 2005, which are designated as emergency requirements.

The bill further provides \$25 billion in budget authority in FY 2004, which is also designated as an emergency requirement. This budget authority generated \$18.798 billion in outlays in FY 2005.

The bill provides total discretionary budget authority in FY 2005, including emergencies, of \$390.931 billion. This amount is \$1.684 billion less than the President's request and equal to the 302(b) allocation adopted by the House of Representatives.

I commend the distinguished chairman of the Appropriations Committee for bringing this legislation before the Senate, and I ask unanimous consent that a table displaying the Budget committee scoring of the bill be printed in the RECORD.

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

#### S. 2559, 2005 DEFENSE APPROPRIATIONS—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2005, \$ millions]

	General purpose	Mandatory	Total
Senate-reported bill: <sup>1</sup>			
Budget authority .....	383,773	239	384,012
Outlays .....	401,546	239	401,785
House 302(b) allocation: <sup>2</sup>			
Budget authority .....	390,931	239	391,170
Outlays .....	415,987	239	416,226
2004 enacted:			
Budget authority .....	431,218	226	431,444
Outlays .....	423,935	226	424,161
President's request:			
Budget authority .....	392,615	239	392,854
Outlays .....	418,639	239	418,878
Senate-Reported bill compared to:			
House 302(b) allocation:			
Budget authority .....	-7,158	0	-7,158
Outlays .....	-14,441	0	-14,441
2004 enacted:			
Budget authority .....	-47,445	13	-47,432

## S. 2559, 2005 DEFENSE APPROPRIATIONS—SPENDING COMPARISONS—SENATE-REPORTED BILL—Continued

[Fiscal year 2005, \$ millions]

	General purpose	Mandatory	Total
Outlays .....	- 22,389	13	- 22,376
President's request:			
Budget authority .....	- 8,842	0	- 8,842
Outlays .....	- 17,093	0	- 17,093

**Note:** Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

<sup>1</sup> In addition to the amounts shown above, the bill includes \$18.798 billion in emergency outlays in 2005 flowing from the \$25 billion supplemental for 2004 (Title IX). The bill contains other emergencies for 2005 totaling \$7.158 billion in budget authority and \$7.054 billion in outlays. Including all emergencies, the bill totals \$416.170 billion in budget authority and \$427.657 billion in outlays in 2004 and 2005.

<sup>2</sup> This table compares Senate action to the House 302(b) allocation for information purposes only, not for budget enforcement purposes. The House has deemed 302(b) allocations for 2005 based on the 302(a) appropriations allocation set out in the conference agreement on S. Con. Res. 95, the 2005 budget resolution, which the House has passed.

Mrs. BOXER. Mr. President, breast cancer is the second leading cause of cancer death in the United States today, and about 40,000 women will die from the disease this year. It is important that we maintain funding in 2005 for the Department of Defense's Breast Cancer Peer Reviewed Research Program.

The program has funded groundbreaking research, including the discovery of the drug Herceptin, which prolongs the lives of women with a particularly aggressive type of advanced breast cancer. This drug could not have been developed without research that was funded in part by the DOD Breast Cancer Research Program. This is a program, I should add, in which 90 percent of the funds go directly to research.

An overwhelming, bipartisan majority in the Senate supports this program every year. This year 66 Senators signed a letter to appropriators urging the continuation of the DOD Breast Cancer Peer Reviewed Research Program earmark at a funding level of \$150 million for FY '05.

Mr. President, as we proceed to conference on the Department of Defense Appropriations bill, I urge my colleagues to maintain this level of funding for breast cancer research.

Mr. JOHNSON. Mr. President, I rise today to bring attention to an important program that could be facing fiscal shortfalls if we do not make necessary corrections. I am referring to my support for the Department of Defense Peer-Reviewed Breast Cancer Research Program. This program is a proven success and I support a \$150 million earmark for the DOD Peer Reviewed Breast Cancer Research Program for fiscal year 2005.

The American Cancer Society estimates that in 2004 there will be 668,470 women diagnosed with cancer. Of this overall estimate of cases, 32 percent will be breast cancer. The 2004 estimated deaths from breast cancer will be 15 percent. These statistics only re-emphasize the importance of cancer research, and our continued need to fund efforts that will ultimately eliminate the number of deaths from breast cancer.

Department of Defense Peer-Reviewed Breast Cancer Research Program is a one-of-a-kind research program that uses an innovative grants structure which brings scientists and consumers together to make key policy decisions about breast cancer research.

Since its inception 12 years ago, this far-reaching, influential program has literally changed the way breast cancer research is done. The program has funded groundbreaking research, including the discovery of the drug Herceptin, which prolongs the lives of women with a particularly aggressive type of advanced breast cancer. This drug could not have been developed without research that was funded in part by the DOD Peer Reviewed Breast Cancer Research Program. New approaches and innovations in research, such as these, are the keys to finding a cure.

Not only is this program on the cutting edge of breast cancer research, but also is extremely streamlined. Every penny spent by this program and the researchers who receive funding are accounted for at a public meeting every 2 years. Ninety percent of the funds go directly to research and only 10 percent are used for administrative costs. I applaud this type of fiscal efficiency and hope that more research programs will be able to learn from the structure of this program.

An overwhelming, bipartisan majority in the Senate supports this program every year. This year, 66 Senators, including myself, signed a letter addressed to the Senate Appropriations Committee urging the continuation of the DOD Breast Cancer Peer Review Research Program earmark with level funding of \$150 million for FY '05.

Unfortunately, the language in the Senate Department of Defense Appropriations Act for fiscal year 2005 threatens the funding and unique structure of the Breast Cancer Peer Reviewed Research Program. The Senate bill combines all of the congressionally directed cancer research programs into one account and reduces the total funding available to all.

As written, the Senate bill seriously threatens the integrity of the DOD breast cancer research program and will dismantle its one-of-a-kind peer review process involving patients and consumers that makes the program so successful and unique. The proposal will force cancer groups to compete with one another for reduced funding. And, a particularly dangerous component of the proposal is that it transfers funding to other cancer projects that are not recommended by a scientific peer reviewed process.

Mr. President, we cannot afford to cut any cancer research programs, especially when the President's budget is

planning to only increase the National Institutes of Health by \$728 million, and increase the National Cancer Institute budget by only \$100 million, which both fall short of previous years' requests. In addition the President's budget cuts funding to the Centers for Disease Control and Prevention by \$408 million. This proves troublesome for CDC programs, such as the National Breast and Cervical Cancer Early Detection Program which assists in funding State programs that help uninsured women undergo screenings for breast and cervical cancer. These inadequate funding requests fall drastically short of what the Institutes and CDC need in order to carry out their cancer research and assistance. This only reiterates why we must preserve critical programs such as the Department of Defense Peer-Reviewed Breast Cancer Research Program. I therefore call upon conferees to support the language passed in the House version of the Fiscal Year 2005 Department of Defense Appropriations Act.

Mr. HARKIN. Mr. President, I rise today in support of the Department of Defense, DOD, Peer Reviewed Breast Cancer Research Program. Almost 12 years ago, when I looked into the issue of breast cancer research, I discovered that barely \$90 million in Federal funds was spent on breast cancer research. So I joined with Senator Alfonse D'Amato, R-NY, on legislation to dedicate specific money from the DOD budget for breast cancer research. The legislation passed and overnight it doubled Federal funding for breast cancer research. Since then, funding for breast cancer research has been included in the Defense Department budget every year.

Unfortunately, the language in the Senate Department of Defense Appropriations Act for fiscal year 2005 threatens both the existing funding and the current structure of the Breast Cancer Peer Reviewed Research Program. The Senate bill combines all of the congressionally directed cancer research programs into one account and then reduces the total funding available. This will inevitably lead to a major cut in funding for this important program.

The DOD Peer Reviewed Breast Cancer Research Program has been an unqualified success in providing innovative approaches to breast cancer prevention, detection and treatment. Over the past several years, we have made a great deal of progress against breast cancer, but there is still a long way to go.

More than 258,000 women are expected to be diagnosed with breast cancer and another 40,000 deaths are likely to result from this deadly cancer. Now is not the time to jeopardize a successful program that is critical to winning the battle against breast cancer.

As the Department of Defense Appropriations Act for fiscal year 2005 goes to conference, I plan to work to preserve the current structure and funding for this critical breast cancer research program. I urge my colleagues to support the language passed in the House and support a \$150 million earmark for the DOD Peer Reviewed Breast Cancer Research Program for fiscal year 2005.

Mr. CORZINE. Mr. President, I support the Department of Defense, DoD, Peer-Reviewed Breast Cancer Research Program. This program is a proven success and I support a \$150 million earmark for the DoD Peer Reviewed Breast Cancer Research Program for fiscal year 2005.

This one-of-a-kind research program uses an innovative grants structure that brings scientists and consumers together to make key policy decisions about breast cancer research. Since its inception 12 years ago, this far-reaching, influential program has literally changed the way breast cancer research is done. It has become a model that other research programs have sought to replicate.

The program has funded groundbreaking research, including the discovery of the drug Herceptin, which prolongs the lives of women with a particularly aggressive type of advanced breast cancer. This drug could not have been developed without research that was funded in part by the DoD Breast Cancer Research Program.

Not only is this program on the cutting edge of breast cancer research, but also is extremely streamlined. Every penny spent by this program and the researchers who receive funding are accounted for at a public meeting every 2 years. Ninety percent of the funds go directly to research and only 10 percent are used for administrative costs. This kind of efficiency and prudence in spending is unheard of in other federally funded research programs.

An overwhelming, bipartisan majority in the Senate supports this program every year. This year, 66 Senators signed the letter addressed to appropriators urging the continuation of the DoD Breast Cancer Peer Review Research Program earmark with level funding of \$150 million for fiscal year 2005.

Unfortunately, the language in the Senate Department of Defense Appropriations Act for fiscal year 2005 threatens the funding and unique structure of the Breast Cancer Peer Reviewed Research Program. The Senate bill combines all of the congressionally Directed Cancer Research Programs into one account and reduces the total funding available to all.

Because the Senate version lumps all the cancer programs into one pot, rather

than maintaining separate earmarks, the proposal will have multiple, negative outcomes. As written, the Senate bill seriously threatens the integrity of the DoD breast cancer research program and will dismantle its one-of-a-kind peer review process involving patients and consumers that makes the program so successful and unique. The proposal will force cancer groups to compete with one another for reduced funding. And, a particularly dangerous component of the proposal is that it transfers funding to other cancer projects that are not recommended by a scientific peer reviewed process.

We should ensure that all of the DoD's cancer research programs are fully funded. These programs play a critical role in the development of treatments and potential cures for cancer.

As the Department of Defense Appropriations Act for fiscal year 2005 goes to conference, I urge my colleagues to support the language passed in the House and preserve this critical program for breast cancer research.

Mr. SCHUMER. Mr. President, I rise today in support of the tradition of line-item funding for cancer research programs in the Department of Defense, DOD, appropriations bill. This practice has been abandoned in the fiscal year 2005 legislation before us now, and I fear that this could do great damage to the advances in cancer treatment that our scientists are working so hard to achieve every day.

The DOD Peer-Reviewed Research Programs provide funding for critical, life-saving research on breast cancer, prostate cancer, and ovarian cancer. Each of these is a devastating illness that challenges hundreds of thousands of new patients and their families every year. The Peer-Reviewed Research Programs are essential to bringing these families hope and new opportunities in cancer treatments.

The prostate cancer research program uses an innovative grants structure that brings scientists and consumers together to make key policy decisions about prostate cancer research. Since its inception 8 years ago, this far-reaching, influential program has literally changed the way prostate cancer research is done. It has become a model that other research programs have sought to replicate.

In recent years, the DOD breast cancer program funded groundbreaking research, such as the discovery of the drug Herceptin, which prolongs the lives of women with a particularly aggressive type of advanced breast cancer. This drug could not have been developed without research that was funded in part by the DOD breast cancer research program.

Like its counterparts for prostate cancer and breast cancer, the Ovarian Cancer Research Project fosters collaborative efforts and long-term institutional commitments to ovarian cancer research focusing on prevention and early detection, which are key to

the development of a sustained commitment to ovarian cancer research.

Not only am I deeply disturbed by the cuts to these programs in the Senate bill, but it is my belief that given the Department of Defense's proven track record in conducting effective, efficient research to combat cancers and find new cures, the Department's efforts should instead be expanded to include desperately-needed research on other forms of the disease, including kidney cancer.

For a disease that has received very little research funding to date, kidney cancer affects a surprisingly large number of people. In 2003, 36,000 new cases were diagnosed, an increase of 12 percent over the previous year, while more than 12,000 individuals died of the disease. Supplementing current kidney cancer research funding with additional money from the Department of Defense would be a significant step toward providing meaningful treatments for kidney cancer patients.

My colleagues on both sides of the aisle have shown broad support for these programs in the past, urging the Senate to continue its support of each individual program. Many of us signed letters requesting that each program continue to receive at least the same amount of funding it received last year, which would have been consistent with the bill passed earlier this week by the House of Representatives.

The House language is not ideal. It funds each of the three Peer-Reviewed Research Programs at last year's levels, ignoring inflation and the increased cost of research. However, the House provision is far superior to a Senate version that forces cancer research programs to compete for a decreased amount of funding.

As the Department of Defense Appropriations Act for Fiscal Year 2005 goes to conference, I urge my colleagues to support the language passed in the House and preserve the integrity of each of these critical Peer-Reviewed Research Programs.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, as ranking democrat on the Committee on Small Business and Entrepreneurship, I want to discuss two amendments that were included in the Defense Department Fiscal Year 2005 authorization bill, which passed yesterday. These amendments will ensure that small businesses are included in the analysis of policies that affect the procurement strategies or affect the technology and industrial base of this Nation. Before I discuss these amendments, however, I would like to thank the committee's chair, Senator OLYMPIA SNOWE, for her leadership, and for working hand-in-hand with me on these amendments that are vital to ensuring that small businesses continue to have a voice in the Federal procurement arena.

The Department of Defense is the largest purchaser of goods and services

in the Federal Government. As a result, they are the driving force behind Federal agencies' ability to meet the Government-wide small business contracting goal of 23 percent. The Defense Authorization Act of 2004 included a provision requiring the administrator of the Office of Federal Procurement Policy, OFPP, to establish an advisory panel to review the laws and regulations regarding the use of commercial practices, performance-based contracting, the performance of acquisition functions across agency lines, and the use of Government-wide acquisition contracts, also known as GWACS.

Many small businesses have contacted my office regarding the negative impact these GWACS have been having on their ability to compete for Federal contracts. They are concerned that GWACS are being disproportionately awarded to larger firms, denying small business their fair share of contracts. The amendment, offered by Senators SNOWE, COLEMAN and myself, expands the authority of the advisory panel to include a report on the impact these tools have on small business concerns. It also allows the panel to offer recommendations regarding laws, regulations and policies they believe would afford small businesses increased opportunities to participate in the Federal procurement arena.

With respect to the second amendment, I want to commend Senator BYRD for taking the initiative to develop an amendment to ensure that small businesses have a voice with respect to Federal Government work on the future of the national technology and industrial base.

The DoD Authorization bill includes a provision establishing a Commission on the Future of the National Technology and Industrial Base. The duties of this 12-member, Presidentially-appointed commission include studying the issues associated with the future of the national technology and industrial base in the global economy. This study is particularly important with respect to the effect of our national technology and industrial base on United States national security and for assessing the future ability of meeting the objectives outlined in the bill. This amendment adds a provision to the study that will require that the role of small business concerns in strengthening the national technology and industrial base is incorporated in the report, due no later than March 1, 2007.

Small businesses have proved time and time again that they can provide the goods and services needed by the Federal Government, often more efficiently and more cost effectively than their large competitors. Unfortunately, they are consistently treated as an afterthought or completely ignored when the Federal Government considers procurement policies outside of the Small Business Administration. While the SBA is essential for providing access to capital, training and counseling, and for assistance in gain-

ing access to the Federal marketplace, the vast majority of contracts for goods and services come from other agencies, such as the Department of Defense.

Small businesses should be provided the greatest opportunity to compete. When our national defense is in the process of regeneration and transitioning into a military of the future, as it is now, small businesses should be tapped to maximize the innovation, cost savings and efficiency they can contribute to the effort. Small businesses are critical to maintaining and strengthening the overall economy of the Nation and are the cornerstone of the Government's policy of ensuring a diverse supplier base. They should be included when the Government is developing industrial policy and considered in the analysis of policies that affect the procurement strategies or affect the technology and industrial base of this Nation. These amendments do just that. Again, I thank Senators SNOWE and BYRD for their leadership and my colleagues for their support for this Nation's small businesses. I would also like to thank Chairman WARNER and my colleague on the Senate Committee on Small Business and Entrepreneurship, Senator LEVIN, the Ranking Member of the Senate Committee on Armed Services for working closely with us and for making these amendments a part of this legislation.●

Mr. BOND. Mr. President, it is well recognized that mail sent from families and loved ones to U.S. forces based overseas has a tangible effect on troop morale. Concomitantly, mail that is delayed unnecessarily undermines morale and furthermore endangers the ability of absentee military voters to have their votes counted. Additionally, voting assistance programs that are ineffective undermine the ability of the absentee military voter to cast a vote. In an effort to improve these respective programs I have encouraged the Department of Defense to evaluate the effectiveness of the Military Postal Service Agency and the Voting Assistance Program to determine if these programs are sufficient in scope to resolve the problems that have been identified repeatedly in past reports and audits.

Mr. MCCAIN. Mr. President, late last night, after several weeks of floor debate, the Senate completed action on the Defense Authorization Act. Both that legislation and the pending measure, S. 2559, the Defense Appropriations Act for Fiscal Year 2005, will enable us to make great strides towards providing our men and women in uniform with the equipment, benefits, and programs they need to carry out their critical missions. I would like to applaud the efforts of both committees to ensure that these brave men and women are provided for.

Even though it passed just last night, the Appropriations Committee worked to provide funding levels that are generally commensurate with the authorization bill. This is very important,

and it will enable us to continue to meet our obligations to support service members in the fight against terror. The bill includes many critical funding provisions to which I lend strong support, such as the funding to increase Army end strength by 20,000 soldiers.

Unfortunately, and not surprisingly, the bill also includes a large number of unauthorized and unrequested provisions. I hope that the sponsors will carefully reconsider these damaging provisions as the bill works its way through the legislative process. While I appreciate the hard work and the laudable intentions of the members of the Committee, we must all be alarmed at these appropriations earmarks. They limit the ability of our Defense Department to expend needed resources according to its funding priorities.

With Americans deployed across the globe fighting terror, and with looming budget deficits at home, the Senate faces some tough choices. We must find a way to maintain our fiscal responsibility while fully providing for our military needs. The costs that go along with the conflicts in Afghanistan and Iraq demand now, more than ever, a new fiscal sanity in approaching our appropriations bills. A half-a-trillion dollar budget deficit means we simply cannot afford business as usual. We simply cannot continue the binge of pork barrel spending that consumes an ever growing proportion of our Federal budget. While the cost of an individual project may get lost in the fine print of lengthy bills, together, they all do real damage. Collectively, these earmarks significantly burden American taxpayers.

Not surprisingly, along with the growth in deficit spending over the past few years, there also has been a significant growth in earmarks and pork barrel spending. In fact, according to information compiled by the Congressional Research Service, the total number of earmarks has grown from 4,126 in Fiscal Year 1994 to 14,040 in FY 2004. That's an increase of 240 percent in 10 years. In dollar terms, the earmarking has risen from \$26.6 billion to \$47.9 billion over the same period.

Mr. President, based on the calculations of my office, the Fiscal Year 2002 Defense Appropriations Act contained \$3.7 billion in pork. The conference report to the Fiscal Year 2003 Defense Appropriations Act contained \$8.1 billion in pork, while the Senate version included \$5.2 billion. The Fiscal Year 2004 Senate-passed Defense Appropriations Act contained well over \$4 billion of pork. This year \$6.9 billion was added in the bill and the report, a number which is much greater than last year's Senate version of the legislation. This is real money. Every year, countless important military and domestic programs go unfunded or underfunded. I find it hard to understand why we find the money to pay for member add ons, but then have to battle to fund important programs such as AmeriCorps.

Projects that appear on the Defense Appropriations Member Add-ons List are items that are requested by Senators but were not included in the President's budget request. They did not appear on the Joint Chiefs' Unfunded Priority List, and they were not authorized in the Defense Authorization bill. These criteria have been useful in ferreting out programs of questionable merit, and in determining the relative priority of projects requested by members for strictly parochial reasons, often at the expense of the readiness of our armed forces. But, the fact remains that throughout the years in which I have been identifying these add-ons, no offsets have been provided for any project. In a time when some of our soldiers and sailors still receive food stamps, or live in inadequate housing, we somehow found a way to provide over \$4 billion in unnecessary spending to the Defense Appropriations bill. For example, the Joint Chiefs provided a list of critical requirements above what was provided for in the President's Budget Request. That list totaled nearly \$18 billion for fiscal year 2005. We should provide additional funding for defense for items and programs which the Joint Chiefs need, not for programs that are important because of the state that they come from or because of the seniority of the Member of Congress.

Mr. President, this is an election year and, once again, the members of the Appropriations Committee are touting their earmarks on their websites and in their press releases. One committee member listed \$102.6 million in earmarks spread over 16 different projects, while another member lauds funding for the Lewis and Clark Bicentennial. What is missing from these releases is the story about the authorized programs that will not receive full funding because there is not enough money to go around. Wouldn't it be more responsible to spend this money on pay raises or other important morale boosters instead of on parochial interests?

Earlier this week, I spoke at length on the Boeing 767 Tanker Lease Program so I will not take up much more of the Senate's time again now, except to say, that the amendment that was passed by the Senate in the National Defense Authorization Act for Fiscal Year 2005 is critical because Congressional guidance is needed. The Air Force's conduct on its Tanker Lease Program has, to date, been unacceptable. With regards to the Boeing 767 Tanker Lease Program, the Department of Defense and the Air Force leadership have obfuscated, delayed, and withheld information from Congress and the taxpayers.

Equally as unacceptable, the Appropriations Committee added \$110 million in this report in—a table, under the heading "Tanker Replacement, Advance Procurement." There was no money for the tanker program in the President's defense budget submitted

to Congress in February. The Senate Armed Services Committee did not authorize any funding for tanker recapitalization for fiscal year 2005. The Chief Staff of the Air Force, General John P. Jumper, USAF, did not request advance procurement for tanker replacement in his "Fiscal Year 2005 Unfunded Priority List," which he submitted to Congress in March 2005. The reason is simple—tanker replacement money is not needed NOW.

This latest procurement earmark is disturbingly similar to the \$30 billion line item included in the Fiscal Year 2002 Defense Appropriations Act which gave rise to this entire controversy to begin with. The Air Force's proposal to acquire 100 Boeing KC-767A tankers was flawed from the beginning. Everything, including a complete investigation of possible Air Force misconduct, should be done to assure that this doesn't happen again.

Aspects of that deal, ranging from how the original proposal passed through Congress to the improper conduct of senior executives at the Boeing Company, have been exhaustively reviewed and fundamentally criticized by the Senate Committee on Armed Services; the Senate Committee on Commerce, Science and Transportation; the Department of Justice; the Defense Department's Office of the Inspector General; the Defense Science Board; the Congressional Budget Office; the General Accounting Office; the Congressional Research Service; the Office of Management and Budget; the Defense Department's Office of Programs, Analysis and Evaluation; the Institute for Defense Analyses; the Industrial College of the Armed Forces, National Defense University and others. Notably, White House Chief of Staff Andy Card and former Defense Department Comptroller General Dov Zakheim have also weighed in with serious concerns about various aspects of the tanker program.

Critically, the Defense Science Board task force found "there is no compelling material or financial reason to initiate a replacement program prior to the completion of the Analysis of Alternatives, AoA, and the Mobility Capabilities Study, MCS." Moreover, the task force observed that the Air Force overstated both the amount of corrosion throughout the KC-135 fleet and the KC-135's operation and support cost growth. It also found that the KC-135E can fly to 2040. In other words, the 'dominating rationale' cited by the Air Force to Congress for having taxpayers pay billions of dollars more for leasing Boeing's KC-767A tankers than they would for buying them outright, has been conclusively shown to be without merit. The Air Force's representations on this issue remains a matter of continuing investigative concern. The likelihood that the analysis of alternatives, AoA, and mobility capabilities study, MCS, if done properly, will recommend an acquisition method for these tankers now known to be wholly unsuitable here, is probably minimal.

So, the Secretary's decision appears fatal to at least the lease component of the proposal.

Now what matters is that the AOA and MCS are conducted properly and objectively, and a new validated capabilities document, ORD, is completed that reflects, for the first time, the requirements of the warfighter. The Air Force's conduct to date in this matter has been egregious. The participation of the Air Force's FFRDC in the AOA is problematic. RAND has recently been receiving as much as \$50 million per year from the Air Force and apparently prejudged the AOA in a recent report. Therefore, both should be disqualified from the process. The process going forward will remain an issue of continuing interest to me.

The bottom line here is this. The amendment adopted in the Fiscal Year 2005 National Defense Authorization Act will do much to inject needed sunlight on a program whose development has been largely insulated from public scrutiny. The tanker amendment attempts to make sure that any effort by the Air Force to replace its fleet of tankers is done responsibly. We should expect no less from the Air Force.

Some of the egregious examples of Defense pork for FY 2005, either in the bill or in the accompanying report, include:

Section 8063 of the General Provisions. The text states that, "each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills." I am not making this text up. Let's call a spade a spade. This provision directly protects the jobs of only Hawaiians and Alaskans.

As previously mentioned, \$1.8 million, for the Lewis and Clark Bicentennial celebration. You don't need to have the exploration skills of Lewis and Clark to see that this is a path to higher deficits.

\$120 million for the Advanced Procurement of F-15s. The Air Force has decided to procure the F-22 to replace the F-15. Yet this earmark keeps the F-15 production line open, so I question the necessity of the F-22 procurement in the numbers of aircraft and at the funding levels requested by the Air Force. Apparently we just decided to pay for both.

\$1 million for the Center for Political Logic Devices. I am the first one who would pay for logic if we could insert some into our political process, but this earmark won't do it.



\$11 million for the Chameleon Miniaturized Wireless System. Chameleons change colors, but one thing does not change is the unrequested provisions in this bill.

\$2 million for the Air Battle Captain program at the University of North Dakota. This provision sends students from West Point to North Dakota for their flight lessons. Instead of letting flight schools compete for the ability to train these cadets, we have earmarked their training to North Dakota. We are putting parochial interests over the necessity to provide the best training possible for the best price to our Army cadets.

\$6 million for the LISA inspector. Who is this Lisa, and why does it cost \$6 million to inspect her?

\$4 million dollars for Project Albert. Hey Hey Hey. Seems like Albert could get pretty fat off all the pork in this bill.

\$4 million for Hibernation Genomics. Looking around the Senate, I see a few tired people, so maybe we a little hibernation is in order. But I'd prefer not to pay \$4 million for it.

\$5.5 million for the C-135 Improved Waste Removal System. We need to improve the way we remove waste from this bill.

\$700,000 for the United States Army Reserve Citizen Soldier Memorial Park.

Mr. President, I use humor in describing these earmarks, but the damage they do is deadly serious. They pull money away from legitimate funding priorities and they waste taxpayer dollars. Each year, many of the same earmarks appear in appropriations legislation, and each year I come to the floor and point them out to my colleagues. Some of the appropriators' perennial favorite projects include:

\$5 million for the Smart Truck. This provision, which directly lines the pockets of the auto industry in Detroit, is not exactly smart.

\$10 million for the 21st Century Truck. This program has been around for years and not once has the Department of Defense requested funding for it. While I'm sure we all would love to jump into a truck that could be in a James Bond movie, I'm not sure it is appropriate for the Department of Defense to pay for it.

\$8.0 million for the New England Manufacturing Supply Chain. This is above and beyond the \$14 million earmarked for them over the last two years.

\$9 million for the Medical Free Electron Laser. The electrons might be free, but the laser sure isn't. This project was developed by the scientists at Vanderbilt University in Tennessee. The budget justification used by the DoD in previous years spelled out the plan to have this program funded through NIH by FY2003. Why hasn't this happened yet?

\$44 million for the Maui Space Surveillance System. Arizona is home to the Lowell Observatory. Why should we

provide \$44 million to Maui, when there are many observatories in the United States, such as Lowell, that offer many of the same benefits as the Maui site?

\$1 million for the Brown Tree Snakes. Once again, the brown tree snake has slithered its way into our defense appropriation bill. I'm sure the snakes are annoying—maybe even frightening to children and adults alike, but this funding does not belong in the Defense Appropriations Act.

Mr. President, there are many earmarks that funnel dollars to worthy programs, such as breast cancer research, but there is no compelling national defense reason for these items to be on this piece of legislation. This type of critical research should be funded through the Labor/HHS Appropriations bill. Our soldiers and sailors need to be provided with the best equipment, housing, and support possible. Scarce defense dollars should be used for these defense purposes, not others. Some examples of these inappropriate earmarks include:

\$200 million for Peer Reviewed Cancer Research Program.

\$50 million Peer Reviewed Medical Research Program.

\$25 million for Hawaii Federal Health Care Network.

\$2.5 million for the Alaska Federal Health Care Network.

\$5 million for Pacific Island Health Care Referral.

I could go on and on—and on and on and on—listing all of the examples of pork in this legislation. We simply need to reassess our priorities.

This year's bill also includes a number of "Buy America" provisions. For example, it prevents the foreign purchase of welded shipboard anchor and mooring chain four inches in diameter and under. Another provision ensures that all carbon, alloy or steel plates are produced in the United States. Whew. I know we'll sleep better at night knowing that all of our carbon plates are manufactured in the U.S. Yet another section prohibits the Department of Defense from purchasing supercomputers from a foreign source.

Mr. President, I continue to be very concerned about the potential impact on readiness of our restrictive trade policies with our allies. Every year, Buy America restrictions cost the Department of Defense and the American taxpayers \$5.5 billion. From a philosophical point of view, I oppose these types of protectionist policies, and from an economic point of view they are ludicrous. Free trade is both an important element in improving relations among nations and essential to economic growth. From a practical standpoint, "Buy America" restrictions could seriously impair our ability to compete freely in international markets and also could result in the loss of existing business from long-standing trade partners.

Some legislative enactments over the past several years have had the effect of establishing a monopoly for a do-

mestic supplier in certain product lines. This not only adds to the pressure for our allies to "Buy European" but it also raises the costs of procurement for DoD, and cuts off access to potential state-of-the-art technologies. In order to maintain our troop strength and force readiness, the DoD must be able to be equipped with the best technologies available, regardless of country of origin. This would ensure both price and product competition.

Defense exports improve interoperability with friendly forces—increasingly necessary as we operate in coalition warfare and peacekeeping missions. These exports also increase our influence over recipient country actions, and, in a worse case scenario, allow the U.S. to terminate them. Exports lower the unit costs of systems to the U.S. military, and provide the same economic benefits to the U.S. as all other exports—well paying jobs, improved balance of trade, and increased tax revenue. These are really issues of acquisition policy, not appropriations matters. We had a floor debate on this a few days ago during consideration of the Defense Authorization Act. There is no justification for including these provisions in the Appropriations Act.

Finally, one of the more egregious "Buy America" provisions in this legislation is a section in which we dictate that we must buy only American seafood. While this provision has been included in a previous year's funding, I must ask: What is the compelling Department of Defense need to protect the American seafood industry? Why is an entire industry singled out for protection?

Mr. President, this bill spends money on Lewis and Clark and funnels cash to a center on "political logic devices." It protects the mooring chain industry and ensures that we only buy American seafood. If there is any food that should be mentioned in this bill, Mr. President, it is that Other White Meat. There is enough pork in this bill to feed an army—if only that we used our defense appropriations to do that. I suppose it is more important to pay Project Albert.

I wish it were not necessary for me to come to the Senate floor with every appropriations bill to criticize the amount of unrequested spending in the legislation. I do so because I believe it is critical for American taxpayers to understand where the money in their pockets is really going. I urge my colleagues to stop "porking up" our appropriations bills. In a time of huge spending deficits and scarce dollars, it is long past time to stop feeding at the trough.

#### ARMY END STRENGTH AND FY05 DOD APPROPRIATIONS

Mr. REED. Mr. President, last week, the Senate by a vote of 94 to 3, passed the Reed-Hagel-McCain amendment to increase the Army's end strength by 20,000.