

\$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.

This overwhelming vote was an acknowledgment that the administration has consistently underestimated and tried to avoid publicly admitting the real number of troops needed to win the peace in Iraq. That amendment was one step to bring our Iraq policy in line with the realities of Iraq.

However, the Defense authorization bill and the Defense appropriations bill before us today both continue to sidestep the budgetary realities of our military involvement in Iraq. Just 2 days ago, Deputy Defense Secretary Wolfowitz testified that "it's entirely possible" that U.S. troops could be stationed in Iraq for years.

If a long-term deployment of U.S. troops is "entirely possible", then the administration and Congress have a duty to properly budget for it.

When we know we are adding more troops and we know that we have significant commitments in Iraq, Afghanistan, Korea, Colombia, and elsewhere, we should put those costs into the annual Defense appropriations bill, not a supplemental appropriations bill or a contingency fund as the administration calls it.

By making these known costs subject to supplemental appropriations, we not only pretend that these costs are not long term, we also create an ongoing budget problem for the Army. This situation is all the more shocking when one considers the consistent claims from both sides of the aisle that we will provide our military with whatever it needs to win the war in Iraq and Afghanistan. Indeed, since the Iraq war began, the Army has had to continuously cobble together the resources to pay for more troops out of its regular budget. So instead of replacing or repairing destroyed equipment, buying HUMVEEs or body armor, or fulfilling other obligations, the Army has had to eat its seed corn.

It is true that the Army has also gotten supplemental funds on occasion to pay for additional soldiers, but only after it has exhausted all of the reprogramming options I just mentioned.

In the short run, reprogramming and supplemental appropriations are an option, but Iraq, Afghanistan and Korea are not options. They are real, and the pressure on the Army's budget is real. Unless, we increase the size of the Army's regularly appropriated budget to include the costs of the Army's real personnel levels, I fear that the Army will continue to delay needed expenditures, put off necessary investments, all so the administration can attempt to minimize the costs of the war on terror.

I want to be clear, this is not the fault of the Appropriations Committee. It has done its job well and has continually worked to make the Army whole. But, the committee and the bill before us are constrained by the administration's inflexibility and demands that known, long-term costs must be hidden in contingency reserve accounts and other budgetary maneuvers.

It would be my desire to increase the size of the Army's personnel budget by moving the \$2 billion in supplemental funds for this very purpose into the Army's annual fiscal year 2005 appropriation. I believe it would be more appropriate to take the \$2 billion we know we'll spend out of the supplemental section of this bill and put it into the Army's regular budget just like all of the Army's other long term costs.

In deference to the chairman and ranking member and the fact that such a proposal would likely require waiving the Budget Act as well as the Senate's endorsement of my amendment and Senator LEVIN's amendment that calls on the administration to put the true costs of Army end strength in its fiscal year 2006 budget request, I did not offer this amendment.

However, if the administration persists in trying to sweep these costs under the rug, Congress must act to include these funds in the regular budget of the Army.

I am also concerned that this year's bill has consolidated the Peer Reviewed Cancer Research Program under a single line item. While the peer review programs are united in their goal of improving detection, treatment and hopefully one day, prevention of deadly diseases such as leukemia, prostate, ovarian and breast cancer, they are each unique in their design, focus and stage of development. However, there is a valid concern that placing these programs under a single line item may inevitably pit them against one another. The fledgling Ovarian Cancer Research Program, which was only established in 1997 and has been level funded at \$10 million per year, will be competing with the much larger breast cancer program that has been in operation for over 12 years and is funded at a healthy \$150 million.

I hope that I and other Senators can work with the Chairman and ranking member to find a way to protect the critical and specific health research on cancer that the Department of Defense has been able to support in the past.

Mr. ALLEN. Mr. President, I rise today in support of 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 par-

ticularly 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.

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 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 funding research programs.

An overwhelming, bipartisan majority in the Senate supports this program every year. This year, 66 Senators, including myself, signed the letter addressed to appropriators urging the continuation of the Department of Defense 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 Department of Defense 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.

I have heard the success stories that have manifested as a result of research that has come out of this program. I regularly meet with women and men alike, from my Commonwealth of Virginia, who commend the positive and innovative advances that this program produces. Just last month, I met with the Virginia Breast Cancer Foundation. Let me tell you, I believe Virginia is a model for other States on many issues, but I must say that the Virginia Breast Cancer Foundation is a leader in its advocacy for this issue.

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 important program for breast cancer research. I understand that we are fighting a war on

terror, but many individuals on our home front are fighting for their lives. I yield the floor.

Mr. STEVENS. Mr. President, I ask for third reading of the bill.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Mr. STEVENS. We have already ordered the yeas and nays. This is final passage, Mr. President.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been previously ordered.

The clerk will call the roll.

The assistant 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. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—98

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

NOT VOTING—2

Kerry Lugar

The bill (H.R. 4613), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, on behalf of my good friend and co-chair-

man, I thank the Senate for coming together so quickly behind this enormous bill. This is the largest Defense appropriations bill in history, but it takes into account the needs of our men and women in uniform throughout the world. As I said, some 120 different countries have our men and women in uniform. It takes care of the great problems for those men and women in harm's way.

We thank all of our colleagues for their support and for their confidence in this bill. I again thank the staff.

I am overawed by the fact that it is a unanimous vote on this unanimous bill. I think it is a symbol to the country that we are willing to come together in times of crisis.

Mr. President, I ask unanimous consent that the Senate insist on its amendment, request a conference with the House on the disagreeing votes, and the Chair then appoint conferees on the part of the Senate.

There being no objection, the Presiding Officer (Mr. CHAMBLISS) appointed Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mrs. HUTCHISON, Mr. BURNS, Mr. INOUE, Mr. HOLLINGS, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Mr. DORGAN, Mr. DURBIN, Mr. REID, and Mrs. FEINSTEIN. The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I congratulate Chairman STEVENS and the ranking member of the Senate Defense Appropriations Subcommittee on the passage of the bill. It is my understanding this is one of the fastest, if not the fastest, Defense appropriations bills ever considered in the Senate. I thank them. I will have more to say a little bit later tonight about this.

RENEWAL OF IMPORT RESTRICTIONS IN THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. J. Res. 39, the Burma import restrictions bill. I further ask unanimous consent that the statutory time limit be yielded back, and the joint resolution be read a third time and placed back on the Senate calendar. I further ask unanimous consent that the Senate then proceed to the immediate consideration of H. J. Res. 97, the House Burma resolution, and that all time be yielded back, and the Senate proceed to a vote on the resolution, with no intervening action or debate.

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. What do these resolutions do?

Mr. MCCONNELL. Mr. President, last year, the Senate passed a resolution imposing sanctions on the thug regime that has been running Burma for the

last 25 years. It comes up for annual renewal, much like the most-favored-nation procedure we used to apply to China. This is that resolution renewing the sanctions for another year.

Mr. BYRD. I thank the Senator. I thought there was another resolution the Senator mentioned.

Mr. REID. We are going to do that one next.

Mr. BYRD. That was all, Mr. President, this one resolution?

Mr. MCCONNELL. I am sorry, I did not hear.

Mr. BYRD. The Burma resolution, is that the only resolution to which the Senator referred?

Mr. MCCONNELL. Yes, the only resolution.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Will the distinguished Senator from Kentucky modify his request to allow for a 10-minute vote rather than the normal 15 minutes?

Mr. MCCONNELL. That is perfectly acceptable.

The PRESIDING OFFICER. Without objection, it is so ordered. There will be a 10-minute vote on this resolution.

The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S. J. Res. 39) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the joint resolution will be returned to the calendar.

The clerk will report H. J. Res. 97.

The assistant legislative clerk read as follows:

A joint resolution (H. J. Res. 97) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

Mr. FEINGOLD. Mr. President, I am pleased to support S.J. Res. 39, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003. I am a cosponsor of this resolution, and I believe that these sanctions must be renewed.

The resolution states that the State Peace and Development Council, SPDC, the military junta of Burma, has failed to make substantial progress toward implementing a democratic government and that import sanctions and other restrictions against the SPDC must remain in force until "Burma embarks on an irreversible path of reconciliation that includes the full and unfettered participation of the National League for Democracy and ethnic minorities in the country."

The situation in Burma remains disturbing. The military junta in Burma continues to commit egregious human