DEFENSE AUTHORIZATION

Mr. WARNER. Mr. President, I thank all Senators for their cooperation in regard to the work that the committee, Senator LEVIN and I, and all Members of the committee have performed on the National Defense Authorization Act, which is currently the pending business before the Senate.

I state to all Senators that the amendments are in now. We have quite a few. In such time as staff will have this week, I and other Members of the committee will be working through these amendments. When the Senate resumes its business next week, my understanding is the leadership intends to bring up this bill and we will continue our work. We are making progress.

At the same time, I commend the leadership of the Senate. It is most appropriate as a tribute to our late President and the deep respect so many hold him in that this Senate will not be conducting its normal workload this week.

Our committee had planned to have a very important hearing on Thursday. We had confirmed witnesses and the hearing was set to have the Deputy Secretary of State, Deputy Secretary of Defense, and Chairman of the Joint Chiefs before the committee. The principal agenda we were going to address was the transition taking place in Iraq, the government, our concerns regarding the hopeful U.N. Resolution, as well as documents being in place that will give a specific clarity to the question of the status of forces and how they will operate under the evolution of this new government. It is very important, not only for the safety of each member of the Armed Forces of the United States but our coalition partners, as we continue to pursue the goal as laid down by our President and the Prime Minister of Great Britain and others in bringing about peace in Iraq and providing for a security situation such that they can enjoy the freedoms we in this country and other countries enjoy.

I myself am anxious to receive the report of our majority leader and others who were in Iraq meeting with officials. I will leave that for the moment.

In conversations with the majority leader over the weekend, I was very encouraged by the positive observations he provided.

We will not be able to move forward on this bill this week for very important reasons, nor will we have our hearing. I thought of having the hearing the following week but, again, it is extremely difficult for a committee to pursue a bill of this magnitude—and I think there are probably 200 amendments at the present time—and then have a hearing, which hearing would take 4 or 5 hours, in all probability. Consequently, I will not schedule a hearing that week, but I will be in consultation with the Senate leadership and the members of the Senate Armed Services Committee, Senator LEVIN and all members of the committee, as to the course of action we will take to continue to pursue the hearings we deem necessary to fulfill the basic parameters of the investigation regarding the prisoner situation that were laid down in my opening statement on May 7 at which time the Secretary of Defense appeared before the committee.

There had been a lot of press speculation, comments, and inquiries to my office about any changes. The answer, speaking for myself, is clearly no. It is my intention to try to achieve the necessary oversight. We cannot predict every course of action of the committee but basically the oversight we deem necessary on this important issue. At the same time, we must recognize important work is being done by the committee in getting this bill through and adopted. It is important because the Appropriations Committee, I understand, is awaiting the bill and the House is anxious to get started with the conference. All aspects are coming together.

So for the present time I am not able to give an exact prediction. We are looking at the possibility of the earliest possible hearing to replace the one we are not going to have on Thursday. Thursday's hearing was going to be devoted to the transition of government and the security of our forces and the framework within which our coalition will operate in carrying out its mission. We nevertheless anticipated we would get an update from the Departments of Defense and State with regard to the various inquiries and investigations now underway, all of which were instituted by the executive branch. As far as I am concerned, the Department of Defense is pursuing those investigations in a very fair and objective and serious manner.

Speaking for myself, I think the Department of Defense has been totally cooperative with me as chairman of the committee in bringing certain documents and other matters to the attention of the committee. There was a situation regarding General Taguba's report. I worked with the Department. The Department, in a timely way, is bringing to the Senate for its examination such other records as we deem to have been within the framework of that report and bringing them to the Senate in a timely fashion. They have been cooperative.

I thank all Senators. We will be resuming our series of hearings on not only the prisoner situation but the transition in the government and other issues as quickly as we can following the completion of our bill in the Senate.

I also at this time draw the attention of all Senators to an amendment which I put into the RECORD. The amendment is a very short one. It states the title of this bill, subject to the adoption of this amendment, will become the ''Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005.''

I have a number of cosponsors to this amendment at this time. I hope tomorrow other Senators might consider becoming cosponsors.

I was privileged to be in the Senate through his Presidency and, at various times, served as ranking member of the committee. His steadfast determination to strengthen America's defense is one of the hallmarks of his administrations. I was so privileged, as were other Members of the body, to have worked with him on that buildup.

That buildup, in my judgment, clearly laid the foundation for the eventual demise of the Soviet Union and the ability of diplomacy to work more effectively because, undoubtedly, through his actions and his remarks, the world clearly knew this President was going to guide this Nation to the position of such strength as necessary to back up diplomacy. After all, I think as a doctrine well established, diplomacy can only be as effective as a nation is capable of backing it up if it fails and have the determination to use such other assets as necessary to achieve its goals, in our case, in the area of the security and freedom of our great Nation; namely, national defense.

Mr. President, with that, I think I will conclude my remarks, again drawing the attention of Senators to this amendment that I was privileged to submit together with Senator FRIST, Senator STEVENS, and, I must say, Senator LEVIN and Senator INOUYE. So it is bipartisan in every respect. And Senator LIEBERMAN has joined us. So I hope other Senators might consider joining us as cosponsors during the course of business tomorrow.

Mr. President, I yield the floor.

Mr. SARBANES. Mr. President, I would like to take this opportunity to explain an amendment that I offered and was accepted by unanimous consent on Friday, June 4, 2004. The amendment expresses the sense of the Senate that the Department of Defense should set aside funds to assist those school districts with school-aged populations that are severely affected by the Army's Residential Communities Initiative—RCI. In essence, it urges the Department to build and improve its housing with an eye toward the needs of the surrounding civilian community, to contribute to that community's public school system and to assist with those expansions and accommodations that are driven by an increased military presence.

In 1996, the Department began a project that will result in approximately 120,000 new housing units at 34 installations across the United States. The increase in family housing units will bring a corresponding increase in school-age children to these bases. These children will be educated primarily at public schools. Indeed, of the approximately 750,000 current school-aged children of members of the active duty Armed Forces in the United States, approximately 650,000 attend public schools.

President Truman created the Impact Aid Program in 1950 to reimburse

public school districts for the loss of traditional revenue sources resulting from a Federal presence or Federal activity. Since that time, numerous school districts throughout the country have received direct assistance from the program. Impact Aid is unique among the Federal education programs because it is one of the only programs in which funds are sent directly to the school district with little or no intervening bureaucracy.

Although in recent years the program has not been fully funded, it still provides critical support to school systems that contain Federal bases. School systems have three main sources of revenue for each student: State aid, local property taxes, and local taxes on businesses. Districts that contain Federal installations do not have the benefit of collecting property taxes on the property upon which military bases sit. Their schools educate children whose parents are stationed on base, but they do not receive the benefits of a tax base that includes the property that these parents would occupy in normal school districts. In other words, these districts have less money per child with which to support their public schools.

The Impact Aid Program was created to alleviate some of the pressures created by a large military presence by providing funding for additional students and programs to meet growth-related needs. But the Department's RCI program presents a unique situation for communities across the country, including that of Anne Arundel County, which contains Fort Meade. On the one hand RCI provides a commendable solution. By rehabilitating dilapidated military housing, our service men and women have safer, more comfortable places to live. We in Maryland are very proud of and grateful for our military presence and strongly support the right of military families to have livable dwellings. But on the other hand our communities must have the Department participate as a full partner in those facilities its personnel use.

It is only proper that the Department, as it improves its housing, consider the impacts those improvements are likely to have on the surrounding community, particularly the school system. My amendment asks the Department to do just that—to not only build and improve housing, but to think of the community it is creating and to contribute to that community's needs as a partner. I believe this is the only responsible way for the Department of Defense to proceed and I thank my colleagues for supporting this amendment.

Ms. SNOWE. Mr. President, last Thursday, I submitted amendment No. 3273 to the National Defense Authorization Act for fiscal year 2005 revising and extending the authority for the advisory panel to the Administrator for Federal Procurement Policy on review of government procurement laws and regulations

This amendment is intended to ensure that small business interests are represented both in the membership of the panel and in its activities.

The advisory panel was created in Section 1423 of the National Defense Authorization Act for fiscal year 2004, and was mandated to focus on laws and regulations concerning the use of commercial practices, performance-based contracting, the performance of acquisition functions across agency lines of responsibility, and the use of government-wide contracts. The panel was required to issue a report a year after appointment, but, otherwise, the panel has no subset date.

While the panel was to study contracting laws in different contexts, small business was not one of them. Further, Section 1423 provided that appointments were to be made in consultation with several government agencies and Congressional committees involved in procurement policy. Again, neither the Small Business Administration nor the Congressional Small Business Committees were mentioned. Finally, there as no mention of small business with regard to the panel's report.

As Chair of the Small Business Committee, I am profoundly troubled by the omission of small business interests from the work of this panel. The contracting practices to be studied by the panel have an enormous impact on the ability of small business to participate in the Federal procurement marketplace. The Senate must assure small businesses that their opinions about acquisition reforms will be heard.

My amendment is simple and straightforward. It would require participation on the panel by the Chief Counsel for Advocacy of the Small Business Administration or his designee. The Chief Counsel's Office of Advocacy, created by Public Law 94–305, has a unique mandate to be an independent voice of small business before Congress and Federal agencies. Under Executive Order 13272 signed by President George W. Bush, Federal agencies must consider the chief counsel's comments on any proposed rules in order to ensure that our government's policies will not cause harm to America's small business.

As we know, small businesses have been struggling to gain and retain access to Federal contracts. Problems like contract bundling continue to persist, and many agencies still fail to meet their statutory small business contracting goals. The Chief Counsel for Advocacy and his capable staff have worked hard to tackle challenges faced by small companies in doing business with the Federal Government. Naming the chief counsel or his designee to this panel will enable the Office of Advocacy to better carry out its statutory mandate, and it will facilitate the implementation of President Bush's Executive order on consideration of small business interests. The chief counsel, Mr. Thomas M. Sullivan, advised my committee that such an appointment will be in the interest of small business.

This amendment also requires the panel to consider small business issues in its studies and in its report, provides for an extension in the deadline for completing or supplementing its report to reflect the small business perspective, and mandates accountability to the small business committees of the House and the Senate.

This amendment gives small businesses a seat at the table to have their views heard as recommendations are made that could significantly impact their future viability as government contractors. Senators COLEMAN and KERRY have already expressed their support for this amendment by becoming cosponsors. I urge the rest of my esteemed colleagues to support America's small business and this amendment.

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. Without objection, it is so ordered.

OPENING THE RAIN GARDEN

Mr. DURBIN. Mr. President, earlier today the Architect of the Capitol and I had the opportunity to participate in the ribbon cutting for a small, but important project on the Senate side of the Capitol.

At my request, the Architect and his staff built a demonstration rain garden, also known as a low impact drainage project, last month just outside of parking lot 16 at the corner of First and D Streets, Northeast. A rain garden captures and filters runoff from parking lots to reduce stormwater flooding and keep pollutants from entering local streams and rivers.

In the case of the Senate's rain garden, oil, gas, brake fluid, and other toxic substances from automobiles are filtered though a garden that measures 18 ft x 65 ft x 5 ft just outside of the Lot 16 fence. The garden, which is a very attractive addition to the landscaping here on Capitol Hill, is not flat; it is built on an angle to pull runoff into it. The water is filtered through rocks and a coarse mix of soil. The soil is 50 percent sand, 30 percent topsoil, and 20 percent organic materials, such as composted leaf mulch. The annual and perennial plants in the rain garden were selected by the Landscape Architect due to their ability to withstand periods of heavy saturation, drought, and also their ability to thrive in an environment that occasionally includes a steady diet of pollutants.

Once the water is filtered, it is discharged into the existing stormwater