do with an issue of health care and emergency health. It is regarding a fundamental question which most people cannot answer, cancer in women.

I ask people to be thinking what the appropriate answer is, What is the deadliest cancer in women today? What is the leading cause of cancer death among 55 percent of our population today? Most people think breast cancer, cervical cancer, ovarian cancer, or one of the gynecological cancers. It is not. The deadliest cancer is lung cancer.

It is preventable and it does not have to be that way. Therefore, the solution comes with education. I will take 3 or 4 minutes to comment.

The Journal of the American Medical Association this spring published the astonishing finding that lung cancer is the No. 1 cause of cancer deaths in American women. In fact, breast cancer, all the gynecological cancers, add those up and they still do not equal the number of women who die from lung cancer.

The female death rate from lung cancer has risen 600 percent over the last six decades. The last lung cancer operation I performed was about 10 years ago. Since then, the death rate has increased. It is a problem that is getting worse. The death rate continues to grow, even though the rate of smoking among women has begun to taper off since the 1960s. The whole point is that lung cancer can continue to strike even after someone stops smoking.

Lung cancer is the deadliest of all cancers. It tends to spread to the brain. It tends to spread to the bones. It is usually diagnosed very late. The 5-year survival, which is the end point that we in medicine use, is very low. If you take all women who were diagnosed with lung cancer from 1992 to 1999, only 12 percent—1 in 10—survived 5 years. In the Journal of the American Medical Association article, the survival rates, according to the researcher, to use his words, are ''dismal.''

It is interesting that the disease affects women differently than men. Probably estrogen plays a role in that. We see female smokers suffer a higher result of genetic damage from the smoke and the ingredients in smoke. Females are less able to repair genetic damage from the smoke. It is an epidemic. It is an epidemic in this country with these high death rates, but there are also great smoking increases across the world, so it becomes a pandemic when we look at Asia, or a continent I go to on a regular basis, Africa, where smoking is gaining in popularity. Thus, lung cancer and death will be increasing in decades to come.

The good thing is we can prevent it. Up to 80 percent of lung cancer is caused by one thing: smoking. It is as simple at that. A lot of people try to dance around it but it is as simple as that. It does not matter statistically whether you are smoking light cigarettes or regular, even heavy smokers versus social smokers. There is no such thing as a safe cigarette today.

You can quit and that is tough to do. I have counseled hundreds and hundreds of patients, being a heart surgeon, a lung surgeon, and lung cancer surgeon before. I have counseled hundreds of patients, probably thousands of patients. It is tough to quit smoking. Nevertheless, if you put your mind to it, you can quit, and if you quit you can reduce that risk.

The best thing we can do is have people never start. That means we have an obligation to take the very latest scientific data, what we know today, and educate the American people. I argue, also, we need to educate people in high school today because the easiest thing to do is stop people from smoking up front.

I urge my colleagues, educators, parents, and the media to convey that message loud and clear. We know where smoking leads. It leads to addiction, to cancer, contributes to heart disease, to stroke, blood vessel disease, and cardiovascular disease. We need to educate young women to the consequences of smoking before they have done irreparable damage to their lungs.

Although I know my colleagues will not read the Journal of the American Medical Association, the article itself is factual, very well researched. I believe at least I have an obligation to share this with my colleagues so they can share the current state of the art with their constituents and reverse a growing challenge to women's health.

I yield the floor.

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

Mr. WARNER. Could we speak for a minute before the quorum call?

Mr. REID. Senator DASCHLE is going to give a speech.

Mr. WARNER. I was going to recommend that our colleague from Alaska, who has commitments early this morning, be able to initiate on this side comments in rebuttal to the distinguished Senator from Wisconsin and the Senator from Michigan can follow and then the Presiding Officer wishes to say something, and I will wrap.

Mr. REID. I am sure that is appropriate.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I will use my leader time.

CONGRESSIONAL OVERSIGHT

Mr. DASCHLE. Mr. President, no question more occupied the minds of our Founding Fathers than how to keep American democracy from devolving into despotism.

The delicate and elaborate structure of our Government is designed not merely to represent the will of the American people but to prevent the concentration and abuse of power. To eliminate the prospects that tyranny could take hold, the Framers not only created a separation of equal powers, but they gave each branch authority over its peers.

''Unless these departments be so far connected and blended as to give each a constitutional control over the others,'' James Madison wrote in The Federalist Papers, ''the degree of separation . . . essential to a free government, can never in practice be duly maintained.''

For our system to work, no part of Government can be free from scrutiny—not Congress, not the judiciary, and not the White House.

Unfortunately, Congress seems to have abdicated its role in our system of checks and balances. Partisan loyalty is taking precedence over our constitutional responsibilities, and oversight has ground to a halt. There are few clearer examples than Congress' failure to investigate the decision to withhold the cost estimates for its controversial Medicare proposal.

There have been serious allegations that the administration misled Congress about the projected cost of the Medicare legislation, denying access to a study that projected much higher costs than those administration officials, including the President, discussed publicly. These allegations included charges that the former Administrator of the Centers for Medicare & Medicaid Services violated Federal law by threatening to fire Medicare's Chief Actuary if he disclosed the cost information to Members of Congress. Yet the allegations are being ignored in both the House and the Senate. The White House, too, has stonewalled. There have been no hearings, no inquiries, nothing but silence.

These charges are too serious to ignore. There are four crucial questions relating to those facts that urgently need investigation.

First, who in the administration knew about the higher cost estimates? CMS Chief Actuary Richard Foster has said that the HHS cost estimates were shared with White House officials.

To assess whether there was a coordinated effort within HHS and the White House to mislead Congress, we need to know who in the administration knew about the higher cost estimates and when they knew it.

Second, who in the administration participated in the decision to withhold the cost estimates from Congress?

According to the Congressional Research Service, Federal employees have a statutory right to communicate with

Congress, as well as certain whistleblower and employment protections. Moreover, HHS is expressly prohibited from using funds to pay the salary of anyone who prevents or attempts to prevent an executive branch employee from providing information to Congress if that information relates to relevant official matters.

CRS has found that the CMS may have violated these laws when the Administrator threatened Mr. Foster. We need to know if others above the Administrator's level participated in or authorized this activity.

Third, were senior leaders in Congress part of the effort to withhold the cost estimates from the rest of Congress?

In a letter to Representative HENRY WAXMAN, the Department of Health and Human Services has asserted that ''[Health and Human Services] made conferees aware that HHS expected its final scoring to be higher than CBO's final scoring'' and cited Republican conferee NANCY JOHNSON as one of the Members who ''knew about these numbers.''

If the administration shared the cost estimates with selected Republican leaders, why did these leaders not share the estimates with all conferees and all Members?

Fourth, is the administration seeking to obstruct congressional investigations?

To date, the administration has refused to cooperate with legitimate efforts to investigate its actions. White House Counsel Alberto Gonzales has intervened to prevent officials from testifying before the House Ways and Means Committee about White House involvement. President Bush has failed to respond to a request for information from 12 U.S. Senators. These actions suggest there may be a concerted effort by the administration to block oversight of its actions.

There could be no clearer case demonstrating the need for congressional oversight.

To preserve our system of checks and balances and maintain citizens' trust that the power they have vested in their elected leaders is being exercised responsibly, we must take very seriously allegations that executive branch officials misled Congress in this case. Therefore, along with several of my colleagues, I have requested that the leadership in both the House and the Senate take the following two steps:

First, Congress should ask the administration to provide copies of any documents relevant to this investigation.

Second, Congress should hold hearings at which Mr. Scully; Doug Badger, Special Assistant to the President for Economic Policy; and James Capretta, Associate Director for Human Resource Programs at OMB, be called to testify. Mr. Scully's relevance is self-evident. Mr. Badger and Mr. Capretta received cost estimates from Mr. Foster and are likely to have information about the White House involvement in this matter. Their testimony would, therefore, be critical to establishing key facts about this affair.

These actions are essential if Congress is to fulfill its oversight responsibilities. They are simple and straightforward and will enable Congress to learn why the Medicare cost estimates were withheld and who is actually responsible.

In addition, we are writing President Bush to urge him to clarify what he knew about the Medicare cost estimates, the administration's attempts to suppress them, and the administration's communications with Congress about this issue. The credibility of the White House on all matters of policy is at stake.

These concerns are not limited to the Medicare debacle. As the cost of operations in Iraq have climbed past $200 billion, American taxpayers have been asking questions regarding whether every dollar spent has been necessary.

Of late, those questions have centered on Halliburton. Even before the invasion of Iraq, there were concerns about Halliburton's contracts. Very quickly, these concerns proved to be justified.

Last year, an investigation found that Halliburton charged American taxpayers $2.64 per gallon for gasoline shipped into Iraq, which was double the price other suppliers were charging. That gasoline was then sold to Iraqis for as little as 5 cents per gallon.

Recently, the reports of waste, fraud, and abuse have literally been piling up. This week, we learned Halliburton charged taxpayers $10,000 per day to house its employees in Kuwait's five-star Kempinski Hotel. The same employees could have stayed in air-conditioned tents like those used by American troops for $600 a day. The company purchased embroidered towels that cost three times that of standard towels. One employee discovered that Halliburton was charging for 37,200 cases of soda every month even though they were only providing 37,200 cans. In effect, Halliburton was charging the remarkable price of $45 for each 30-can case of soda for which supermarkets charge about $7. When the employee began making progress in reducing Halliburton's overcharges in this and other areas, she was taken off the accounts.

Most troubling, a former Halliburton truck convoy commander disclosed that Halliburton removed all the spare tires from its brand-new $85,000 trucks. When the tires went flat, the trucks were abandoned or torched. In addition, there seemed to be near total disregard of maintenance on trucks.

''There were absolutely no oil filters or fuel filters for months on end. I begged for filters, but never got any,'' the convoy commander said. ''I was told that oil changes were 'out of the question.' ''

The convoy commander also indicated that convoys of empty trucks often were sent out. He said Halliburton ''would run trucks empty quite often.

Sometimes they would have five empty trucks, sometimes they would have a dozen. One time we ran 28 trucks, and only one had anything on it.''

Well, whatever they are putting on the trucks, one thing is clear: The American taxpayer is being taken for a ride.

When other Halliburton employees reported similar examples of waste, fraud, and abuse, they were told, ''Don't worry about it. It's a cost plus contract.'' ''Cost plus,'' evidently, is jargon for war profiteering.

Despite these abuses, none of the Senate committees controlled by the Republican majority have investigated Halliburton's activities in Iraq or indicated that they intend to look into this matter.

Such scrutiny, we are told, could jeopardize the rebuilding efforts.

This attitude could not be more misguided. The danger in our rebuilding of Iraq is that the American people will lose faith in this effort because they feel it is too expensive or that they are being cheated.

There is one way to guarantee that the American taxpayer is not being cheated: that is, for Congress to step up to its constitutional obligations to oversee the actions of the executive branch of government.

Sunlight, it's been said, is the best disinfectant. But for too long, the administration has been able to keep Congress and the American people in the dark.

Medicare and Halliburton represent only the tip of the iceberg.

Still more major allegations of misconduct, such as the outing of the identity of a covert CIA agent for political gain, have been ignored.

And other serious matters, such as the manipulation of intelligence about Iraq, have received only fitful attention.

This is fundamentally wrong. Our constitutional oversight responsibilities should not be driven by political expediency.

Regardless of the party affiliation of the President, there are some matters that are too important to be ignored.

The American people are looking to us to provide leadership.

If no wrongdoing has been committed, let our investigations reaffirm people's faith in the government's credibility.

But if there has been wrongdoing, the American taxpayer has a right to see that those responsible are held accountable.

Ensuring accountability is one of the roles the Framers set out for us. In a way, it is our most solemn obligation, because in fulfilling our task, we preserve the democratic nature of our government.

Not only is a great deal of money at stake, the continuing faith of the

American people in their system of governance is at stake. Safeguarding that democratic system is our responsibility, and it is time we met it.

I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The PRESIDING OFFICER (Mr. TALENT). Under the previous order, the Senate will resume consideration of S. 2400, which the clerk will report.

The assistant legislative clerk read as follows:

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

Pending:

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

Brownback Amendment No. 3235, to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

Burns Amendment No. 3457 (to Amendment No. 3235), to provide for additional factors in indecency penalties issued by the Federal Communications Commission.

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

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

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

Dayton/Feingold Amendment No. 3197, to strike sections 842 relative to a conforming standard for waiver of domestic source or content requirement and 843 relative to the consistency with United States obligations under trade agreements.

Warner (for MCCAIN) amendment No. 3461 (to the language proposed to be stricken by Amendment No. 3197), in the nature of a substitute.

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

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

Levin Amendment No. 3338, to reallocate funds for Ground-based Midcourse interceptors to homeland defense and combatting terrorism.

AMENDMENT NO. 3338

The PRESIDING OFFICER. Under the previous order, there will be 60 minutes of debate equally divided in the usual form in relation to the Levin missile defense amendment. Who yields time?

The Senator from Colorado is recognized.

Mr. ALLARD. I yield 8 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I come to the floor today to strongly oppose the Levin amendment. This amendment would realign critical funds for the ground-based midcourse interceptors. The consequences of that decision, in my judgment, would be devastating. By reallocating those funds, Congress would effectively cripple the deployment and testing of the interceptors in Alaska. Let me hasten to add, that decision to go to Alaska with these interceptors was not a political decision. It was made by the scientists. But I support that decision, and I believe Alaskans do also.

Ballistic missiles are a serious threat to the United States, and our interests, forces, and allies throughout the world are threatened by them. The missiles our enemies possess are growing in range, reliability, accuracy, and number. A missile carrying nuclear, biological, or chemical weapons could inflict damage that would make the tragedy our country experienced on September 11 pale by comparison.

We cannot afford to ignore this threat. We must confront it, if we want to address the challenges that characterize our Nation's new security environment. The new security challenges of the 21st century require us to think and act differently.

With that in mind, the decision was made to field the ground-based midcourse system in Alaska. Alaska's location gives us a strategic advantage. Interceptors launched from Alaska will be capable of protecting all 50 States. If Congress rejects Senator LEVIN's amendment and remains committed to the ground-based midcourse program, the United States will be able to meet any potential threat from a rogue nation or terrorist group.

The Fort Greely interceptors are the centerpiece of our integrated, layered, national missile defense system. The funding contained in the 2005 budget is a downpayment on additional interceptors that will enable us to conduct additional flight testing and maintain industrial base production lines for key components of the ground-based system. Senator LEVIN's amendment cuts this funding.

The amendment also disregards what years of experience have shown—that it is wise to move into a deployment phase before the testing phase of a program has been completed. I remind Congress of the gulf war, when we fielded a number of systems that were under development at that time, including JSTARS. I personally witnessed that test in the deployment phase, in the testing phase, and early deployment of JSTARS in the gulf war. The Patriot missile was also tested in this way.

Over many years we enhanced the Patriot batteries that first saw action by 1991, by implementing a follow-on enhancement program and replacing the original missile with a completely new interceptor.

Similarly, the B–52 bomber that first flew in 1952 is hardly the same aircraft that dropped the bombs over Afghanistan in the war against terror. The original B–52 gave us early intercontinental bombardment capability, and it was enhanced over time with hardware and software improvements that helped us meet evolving operational challenges. These examples are reminders that a requirement written into a system's development phase can quickly become irrelevant or yield a dead end. That is a lesson we must keep in the forefront of our minds as we confront today's dynamic security environment.

The time to move forward with the deployment of a ground-based midcourse operational capability is now. We must continue to improve the system. It must be allowed to evolve over time and take advantage of the breakthroughs in technology as they occur. Congress should follow the proven wisdom of experience and resist the urge to build to perfection a national security strategy that has never served us well.

That is exactly what this amendment would have us do—turn our backs on the proven wisdom of experience and wait until there is a tragedy to confront the national security threats we know are emerging now.

I urge the Senate to support the ground-based midcourse system and oppose Senator LEVIN's amendment.

Again, this system has been deployed in my State already in the test phase. We should continue that concept.

I yield back any time I have not used.

The PRESIDING OFFICER. The Senator from Colorado has 25 minutes 30 seconds remaining. The Senator from Michigan has 30 minutes remaining. Who yields time?

Mr. LEVIN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the amendment which I am offering does not touch the first 20 interceptors. They are fully funded. They are going to be deployed before they are independently tested. The Senate decided that last week in a number of debates and in a vote on an amendment, the Boxer amendment. Whether it was the right decision or the wrong decision, time will tell, but nonetheless it is the decision and was the decision of this Senate that those 20 interceptors be deployed in those silos in Alaska prior to their being independently tested.

The question before us now is whether the added missiles—21 through 30, those interceptors that are paid for in this bill—are going to be provided or whether we will use that money, $515 million, for a much greater need, to address a much more immediate threat, and that is the threat of loose nukes, the threat of nuclear fissile material