

public and the institutions she has served. I am certain she will bring judicial temperance, integrity, and character to the Federal bench.

For these individuals and for so many other qualified men and women, being nominated to serve on the Federal bench by the President of the United States marks the pinnacle of a long and remarkable legal career. For those who are confirmed, it represents an opportunity to use their wisdom and legal training to uphold our Constitution and protect the rights and freedoms upon which our Nation was founded.

As I campaigned for the Senate, I told the people of North Carolina that I believe each and every judicial nominee deserves a hearing and a vote by the full Senate. I believe in the capability, independence, and prudence of the Members of this institution. If a person has concerns about an issue or a nominee, then I believe he or she should make a persuasive case to the other members of this body in a forthright, open, and honest debate. This process is established in our Constitution, and it is what our representative democracy is all about.

We are here today because the process is working for these two North Carolina nominees. I am confident that both of these highly qualified women will meet their duties with professionalism, impartiality, and competence, and I hope that other well-qualified candidates who have been sent forth, such as Judge Terrence Boyle, might soon join them.

I yield the floor.

Mr. HATCH. Mr. President, I rise today in support of the nomination of Judge Louise Wood Flanagan to be a U.S. District Court Judge for the Eastern District of North Carolina. Judge Flanagan currently serves as a Federal magistrate judge.

After earning her law degree from the University of Virginia School of Law in 1988, she served as law clerk for Judge Malcolm Howard on the very court to which she has been nominated. In 1990, she joined the North Carolina law firm of Ward and Smith, where she handled complex commercial litigation and litigated approximately 300 cases in state, federal, and bankruptcy court. Throughout her career, Judge Flanagan, has consistently demonstrated the strong legal intellect, integrity, and judicial temperament required of a U.S. District Court Judge.

In 1995, Judge Flanagan was appointed to be a Magistrate Judge for the U.S. District Court for the Eastern District of North Carolina. In this position she handles both criminal and civil matters and has earned a reputation of fairness, honesty, and keen intellect. She will make an excellent addition to the Federal bench.

I commend President Bush for nominating her and urge my colleagues to join me in supporting this nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and

consent to the nomination of Louise W. Flanagan, of North Carolina, to be United States District Judge for the Eastern District of North Carolina?

The nomination was confirmed.

Mr. STEVENS. I move to reconsider the votes and to lay those motions on the table.

The motions to lay on the table were agreed to.

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

#### LEGISLATIVE SESSION

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

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004—Continued

The PRESIDING OFFICER. Under the previous order, the Senator from New York, Mr. SCHUMER, will be recognized for up to 10 minutes.

The Senator from New York.

AMENDMENT NO. 1315

Mr. SCHUMER. Mr. President, I believe the amendment is already part of the managers' package, so it does not have to be read.

In the interest of time, Mr. President, of the 10 minutes allotted to me, I will yield back 4, take 3 for myself, and yield 3 to the senior Senator from Washington.

Mr. President, I ask unanimous consent that Senator MURRAY be added as a cosponsor of the amendment.

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

Mr. SCHUMER. Mr. President, this amendment is very simple. We have all heard the reports, which bother us, tear at our hearts, that our soldiers are going to have to stay a longer period of time because of the fighting, the chaos, the problems in Iraq.

One of the quickest ways to get them home is that we set up an indigenous police force. After all, our Army, the greatest Army in the world, that has done such a great job in Iraq, has not really been trained to be a police force to stop looting and to create civil order, et cetera.

We are in the process of training Iraqis to take over this job, and I am sure most Americans wish it could be done as quickly as possible. This amendment is a reminder of that and an importuning of the administration to do just that, by requiring that every 180 days there be a report from the administration to Congress and the American people that talks about the progress of setting up such a police force, the cost of such a police force, and how it might affect the timetable and speed up the timetable, more particularly, of our soldiers coming home.

We know we have to restore rule of law in Iraq. We know it should best be

done by an indigenous Iraqi police force. This amendment simply says, let's get that done quickly, and let the administration report to us on how that progress is going. It is important to the soldiers. It is important to law and order in Iraq, and it is important to the American people.

Nothing would make us all happier than to bring so many of our brave soldiers home, and home quickly. This amendment is both a reminder and an importuning addressed to that fact.

With that, I yield back the rest of my 3 minutes, and yield the remaining time to the Senator from Washington, the cosponsor of this amendment.

The PRESIDING OFFICER. The Senator from Washington is recognized for 3 minutes.

Mrs. MURRAY. Mr. President, I come to the floor to support the Schumer amendment to the Defense bill regarding the development of an Iraqi police force. This is an urgent amendment—one of the most important Iraq-related amendments we have considered on the defense bill.

The Schumer amendment will focus the administration's attention on the domestic security issue in Iraq that threatens American servicemen and women, other Americans and foreigners now in Iraq, and the Iraqi people.

One of the reasons we went to war in Iraq was to liberate the Iraqi people. The military campaign was named, "Operation Iraqi Freedom." Again and again, from the President on down, we have been told that we acted on behalf of the Iraqi people.

We all witnessed the scenes of jubilation at the fall of Saddam Hussein's regime. Time and again, the administration has told us that we have restored freedom to the Iraqi people.

We all hope this is ultimately true. But the truth today is very different for women in Iraq and particularly in Baghdad.

Yesterday, Human Rights Watch released a report detailing reports of rape, assault, and kidnapping of women and girls in Baghdad. The report cites 25 credible allegations of rape and abduction since the fall of Saddam Hussein. It is believed that the number of rapes and sexual assaults in Baghdad is far higher. Women are discouraged from reporting the crime and face social isolation and even "honor killings" by other family members for being violently victimized.

Yesterday's New York Times contains a disturbing article about the dangers confronting women in Baghdad. I ask unanimous consent to have the article, "Rape (And the Silence About It) Haunts Baghdad," printed in the RECORD.

[From the New York Times, July 16, 2003]

RAPE (AND SILENCE ABOUT IT) HAUNTS BAGHDAD

(By Neela Banerjee)

BAGHDAD, IRAQ, July 15.—In her loose black dress, gold hairband and purple flip-flops, Sanariya hops from seat to seat in her living

room like any lively 9-year-old. She likes to read. She wants to be a teacher when she grows up, and she says Michael, her white teddy bear, will be her assistant.

But at night, the memory of being raped by a stranger seven weeks ago pulls her into its undertow. She grows feverish and has nightmares, her 28-year-old sister, Fatin, said. She cries, "Let me go!" "I am afraid of the gangsters," Sanariya whispered in the twilight of her hallway. "I feel like they are killing me in my nightmares. Every day, I have these nightmares."

Since the end of the war and outbreak of anarchy on the capital's streets, women here have grown increasingly afraid of being abducted and raped. Rumors swirl, especially in a country where rape is so rarely reported.

The breakdown of the Iraqi government after the war makes any crime hard to quantify. But the incidence of rape and abduction in particular seems to have increased, according to discussions with physicians, law-enforcement officials and families involved. A new report by Human Rights Watch based on more than 70 interviews with law-enforcement officials, victims and their families, medical personnel and members of the coalition authority found 25 credible reports of abduction and sexual violence since the war. Baghdadis believe there are far more, and fear is limiting women's role in the capital's economic, social and political life just as Iraq tires to rise from the ashes, the report notes.

For most Iraqi victims of abduction and rape, getting medical and police assistance is a humiliating process. Deeply traditional notions of honor foster a sense of shame so strong that many families offer no consolation or support for victims, only blame. Sanariya's four brothers and parents beat her daily, Fatin said, picking up a bamboo slat her father uses. The city morgue gets corpses of women who were murdered by their relatives in so-called honor killings after they returned from an abduction—even, in some cases, when they had not been raped, said Nidal Hussein, a morgue nurse.

"For a woman's family, all this is worse than death," said Dr. Khulud Younis, a gynecologist at the Alwiyah Women's Hospital. "They will face shame. If a woman has a sister, her future will be gone. These women don't deserve to be treated like this."

It is not uncommon in Baghdad to see lines of cars outside girls' schools. So fearful are parents that their daughters will be taken away that they refuse to simply drop them off; they or a relative will stay outside all day to make sure nothing happens.

"Women and girls today in Baghdad are scared, and many are not going to schools or jobs or looking for work," said Hanny Megally, executive director of the Middle East and North Africa division of Human Rights Watch. "If Iraqi women are to participate in postwar society, their physical security needs to be an urgent priority."

Beyda Jafar Sadiq, 17, made the simple decision to go to school on the morning of May 22 and never returned. Her family has been looking for her ever since. They have appealed to every international nongovernmental organization, the Iraqi police and the American authorities. Her eldest brother, Feras, 29, has crisscrossed the country, visiting the morgue in Basra in the south, traveling to Amara and Nasiriya on reports from acquaintances that they saw a girl who looked like Beyda. "I just want to find her," said Beyda's mother, Zakiya Abd, her eyes swollen with grief. "Whether she's alive or dead, I just want to find her."

Some police in Baghdad concede that at this point, there is little they can do to help. Their precinct houses were thoroughly looted after the war. Despite promises from

the American authorities, Baghdad police still lack uniforms weapons, communications and computer equipment and patrol cars. "We used to patrol all the time before the war," said a senior officer at the Aadimiya precinct house. "Now, nothing, and the criminals realize there is no security on the streets."

The Human Rights Watch report alleges that sometimes when women try to report a rape or families ask for help in finding abducted women, they are turned away by Iraqi police officers indifferent to the crimes. Some law-enforcement officials insist abduction and rape have not increased, while other officials and many medical personnel disagree. Bernard R. Kerik, a former New York City police commissioner and now an adviser to the Interior Ministry, told of recently firing a precinct chief when he learned that the official had failed to pursue a family's report of their missing 16-year-old daughter. "The biggest part of the issue is a culture that precludes people from reporting," Mr. Kerik said. "It encourages people not to report."

If an Iraqi woman wants to report a rape, she has to travel a bureaucratic odyssey. She first has to go to the police for documents that permit her to get a forensic test. That test is performed only at the city morgue. The police take a picture of the victim and stamp it and then stamp her arm. That is so no one else goes in her place and says that she was raped, that she lost her virginity," said Ms. Hussein, the nurse. At the morgue, a committee of three male doctors performs a gynecological examination on the victim to determine if there was sexual abuse. The doctors are available only from 8:30 a.m. to 1:30 p.m. If a victim arrives at any other time, she has to return the next day, without washing away any physical evidence. Hospitals can check victims only for broader trauma, like contusions and broken bones.

Dr. Younis said she had seen more rape cases in the months after the war than before. Yet even when women come to the hospital with injuries that are consistent with rape, they often insist something else happened. A 60-year-old woman asserted that she had been hit by a car. The mother of a 6-year-old girl begged the doctor to write a report saying that her daughter's hymen had been ruptured because she fell on a sharp object, a common lie families tell in the case of rape, Dr. Younis said. Shame and fear compel the lies, Dr. Younis said. "A woman's father or brother, they feel it is their duty to kill her" if she has been raped, Dr. Younis said. "It is the tribal law. They will get only six months in prison and then they are out."

Sanariya's family took her to a doctor three days after her attack only because the bleeding had not stopped. She had been sitting on the stairs at about 4 p.m. on May 22 when an armed man dragged her into an abandoned building next door. He shot at neighbors who tried to help the girl. He fled when she began screaming during the assault.

Her mother refuses to let her outside now to play. Fatin lied to her family and said an operation had been done to restore Sanariya's hymen. But when her eldest brother, Ahmed, found out otherwise, he wanted to kill Sanariya, Fatin said.

Out of earshot of her family, Sanariya said she feels no better now, two months after the attack. "I don't sleep at night," she said in the hallway. "I don't sleep."

Mrs. MURRAY. The article describes a 9-year-old girl who wakes up screaming, "Let me go!" This is a 9-year old girl whose life has been forever changed by unimaginable violence. She says in the article, "I am afraid of the gangsters. I feel like they are killing

me in my nightmares. Every day, I have these nightmares."

The story of this young girl—one of too many stories—ought to be enough to focus the Congress and the administration on the urgency of the domestic security situation in Iraq.

Have we restored freedom to the Iraqi people when women and girls live in fear of abduction, rape, and murder?

Have we restored freedom to the Iraqi people when women are denied participation in a new Iraqi government and economy because their physical security is threatened every time they go out alone? Have we restored freedom to the Iraqi people when 9-year-old girls are victimized in the most horrifying way?

I want to share with the Senate a passage from the summary of the Human Rights Watch report titled, "Climate of Fear: Sexual Violence and Abduction of Women and Girls in Baghdad."

The summary reads:

Many of the problems in addressing sexual violence and abduction against women and girls derive from the U.S.-led coalition forces and civilian administration's failure to provide public security in Baghdad. The public security vacuum in Baghdad has heightened the vulnerability of women and girls to sexual violence and abduction. The police force is considerably smaller and more poorly managed when compared to prior to the war. There is limited police street presence; fewer resources available to police to investigate; little if any record keeping; and many complaints are lost. Many hospitals and the forensic institute are unable to operate twenty-four hours a day as they did before the war, thus preventing women from obtaining medical treatment and the forensic examinations necessary to document sexual violence in a timely manner.

The summary concludes with the following,

At the time of writing, plans for Iraq's reconstruction are taking shape and rights of women and girls are at stake. It is essential that all parties involved in these plans address the state's inadequate protection of the rights of women and girls. Those involved in the reconstruction process should ensure that any existing and new trends toward treating women and girls unequally before the law and discouraging women and girls from reporting sexual violence, or punishing women and girls for being the victims of sexual violence are countered.

We all know that our troops are faced with dangerous resistance throughout Iraq. Just yesterday, our military leaders acknowledged that we were facing a guerrilla warfare campaign of resistance. We know that our troops are serving honorably in a tremendously difficult environment. All of America is proud of our all volunteer force now serving in Iraq and the region.

Despite the efforts of U.S. personnel, we have not adequately addressed the domestic security crisis in Iraq. We cannot ignore that women and young girls are being victimized with terrible consequences. These crimes do not just affect individual women but the way women are viewed and the role they will play in a new Iraq.

We cannot be silent about the abuse and violence that has come to women

and girls in liberated Iraq. The Schumer amendment is our opportunity today to tell the administration that we will not tolerate silence on the treatment of women and girls in Iraq.

Mr. President, I commend the Senator from New York for bringing this issue to the Senate for the reasons he stated in order to allow us to know when our troops are going to be home. But, as I mentioned, I add another dimension to why it is so important to put a police force and have a trained police force in Iraq and on the ground there.

I would recommend to all of my colleagues that they take the time to pick up the New York Times from yesterday and read the article I referred to, which is a front page article: "Rape (And Silence About It) Haunts Baghdad." I will read from the beginning of that article:

In her loose black dress, gold hairband and purple flip-flops, Sanariya hops from seat to seat in her living room like any lively 9-year-old. She likes to read. She wants to be a teacher when she grows up, and she says Michael, her white teddy bear, will be her assistant.

But at night, the memory of being raped by a stranger seven weeks ago pulls her into its undertow. She grows feverish and has nightmares, her 28-year-old sister, Fatin, said. She cries, "Let me go!"

"I am afraid of the gangsters," [she says].

Every one of our colleagues should read the Human Rights Watch report that has just been released titled "Climate of Fear, Sexual Violence and Abduction of Women and Girls in Baghdad." That report says that many of the problems in addressing sexual violence and abduction that are increasing in Iraq against women and girls derived from the United States-led coalition force's and civilian administration's failure to provide public security in Baghdad.

We went to war in Iraq. We have heard everyone say it was to restore freedom. Let's make sure the young girls in Iraq have that security and that freedom as well. They do not have it today. The amendment by the Senator from New York puts us on track. We need to follow this in Iraq. I commend the Senator for the amendment and I thank the manager of the bill for accepting it.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENTS NOS. 1285 THROUGH 1298, EN BLOC

Mr. STEVENS. Mr. President, I send to the desk a series of amendments. The first is an amendment in the amount of \$2 million from available funds for the Software Engineering Institute. The second is \$10 million from O&M funds for civil-military programs and the innovative readiness training program. The third is \$10 million for the missile procurement program set aside for assured access to space. The next one is an amendment regarding a study of the mail delivery in the Middle East. The next amendment is to conform the appropriation provision relating to the use of RDT&E funds De-

fense-wide. The next amendment is to make available from amounts available for research, development, test, and evaluation \$4 million for the Center for Adaptive Optics. The next is to make available \$1 million from amounts available for RDT&E for completion of the Rhode Island Disaster Initiative. The next is setting aside \$8 million from amounts available for the death gratuity payments for the fiscal year 2004 on behalf of Senator WARNER. The next is to make available from amounts available for shipbuilding and conversion \$20 million for the DDG-51 modernization planning program. The next is to provide for appropriations for the Army Museum of the Southwest. The next is to provide for the use of funds for privatization or transfer to another Federal agency of the prison guard functions for Fort Leavenworth, KS. The next provides for the purchase of Humvee tires. The next is to make available from amounts available \$2.5 million for the Lewis and Clark Bicentennial Commemoration Activities. The next is to prohibit the use of funds to decommission a Naval or Marine Corps Reserve aviation squadron pending a Comptroller General report.

All of these amendments have been cleared on both sides and have been referred to my good friend from Arizona for his review.

I send them to the desk and ask unanimous consent that they be presented en bloc so they might be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments numbered 1285 through 1298 en bloc.

Mr. STEVENS. Mr. President, while the clerk is examining those, I have a new partnership in the Senate. My good friend from Nevada has joined the club of the admirers of the Incredible Hulk.

Mr. REID. I liked the applause. That was nice.

The PRESIDING OFFICER. Is there further debate on the amendments, as offered?

If not, the question is on agreeing to the amendments.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1285

(Purpose: To make available from amounts available for Operation and Maintenance, Army Reserve, \$2,000,000 for a Software Engineering Institute)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading "OPERATION AND MAINTENANCE, ARMY RESERVE", up to \$2,000,000 may be available for a Software Engineering Institute Information Assurance Initiative.

AMENDMENT NO. 1286

(Purpose: To provide up to \$10,000,000 of Operation and Maintenance, Defense-Wide funds for civil-military programs and the Innovative Readiness Training (IRT) program)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", up to \$10,000,000 may be used for civil-military programs and the Innovative Readiness Training (IRT) program.

AMENDMENT NO. 1287

(Purpose: To increase by \$10,000,000 the amount of Missile Procurement, Air Force funds set aside for assured access to space)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title III under the heading "MISSILE PROCUREMENT, AIR FORCE", up to \$10,000,000 may be used for assured access to space in addition to the amount available under such heading for the Evolved Expendable Launch Vehicle.

AMENDMENT NO. 1288

On page 120, insert the following on line 18: "SEC. STUDY REGARDING MAIL DELIVERY IN THE MIDDLE EAST."

(a) STUDY.—The Comptroller General of the United States shall conduct a review of the delivery of mail to troops in the Middle East and the study should:

(1) Determine delivery times, reliability, and losses for mail and parcels to and from troops stations in the Middle East.

(2) Identify and analyze mail and parcel delivery service efficiency issues during Operations Desert Shield/Desert Storm, compared to such services which occurred during Operation Iraqi Freedom.

(3) Identify cost efficiencies and benefits of alternative delivery systems or modifications to existing delivery systems to improve the delivery times of mail and parcels.

(b) REPORT.—No later than 60 days after date of enactment of this Act, the Comptroller General of the United States shall submit a report to the congressional defense committees on the General Accounting Office's findings and recommendations.

AMENDMENT NO. 1289

(Purpose: To conform the appropriation provision relating to use of RDT&E, Defense-Wide funds for an initial set of missile defense capabilities to the corresponding authorization provision)

Strike section 8114, and insert the following:

SEC. 8114. Funds available to the Department of Defense under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE" for the Missile Defense Agency may be used for the development and fielding of an initial set of missile defense capabilities.

AMENDMENT NO. 1290

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation for the Air Force, \$4,000,000 for the Center for Adaptive Optics)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to \$4,000,000 may be available for adaptive optics research.

AMENDMENT NO. 1291

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation, Navy, \$1,000,000 for the completion of the Rhode Island Disaster Initiative)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to \$1,000,000 may be available for the completion of the Rhode Island Disaster Initiative.

## AMENDMENT NO. 1292

(Purpose: To make available from amounts available for military personnel, \$8,000,000 for the costs during fiscal year 2004 of an increase in the amount of the death gratuity payable with respect to members of the Armed Forces from \$6,000 to \$12,000)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title I of this Act for military personnel, up to \$8,000,000 may be available for the costs during fiscal year 2004 of an increase in the amount of the death gratuity payable with respect to members of the Armed Forces under section 1478 of title 10, United States Code, from \$6,000 to \$12,000.

## AMENDMENT NO. 1293

(Purpose: To make available from amounts available for Shipbuilding and Conversion, Navy, \$20,000,000 for DDG-51 modernization planning)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading "SHIPBUILDING AND CONVERSION, NAVY", up to \$20,000,000 may be available for DDG-51 modernization planning.

## AMENDMENT NO. 1294

(Purpose: To provide appropriations for the Army Museum of the Southwest)

At the appropriate place, insert:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by Title II under the heading "Operation and Maintenance, Army", up to \$4,000,000 may be used for the Army Museum of the Southwest at Ft. Sill, Oklahoma.

## AMENDMENT NO. 1295

(Purpose: To limit the use of funds for the privatization or transfer to another Federal agency of the prison guard functions at the United States Disciplinary Barracks at Fort Leavenworth, Kansas)

Insert after section 8123 the following:

SEC. 8124. No funds appropriated or otherwise made available by this Act may be obligated or expended for the purpose of privatizing, or transferring to another department or agency of the Federal Government, any prison guard function or position at the United States Disciplinary Barracks at Fort Leavenworth, Kansas, until 30 days after the date on which the Secretary of the Army submits to the congressional defense committees a plan for the implementation of the privatization or transfer of such function or position.

## AMENDMENT NO. 1296

(Purpose: To provide funds for the purchase of HMMWV tires)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title II, under the heading "Operation and Maintenance, Marine Corps", up to \$6,000,000 may be used for the purchase of HMMWV tires.

## AMENDMENT NO. 1297

(Purpose: To make available from amounts available for National Guard Personnel, Army, \$2,500,000 for Lewis and Clark Bicentennial Commemoration Activities, and to make available from amounts available for Operation and Maintenance, Army National Guard, \$1,500,000 for such activities)

Insert after section 8123 the following:

SEC. 8124. (a) AVAILABILITY OF CERTAIN PERSONNEL AMOUNTS.—Of the amount appropriated by title I of this Act under the heading "NATIONAL GUARD PERSONNEL, ARMY", up to \$2,500,000 may be available for Lewis and Clark Bicentennial Commemoration Activities.

(b) AVAILABILITY OF CERTAIN OPERATION AND MAINTENANCE AMOUNTS.—Of the amount appropriated by title II of this Act under the heading "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD", up to \$1,500,000 may be available for Lewis and Clark Bicentennial Commemoration Activities.

## AMENDMENT NO. 1298

(Purpose: To prohibit the use of funds to decommission a Naval or Marine Corps Reserve aviation squadron pending a Comptroller General report on the requirements of the Navy and Marine Corps for tactical aviation)

Insert after section 8123 the following:

SEC. 8124. (a) LIMITATION ON USE OF FUNDS.—Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act may be obligated or expended to decommission a Naval or Marine Corps Reserve aviation squadron until the report required by subsection (b) is submitted to the committee of Congress referred to in that subsection.

(b) REPORT ON NAVY AND MARINE CORPS TACTICAL AVIATION REQUIREMENTS.—(1) Not later than twelve months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Appropriations of the Senate a report on the requirements of the Navy and the Marine Corps for tactical aviation, including mission requirements, recapitalization requirements, and the role of Naval and Marine Corps Reserve assets in meeting such requirements.

(2) The report shall include the recommendations of the Comptroller General on an appropriate force structure for the active and reserve aviation units of the Navy and the Marine Corps, and related personnel requirements, for the 10-year period beginning on the date of the report.

Mr. STEVENS. Mr. President, 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.

## AMENDMENT NO. 1280 WITHDRAWN

Mr. STEVENS. Mr. President, I ask unanimous consent that the pending Kennedy amendment No. 1280 be withdrawn.

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

## AMENDMENT NO. 1299

Mr. STEVENS. Mr. President, I have another portion of the managers' package. The amendment I send to the desk has been agreed to on both sides. I ask for its immediate consideration and adoption.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. KENNEDY, for himself, Mr. AKAKA, Mr. BYRD, Mr. CORZINE, Mr. LAUTENBERG, Mr. DURBIN, Mr. SARBANES, Mr. LIEBERMAN, Ms. MIKULSKI, and Mrs. CLINTON, proposes an amendment numbered 1299.

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

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

The amendment is as follows:

## AMENDMENT NO. 1299

(Purpose: To limit the use of funds for converting to contractor performance of Department of Defense activities and functions)

Beginning on page 46, strike line 24 and all that follows through "Provided further, That the" on page 47, line 23, and insert the following:

SEC. 8014. (a) None of the funds appropriated by this Act may be used for converting to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense employees unless the conversion is based on the results of a public-private competition process that—

(1) applies the most efficient organization process except to the performance of an activity or function involving 10 or fewer employees (but prohibits any modification, reorganization, division, or other change that is done for the purpose of qualifying the activity or function for such exception);

(2) provides no advantage to an offeror for a proposal to save costs for the Department of Defense by offering employer-sponsored health insurance benefits to workers to be employed under contract for the performance of such activity or function that are in any respect less beneficial to the workers than the benefits provided for Federal employees under chapter 89 of title 5, United States Code; and

(3) requires a determination regarding whether, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of (A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees, or (B) \$10,000,000.

(b) The Secretary of Defense may, in the Secretary's discretion, apply the tradeoff source selection public-private competition process under Office of Management and Budget Circular A-76 to the performance of services related to the design, installation, operation, or maintenance of information technology (as defined in section 11101 of title 40, United States Code).

(c)(1) This section does not apply to a conversion of an activity or function of the Department of Defense to contractor performance if the Secretary of Defense (A) determines in writing that compliance would have a substantial adverse impact on the ability of the Department of Defense to perform its national security missions, and (B) publishes such determination in the Federal Register.

(2) This section and subsections (a), (b), and (c) of section 2461 of title 10, United States Code, do not apply with respect to the performance of a commercial or industrial type activity or function that—

(A) is on the procurement list established under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(B) is planned to be converted to performance by—

(i) a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely handicapped (as such terms are defined in section 5 of such Act (41 U.S.C. 48b)); or

(ii) a commercial business at least 51 percent of which is owned by an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) or a Native Hawaiian Organization (as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15))).

(d) Nothing in this Act shall affect depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

Ms. MIKULSKI. Mr. President, I am proud to cosponsor this amendment to make sure that competitions between civilian Defense Department employees and private companies are fair. The Department of Defense has stacked the deck against Federal employees. The administration is seeking to privatize much of the Federal workforce—to replace dedicated Federal workers with cronyism and patronage.

The Kennedy amendment does not stop privatization. Yet it ensures that competitions between civilian Defense Department employees and private companies are fair. It puts Federal employees on an equal footing with private contractors. It says that you cannot win competitions for Federal jobs by denying health care benefits to your employees. It makes sure privatization does not come at the expense of health benefits for employees. Government contracts should not be won by denying health benefits to hard-working Americans.

The Office of Management and Budget has issued a directive calling for bounty hunters in Federal agencies to privatize 850,000 jobs over the next 3 years. That is nearly half of the Federal workforce. To speed up the process, the Bush administration changed the rules for public/private competitions. The new rules stacked the deck against employees, and made it harder for them to compete for their own jobs. It created streamlined competitions that are not even based on cost savings. The employees cannot even submit their own lowest bid. These new rules are unfair and inefficient. They will likely end up costing more to American taxpayers.

I stand up for an independent Federal workforce. We should not replace good Government jobs with bad private sector jobs. A company should not be able to win a bid because it saves money by denying health care benefits for their employees. Privatization should not come on the backs of the employees. Our economy is in trouble. Health care costs are rising—and millions of Americans lack any health insurance. Why does this administration want to make this problem even worse?

Our democracy depends on a strong civil service. We need a civil service in this country that is independent, reliable, and free of cronyism and political patronage. We are trying to spread democracy to Iraq and to nurture new democracies around the world. Yet right here at home, there are some who want to get rid of a pillar of democracy—our independent Federal workforce.

As a Senator from Maryland, I am so proud to serve over 100,000 Federal employees. I wish you could meet them the way I do—on the job and at the supermarket. I represent people who are Nobel Prize winners at the National Institutes of Health and the National In-

stitute of Standards and Technology. I represent FBI agents. I represent the National Security Agency, and the faculty of the U.S. Naval Academy.

I know what Federal employees do. They work hard every day. They did not get their jobs because they volunteered on someone's campaign. The civilian employees at the Defense Department work hard to support our troops and to protect our Nation. They are committed to securing the homeland, and to making sure our soldiers are ready to protect us.

If we are going to contract out Defense Department work, we need to be very careful. It is a matter of national security. It is a matter of homeland security. America's military bases and facilities are all potential terrorist targets. Those who work there must be trusted and carefully screened. Yet the Department of Defense wants to get rid of trusted employees who have served our Nation for years—and replace with who knows what. What would happen if the private company changed ownership, or is bought by a foreign company? What safeguards are there to protect our military and our military infrastructure?

That is why I am cosponsoring the Kennedy amendment. This amendment simply calls for civilian Defense Department employees to be treated fairly when they are competing for their own jobs. Federal employees' jobs are on the line. The independence of our Federal workforce is on the line. At the very least, the competition should be fair. I urge my colleagues to support this amendment.

Mr. STEVENS. Mr. President, it was necessary to handle it separately because it was already a pending amendment, and it had to be withdrawn.

I now ask for its consideration and adoption.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 1299) was agreed to.

Mr. STEVENS. Mr. President, 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. REID. Mr. President, just briefly let me say this: I know my tie isn't much, but I have been advised by staff and others it is sure better than seersucker.

#### AMENDMENT NO. 1300

Mr. STEVENS. Mr. President, I send a further amendment to the desk and state that this is separate and apart from the managers' package. It is an amendment I submit on behalf of Senator HATCH. It has not been cleared by my friend from Arizona. When the title is read, it will be apparent to the Members why.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. HATCH, proposes an amendment numbered 1300:

#### AMENDMENT NO. 1300

(Purpose: To appropriate funds to settle certain claims of United States prisoners of war who performed forced or slave labor for Japanese companies during World War II)

After section 8123, insert the following:  
**TITLE IX—SETTLEMENT OF CLAIMS FOR SLAVE LABOR FOR JAPANESE COMPANIES DURING WORLD WAR II**

**SEC. 901. PAYMENT OF COMPENSATION TO FORMER PRISONERS OF WAR FOR FORCED OR SLAVE LABOR FOR JAPANESE COMPANIES DURING WORLD WAR II.**

(a) PAYMENT OF COMPENSATION REQUIRED.—Subject to the availability of appropriated funds Secretary of Defense shall pay to each surviving former prisoner of war compensation as provided in subsection (b).

(b) COMPENSATION.—The compensation to be paid under subsection (a) is as follows:

(1) In the case of a living former prisoner of war, to the living former prisoner of war in the amount of \$10,000.

(c) IDENTIFICATION OF INDIVIDUALS AS FORMER PRISONERS OF WAR.—(1) An individual seeking compensation under this section shall submit to the Secretary of Defense an application therefor containing such information as the Secretary shall require. Only one application shall be submitted with respect to each individual seeking treatment as a former prisoner of war for purposes of this section.

(2) The Secretary shall take such actions as the Secretary considers appropriate to identify and locate individuals eligible for treatment as former prisoners of war for purposes of this section.

(d) TREATMENT AS FORMER PRISONER OF WAR.—(1) Subject to paragraph (3), the Secretary of Defense shall treat an individual as a former prisoner of war if—

(A) the name of the individual appears on any official list of the Imperial Government of Japan, or of the United States Government, as having been imprisoned at any time during World War II in a camp in Japan or territories occupied by Japan where individuals were forced to provide labor; or

(B) evidence otherwise demonstrates that the individual is entitled to treatment as a former prisoner of war.

(2) Any reasonable doubt under this subsection shall be resolved in favor of the claimant.

(3) The treatment of an individual as a former prisoner of war under paragraph (1) shall be rebutted only by clear and convincing evidence.

(e) TIMING OF PAYMENT.—The Secretary of Defense shall pay compensation to a former prisoner of war, under subsection (a) not later than 30 days after determining that compensation is payable to or on behalf of the former prisoner of war under this section.

(f) PRIORITY IN PAYMENTS.—The Secretary of Defense shall complete the processing of applications under this section in a manner that provides, to the maximum extent practicable, for the payment of compensation to former prisoners of war during their natural lives, with payments prioritized based on age and health of the claimant.

(j) FUNDING.—(1) From funds available otherwise in this Act up to \$49,000,000 may be made available to carry out this title.

(2) The amount made available by paragraph (1) shall remain available for obligation and expenditure during the two-year period beginning on October 1, 2003.

(3) Any amounts made available by paragraph (1) that have not been obligated as of

September 30, 2005, shall revert to the Treasury as of that date.

**SEC. 903. DEFINITIONS.**

In this title:

(1) **FORMER PRISONER OF WAR.**—The term “former prisoner of war” means any individual who—

(A) was a member of the Armed Forces of the United States, a civilian employee of the United States, or an employee of a contractor of the United States during World War II;

(B) served in or with the United States combat forces during World War II;

(C) was captured and held as a prisoner of war or prisoner by Japan in the course of such service; and

(D) was required by one or more Japanese companies to perform forced or slave labor during World War II.

(2) **JAPANESE COMPANY.**—The term “Japanese company” means—

(A) any business enterprise, corporation, company, association, partnership, or sole proprietorship having its principal place of business within Japan or organized or incorporated under the laws of Japan or any political subdivision thereof; and

(B) any subsidiary or affiliate of an entity in Japan, as described in subparagraph (A), if controlled in fact by the entity, whether currently incorporated or located in Japan or elsewhere.

(5) **WORLD WAR II.**—The term “World War II” means the period beginning on December 7, 1941, and ending on August 8, 1945.

Mr. HATCH. Mr. President, the amendment I offer today, entitled the Resolution of Claims of American POWs of the Japanese Act of 2003, is important because it recognizes the struggle to compensate American POWs once held and forced into slave labor for private Japanese companies during World War II.

For those of my colleagues who aren't aware of what our valiant soldiers endured, please let me enlighten you.

On April 9, 1942, Allied forces in the Philippines were forced to surrender Bataan to the Japanese. Ten thousand to 12,000 American soldiers were forced to march some 60 miles in broiling heat. We have all heard of this deadly trek, known as the Bataan Death March.

What most people do not realize is, after a lengthy internment under horrific conditions, thousands of these POWs were shipped to Japan in the holds of freighters known as “Hell Ships.” Once in Japan, many of these POWs were forced into slave labor for private Japanese steel mills and other private Japanese companies until the end of the war. During the war, over 27,465 Americans were captured and interned by the Japanese; tragically, only 16,000 made it home.

Let me tell you about some of these brave men.

At our Judiciary Committee hearing a few years ago, we heard from some of these remarkable veterans who put a human face on this tragic part of history. They are all heroes.

I remember so well Mr. Bigelow, who, during his internment lost his leg from a mining accident and the lack of proper medical treatment. At a height of 6 feet, 4 inches, Mr. Bigelow weighed less

than 100 pounds at the time of his release. Tragically, he died last week—without ever receiving the recognition that he deserved, recognition that we as a body can give him.

Mr. President, how many more have to die before we finally pay them the tribute they deserve?

At our hearing, we heard how the POWs stuck together and helped each other make it through each day and endured frequent beatings for doing so.

We heard how Mr. Tenney and others kept their spirits up by entertaining their buddies and trading with Japanese guards for a few meager supplies.

We heard how brave men like Terrence Kirk built a makeshift camera out of a stolen x-ray plate to document the condition of dying POWs so they would not be forgotten.

Let me say to the veterans who have shared their stories with me—and I know some of these men personally thank you. All of them are heroes for their bravery on the battlefields and in the prison camps.

They are heroes for the innumerable displays of compassion and love for their fellow man.

They are heroes for their perseverance through circumstances most of us can barely imagine.

They are living testaments to the indomitable human spirit that is the fabric of this great nation, the United States of America. Everyone here living in freedom owes them a tremendous debt of gratitude.

Unfortunately, global political and security needs of the time often overshadowed their legitimate claims for justice and they were once again asked to sacrifice for their country.

Following the end of the war, for example, our government allegedly instructed many of the POWs not to discuss their experiences and treatment. Some were even asked to sign non-disclosure agreements. Consequently, many Americans remain unaware of the atrocities that took place and the suffering our POWs endured.

Just ask the school children of today. Most know little about the Bataan Death March and nothing about the fact that our soldiers were shipped to Japan and sold as slave labor.

That is inexcusable. We must recognize their sacrifice, and the amendment I offer today supports that effort.

Through the years, various efforts have been made to offer some compensation for the POWs held in Japan.

Under the War Claims Act, our government has made meager payments of a dollar a day for missed meals and \$1.50 per day for lost wages. Clearly this is inadequate.

Following the passage of a California statute extending the statute of limitations for World War II claims until 2010 and the recent litigation involving victims of Holocaust, the former POWs in Japan have attempted through the courts to seek compensation from the private companies which profited from their labor.

What role has our government played in this quest?

In the Holocaust litigation, the U.S. played a facilitating role in discussions between the German companies and the victims. The Justice Department also declined to file a statement of interest in the litigation—even when requested by the court. The efforts of the administration were entirely appropriate and the settlement was an invaluable step toward moving forward from the past.

Here, in contrast, there has been little effort by our government, through the State Department or otherwise, to help these POWs with their claims. In fact, quite the opposite has been true.

In response to a request from the court, the Justice Department actually filed a statement of interest which was very damaging to the claims of the POWs—stating in essence that their claims were barred by the 1951 Treaty of Peace with Japan and the War Claims Act. Personally, I don't think the government had the authority to waive these claims. Unbelievably, the Justice Department continues to argue in these court cases on behalf of the Japanese companies and against our POWs.

This contrasting treatment raises the legitimate questions of whether this administration has a consistent policy governing whether and how to weigh in during these World War II-era cases? From a moral perspective, the claims of those forced into labor by private German companies and private Japanese companies appear to be of similar merit, yet they have spurred different responses from the administration.

Why?

I have asked this question to the State Department, and have not received a satisfactory response.

What can the United States of America—the country these men sacrificed for—do to resolve this matter in a fair and appropriate manner?

With the help of Senator FEINSTEIN, in 2000, we moved through the Judiciary Committee S. 1902, the Japanese Records Disclosure Act. This bill set up a commission to declassify thousands of Japanese Imperial Army records held by the U.S. government after appropriate screening for sensitive information such as that pertaining to national security.

That bill, however, was not enough. We need to do more.

The Senate attempted to fulfill our government's responsibility to these men by including a provision in S. 2549, the fiscal year 2001 Department of Defense authorization bill. This legislation would have allowed payments of a \$20,000 gratuity to POWs from Bataan and Corregidor who were forced into labor. But unfortunately, the provision was stripped in conference, due in large part, I believe, to pressure from the previous Administration.

We also passed S. Con. Res. 158, a resolution at the end of the 106th Congress

which stated the moral force of the claims of the POWs and expressed the sense of the Congress that the United States government should use its best efforts to "facilitate a dialogue" to discuss a resolution to the claims. But this has received a less than satisfactory response from the administration.

We must ask ourselves—can Congress do more?

Can the executive branch do more?

I think so.

We must.

And it is for that reason that I am offering the Resolution of Claims of American POWs of the Japanese Act of 2003.

This legislation would show these POWs that we have not forgotten them and that we will not let them be victimized by the Japanese companies a second time.

My amendment would authorize the payment of compensation to former prisoners of war for forced labor for Japanese companies during World War II. Those surviving POWs who are still living—and there are not many—would receive \$10,000. This is a mere fraction of what they truly deserve, and I intend to seek additional amounts next year to fulfill our obligation to our heroes.

Mr. President, this legislation is essential.

Congress is the last recourse for these POWs.

Instead of helping, our government has let them down. And so, if we do not stand up for them, who will?

I urge my colleagues to join with me in this effort to do what we can to show these brave POWs that their country has not forgotten them; it is the least we can do.

Mr. McCAIN. Mr. President, in relation to the amendment offered by the Senator from Utah, Mr. HATCH, related to compensation for American prisoners of war in Japan, I do not object but must of necessity vote "present" because, as a former prisoner of war in Vietnam, I cannot in good conscience vote in favor of a measure that sets a precedent for compensation of American prisoners of war that could in some fashion be viewed as benefiting me personally.

Mr. STEVENS. Mr. President, this is a prisoner of war provision offered by Senator HATCH. We have agreed to start the process of dealing with claims of these individuals. Since our good friend from Arizona was in fact a prisoner of war, he did not want to participate in the adoption or consideration of this amendment. We are honoring his request. I ask for the adoption of this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1300) was agreed to.

Mr. STEVENS. Mr. President, 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, I yield to my friend from Hawaii who has the Democratic portion of the managers' package.

AMENDMENTS NOS. 1301 THROUGH 1316, EN BLOC

Mr. INOUE. Mr. President, I send to the desk 16 amendments as part of the managers' package and ask unanimous consent for their immediate consideration en bloc.

They are: Senator FEINSTEIN amendment on secure cell phones; Senator BOXER amendment on Shortstop, an Army program; Senator DURBIN amendment on the 932nd Airlift Command; Senator MIKULSKI amendment on Project Ancile; Senator MIKULSKI amendment on knowledge management fusion; Senator SCHUMER amendment on Large Energy National Shock Tunnel; Senator DORGAN amendment on ultra-low-power battlefield sensor system; Senator BIDEN amendment on nuclear debris collection; Senator BAYH amendment on MIA1 tank transmissions; Senator INOUE amendment on civil rights history in the Army; Senator HARKIN amendment on airplane parts; Senator WYDEN amendment on Iraq reconstruction contracts; Senator BOXER amendment on travel expenses; Senator BIDEN amendment on C-5s; Senator SCHUMER amendment on Iraq report; Senator BYRD amendment on travel credit card checks.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE] proposes amendments numbered 1301 through 1316 en bloc.

The PRESIDING OFFICER. Is there further debate on the amendments?

If not, the question is on agreeing to the amendments en bloc.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1301

(Purpose: To make available from amounts available for Procurement, Defense-Wide, \$20,000,000 for procurement of secure cellular telephones for the Department of Defense and the elements of the intelligence community)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading "PROCUREMENT, DEFENSE-WIDE", to \$20,000,000 may be available for procurement of secure cellular telephones for the Department of Defense and the elements of the intelligence community.

AMENDMENT NO. 1302

(Purpose: To make available from amounts available for Research, Development, Test and Evaluation, Army, \$5,000,000 for procurement of Shortstop Electronic Protection Systems for critical force protection)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to \$5,000,000 may be available to support Shortstop Electronic Protection Systems (SEPS) research and development efforts.

AMENDMENT NO. 1303

(Purpose: To require a study of the mission of the 932nd Airlift Wing, Scott Air Force Base, Illinois)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. The Secretary of the Air Force, in consultation with the Chief of Air Force Reserve, shall study the mission of the 932nd Airlift Wing, Scott Air Force Base, Illinois, and evaluate whether it would be appropriated to substitute for that mission a mixed mission of transporting patients, passengers, and cargo that would increase the airlift capability of the Air Force while continuing the use and training of aeromedical evacuation personnel. The Secretary shall submit a report on the results of the study and evaluation to the congressional defense committees not later than January 16, 2004.

AMENDMENT NO. 1304

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE WIDE", up to \$3,000,000 may be used for Project Ancile.

AMENDMENT NO. 1305

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to \$2,000,000 may be used for Knowledge Management Fusion.

AMENDMENT NO. 1306

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation, Army, \$3,000,000 for the Large Energy National Shock Tunnel (LENS))

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$3,000,000 may be available for the Large Energy National Shock Tunnel (LENS).

AMENDMENT NO. 1307

(Purpose: To provide funds for the Ultra-low Power Battlefield Sensor System)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. In addition to amounts provided in this Act for Ultra-low Power Battlefield Sensor System, up to an additional \$7,000,000 may be used from the total amount appropriated by title IV "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", for Ultra-low Power Battlefield Sensor System.

AMENDMENT NO. 1308

(Purpose: To require a report on the feasibility of developing and deploying a nuclear debris collection and analysis capability to permit the characterization of detonated nuclear devices)

Insert after section 8123 the following:

SEC. 8124. (a) FINDINGS.—The Senate makes the following findings:

(1) If a terrorist group were to acquire the necessary fissile material for a nuclear explosive device, it would not be difficult for the group to construct such a device, the explosion of which could kill and injure thousands, or even hundreds of thousands, of people and destroy a large area of a city.

(2) If a terrorist group were to acquire a complete nuclear weapon from a nation which has constructed nuclear weapons, it is likely that the group would be able to detonate the device with similar results.

(3) A nation supplying either complete nuclear weapons or special nuclear material to

terrorists might believe that it could escape retaliation by the United States, as the United States would not be able to determine the origin of either a weapon or its fissile material.

(4) It is possible, however, to determine the country of origin of fissile material after a nuclear explosion, provided that samples of the radioactive debris from the explosion are collected promptly and analyzed in appropriate laboratories.

(5) If radioactive debris is collected soon enough after a nuclear explosion, it is also possible to determine the characteristics of the nuclear explosive device involved, which information can assist in locating and dismantling other nuclear devices that may threaten the United States.

(6) If countries that might contemplate supplying nuclear weapons or fissile material to terrorists know that their assistance can be traced, they are much less likely to allow terrorists access to either weapons or material.

(7) It is in the interest of the United States to acquire a capability to collect promptly the debris from a nuclear explosion that might occur in any part of the Nation.

(b) SENSE OF THE SENATE ON NUCLEAR DEBRIS COLLECTION AND ANALYSIS CAPABILITY.—It is the sense of the Senate that—

(1) the Secretary of Defense should develop and deploy a nuclear debris collection and analysis capability sufficient to enable characterization of any nuclear device that might be exploded in the United States;

(2) the capability should incorporate airborne debris collectors, either permanently installed on dedicated aircraft or available for immediate use on a class of aircraft, stationed so that a properly equipped and manned aircraft is available to collect debris from a nuclear explosion anywhere in the United States and transport such debris to an appropriate laboratory in a timely fashion; and

(3) to the maximum extent practicable, the capability should be compatible with collection and analysis systems used by the United States to characterize overseas nuclear explosions.

(c) REPORT.—Not later than March 31, 2004, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of developing and deploying the capability described in subsection (b)(1).

AMENDMENT NO. 1309

(Purpose: To make available amounts available for Operation and Maintenance, Army, up to \$15,000,000 for upgrades of M1A1 Abrams tank transmissions)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading "OPERATION AND MAINTENANCE, ARMY" up to \$15,000,000 may be made available for upgrades of M1A1 Abrams tank transmissions.

AMENDMENT NO. 1310

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title II of this Act under the heading "Operations and Maintenance, Army", up to \$2,000,000 may be used to promote civil rights education and history in the Army.

AMENDMENT NO. 1311

(Purpose: To require reports on safety issues due to defective parts)

Insert after section 8123 the following:

SEC. 8124. REPORTS ON SAFETY ISSUES DUE TO DEFECTIVE PARTS.

(a) REPORT FROM THE SECRETARY.—The Secretary shall by March 31, 2004 examine and report back to the congressional defense committees on:

(1) how to implement a system for tracking safety-critical parts so that parts discovered to be defective, including due to faulty or fraudulent work by a contractor or subcontractor, can be identified and found;

(2) appropriate standards and procedures to ensure timely notification of contracting agencies and contractors about safety issues including parts that may be defective, and whether the Government Industry Data Exchange Program should be made mandatory;

(3) efforts to find and test airplane parts that have been heat treated by companies alleged to have done so improperly; and

(4) whether contracting agencies and contractors have been notified about alleged improper heat treatment of airplane parts.

(b) REPORT FROM THE COMPTROLLER GENERAL.—The Comptroller General shall examine and report back to the congressional defense committees on:

(1) the oversight of subcontractors by prime contractors, and testing and quality assurance of the work of the subcontractors; and

(2) the oversight of prime contractors by the Department, the accountability of prime contractors for overseeing subcontractors, and the use of enforcement mechanisms by the Department.

AMENDMENT NO. 1312

(Purpose: To require a report on the reconstruction of Iraq)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress, in writing, a report on contracts for reconstruction and other services in Iraq that are funded in whole or in part with funds available to the Department of Defense. The report shall detail—

(1) the process and standards for designing and awarding such contracts, including assistance or consulting services provided by contractors in that process;

(2) the process and standards for awarding limited or sole-source contracts, including the criteria for justifying the awarding of such contracts;

(3) any policies that the Secretary has implemented or plans to implement to provide for independent oversight of the performance by a contractor of services in designing and awarding such contracts;

(4) any policies that the Secretary has implemented or plans to implement to identify, assess, and prevent any conflict of interest relating to such contracts for reconstruction;

(5) any policies that the Secretary has implemented or plans to implement to ensure public accountability of contractors and to identify any fraud, waste, or abuse relating to such contracts for reconstruction;

(6) the process and criteria used to determine the percentage of profit allowed on cost-plus-a-fixed-fee contracts for reconstruction or other services in Iraq; and

(7) a good faith estimate of the expected costs and duration of all contracts for reconstruction or other services in Iraq.

AMENDMENT NO. 1313

(Purpose: To provide travel reimbursement to the spouses and dependents of deployed military personnel when they visit family members)

At the end of section 8083, add the following:

"Not more than \$1 million of the amount so credited may be available to provide assistance to spouses and other dependents of deployed members of the Armed Forces to defray the travel expenses of such spouses and other dependents when visiting family members."

AMENDMENT NO. 1314

(Purpose: To make available from amounts available for Aircraft Procurement, Air Force, \$19,700,000 for C-5 aircraft in-service modifications for the procurement of additional C-5 aircraft Avionics Modernization Program kits)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading "AIRCRAFT PROCUREMENT, AIR FORCE", up to \$19,700,000 may be available for C-5 aircraft in-service modifications for the procurement of additional C-5 aircraft Avionics Modernization Program (AMP) kits.,

AMENDMENT NO. 1315

(Purpose: To require a report on the establishment of police and military forces in Iraq)

Insert after section 8123 the following:

SEC. 8124. (a) REPORT ON ESTABLISHMENT OF POLICE AND MILITARY FORCES IN IRAQ.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate committees of Congress a report on the establishment of police and military forces in all of the 18 provinces of Iraq, including—

(1) the costs incurred by the United States in establishing Iraqi police and military units;

(2) a schedule for the completion of the establishment of Iraqi police and military units;

(3) an assessment of the effect of the ongoing creation and final establishment of Iraqi police and military units on the number of United States military personnel required to be stationed in Iraq;

(4) an assessment of the effect of the establishment of an Iraqi police force on the safety of United States military personnel stationed in Iraq; and

(5) an assessment of the effectiveness of the Iraqi police force, as so established, in preventing crime and insuring the safety of the Iraq people.

(b) UPDATES.—Not later than 120 days after the date of the submittal of the report required by subsection (b), and every 120 days thereafter, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate committees of Congress an update of such report.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives.

AMENDMENT NO. 1316

(Purpose: To continue in effect a provision of the Department of Defense Appropriations Act, 2003, relating to evaluations of credit-worthiness for issuance of Government charge cards)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Section 8149(b) of the Department of Defense Appropriations Act, 2003 (Public Law 107-248; 116 Stat. 1572) is amended by adding at the end the following new paragraph:

"(3) This submission shall remain in effect for fiscal year 2004."

AMENDMENT NO. 1311

Mr. HARKIN. Mr. President, two weeks ago, the company Hydroform USA, its subsidiary Temperform, and three company managers were indicted for conspiracy and making false statements. This is just the latest event in



a long horror story that may still threaten the safety of both military and civilian aviation. And it raises serious questions, yet again, about our ability and commitment to root out defense fraud that attacks our taxpayers and our troops.

The story is told at length in a special issue of *Defense Week* dated July 3 and written by John Donnelly. It starts with a company called West Coast Aluminum Heat-Treating Company, which had a plant in La Mirada, CA. Many aluminum parts on airplanes and rockets are heat-threaten to strengthen the parts, reduce corrosion, and prevent cracking and fatigue. West Coast was paid to do this by a large number of airplane manufacturers and suppliers. But beginning in 1981, they did the heat treatment for far less time and at lower temperatures than required. They didn't falsified testing of the parts. This fraud went on undetected, on hundreds of thousands of parts, for fifteen years. The parts ended up on a long list of military airplanes, helicopters, and rockets from Boeing, Lockheed Martin, Northrop Grumman, and other contractors, as well as on many commercial planes and helicopters from Boeing, Airbus, and other manufacturers. In 1996, a West Coast foreman finally blew the whistle to Boeing.

Boeing, observed by the Federal Aviation Administration, eventually tested 1,634 parts for hardness and electrical conductivity. They found that 18 percent of the parts were critical, and that 11 percent of the parts did not meet specifications because of the fraudulent heat treatment. Tests on hundreds of other parts had similar results. But these tests may not reveal the full extent of the problems. Other, more informative tests that destroy the parts are needed to assess heat treatment well. And even parts supposedly tested may not be good, although Boeing claimed that subcontractors had tested many parts, the FAA found that six of the subcontractors could not document such testing; the other three subcontractors they contacted did have test records showing the parts were good, but when the FAA tested the parts, they found the parts did not in fact meet specifications.

Even though the fraud was revealed in 1996 and Boeing disqualified West Coast as a vendor in 1997, it took another year before Boeing and the Government bothered to let other customers know that the parts could be defective. They finally issued alerts on the Government-Industry Data Exchange Program called GIDEP, in 1998. For those two years other defense contractors continued to use West Coast. In addition, the alert that Boeing finally issued focused on "discrepancies" in paperwork, and claimed that the parts were fine.

Government oversight was equally weak. Although the FAA concluded that Boeing had violated federal regu-

lations because it did not adequately supervise its subcontractors, it said the statute of limitations had expired and hence it could not pursue enforcement action. Worse, the Defense Logistics Agency wrote reports suggesting that West Coast-treated parts were fine, based on a database of 253,736 parts. But they did not actually know which parts were from West Coast, and they knew that many of the parts in the database were not even made of aluminum.

In 1998, West Coast was sold, and in 2000 its two executives were convicted, sentenced, and fined. The plant was bought by Temperform, which proceeded to commit the same fraud on tens of thousands of additional parts. It has been said that history repeats itself, first as tragedy and then as farce. The Temperform replay of West Coast would be amusing if it weren't still tragic. Temperform fired the West Coast employees so that Boeing would approve the company as a vendor, then promptly rehired them. The same heat-treating fraud continued undetected, and another employee finally blew the whistle again in 2000. Despite the plant's history, Boeing did not audit Temperform until this time, and then allegedly found 37 deficiencies in their quality assurance processes.

To this date, neither Boeing nor anyone else has ever issued a GIDEP alert to let other companies know of the Temperform fraud. A Government safety alert, issued only in 2002, went only to Government agencies. Thus, Lockheed Martin continued to buy parts from Temperform for more than two years. Again, the Government accused Boeing of mismanagement but declined to do anything about it. The plant again was sold in 2002, and, as I mentioned, three company executives were recently indicted. One of those three, the manager in charge of heat-treating procedures, was one of the West Coast employees who were rehired.

That is all history. But I have not yet explained a key reason why this remains a continuing threat. Almost all of the testing of parts I mentioned was of commercial parts. The military services claim that they cannot identify which parts were treated by a particular company, even for safety critical parts. Typically major weapon system programs are now managed by private contractors, which then have a large number of subcontractors supplying parts. West Coast and Temperform contracted with many of those subcontractors. Apparently we cannot negotiate this maze to find which parts, even safety critical parts, were fraudulently treated. Thus, few military parts have been tested, and if they were found unsatisfactory, it is not clear how they would be replaced.

This is not the first time this problem has come up. Not long ago the Pentagon bought 780,000 chemical protective suits from a company called Isratex. We cannot find 250,000 of those suits either. And last year the Navy

could not find 42,000 defective oxygen masks.

My amendment attempts at least to examine several of these systemic issues. It requests that the Secretary of Defense report back to Congress by March 31, 2004, on efforts to find and test the parts that have been improperly heat-treated, and on notification of other customers that their parts may be defective. The report also is to look at how to implement a system for tracking safety-critical parts, and at standards and procedures for notification on future safety issues.

The amendment also asks the General Accounting Office to submit a report on issues regarding the prime contractor system that may be partly at fault here. The GAO is to look at both the oversight of subcontractors by the prime contractor—which is what they are paid to do—and the oversight and enforcement of prime contractors by the Department of Defense.

Hundreds of thousands of aluminum parts that are in our airplanes and helicopters today have not been properly strengthened. Many of these parts are safety-critical. Millions of people, civilian and military, may be at risk if a plane crashes due to a failure of one of these parts. We are at risk not only because of the fraud, but also because of the failure all the way down the line—by small subcontractors, huge plane manufacturers, and the Government—to catch the fraud, stop it in a timely manner, notify others at risk, track or test the parts, or hold anyone accountable for the oversight failures.

We must do better. This amendment is a small step toward fixing the problems, and I intend to pursue this until I am confident such abuse cannot happen again.

#### AMENDMENT NO. 1316

Mr. BYRD. Mr. President, last year, Senator GRASSLEY and I had an amendment included in the Fiscal Year 2003 Defense Appropriations Act to crack down on the abuse of credit cards that are issued to Pentagon employees. Today, we offer an amendment to extend those provisions through fiscal year 2004.

The General Accounting Office has completed numerous studies on Government-issued charge cards. These reports have highlighted the Department of Defense as one of the worst abusers of those cards. Defense Department employees have been caught red-handed using their Government-issued credit card to pay for personal expenses such as luxury cruises, concert tickets, Internet gambling, and even adult entertainment. Incredibly, these abusive charges are being underwritten by the U.S. taxpayer, to the tune of untold millions each year.

Based on this evidence, the GAO has recommended that DOD employees should undergo credit checks before they are issued a Government charge card. That is exactly what the amendment offered last year by Senator GRASSLEY and me required.

The GAO recently reported to our staffs that despite progress in cracking down on some types of abuse, the Pentagon has not complied with last year's Byrd-Grassley amendment. That is why we offer an amendment to this Defense bill to extend last year's provision of the Defense Appropriations Act to apply in fiscal year 2004.

The Pentagon should be on notice that it has to straighten out its act with regard to charge card abuse, as well as a whole host of other accounting problems. Ignoring laws that require the Department of Defense to crack down on these problems is a serious mistake. Congress should send the message loud and clear that we expect them to comply with the Byrd-Grassley amendment on credit card abuse.

Mr. INOUE. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

MUSCULAR DYSTROPHY RESEARCH/MUSCLE RESEARCH CONSORTIUM

Mr. COLEMAN. Mr. President, I rise today to speak in support of funding for the Muscular Dystrophy Research/Muscle Research Consortium to study muscular disease. Funding will allow the consortium to conduct critical research on muscular dystrophy through the Department of Defense Peer Reviewed Medical Research Program. I note that the committee has stated its support for this very worthwhile program, in the report to accompany the fiscal year 2004 DoD appropriations bill. I urge the committee when conferencing with the House to include full funding for this program.

Mr. STEVENS. The Senator is correct. The committee has noted its support of the program, and I assure my friend from Minnesota that the committee will give its full consideration to this program while conferencing with the House.

Mr. COLEMAN. I thank the chairman for his support, and I also note that the House has included funding for this program. I look forward to working with the chairman to protect this project during conference.

ROBOSCOUT PROGRAM

Mr. FEINGOLD. I would like to ask a question of the managers of the bill: It is my understanding that the bill zeros out funding for the Roboscout program, also called Combat Zones That See.

Mr. STEVENS. Yes, that is correct.

Mr. FEINGOLD. It is further my understanding that zeroing out funding for this program will prohibit any research and development on Roboscout?

Mr. STEVENS. That is correct. The Department of Defense should not be engaging in any work on the Roboscout program.

Mr. INOUE. I concur with the Chairman. His statements express our intent for this program quite well.

WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT

Mr. FEINGOLD. Mr. President, I have long advocated the creation of 23

additional full-time National Guard Weapons of Mass Destruction Civil Support Teams and have supported the location of at least one team in each state and territory of the United States. I am pleased that last year the Congress passed—and the President signed into law—a defense authorization bill that required that these important teams be created.

I am also pleased that earlier this year the Senate passed a defense authorization bill that includes \$88.4 million for 12 new teams in fiscal year 2004. I thank the Chairman and Ranking Member of the Armed Services Committee for their support on this issue, and for including language in the report accompanying the fiscal year 2004 DoD authorization bill urging the Pentagon to include funding for the remaining eleven teams in its fiscal year 2005 budget request.

I also want to thank the Chairman and the Ranking Member of the Defense Appropriations Subcommittee for their work on this issue. I wonder if the managers would engage with me in a brief colloquy on this subject.

Mr. STEVENS. I would.

Mr. INOUE. Yes.

Mr. FEINGOLD. It is my understanding that the bill as amended by the Chairman includes the full \$88.4 million authorized by the Armed Services Committee for 12 new Weapons of Mass Destruction Civil Support Teams. I ask the Chairman of the Committee and the Senator from Hawaii [Mr. INOUE] if that is the case?

Mr. STEVENS. Yes.

Mr. INOUE. Yes.

Mr. FEINGOLD. So it is your understanding that the funding included in the bill currently before the Senate includes sufficient funding to man, equip, and train 12 new civil support teams?

Mr. STEVENS. That is my understanding.

Mr. INOUE. Yes.

Mr. FEINGOLD. I thank the managers.

ABRAMS SYSTEM ENHANCEMENT PROGRAM

Mr. VOINOVICH. Mr. President, as we consider appropriations for our men and women in uniform for the upcoming fiscal year, I would like to take this opportunity to express my strong support for the M1A2 System Enhancement Program.

As our experience in Iraq has demonstrated, the Abrams tank remains crucial to the efforts to the United States Armed Forces. The tanks of the 3rd Infantry Division were among the first on the ground in Iraq. However, the armed reconnaissance regiment of the CounterAttack Corps (CATK)—the 3rd Armored Cavalry Regiment (ACR)—is fighting with older, less capable M1A1 tanks.

The M1A2 System Enhancement Program retrofits existing tanks to incorporate the most sophisticated technologies, allowing them to best communicate with and protect the rest of the CounterAttack Corps. I believe it is critical to provide our soldiers in the

3rd Armored Cavalry Regiment—the eyes and ears of the CounterAttack Corps—with the most modern equipment available to them.

The State of Ohio, home to the Lima Army Tank Plant, plays a critical role in this modernization effort. The thousands of men and women who have worked at the Lima Army Tank Plant have played a long and distinguished role in the history of the mighty Abrams. This continued during Operation Iraqi Freedom, when the plant's employees responded to a call by the Defense Department and within the period of just one week designed, tested, produced and shipped to Iraq armored protection to bolster the armor around the exhaust.

I look forward to working with my colleagues in the Senate and the House of Representatives in conference to ensure that sufficient funds are maintained to upgrade the tanks of the 3rd Armored Cavalry Regiment, better serving our men and women in uniform and the U.S. military in their efforts to promote peace, security and democracy in Iraq and other parts of the world.

Mr. SHELBY. Mr. President, I want to associate myself with the statement of Senator VOINOVICH regarding the importance of the M1A2 System Enhancement Program. I strongly support providing the necessary funding to modernize the 3rd Armored Cavalry Regiment (ACR) tank fleet. I would ask Chairman STEVENS and Senator INOUE to work with us to find a way to address this important issue in conference.

Mr. SPECTER. Mr. President, I rise today to join the junior Senator from Ohio and my colleague from Alabama, Senator SHELBY, to urge the Chairman of the Senate Appropriations Committee to ensure that the Fiscal Year 2004 Department of Defense Appropriations bill we send to the President provides funding for at least one squadron of Abrams M1A2 SEP tanks for the U.S. Army's 3rd Armored Cavalry Regiment.

Like all Americans, I proudly watched on the nightly news as the U.S. Army's Abrams tanks again proved themselves an indispensable asset in the recent war in Iraq.

A critical element in the success in those battles—and any likely future conflict—is the U.S. Army's CounterAttack Corps. The armed reconnaissance regiment of the CATK is the 3rd Armored Cavalry Regiment, which needs the most up to date equipment to best protect our fighting men and women. The 3rd ACR must be upgraded to the Abrams M1A2 SEP to reflect new technologies.

The ground combat vehicle defense industrial base is critical to our national security as we transform our military services into more lethal, survivable and sustainable entities, particularly as we prepare for new programs such as Future Combat Systems.

I am proud that Scranton, Pennsylvania is a critical part of that industrial base. In Scranton, some two hundred highly dedicated, highly skilled workers—many of whom are members of UAW Local 1193—manufacture critical components of the M1A2 SEP, such as turret race rings, LRUs and suspensions.

I look forward to working with my colleagues in Conference to ensure that the fighting men and women of the 3rd ACR and the workers that together make up the backbone of our national security are protected well into the future by providing funding for at least one squadron of M1A2 SEP tanks in the Fiscal Year 2004 Department of Defense Appropriations Act.

Mr. DEWINE. Mr. President, I rise today to join my colleagues to highlight the absolutely critical need to fund the Abrams tank program and the M1A2 System Enhancement Program, specifically.

We have a moral obligation to our military forces to see that they are armed with the best equipment available when they put their lives on the line. The M1A2 System Enhancement Program is an important step in achieving this goal because it will help ensure the tank crews and the troops they protect get the highest, cutting edge technology possible. Like Senator VOINOVICH, I am extremely proud of the employees at the Lima Army Tank Plant, who themselves take such pride in the important work they do every day to make sure our tanks continue to be the best in the world.

Mr. STEVENS. I would like to thank my colleagues for their remarks regarding the M1A2 System Enhancement Program. I understand their concern with the need to provide resources to allow for the modernization of the 3rd Armored Cavalry Regiment tank fleet, and I look forward to working with them as we begin conference with the House to address this important matter.

#### NETRP PROGRAM

Mr. SESSIONS. As the Chairman and Ranking Member are aware, for the last 7 years, since 1997, the Department of Defense has sponsored a unique biomedical research effort called the Neurotoxin Exposure Treatment Research Program or NETRP. This program conducts medical research that has wide applications in protecting and treating our soldiers, as well as advancing medical research that can lead to a cure for Parkinson's disease, which afflicts more than one million Americans.

The program addresses the protection of American soldiers from a wide range of exposures including chemical warfare agents, potential toxins in military uniforms and jet fuel, and radiation from radar and communications systems. Findings from this military research then have broad application to those diagnosed with Parkinson's and other neurodegenerative disorders.

This year's House of Representatives DOD Appropriations bill includes an increase in NETRP funding from the 2003 level of \$21.25 million to \$31 million—a solid investment in protecting our soldiers that can have the added benefit of saving or vastly improving the lives of millions of Americans.

Will the Chairman consider accepting the House proposal in conference?

Mr. STEVENS. I can assure the Senator from Alabama that I will give consideration during conference to the House proposal to increase NETRP funding levels.

Mr. SESSIONS. I thank the Chairman.

Mr. DURBIN. I join my colleague from Alabama in thanking the Chairman for his assurance to give this provision all due consideration during conference, and urge our Ranking Member, the distinguished Senator from Hawaii, to likewise give consideration to this vital research to protect our soldiers, as well as benefit our citizens with neurodegenerative diseases.

Mr. INOUE. I would be happy to join in that assurance.

#### EC-130J MODIFICATIONS

Mr. SANTORUM. Mr. President, I rise today to engage in a brief colloquy with the distinguished Chairman and Ranking Member of the Defense Appropriations Subcommittee regarding Special Operations Command's information warfare platform, the ED-130J, which is funded in the Defense Appropriations bill.

The 193rd Special Operations Wing (SOW), Pennsylvania Air National Guard, conducts information warfare missions such as psychological operations (PSYOP) civil affairs radio and television broadcasts, Command Control Communications Counter Measures (C3CM) and limited intelligence gathering. Because many of the missions carried out are often classified, the public at large usually does not know the extent to which this unit has shaped events prior to conflict. In many cases, their mission has made conflict unnecessary or has reduced the loss of life.

Last year, the Senate provided \$87 million for a C-130J aircraft to be purchased and converted into an EC-130J platform that is used by the 193rd SOW. This sum was enough to purchase a C-130J, but not the unique components that are to be fitted into the platform. I thank the Committee for its support of this important platform by its inclusion of \$10 million in the Senate Appropriations bill for fiscal year 2004. I urge SOCOM to fully fund the unique components that will allow for the conversion of one C-130J into an EC-130J aircraft.

I ask the distinguished Chairman and Ranking Member of the Defense Appropriations Subcommittee to support the EC-130J modifications for Special Operations Command.

Mr. STEVENS. Mr. President, this is an important platform for SOCOM, as we have clearly demonstrated by our support in this bill.

These modifications are important to the mission of SOCOM and the reason for inclusion of \$10 million of additional funding in the fiscal year 2004 Defense Appropriations bill. The Committee also approved funds that could be used for these modifications in the Supplemental Appropriations bill for fiscal year 2003.

Mr. INOUE. Mr. President, I would also expect the Department to give full consideration to supporting this worthwhile project.

Mr. SPECTER. Mr. President, as the Senate debates the fiscal year 2004 Department of Defense Appropriations bill, I urge my colleagues to consider the importance of protecting our Naval ships and sailors, particularly in strategic ports, such as the port of Philadelphia, where heavy commercial and military traffic coexist. I strongly believe that it is critical we do everything we can to ensure the installation of safeguards against future acts of terrorism. We must avoid another tragedy like the October 12, 2000 terrorist attack on the *U.S.S. Cole* in Yemen which claimed the life of 17 U.S. Sailors.

Recently, quad hull steel caisson technology has been identified as an effective protection mechanism for such ships and their crews. I encourage the Defense Appropriations Committee to pursue a demonstration project focusing on this technology that can lead to full production of these quad hull modules on a timely basis.

Mr. FEINGOLD. Mr. President, I rise to explain my vote on the amendment offered by the distinguished Senator from West Virginia to H.R. 2658.

I share the Senator's concerns about our National Guard troops being deployed overseas for long deployments. I understand that the families of these troops are anxiously awaiting the return of their loved ones. And I, too, am deeply concerned about our troops being sent on dangerous and ill-conceived missions abroad.

I regret, however, that I could not support this amendment because, once the brave men and women of our Armed Forces are deployed, we should not micromanage their deployment. The ability of our Reserve and Guard Forces to work together seamlessly with the regular Active Duty Forces is critical. I am concerned that if we limit the length of deployment of our Guard and Reserve troops, we will fundamentally change this "Total Force" capability—and that is not a step that is in our interest today.

Before making this vote, I closely consulted with the National Guard in my State. They expressed to me the concerns I have noted. They expressed their concern that limiting the length of troop deployment will make them unusable for the Defense Department and therefore irrelevant to the American people. They do not want to become second-tier forces. Any change to their status should be carefully crafted in consultation with them, and should be carefully debated here to ensure

that the national security interests of the United States are fully protected.

But the Senator from West Virginia was right to bring this debate to the floor. The Guard and Reserve have been, and continue to be, heavily relied on by our country. This puts a tremendous strain on these brave men and women and on their families and we should look into ways in which we can reduce this burden. We should also ensure that our leaders are up front with the American people about the nature of the commitments that we undertake and the costs that they will be asked to bear in any military deployment. This clarity was not forthcoming in the debate over going to war in Iraq, and it is still not forthcoming today. The elected representatives of the American people are pressing the administration for answers, but too often, timeframes and budgets and straightforward assessments are elusive. I will continue to join my colleagues in fighting to ensure that Congress and the American people are given the answers they deserve to these vital questions.

Mr. VOINOVICH. Mr. President, I would like to take a moment to address my strong concern with the safety of U.S. military helicopters. As my colleagues may be aware, yesterday, a MH-53E Sea Dragon helicopter crashed roughly 10 miles southwest of the island of Sicily, which is home to U.S. Naval Air Station Sigonella. Four members of the U.S. Armed Forces lost their lives in this tragic accident.

During my time in the Senate, I have continued to raise the issue of aviation safety with our Defense Department. I believe it is crucial that we provide the funding necessary to provide for the safety of our men and women in uniform who ride in military helicopters—including funds for required maintenance, training, and modernization.

On May 6, 1999, I spoke on the Senate floor in honor of two brave American soldiers—Chief Warrant Officer Kevin L. Reichert and Chief Warrant Officer David A. Gibbs—who lost their lives when their Apache helicopter crashed into the Albanian mountains during a routine training exercise on May 5, 1999, as U.S. troops joined with our NATO allies in a military campaign against Slobodan Milosevic. As I remarked at that time, the United States owes David, Kevin, and so many other service members a debt of gratitude that we will never be able to repay, for they have paid the ultimate sacrifice. As the Bible says in John chapter 15:13, "Greater love has no man than this, that a man lay down his life for his friends."

As such, I strongly support a section of the report accompanying the version of the Defense Appropriations Act for fiscal year 2004 passed by the House of Representatives, H.R. 2658, which calls on the Army to provide a report describing mishaps sustained by Apache aircraft in Operation Iraqi Freedom. Specifically, the language reads:

The Committee is additionally concerned about the unusually high number of mishaps

sustained by Apache aircraft in Operation Iraqi Freedom. The high incident rate may have resulted from the extensive number of security support and non-traditional missions flown by aircraft, as well as adverse weather conditions. As such, the Army is directed to provide the congressional defense committees a report, no later than January 30, 2004, that enumerates and describes the Apache aircraft mishaps, the cause and to the extent known, the follow-up actions the Army is considering to address any systemic problems.

As we begin conference on the Defense Appropriations Act of fiscal year 2004, I urge my Senate colleagues to retain this important provision.

Mr. CHAMBLISS. Mr. President, I rise today in support of Air Force Procurement funds to purchase additional kits for the C-5 Avionics Modernization Program, AMP.

The Air Force requested these kits in their Unfunded Priorities List for Fiscal Year 2004, and both the House and Senate Defense authorization bills provided additional funding. These funds would be used to help put the AMP installation back on schedule to be completed by fiscal year 2007.

The Senate defense authorization bill includes a requirement to update the Mobility Requirements Study. I believe this study will almost certainly conclude that we do not have enough airlift capability to support our requirements. With this in mind, now is not the time to decommission any airlift assets. We are currently retiring C-141 aircraft. And the C-17 is a magnificent plane which has performed exceptionally well in Operation Iraqi Freedom and Enduring Freedom. This year's budget provides for 11 new C-17s, nevertheless we cannot purchase C-17s fast enough to fulfill our airlift requirements—that is why we need this C-5 avionics modernization program. This installation will extend the life and improve the capability of C-5s as well as contribute to our national defense for years to come.

The Air Force has purchased 10 AMP kits to date. The President's budget request only proposed funding for 18 kits. With the addition of monies to purchase more kits, the Air Force can achieve its most desirable schedule for purchasing kits and enhancing the C-5 fleet. The program is currently ahead of schedule and has performed exceptionally well in testing.

The need for the C-5s capabilities is very clear. The C-5 carried about half of all the cargo, 48 percent, in both Iraqi Freedom and Enduring Freedom—flying 28 percent of the sorties in Iraqi Freedom and 35 percent of the sorties in Enduring Freedom. The AMP is necessary for every plane in the fleet. In fact, General Handy, the Commander of U.S. Transportation Command and Air Mobility Command, has said that he strongly supports additional funding and wants to see the C-5 fleet get the avionics and safety upgrades of AMP as soon as possible.

The AMP modification will make the fleet compliant with the new Global

Air Traffic Management standards established by the International Civil Aviation Organization. By making the planes compliant with the new Global, GATM, standards, the C-5 can use shorter flight paths and consume less fuel, thus operating more efficiently and will be cheaper to maintain.

Even if the Air Force decides to retire some of the older C-5s in the next 10 years, or move them completely to the Guard and Reserve, the planes must have these upgrades to be viable and safe in high-density flight areas, in particular Europe and the Pacific. These planes will be less expensive to maintain for their lifespan of flight.

Mr. FEINGOLD. Mr. President, I rise to add my thoughts to the debate on the Defense appropriations bill for fiscal year 2004.

I wish to take this opportunity to thank all our soldiers, sailors, airmen, marines, and members of the Coast Guard for their hard work in the ongoing fight against terrorism, their efforts in Iraq, and the many other missions to which they have been assigned. These dedicated men and women have volunteered to undertake, often at great personal sacrifice, the task of protecting the American people and our way of life. We owe a huge debt of gratitude to the members of the United States Armed Forces for their selfless service.

I am pleased that this bill appropriates an average pay raise of 4.15 percent for military personnel and lowers servicemembers' out-of-pocket housing costs from 7.5 to 3.5 percent.

I am pleased that the Appropriations Committee has fully funded at the authorized level the 12 additional full-time Weapons of Mass Destruction Civil Support Teams, WMD-CST, included in the Senate-passed Department of Defense authorization bill. These teams, which are staffed by full-time members of the National Guard, will play an integral part in aiding first responders in their crucial work in the immediate aftermath of a terrorist attack. I have been a longtime supporter of the creation of these teams and am encouraged that we are well on our way to assuring that every State will have at least one full-time WMD-CST.

I am also pleased that funding for controversial data-mining programs, like the Terrorism Information Awareness Program and the Combat Zones That See Program, have been zeroed out in this bill. The untested and controversial intelligence procedure known as data-mining is capable of maintaining extensive files containing both public and private records on each and every American. Most Americans believe their private lives should remain private. Data-mining programs run the risk of intruding into the lives of individuals who have nothing to do with terrorism but who trust that their credit reports, shopping habits, and doctor visits would not become a part

of a gigantic computerized search engine, operating without any controls or oversight.

Unfortunately this enormous spending bill also contains many unnecessary items. I continue to be deeply concerned about the priorities of the Pentagon and about the process by which we consider the Department of Defense authorization and appropriations bills, a concern I have voiced every year that I have been a Member of this body. This bill includes \$9.1 billion for missile defense, despite the fact that it is an unproven program. We also continue to pour billions of dollars into duplicative fighter aircraft programs. These are just two of many examples of excess.

Despite the almost \$370 billion appropriated, this bill still does not accurately reflect the true cost of the defense budget. This bill stays within the Department of Defense allocation only by rescinding \$3 billion from prior supplemental appropriations and counting those funds against this year's spending. Even worse, this bill contains absolutely no funding for the operations in Iraq and Afghanistan, relying instead on future supplemental appropriations. These accounting tricks will not stop the ballooning of the national debt.

I was also disappointed that the Senate tabled the amendment to fully fund the President's AIDS initiative. I was thrilled by the commitment to fighting AIDS articulated by President Bush in his State of the Union Address, and I believe that the Congress should follow through on his historic and admirable pledge. Because I recognize that the AIDS pandemic is so devastating, because the pandemic causes the kind of instability and social collapse that present real security problems, I supported this amendment. But before I did, I studied it carefully because I needed to be certain that the offset would not diminish the resources available to the men and women of our armed forces currently deployed in dangerous missions in Iraq and elsewhere. Close scrutiny gave me confidence that the senior Senator from West Virginia had carefully crafted the offset to ensure that it would not do harm to our troops.

I will vote for this bill. This legislation includes good elements, such as the pay increases for military personnel and the funding for the establishment of much-needed WMD-CSTs. However, poor fiscal practices and accounting gimmicks cannot hide the fact that expensive, unproven, and redundant weapons programs continue to drain away scarce resources.

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. FRIST. Mr. President, the next vote will be the last vote of the

evening. The Senate will not be in session on Friday. We will reconvene on Monday and begin consideration of the Homeland Security appropriations bill.

As I previously announced, there will be no rollcall votes on Monday, although we hope Members will be prepared to give opening statements and offer amendments during Monday's debate.

The next votes will occur on Tuesday. We will alert all Senators as to the timing of those votes when they are scheduled. I will have more to say on the schedule when we close the evening.

Mr. STEVENS. Mr. President, I ask unanimous consent that immediately following final passage, the Senate insist on its amendments, request a conference with the House on the disagreeing votes, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk has read the bill for the third time.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Texas (Mrs. HUTCHISON) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

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

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 290 Leg.]

YEAS—95

|           |          |             |
|-----------|----------|-------------|
| Akaka     | Clinton  | Feinstein   |
| Alexander | Cochran  | Fitzgerald  |
| Allard    | Coleman  | Frist       |
| Allen     | Collins  | Graham (SC) |
| Baucus    | Conrad   | Grassley    |
| Bayh      | Cornyn   | Gregg       |
| Bennett   | Corzine  | Hagel       |
| Biden     | Craig    | Harkin      |
| Bingaman  | Crapo    | Hatch       |
| Bond      | Daschle  | Hollings    |
| Boxer     | Dayton   | Inhofe      |
| Breaux    | DeWine   | Inouye      |
| Brownback | Dodd     | Jeffords    |
| Bunning   | Dole     | Johnson     |
| Burns     | Domenici | Kennedy     |
| Byrd      | Dorgan   | Kohl        |
| Campbell  | Durbin   | Kyl         |
| Cantwell  | Edwards  | Landrieu    |
| Carper    | Ensign   | Lautenberg  |
| Chafee    | Enzi     | Leahy       |
| Chambliss | Feingold | Levin       |

|             |             |           |
|-------------|-------------|-----------|
| Lincoln     | Pryor       | Snowe     |
| Lott        | Reed        | Specter   |
| Lugar       | Reid        | Stabenow  |
| McCain      | Roberts     | Stevens   |
| McConnell   | Rockefeller | Sununu    |
| Mikulski    | Santorum    | Talent    |
| Murkowski   | Sarbanes    | Thomas    |
| Murray      | Schumer     | Voinovich |
| Nelson (FL) | Sessions    | Warner    |
| Nelson (NE) | Shelby      | Wyden     |
| Nickles     | Smith       |           |

NOT VOTING—5

|             |           |        |
|-------------|-----------|--------|
| Graham (FL) | Kerry     | Miller |
| Hutchison   | Lieberman |        |

The bill (H.R. 2658), as amended, was passed.

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

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments and requests a conference with the House on the disagreeing votes of the two Houses.

**The Presiding Officer 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 of Nevada, and Mrs. FEINSTEIN conferees on the part of the Senate.**

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 1300

Mr. HARKIN. Mr. President, I was inadvertently off the floor when the manager of the bill offered a managers' amendment that dealt with providing certain reparations to former U.S. servicemen who were held captive in Japan during World War II and were used as slave laborers in Japanese companies during the duration of the war.

Had I been on the floor at the time that amendment came up, I would have spoken about it and might have taken exception to its inclusion. I would have done so not because I do not think the former slave laborers of Japan deserve compensation, but it is coming from the wrong source.

Two years ago, Senator Bob Smith of New Hampshire and I offered an amendment that basically would have stopped the State Department and the Department of Justice from using taxpayer dollars to defend the interests of Japanese companies. That passed 58 to 34 in the Senate. The House passed the identical amendment in July in an overwhelming 393 to 33 vote, same provision, both Chambers. Incredibly, it was stripped out of conference.

Since then, the State Department has been wielding its influence on behalf of these Japanese companies, not the World War II POWs. I think this is unconscionable. The provision added tonight, basically, as I understand it, would give up to \$10,000 to each former POW slave laborer, but that money comes from the taxpayers of America. Senator SMITH and I said that money ought to come from the Japanese companies that are still in existence. Some of them are multinational, some of them huge, such as Mitsubishi, that actually used American slave laborers during World War II. Many of these

POWs were packed into cargo holds from the Philippines.

Four thousand American servicemen lost their lives during the Bataan death march. Those who survived were shipped off to Japan for more than 3 years to serve as slave labor for private Japanese companies. Throughout the war, Americans worked in mines, factories, shipyards, and steel mills, labored each day for as long as 10 hours a day in dangerous working conditions. They were beaten on a regular basis.

Frank Exline of Pleasant Hill, IA, was one of those POWs, a Navy seaman, who was captured April 9, 1942.

Frank Smith worked 39 months for Japanese companies in Osaka, Japan. He began on the docks unloading rock salt and keg iron and later found himself toiling in the rice fields. He was fed two rice balls a day and given very little water. During his time with the Japanese companies, he was tortured and beaten once for taking a potato. Upon being caught, the potato was shoved in his mouth and he stood at rigid attention, in the Sun, for 45 minutes. If he moved or blinked, he was beaten.

There was Frank Cardamon, of Des Moines, a marine stationed in China. His ship was attacked, and he was captured at Corregidor and sent to Japan to work in an auto parts factory and in the mines and was never paid for his work. He was fed two cups of rice a day. He went from 160 pounds to 68 pounds in 3 years of capture.

Margaret Baker, of Oelwein, IA, wrote a letter about her late husband, Charles Baker. Charles Baker, an Army private, survived the Bataan death march. He was sent to work in the mines for 3 years in Japan. He died at age 54 in 1973.

In her letter she wrote: He suffered many injuries and hunger on the death march and during his imprisonment. We feel his early death was caused by the suffering he endured while working long hours in the mines without food, rest, and clothing.

These men and 700 of their fellow prisoners of war and their families have been trying to seek long-delayed justice over the past several years. They have been to court to demand compensation from the Japanese companies that used POW slave labor. Yet our own State Department has come down on the side of the Japanese companies, not our POWs. The State Department took the view that a peace treaty signed in 1951 prohibits reparations from private Japanese companies for survivors such as Frank. In fact, State Department officials have submitted statements to the court in support of the view of these Japanese companies.

Imagine our own State Department coming down on the side of the Japanese companies, not the side of our POWs. I don't think that is right and I don't think it is fair, especially when the State Department's assertion about the treaty is inaccurate.

The State Department says the treaty signed in 1951 in San Francisco, article 14(b), exempts Japanese companies from these kinds of lawsuits. I will read the entire article 14(b):

Except as otherwise provided in the present Treaty, the Allied Powers waive all reparations claims of the Allied Power, other claims of the Allied Powers and their nationals arising out of any action taken by Japan and its nationals in the course of the prosecution of the War. . . .

It says "except as otherwise provided in the present Treaty." Well, the present treaty provides in article 26:

Should Japan make a peace settlement or war claims settlement with any State granting that State greater advantages than those provided by the present Treaty, those same advantages shall be extended to the parties to the present Treaty.

What does that mean? It means article 14 says that U.S. citizens, such as Frank Exline, could not sue Mitsubishi for reparations. But article 26 says if Japan were to conclude a different agreement or arrangement with another country that is more advantageous to the nationals of that country, those same advantages apply to all the signatories of the treaty.

Guess what. We didn't know this until the year 2000 when certain documents were declassified; we did not find out that Japan had concluded a separate treaty with the Netherlands, giving the Netherlands' national citizens the right to go to court to seek reparations. Under article 26, since the Netherlands got greater advantages than those under article 14, article 26 should be extended to those in the present treaty, including the United States.

The State Department ignores this. I guess they do not want to upset Mitsubishi or some of the other large corporations in Japan. They have continued to intervene in court. The courts have come down on the side of the Japanese companies.

The amendment Senator SMITH and I offered 2 years ago and adopted by the Senate and the House basically said the State Department and the Department of Justice cannot intervene in these cases anymore. They cannot use the taxpayers' money to intervene in these cases. That amendment was stripped from the conference report, I guess by the urging of the State Department.

This is why I am upset and stayed at this late hour to talk and why I will talk about it more. I did not know until yesterday that this provision was going to be slipped into the Defense appropriations bill. Otherwise, I would have been prepared with amendments of my own, amendments that this Senate adopted 2 years ago.

It is not right. First, it was not right for Japan and these private companies to use United States POWs as slave laborers. There is a book that describes the torture and what they went through working for private companies as slave laborers. It is not right they were treated that way.

Second, it was not right that the United States concluded a treaty that

said you can never seek compensation from these companies. That is the treaty we concluded in 1951. But there was an escape clause that said if Japan concluded a treaty with another country more advantageous to that country, then those same rights would accrue to our citizens. But that was kept under seal from 1951 until the year 2000. Then we found out that article 26 applied and that our former POWs, used as slave laborers, should have the right to go to court to seek compensation.

I am not saying they would have gotten it. At least they could have gone to court to press their rights, to exercise their rights to seek compensation.

What the amendment tonight did is it said now American taxpayers are going to pay them, American tax payers are now going to pay \$10,000 to each of these former POWs who are dying every day because of old age and infirmities. Why should the American taxpayer pay them?

These Japanese companies have a lot of money. A lot of the money they have was made on the backs of slave laborers during World War II, and these companies still exist today. That is why I found the inclusion of this amendment so offensive. It is a slap in the face to these former POWs, these slave laborers, saying: We are going to give you \$10,000; now shut up.

I understand there was a previous amendment that would have given \$30,000 or \$20,000 to the widows. That was taken away. I understand it is only \$10,000 now. Not only is that a slap in the face, but it is a slap in the face to the U.S. taxpayer, that somehow our taxpayers have to pay for what these Japanese companies did during World War II.

So this is not the last I will have to say about this. I will seek other avenues and other venues, bills coming across the floor of the Senate, to make sure our POWs have the right to seek compensation from these private companies. If the Dutch could get it done, if they had the right to do it, then our American citizens ought to have that same right under article 26 of the treaty of 1951. So while this amendment may have been adopted, I will seek other avenues, as I said, later on. And I will ask for record votes on it because Senators voted on it 2 years ago and House Members voted on it 2 years ago overwhelmingly. Maybe it is time to express, again, our displeasure at the State Department for what they have been doing, for interfering with the rights of our citizens to seek redress in our courts.

With that, again, I put the Senate on notice that this amendment will be coming down the pike whenever I find the first opportunity.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, tonight the United States Senate accepted an amendment that I wrote with the distinguished senior Senator from West

Virginia, Mr. BYRD, to require accountability and independent oversight on the "contracts for reconstruction and other services in Iraq that are funded in whole or in part with funds that are made available by the Department of Defense."

This requirement is long overdue.

Too much money is moving right now out of public coffers into private hands without adequate assurance that those hands have won the contracts fairly. Suffice it to say, the sums of money involved are staggering. The latest issue of Newsweek magazine says:

\$1 billion a week, and that's the lowside. So much for "self-sustaining" reconstruction.

The head of Iraq's State oil marketing organization thinks "the United States is dreaming if it believes it will be able to finance the reconstruction with oil money alone."

I was particularly troubled several weeks ago because, in the New York Times magazine, there was a feature length article describing the letting of a multibillion-dollar oil field contract to Kellogg, Brown and Root. That contract was sole source, meaning that Kellogg, Brown won it without having to compete at all. But now it appears that Kellogg, Brown and Root actually developed the Army's plan for the oil field restoration effort, and then was awarded the contract to carry out the plan, almost automatically.

I think it is important to be clear. This process essentially allowed an incumbent contractor to identify the criteria for a multibillion-dollar contract and virtually ensured that it would be awarded the contract without competition. The inside track doesn't peter out there. Under the auspices of an even larger, incredibly lucrative contract with the Army, Kellogg, Brown seems to have written the Army's so-called contingency plan for rebuilding Iraq. If the news reports are correct, then the potential for sole-source custom-crafted contracts is practically guaranteed by Kellogg, Brown's agreement.

The Department of Defense recently announced that it is going to go back and solicit bidding for the oil field contracts. So, in a sense, that ends the original controversy, the original contract that I was so concerned about with Kellogg, Brown and Root. But the American people deserve to know whether, in reletting this contract, the Department of Defense has finally acknowledged a problem with the original agreement and the contract processes that are being used today. The American people deserve to know whether the Department of Defense, on a regular basis, is letting other contracts to other companies in this fashion. The American people deserve to know whether the Department of Defense intends to continue this practice where it has not yet been discovered.

If individual contractors are customarily setting the criteria for the work they plan to pursue, it seems to me there are serious conflict-of-interest issues that the Department of Defense

should be working immediately to root out.

When you consider the Kellogg, Brown and Root contracts are so-called cost-plus contracts, this arrangement becomes even more unacceptable. Cost-plus lets companies spend what they think is necessary, and after that they get to tack on a percentage fee to make a profit. The more taxpayer dollars the company spends, the more profit they bring home. In effect, these contracts send out a message that the Treasury is open. If you are wasteful and inefficient, don't sweat it because the taxpayer is just going to pick up the bills.

A number of Iraqi reconstruction contracts, not just the Kellogg, Brown contract, have been designed in this way. If the Defense Department is going to spend my constituents' money in this manner without asking for a competitive bid, my constituents deserve to know why.

I have just been having community, townhall meetings in a number of our small, rural communities. I was recently in Gold Beach, OR, at a townhall meeting. Folks there were talking about the difficulty they face getting money for dredging, which is critically important. It is the lifeblood of these small, rural communities on the Oregon coast. They have to battle for every dime in order to get the funds for dredging. I can tell you my constituents in Gold Beach, Coos Bay, Pendleton, and Portland—across the State of Oregon—are saying there is no place for waste. With respect to these Iraqi reconstruction contracts and various other contracts with Iraq, they want to make sure that not only is there no waste, but there should not be any possibility for impropriety.

I understand that in some cases, there may be valid reasons for the awarding of contracts that seem suspect to the untrained eye. One explanation I have heard repeatedly is the need to award some contracts quickly. Another is the need for security clearances. But I cannot imagine that the need to move quickly is a valid justification for ignoring experience as a criterion, nor does a security clearance seem necessary for rebuilding a sewer system.

As a Member of the Intelligence Committee, I had thought these arguments were pretty shaky before. I said then, and I will repeat it tonight. I believe the Department of Defense and other agencies involved in reconstruction would have a more open process and greater credibility if they knew they had to face the public on these important issues.

The fact is: The Pentagon has kept the American taxpayer in the dark. The American people at present do not know how the select group of contractors was chosen, how much the reconstruction of Iraq will cost or how long it will take.

Tonight, with the adoption of the legislation authored with Senator BYRD, we are going to be in a position to finally get on top of those issues.

I want to express my appreciation to a number of the Senators on the Appropriations Committee, particularly Senator STEVENS, the distinguished chairman of the full committee, and Senator BYRD, the ranking member of the Defense Appropriations Committee, and the distinguished subcommittee chair of that committee, for working closely with me and my colleagues on this legislation.

Recently, the New York Times reported the current supply of about \$7 billion for rebuilding Iraq includes \$1.7 billion for Iraqi assets frozen in U.S. banks, \$900 million found hiding in Iraq, and about \$1.6 billion from Iraqi oil sold before the war. The United Nations is holding about \$1 billion for development, and Congress has already appropriated \$2.4 billion for reconstruction contracts. The occupation administrator is reportedly seeking about \$6 billion for the remainder of this year, and "the amount for 2004 will be considerably higher." Independent sources familiar with Iraq have put the price tag at upwards of \$100 billion.

The Pentagon just last week informed Congress that the monthly cost of military operations is really twice what they predicted in April, or nearly \$4 billion. Secretary of Defense Rumsfeld called this a "burn rate" of \$1 billion a week. My question then becomes, Will the administration have to effect a similar doubling of the projected reconstruction costs? What sort of a "burn rate" can the American people expect on the reconstruction side of the ledger?

We have seen the costs go up and up with respect to military operations. Suffice it to say, I think there is every reason to believe that will be the case with respect to reconstruction contracts as well.

What Senator BYRD and I have said—and we are very pleased the Senate on a bipartisan basis has accepted our amendment—is it is time for some accountability, and it is time for real and independent oversight with respect to these contracts.

What is needed are clear processes and standards for designing and awarding contracts. What is needed are clear criteria for justifying sole-source contracts. What is needed are mechanisms to provide independent oversight over contractors. What is needed are policies to prevent conflicts of interest. What is needed are policies to prevent waste, fraud, and abuse. What is needed are ways to assure the percentage of profits is determined for cost-fixed-fee contracts in a way that protects our taxpayers. Finally, what is needed is a list of all contracts for reconstruction and other services in Iraq and their overall expected costs and duration.

This week the civil administrator Paul Bremer said that just over the next 6 months Iraqi oil revenues will be \$2 billion short of what will be needed to finance occupation and reconstruction. He admitted that reconstruction

of Iraq is "not going to be self-financing." Newsweek magazine called these numbers "misleading."

What this means, in plain English, is that U.S. taxpayers are going to get stuck funding the difference for a number of months and for the foreseeable future.

We believe the pattern of secretive and closed bidding for these construction contracts is unacceptable. It seems to me the American people have a right to hear if there are reasons for sole-source and invitation-only contracts for these projects. If something is amiss in the Iraqi reconstruction contracting process, then the oversight and the accountability—as Senator BYRD and I have called for in the legislation accepted tonight—is going to bring that to light. It is high time Congress and the American people arrive at fair judgments about these difficult issues with respect to funding the reconstruction of Iraq. The American people deserve real accountability at a time when we need the money here at home for our schools, for our health care facilities, for our roads, and for the critical needs of strengthening our economy.

I think it is a significant step the Senate has taken. It assures this will now be an effort to establish true oversight and accountability over the billions of dollars that are being spent now and that will be spent with respect to reconstructing Iraq and other services in that country.

I thank Senator BYRD for his patience and assistance in this legislation.

Again, I express my appreciation to Chairman STEVENS for helping us to draft this in a way that will win bipartisan support.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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#### MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

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

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#### UNANIMOUS CONSENT AGREEMENT—H.R. 2555

Mr. FRIST. Mr. President, I ask unanimous consent that on Monday, July 21, at 1:30 p.m., the Senate proceed to the consideration of Calendar No. 192, H.R. 2555, the Homeland Security appropriations bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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#### SENATE BUSINESS

Mr. FRIST. Mr. President, we have had a full week, a complete week, though it is Thursday evening, and almost 9 o'clock. We will not be in session tomorrow, and we will not have votes on Monday but will proceed to the Homeland Security bill Monday during the day and, hopefully, make progress.

As we look over the course of the week, it has been a full and complete week, with a number of amendments and a lot of debate, a lot of issues. I congratulate members from the Appropriations Committee, the leaders on both sides of the aisle for their leadership, in bringing us to the point that we have now passed three of the appropriations bills.

We will have a busy week next week. We will proceed as far as we can in addressing, hopefully, a number of appropriations bills next week. And then, that following week, which will be the last week we are in session, we will address Energy and, hopefully, complete the Energy bill, which is my intention, before the August recess.

Mr. REID. Mr. President, if the distinguished majority leader will yield?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I know he has a lot more work to do tonight. I want to say, briefly, before he completes his statement on Prime Minister Blair, and other things, in the National Journal's Congress Daily today, it was brought to my attention that, among other things, it says—and if it is here I am sure it is true; we know all things written are true that the press puts out—

GOP staffers continue to meet in an effort to flesh out a reworking of the bill's electricity provisions. A new proposal expected to be released sometime next week.

The only reason I bring this to the leader's attention this evening is that the bill, as it is, is very difficult. We know there are problems with the electricity section. On both sides of the aisle, people are concerned about it.

If there is going to be a new electricity section in this bill, we have to have it next week because there is tremendous concern, especially by the Senators from Washington. And as we discussed yesterday, there are more than 300 amendments on this matter.

The two leaders are sponsors of one of the main amendments in the bill, and I know the two leaders want to get this bill finished. But having said the two leaders want to finish the bill, we still have 98 other Senators to worry about.

I would hope there is some realization of the great difficulty of finishing this bill, especially if there is a new section to be written about electricity. If it is a section that everybody signs

off on, that would alleviate a tremendously large problem with this bill.

So I just want to say, we have 2 more weeks to go. I think this week, even though I am sure there is some disappointment in the leader in not being able to complete more appropriations bills, we did a monumental task of finishing this bill in the time we did. I think the debate was good. There were no nonrelevant amendments. No points of order had to be raised. So I think we have done good work. But I do not want, by the mere fact that we keep talking about the Energy bill, for anyone to think it is going to be a simple issue to get that completed.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I appreciate the comments from the assistant Democratic leader and understand that the task before us is a large one. One of the advantages we have is that we began to address the Energy bill on May 6 of this year. We have spent 12 days on the floor debating the bill. We made good progress on the Energy bill, and by saying we would spend a week, or the last week of this month, focused entirely on that bill, we have given all of our colleagues the opportunity to work—both members on the committee and our colleagues not on the committee—the opportunity to develop amendments, to discuss those amendments, to work in a bipartisan way across the aisle to come to agreement—and not necessarily consensus but agreement—in lots of different areas.

One of the good things about, at least 6 weeks ago, saying and making very clear to our colleagues we are going to spend the last week on it is that it has given us the opportunity to work together and to look at the various potential amendments as well as the underlying bill.

It is a huge challenge, I recognize, but one I personally look forward to working with the leadership on the other side of the aisle to accomplish as we go forward.

Mr. President, tonight we passed the Defense appropriations bill. I am very pleased with the progress today. Now we have passed three of the 13 appropriations bills for the new fiscal year that begins in just under 3 months.

In many ways, it is ironic because at the beginning of this year we had 11 appropriations bills we had to pass, and now we have passed three; so indeed we have passed 14 appropriations bills this year, which is remarkable. But, in truth, we have three appropriations bills of the 13 for the new fiscal year that we have passed. And now, well over an hour ago, that third one being passed is a benchmark in many ways. I am hopeful that over the course of the next week we will pass as many as three more appropriations bills. I am confident we will be able to pass two. I would like to be able to pass three, which would mean six appropriations bills passed before the August recess.