

(as submitted with the budget of the President under section 1105(a) of title 31, United States Code) need not include such assessment; and

(2) the Director of Operational Test and Evaluation shall submit the assessment to the Committees on Armed Services of the Senate and the House of Representatives not later than July 31, 2004.

Mr. REED. I ask unanimous consent to add as cosponsors Senators FEINGOLD and FEINSTEIN.

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

AMENDMENT NO. 711, AS MODIFIED

Mr. REED. Mr. President, I ask unanimous consent that the amendment be modified with the changes at the desk.

The PRESIDING OFFICER (Mr. WARNER). The Senator has that right.

The amendment is so modified.

The amendment (No. 711), as modified, is as follows:

Strike section 223, and insert the following:

SEC. 223. OVERSIGHT OF PROCUREMENT, PERFORMANCE CRITERIA, AND OPERATIONAL TEST PLANS FOR BALLISTIC MISSILE DEFENSE PROGRAMS.

(a) **PROCUREMENT.**—(1) Chapter 9 of title 10, United States Code, is amended by inserting after section 223 the following new section:

“§ 223a. Ballistic missile defense programs: procurement

“(a) **BUDGET JUSTIFICATION MATERIALS.**—(1) In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary of Defense shall specify, for each ballistic missile defense system element, the following information:

“(A) For each ballistic missile defense element for which the Missile Defense Agency is engaged in planning for production and initial fielding, the following information:

“(i) The production rate capabilities of the production facilities planned to be used.

“(ii) The potential date of availability of the element for initial fielding.

“(iii) The expected costs of the initial production and fielding planned for the element.

“(iv) The estimated date on which the administration of the acquisition of the element is to be transferred to the Secretary of a military department.

“(B) The performance criteria prescribed under subsection (b).

“(2) The information provided under paragraph (1) shall be submitted in an unclassified form, but may include a classified annex as necessary.

“(b) **PERFORMANCE CRITERIA.**—(1) The Director of the Missile Defense Agency shall prescribe measurable performance criteria for all planned development phases (known as “blocks”) of the ballistic missile defense system and each of its elements. The performance criteria may be updated as necessary while the program and any follow-on program remain in development.

“(2) The performance criteria prescribed for a block under paragraph (1) shall include one or more criteria that specifically describe, in relation to that block, the intended effectiveness against foreign adversary capabilities, including a description of countermeasures, for which the system is being designed as a defense.

“(c) **OPERATIONAL TEST PLANS.**—The Director of Operational Test and Evaluation, in consultation with the Director of the Missile Defense Agency, shall establish and approve

for each ballistic missile defense system element appropriate plans and schedules for operational testing. The test plans shall include an estimate of when successful performance of the element in accordance with each performance criterion is to be verified by operational testing. The test plans for a program may be updated as necessary while the program and any follow-on program remain in development.

“(d) **ANNUAL TESTING PROGRESS.**—The annual report of the Director of Operational Test and Evaluation required under section 232(h) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 10 U.S.C. 2431 note) shall include the following:

“(1) The test plans established under subsection (c); and

“(2) An assessment of the progress being made toward verifying through operational testing the performance of the system under a missile defense system program as measured by the performance criteria prescribed for the program under subsection (b).

“(e) **FUTURE-YEARS DEFENSE PROGRAM.**—The future-years defense program submitted to Congress each year under section 221 of this title shall include an estimate of the amount necessary for procurement for each ballistic missile defense system element, together with a discussion of the underlying factors and reasoning justifying the estimate.”

(2) The table of contents at the beginning of such chapter 9 is amended by inserting after the item relating to section 223 the following new item:

“223a. Ballistic missile defense programs: procurement.”

(b) **EXCEPTION FOR FIRST ASSESSMENT.**—The first assessment required under subsection (d) of section 223a of title 10, United States Code (as added by subsection (a)), shall be an interim assessment submitted to the Committees on Armed Services of the Senate and the House of Representatives not later than July 31, 2004.

The PRESIDING OFFICER (Mr. TALENT). Will the Senator suggest the nature of the modification?

Mr. REED. The staffs have been collaborating all day. They have reached an agreement. The modifications make it clear that goals will be established with respect to the National Missile Defense Program. The modifications are acceptable to the majority and minority. I believe we have a meeting of the minds on all the details.

Mr. WARNER. The Senator is correct. The modification was reviewed on this side, and we are prepared to accept the amendment.

Mr. REED. I urge acceptance of the amendment at this time.

Mr. LEVIN. Mr. President, I commend the Senator from Rhode Island and all those who worked with him to make this amendment possible. It is a significant contribution to making our missile defense system more effective, both in terms of the cost and operational effectiveness. It fills some very important holes that otherwise would have existed, and it is his tenacity that made it possible.

Mr. WARNER. Mr. President, earlier today, when the amendment was being discussed, I did encourage the Senator from Rhode Island and the Senator from Colorado to see whether or not they could bridge the gap. They have done that.

So I compliment my good friend and fellow member of the Armed Services Committee, as well as the Senator from Colorado. They did a job that will be helpful.

The PRESIDING OFFICER. Without objection, the amendment, as modified, is agreed to.

The amendment (No. 711), as modified, was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I ask for the yeas and nays on the substitute amendment of Senator WARNER.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, as a simple courtesy, I ask for the yeas and nays on the amendment of the Senator from Rhode Island.

The PRESIDING OFFICER. It is in order to request the yeas and nays on the underlying first degree amendment.

Is there is a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. I thank the Chair. This concludes the matters on the bill.

MORNING BUSINESS

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

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

CONGRATULATING CHARLES MICHAEL DURISHIN

Mr. DASCHLE. Mr. President, today I offer my deepest gratitude and sincere congratulations to Charles Michael Durishin, Democratic staff director of the House Veterans' Affairs Committee, on the occasion of his retirement, last Friday. A good friend and a consummate professional, Mike has served in various capacities in Congress since 1973, including most of the last 16 years with the House Veterans' Affairs Committee.

I met Mike in 1972 on the Senate campaign of Jim Abourezk. We were hired within days of each other by Pete Stavrianos, one of my close friends and my longtime chief of staff. Mike and I quickly became friends on the campaign and, after the election, came to Washington together to work on Senator Abourezk's staff. I so respected his work that he was one of the first people I hired to join my own staff when I was elected to the House of Representatives in 1978. Mike worked with me, covering veterans issues, until 1986. At that time, I was a member of the House Veterans' Affairs Committee, and Mike matriculated to the committee staff.

While I lost one of my great friends and best staffers, the Veterans' Affairs Committee gained a staff member with expert knowledge, exceptional political skill, and great character.

I have been so fortunate to continue to work with Mike on veterans issues even as I moved to the Senate. On the committee staff, Mike was instrumental in securing passage of the Montgomery G.I. bill. Later, he continued his work to improve education benefits, expand veterans' employment opportunities, and end homelessness among veterans while working for one of my close friends in the House, Representative LANE EVANS.

I am truly grateful to have been able to work with such a great friend for so long. Mike's wonderful smile, his dry sense of humor, and his amazing wealth of knowledge have meant so much to me over the years. I have had the pleasure of working with his wife Joey as well, and I know she and their son, Michael, will be happy to have him around the house a little more often during his retirement. While those of us who know his work are not yet ready to see him go, I wish him the best in this next stage of his life.

The veterans of this Nation will greatly miss the day-to-day service of this advocate who has dedicated his career to ensuring that our Nation meets its obligations to the men and women who serve it so bravely. I will miss greatly working beside my longtime friend. Mike, your record of service will be long remembered and appreciated in the Halls of the Congress and beyond. Good luck with your well-earned retirement.

GRANTING TAIWAN MEMBERSHIP TO THE WORLD HEALTH ORGANIZATION

Mr. REID. Mr. President, 3 years ago today, Chen Shui-bian was democratically elected President of the Republic of China on Taiwan. Under President Chen's strong leadership, Taiwan has remained true to its democratic values and has continued to be a model for its neighbors in the region. But as the Taiwanese people prepare to celebrate the third anniversary of their President's election, they also are struggling to contain the recent outbreak of Severe Acute Respiratory Syndrome, SARS, in their country. The WHO's refusal to grant membership or even observer status to Taiwan has hindered the Nation's ability to halt the spread of SARS, and has placed the health of all 23 million Taiwanese in jeopardy. This crisis highlights Taiwan's urgent need to obtain observer status in the WHO.

I urge the WHO to give Taiwan access to all the resources it needs to fight SARS so that President Chen can be as successful in the coming years as he has been during the last 3.

I ask unanimous consent that the following op-ed on this topic by President Chen that appeared in the Washington Post on May 9 be printed in the RECORD.

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

[From the Washington Post, May 9, 2003]

HELP TAIWAN FIGHT SARS

(By Chen Shui-bian)

The outbreak and spread of severe acute respiratory syndrome, or SARS, has brought illness, death and economic peril to Asia and the rest of the world. It has also drawn attention to Taiwan's exclusion from the World Health Organization. If there was ever a time for my country to be allowed to join the WHO, it is now.

As Taiwan's democratically elected president, my first and foremost obligation is to the people of Taiwan. When SARS first appeared in Taiwan in March, our health system responded quickly and effectively. As a result, Taiwan initially achieved a record of zero mortality, zero community transmission and zero transmission abroad of SARS. But despite our efforts, another outbreak occurred in late April. We have taken strict measures in response, and are working day and night to contain the disease.

Throughout this health crisis, my government has acted in the best interest of our people and of foreign nationals living in and visiting Taiwan. At no time has my administration suppressed information about the disease. Our press has reported freely on SARS. More important, our officials know that they are accountable to the people, both morally and at the ballot box. Whatever problems arise for Taiwan, we will solve them according to the highest standards of medicine, government accountability and human compassion.

I also have an obligation to the world. Taiwan is a nation of 23 million people and a major trading partner for many countries. What happens in Taiwan affects many millions more around the world. For that reason, Taiwan immediately offered to work with the WHO in combating SARS. Unfortunately, we were rebuffed. However, in response to the most recent rise in the number of cases, and for the first time in decades, two experts from the WHO arrived in Taiwan last week. I welcome this assistance and have directed my government and called on my people to cooperate fully with them.

The WHO's decision to send these experts to Taiwan has great significance. It demonstrates that Taiwan is indispensable to international public health. But it also suggests that cooperation between the WHO and Taiwan should not be left to ad hoc arrangements.

Despite my country's advanced health system, staffed by doctors and nurses educated in highly respected institutions at home and abroad, and despite a strong desire to participate in the WHO, Taiwan is denied membership or even observer status in the organization. As a consequence, our epidemiologists are still unable to gain prompt access to information, such as samples of the virus, that could help our scientists learn about the disease and treat patients. Nevertheless, we have tried to provide information to international organizations to ensure that Taiwan can make the maximum contribution to solving this health problem.

The effort to understand and control SARS continues. Viral experts seek answers to important questions. Doctors and health professionals on the front line of the battle against SARS need as much information as possible to be able to deal with the disease. Moreover, like the WHO, international health officials need as much data as possible about SARS and the way it behaves in different environments and among different populations.

Taiwan, with a population larger than those of three-quarters of the countries of the world, is a piece of a global puzzle that experts need to understand to cope with the virus. Taiwan has long wanted not only to benefit from the WHO's expertise but also to share the responsibility that all countries have to global public health. Many health care professionals around the world have expressed their support for Taiwan's admission to the WHO as an observer. We are grateful.

We hope that at the WHO meeting on May 19, this important organization will invite Taiwan to be an observer. Taiwan's people should not be excluded from efforts to defeat SARS. Nor should the rest of the world be denied the important contribution Taiwan can and wants to make to global health.

HONORING PRIVATE DANNY J. KEOGH

Mr. REID. Mr. President, on March, 17, 1953, Private Danny J. Keogh, an Irish citizen and a resident of the State of Nevada, gave his life for America while fighting in the Korean War. Private Keogh's story is a tale of exemplary courage. After living and working in Sparks, NV for 4 years, Private Keogh was drafted to serve in the U.S. Army during one of our Nation's most difficult hours. Private Keogh served valiantly with the 9th Infantry Regiment of the 2nd Infantry Division until he fell to enemy mortar fire on March 17 when his position on Hill 355 of Little Gibraltar came under attack from Chinese forces.

Today I rise to honor Private Keogh and to thank his family for the sacrifice that this brave young man made for our country. Private Keogh's family has long sought American citizenship for their fallen loved one, and I pledge my support for this cause. Those who are willing to make such great sacrifices for our Nation and our liberties have earned the title of United States citizen, and deserve a special place in the hearts of all Americans.

Our duty to honor those who serve on the front lines of our battle against tyranny, terrorism and hatred has become especially poignant in the wake of our recent war with Iraq. I am pleased that Congress included language in the Department of Justice Authorization bill last year to allow fallen heroes to receive the honor of citizenship. Efforts like this, and a strong commitment on the part of educators like Assemblyman Bernie Anderson, Private Keogh's cousin to teach the next generation of Nevadans about the sacrifices made in defense of our freedoms, are essential for keeping America and our democratic ideals strong. I salute Private Keogh and his family and look forward to the day very soon when this American hero will finally become an American citizen.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the