

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WARNER. Mr. President, the distinguished majority leader, the distinguished Democratic leader, the Democratic whip, myself, and other Senators have worked out this agreement that I now ask unanimous consent to be considered by the Senate.

The PRESIDING OFFICER. Will the Senator suspend for a moment, please. The Chair has some business to conduct. I apologize.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

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

The 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:

Graham of South Carolina amendment No. 3170, to provide for the treatment by the Department of Energy of waste material.

Crapo amendment No. 3226 (to amendment No. 3170), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I am presenting this unanimous consent request, together with the distinguished Senator from Nevada, who will comment on it as soon as I have completed reading it.

I ask unanimous consent that the pending amendments be temporarily set aside, and that following this consent, Senator DASCHLE be recognized in order to offer an amendment related to TRICARE. I further ask unanimous consent that when the Senate resumes the Defense bill on Thursday morning, tomorrow morning, the Senate proceed to a vote on adoption of the pending Crapo amendment No. 3226, to be followed by a vote on the adoption of the underlying amendment No. 3170, as amended. I further ask unanimous consent that Senator CANTWELL be recognized to offer an amendment related to nuclear waste, and that there be 4 hours for debate equally divided in the usual form; provided further that following the use or yielding back of time the Senate proceed to a vote in relation to the Cantwell amendment, with no amendments in order to the amendment prior to the vote—before the Chair rules, I would announce it is my understanding that the pending

Graham and Crapo amendments would not require rollcall votes and would be accepted by voice—provided further, I ask unanimous consent that following the disposition of the TRICARE amendment, the Senator from Virginia, Mr. WARNER, be recognized in order to offer an amendment related to the \$25 billion contingent fund requested by the President.

The PRESIDING OFFICER. The Senator from Nevada.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. There is a unanimous consent request pending.

Mr. WARNER. I renew the request as stated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. I thank my colleagues for making this possible.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

AMENDMENT NO. 3258

Mr. GRAHAM of South Carolina. I ask unanimous consent I be allowed to offer the TRICARE amendment, and I send it to the desk at this time.

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

The legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself and Mr. DASCHLE, proposes an amendment numbered 3258.

Mr. GRAHAM of South Carolina. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend title 10, United States Code, to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes)

Beginning on page 134, strike line 18 and all that follows through page 141, line 12, and insert the following:

SEC. 706. EXPANDED ELIGIBILITY OF READY RESERVE MEMBERS UNDER TRICARE PROGRAM.

(a) UNCONDITIONAL ELIGIBILITY.—Subsection (a) of section 1076b of title 10, United States Code, is amended by striking “is eligible, subject to subsection (h), to enroll in TRICARE” and all that follows through “an employer-sponsored health benefits plan” and inserting “, except for a member who is

enrolled or is eligible to enroll in a health benefits plan under chapter 89 of title 5, is eligible to enroll in TRICARE, subject to subsection (h)”.

(b) PERMANENT AUTHORITY.—Subsection (1) of such section is repealed.

(c) CONFORMING REPEAL OF OBSOLETE PROVISIONS.—Such section is further amended—

(1) by striking subsections (i) and (j); and

(2) by redesignating subsection (k) as subsection (i).

SEC. 707. CONTINUATION OF NON-TRICARE HEALTH BENEFITS PLAN COVERAGE FOR CERTAIN RESERVES CALLED OR ORDERED TO ACTIVE DUTY AND THEIR DEPENDENTS.

(a) REQUIRED CONTINUATION.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1078a the following new section:

“§ 1078b. Continuation of non-TRICARE health benefits plan coverage for dependents of certain Reserves called or ordered to active duty

“(a) PAYMENT OF PREMIUMS.—The Secretary concerned shall pay the applicable premium to continue in force any qualified health benefits plan coverage for the members of the family of an eligible reserve component member for the benefits coverage continuation period if timely elected by the member in accordance with regulations prescribed under subsection (j).

“(b) ELIGIBLE MEMBER; FAMILY MEMBERS.—(1) A member of a reserve component is eligible for payment of the applicable premium for continuation of qualified health benefits plan coverage under subsection (a) while serving on active duty pursuant to a call or order issued under a provision of law referred to in section 101(a)(13)(B) of this title during a war or national emergency declared by the President or Congress.

“(2) For the purposes of this section, the members of the family of an eligible reserve component member include only the member's dependents described in subparagraphs (A), (D), and (I) of section 1072(2) of this title.

“(c) QUALIFIED HEALTH BENEFITS PLAN COVERAGE.—For the purposes of this section, health benefits plan coverage for the members of the family of a reserve component member called or ordered to active duty is qualified health benefits plan coverage if—

“(1) the coverage was in force on the date on which the Secretary notified the reserve component member that issuance of the call or order was pending or, if no such notification was provided, the date of the call or order;

“(2) on such date, the coverage applied to the reserve component member and members of the family of the reserve component member; and

“(3) the coverage has not lapsed.

“(d) APPLICABLE PREMIUM.—The applicable premium payable under this section for continuation of health benefits plan coverage for the family members of a reserve component member is the amount of the premium payable by the member for the coverage of the family members.

“(e) MAXIMUM AMOUNT.—The total amount that the Department of Defense may pay for the applicable premium of a health benefits plan for the family members of a reserve component member under this section in a fiscal year may not exceed the amount determined by multiplying—

“(1) the sum of one plus the number of the family members covered by the health benefits plan, by

“(2) the per capita cost of providing TRICARE coverage and benefits for dependents under this chapter for such fiscal year, as determined by the Secretary of Defense.

“(f) BENEFITS COVERAGE CONTINUATION PERIOD.—The benefits coverage continuation

period under this section for qualified health benefits plan coverage for the family members of an eligible reserve component member called or ordered to active duty is the period that—

“(1) begins on the date of the call or order; and

“(2) ends on the earlier of—

“(A) the date on which the reserve component member's eligibility for transitional health care under section 1145(a) of this title terminates under paragraph (3) of such section; or

“(B) the date on which the reserve component member elects to terminate the continued qualified health benefits plan coverage of the member's family members.

“(g) EXTENSION OF PERIOD OF COBRA COVERAGE.—Notwithstanding any other provision of law—

“(1) any period of coverage under a COBRA continuation provision (as defined in section 9832(d)(1) of the Internal Revenue Code of 1986) for an eligible reserve component member under this section shall be deemed to be equal to the benefits coverage continuation period for such member under this section; and

“(2) with respect to the election of any period of coverage under a COBRA continuation provision (as so defined), rules similar to the rules under section 4980B(f)(5)(C) of such Code shall apply.

“(h) NONDUPLICATION OF BENEFITS.—A member of the family of a reserve component member who is eligible for benefits under qualified health benefits plan coverage paid on behalf of the reserve component member by the Secretary concerned under this section is not eligible for benefits under the TRICARE program during a period of the coverage for which so paid.

“(i) REVOCABILITY OF ELECTION.—A reserve component member who makes an election under subsection (a) may revoke the election. Upon such a revocation, the member's family members shall become eligible for benefits under the TRICARE program as provided for under this chapter.

“(j) REGULATIONS.—The Secretary of Defense shall prescribe regulations for carrying out this section. The regulations shall include such requirements for making an election of payment of applicable premiums as the Secretary considers appropriate.”

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1078a the following new item:

“1078b. Continuation of non-TRICARE health benefits plan coverage for dependents of certain Reserves called or ordered to active duty.”

(b) APPLICABILITY.—Section 1078b of title 10, United States Code (as added by subsection (a)), shall apply with respect to calls or orders of members of reserve components of the Armed Forces to active duty as described in subsection (b) of such section, that are issued by the Secretary of a military department before, on, or after the date of the enactment of this Act, but only with respect to qualified health benefits plan coverage (as described in subsection (c) of such section) that is in effect on or after the date of the enactment of this Act.

THE PRESIDING OFFICER (Mr. SESSIONS). The Senator from South Carolina.

Mr. GRAHAM of South Carolina. Mr. President, before we get started discussing the substance of the amendment, I think it is important that I make a comment about how the amendment came about, and that this

is the Daschle-Graham amendment. Senator DASCHLE has been gracious enough to let me offer the amendment, but the truth is, without his support it would never have happened.

I have enjoyed tremendously working with him and others to try to find some common ground in terms of helping our Guard and Reserve communities facing unprecedented problems from the war on terrorism. They are doing a terrific job, just as are our active-duty troops. This has been a bipartisan effort. We worked on this last year. Senator DASCHLE offered the amendment last year. We made some progress. There was a compromise reached for the uninsured Guard and Reserve members to have \$400 million to allow them to have full-time health care through the military health care system. That program was not implemented to my satisfaction. I doubt if Senator DASCHLE was pleased, but at least we did make some progress.

Chairman WARNER has been very gracious in allowing us to offer this amendment and has tried to work with us at every turn. Senator CLINTON was one of the original cosponsors, along with Senator DEWINE. I could make a fairly lengthy list of Republicans and Democrats who tried to find some common ground when it comes to the Guard and Reserve community and their participation in the war on terrorism. What we have before the Senate today is a result of that bipartisan effort.

I listened to Senator DASCHLE talk about his visit to South Dakota. I had a similar visit in South Carolina when people kind of urged us to get our act together and do more in common, find some common ground up here. I think we found that today.

Guard and Reserve members, most Americans would assume, are covered in terms of military health care, but they are not. I think most Americans find it surprising that if you join the Guard or Reserve you are not entitled to military health care unless you are activated. The truth is, if you are a Guard or Reserve member, you have to work at least one weekend a month and 2 weeks a year. But the big joke among the Guard and Reserve is, “What a heck of a one weekend a month, 2 weeks a year job” because so many of them have been called to active duty for extended periods.

By the end of this year, 40 percent of the people serving in Iraq and Afghanistan will be members of the Guard and Reserve, called to active duty for probably a year or more. The reason that is so is because the Guard and Reserve community possesses unique skills that are essential to winning the war on terror. Mr. President, 75 percent of the people flying the C-130 in Afghanistan and Iraq come from the Guard and Reserve community. These air crews come from Air Guard units and Air Reserve units.

The C-130 is an indispensable asset in the war on terrorism. It is a four-en-

gine prop plane. It was not the leading edge weapons system in the cold war. But when it comes to the war on terrorism, it can land in short spaces and take off in short spaces and haul people and cargo under some pretty adverse conditions. When I toured Iraq last year with fellow Senators, we had nine C-130 flights going in and out of Iraq and Afghanistan. All nine flights were manned by Reserve crews.

Ninety percent of the people in the civil affairs component of the military are Reserve or Guard members. What do the civil affairs folks do? They are the ones who go around to Afghanistan and Iraq and teach democracy. They help local government organize at the equivalent of a city or a county level. They are helping judicial systems start. They are civilian lawyers and judges and administrators who leave small towns and big towns and they offer their service to the military. That service is being offered in Afghanistan and Iraq and is completely indispensable. We will never win the war on terror unless we get some democratic principles in the Mideast, and the civil affairs units are the leading edge folks providing that service.

Another group that is highly valuable that is heavily laden in terms of Guard and Reserve participation is military police. I know our Presiding Officer is a former member of the Reserve component, legal officer. He probably has a lot of MPs from Alabama who have been called from active duty to go to Afghanistan and Iraq and Bosnia and perform that function.

The military police force has a way to go. Major combat operations are over, but we know from our PC screens, what we read and hear from what is reported from our troops, Iraq and Afghanistan are very dangerous places. What we are trying to do is create order out of chaos. The military police are not only trained in combat skills but policing skills. High numbers of the military police units that are being activated to thwart the war on terrorism come from the Guard and Reserve communities. Most of them have civilian connection to law enforcement. They come from small towns all over America—from Alabama, South Dakota, and South Carolina. They are two of the five cops deployed because they are military police Reserve or Guard units.

The point of this discussion is to try to inform the body that the reason the Guard and Reserve community is so heavily utilized is because it has unique assets and skills which are essential to win the war on terror. The commitment from this group will continue to grow probably over time—not less.

It is now time for the Senate, the House, and the administration to work together to upgrade the benefits of the Guard and Reserve community.

One of the big problems we find from the war on terror is about 25 percent of the people called to active duty from

the Guard and Reserve community are unable to go on active duty because of health care problems. That percent of the people in the Guard and Reserve do not have health care insurance in the private sector.

In my State, our adjutant general, Stan Speers, who has done a wonderful job leading our National Guard, says about 50 percent of the people in the National Guard in South Carolina have no health care in the private sector. What happens when you are called up? You have rigorous military standards in terms of being activated and sent off to war. The leading disqualifier for going onto active duty after being called from the Guard and Reserve is dental problems.

When you think about it, a lot of private health care plans have very limited dental coverage.

What we have been working on for well over a year is to provide full-time access to Guard and Reserve members and their families to military health care called TRICARE. If you are called to active duty from the Guard or Reserve, or if you join the Active-Duty services, you will become a member of TRICARE. Our chairman, Senator WARNER, is the father of TRICARE. It was through his initiative that we created this large network of hospitals and doctors that go beyond the limits of the base. We signed up doctors and hospitals all over the country and the world to provide health care to our military members and their families. TRICARE is getting better every year. It is a free benefit.

But for those who serve in the military, you earn what you are getting because nothing is really free. You are risking your life for our freedom. But there is no contribution required of Active-Duty personnel.

What Senator DASCHLE, myself, and others have tried to do is cover this problem for the Guard and Reserve community in a creative fashion. Let us allow them to enroll in TRICARE. What would be the benefit of that for their country?

Number one, our Guard and Reserve would have continuity of health care. They would be in a health care system that is providing quality health care. It would be a great recruiting tool. If you join the Guard or Reserve, you and your family would be eligible for military health care. That would be a good attraction to get new people to come in. It would be a great retention incentive for people to stay in who have already signed up because they could get their health care through the military. It would be a great relief to employers.

The unsung hero of this whole operation in terms of the Reserve community is employers. If you go without your employer for a year or greater, many employers pay the difference between active and civilian pay.

More times than not, when a person is called to active duty, they get a cut in pay. Their military pay is less than their civilian pay. Their families suffer

because the military members stand in harm's way. The support network for the Guard and Reserve is not nearly what it is for Active-Duty people. They get a cut in pay.

We are trying to lessen the effects on hardships on families. We are trying to make it an incentive for Guard and Reserve participation.

Here is how the program would work. If you join the Guard or Reserve, you and your family would be eligible to enroll in TRICARE, if you chose to. You would be asked to pay a premium. Unlike your Active-Duty counterparts who receive this without any cost sharing, you would be asked to pay a premium. I think that is fair. The premiums we set up, mirror what Federal employees have to pay in terms of their match for their health care. It is a good deal for the Guard and Reserve members and their families. It lessens the cost. It would be a shared responsibility, for the member would have to contribute and the Government would have to contribute.

I didn't know this until I got into this debate. If part-time Federal employees work 16 hours a week for the Federal Government, they are eligible for full-time participation in our health care plan. If you are a temporary employee, after a year you are eligible for full-time participation without a Government match. I think that is a good idea. I think this is fair and balanced for part-time Federal employees.

I think it would be a shame for a part-time citizen soldier not to at least have that benefit. We are not talking about a normal job. Everyone who serves this country by working for the Government is doing a good thing. People in the Guard and Reserve are not only serving their country in a positive way, but they are literally risking their lives. They take a cut in pay. They go from home into harm's way. Last month, the casualty rate among the Guard and Reserve community had a tremendous bite because there are more and more Guard and Reserve people in Iraq and Afghanistan. That is going to stay the same or get worse over time because we can't win the war without these people.

This amendment would allow, if the members chose, a chance to join TRICARE for themselves and their families. They would pay a premium, and the Government would pick up the match.

The committee markup allows the Guard member to join and pay a premium. It requires the employer to pay the remaining amount of the TRICARE premium.

I appreciate that effort, but the reason I think that misses the mark is because a lot of Guard and Reserve members don't have a private health care plan with which to cost share. You are going to have a very convoluted system. And at the end of the day, I feel very strongly we should not outsource the health care needs of the Guard and

Reserve family—to be shared by the military member and the private sector alone.

I think it is very important for us in the Senate and in the House to say this is a government responsibility also, that it is fair to ask the Guard and Reserve family and member to contribute. But I think it is incumbent upon us to also have the Government contribute.

I have yet to find a taxpayer who is upset with the idea that we are going to pick up some of the health care costs for our Guard and Reserve members and their families for protecting our freedom.

The cost of the program: It depends on who you ask. But the latest CBO estimate is about \$5.4 billion over a 5-year period. I think there are ways to lessen that cost, and I will be very openminded to that. But we are talking about a \$2.2 trillion budget, and a defense budget approaching \$400 billion.

My question to the body is, Is that \$1 billion a year a wise expense of money? The question is, Can we afford not to? This is about two-tenths of 1 percent of the entire military budget; 300,000 families would be affected. These families are being called upon to do more as Guard and Reserve members than at any other time in the history of the Nation. They don't have health care provided to them by the Government, even though they are fighting to make sure we are all free. That is an inequity we need to fix. A cost-sharing arrangement between the Government and the military member is the way to go. It would help our employers greatly.

If you hire a Guard or Reserve member, and if they can sign up for military health care, it is less expensive for you to hire them and they became a more valuable employee. The employer community has suffered greatly in this war. They have gone without key employees for well over a year's time. They have been paying the bills as if the person were still there, and they need some relief.

I hope we can, in a bipartisan fashion, pass this amendment that Senator DASCHLE, myself, and others have worked on for well over a year. This amendment, simply stated, would allow Guard and Reserve members and their families access to full-time military health care, so when they are called they will be fit to fight, that they will have the security that continuous health care provides families, and they will not be bouncing around from one group to the next.

This is what often happens. If you are in a health care plan in civilian work, you are called to active duty, you leave that health care plan to go into TRICARE. On one of the C-130 crews I was flying with, there were two first-time dads on the crew. One of them had a private plan with Southwestern Bell that continued health care for the family voluntarily. They do not have to do that. The other was a realtor who had private health insurance. When he was

called to active duty, his wife had to change doctors and hospitals. That was very traumatic.

We can lessen that trauma. We can give an option to the military member and their family, the Guard and Reserve military member, to have the same set of doctors and hospitals year round. They do not have to bounce from one group to another. When they are called off active duty, they lose their TRICARE eligibility within less than 6 months and have to change doctors and hospitals twice. It creates a serious disruption. Twenty-five percent have no health care in the private sector. This would solve that problem.

In terms of the money, it is the best deal you will ever find to defend America. It will save money. If 25 percent of the people called to active duty cannot be utilized because of health care problems, a small investment in their health care makes good sense from a business equation.

If necessary, we will find offsets.

I hope the Senate today, in a bipartisan fashion, will extend TRICARE health care benefits to every Guard and Reserve member who chooses to sign up in a cost-sharing fashion to make sure those people are ready to go to war when called, that their families are better taken care of, and that the concerns of continuity of health care will finally be addressed forever.

This is affordable. It is the right thing to do. Our Guard and Reserve families and members have earned it. They have earned this benefit.

I yield for my colleague, Senator DASCHLE.

The PRESIDING OFFICER (Ms. MURKOWSKI). The minority leader is recognized.

Mr. WARNER. Will the Senator yield?

Mr. DASCHLE. I yield.

Mr. WARNER. To frame what this debate is about, if I might ask my distinguished leader to let me interject on my time period, there is no stronger proponent of Reserve benefits than this humble Senator from Virginia. I served in the Marine Corps Reserve for some 12 years. I have some basic understanding of the tremendous and vital importance of our Reserve Forces and the need to try to give them as much possible care. Our bill has gone a long way to do that.

I will go into the details of the \$700 million—\$300 million increased expenditure by the administration on behalf of the Reserve and \$400 million by the Senate Armed Services Committee. However, my distinguished colleagues from South Carolina and South Dakota wish to add into this bill a \$700 million cost. It is not offset in any way. Consequently, if this amendment is adopted and we go to conference, we have roughly \$700 million already in the bill, which improves the life of the reservists, and on top of that, they are suggesting an additional \$700 for this fiscal year, but the outyear bills are just enormous. It would be \$700 million in

the fiscal year 2005 and \$5.7 billion over 5 years and \$14.2 billion over 10 years. We are talking about a very significant, permanent entitlement for the reservists which is extremely costly. From where do those dollars come? Out of readiness, new equipment, and other needs of the Armed Forces.

Essentially, that would be my basis for the objection.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Madam President, I appreciate the comments of our distinguished Chair and compliment him on his leadership and the effort he has made to put this bill before the Senate. I will come to the reservations he has raised in a moment.

Let me begin by thanking my colleague from South Carolina, Senator GRAHAM, for his tremendous leadership on this issue. It has been a true pleasure for me to have had the opportunity to work with him these past 18 months on this legislation. We come from quite different backgrounds, different approaches and philosophies, but on this issue in particular, I have enjoyed immensely the opportunity to work with him. I compliment him on his statement just now and on the remarkable work he has done to date.

Let me also compliment and thank Senators LEAHY and CLINTON for their work and role on our side, and certainly Senator DEWINE and others on the Republican side for their involvement.

As Senator GRAHAM noted, this is a strong bipartisan effort involving many Senators on both sides of the aisle. The votes that have been taken already indicate the depth of support and enthusiasm for the amendment Senator GRAHAM and I are offering again this afternoon.

I am sure most of our colleagues had the same experience I did last Monday. We spoke at Memorial Day events. We recalled the sacrifices made by our men and women in uniform now for more than 220 years. I am sure many of our colleagues in particular focused on the commitment made by our men in uniform today. Now, more than 800 men and women have been killed in Iraq in recent years; 122 have lost their lives in Afghanistan; more than 5,000 have been injured.

I have been to Walter Reed Army Medical Center on numerous occasions to visit the injured who are from South Dakota. If my colleagues shared my same experience, they were moved by the patriotism, by the depth of feeling and support for our troops and our country as we gathered to commemorate Memorial Day again this year.

Over and over again, I saw cars with bumper stickers proclaiming "support our troops." I propose that supporting our troops entails more than expressions of support from the heart, as important as they are. We need to support our troops emotionally and rhetorically with our bumper stickers, but if

we mean what we say, supporting our troops also must go to supporting their needs.

That is what Senator GRAHAM and I are again proposing with this amendment: to support our troops in a realistic and meaningful way that matters to them. That really is what this amendment does. It recognizes a need.

It also recognizes today an inequity. As my colleague from South Carolina noted, 40 percent of those boots on the ground today in Iraq are reservists, members of the Guard and Reserves. Madam President, there are 160,000 Reserve troops—1,200 from South Dakota—now on active duty. That is a dramatic departure from past practice.

In the past, it was active duty personnel who performed these roles. In the past, it was active duty personnel, augmented at times through history by the draft, who gave us the manpower we needed to do the job wherever it may have been required. But in the post-Cold War period, our military practices have changed dramatically. Now we are turning to our Guard and Reserves. We are saying: You need to fill the gap. You need to defend your country.

Now it is more than just a weekend commitment each month. Now it is a year, and in some cases 2 years of your life, giving up your job, giving up your time with family, exposing yourself to life-threatening circumstances. Now you are doing it.

Madam President, 40 percent on the ground—that is vastly different than what it was just a few years ago. So this amendment attempts to deal with the inequity of troops on the ground fighting for their country in Iraq: one troop sitting right here with full health insurance for himself and his family; the other troop, right here, with absolutely no health insurance coverage at all. How in the world today could that be fair? And how in the world, in the name of supporting our troops, can we accept that?

I want to see those "Support Our Troops" bumper stickers, but I want it to mean something. I want it to mean what we say. We are supporting our troops and their needs. And this is their greatest need.

I acknowledge the work done by the chairman of the Armed Services Committee and the ranking member. They have addressed this issue. I acknowledge the support they have shown. We have come some way, some distance in the last 12 months, but there are five crucial differences. For the record and for the information of our colleagues, I want to walk through those differences, if I can, just briefly, because it is our argument for why we need the amendment offered by Senator GRAHAM and myself and others.

First is coverage. Under the committee bill, only those reservists who can gain the consent of their employer will be allowed to participate. We believe the fate of reservists in the private sector should not be determined by their employer's attitude.

Why should they have to get approval from their employer to get health insurance from their Government—fighting for their country, as they now do in Iraq, Afghanistan, and around the world? To me, that does not connect. Employer support is helpful, but employer approval to get Government benefits does not seem, to me, to be the approach we want to subscribe to, and I think it sets a very dangerous precedent.

The second is cost. The committee bill requires the reservist's private-sector employer to pick up 72 percent of the cost of the reservist's health care premium. So unless the reservist's employer is prepared to pay 72 percent of the premium for the reservist, that employer is not going to sign off on the health care coverage. The employer is going to say: I would love to do it, Joe, but I can't afford it. You are telling me to do something I would love to do.

My colleagues and I know how these things work. I have talked to a lot of awfully good employers, awfully good small employers, who virtually break down when they tell me how it hurts for them to make a decision between offering employment and offering benefits and recognizing they cannot do both. We have thousands of employers in South Dakota who would give anything if they could offer benefits to their employees. But to tell those employers they are going to have to pay 72 percent of the cost, I guarantee you, almost 100 percent of the employers will say they can't do it or they would have done it by now.

Now, as it relates to cost, yes, the chairman is correct. The cost of this program in the first year is \$696 million. Madam President, \$696 million sounds like a lot of money, and it is—\$5.7 billion over 5 years. But, as the Senator from South Carolina said so well, do you know what that amounts to in terms of the percent of the defense budget? In percentage terms, for the defense budget, this represents two-tenths of 1 percent. That is what we are talking about, two-tenths of 1 percent, to follow through with the commitment that we, as a nation, must make when we say: "Support Our Troops."

I think we can afford two-tenths of 1 percent. And, as Senator GRAHAM said so well, we cannot afford not to. I will get to that in a moment.

The third difference is reimbursement. Under our amendment, if a reservist's family opts to retain their personal doctor rather than enroll in TRICARE when the reservist is activated, the family can do so. We want to give the family the option of choosing the best coverage for themselves, and the Defense Department would simply pick up a portion of the family's private health care premium. That is all we do. You choose. You are not going to be penalized for whatever choice you make.

The fourth difference is the amount of the annual premium. Under our

amendment, an individual reservist can obtain health coverage for about \$1.37 a day. The reservist with a family could obtain coverage for about \$4.90 a day. The committee bill does not specify how much a reservist would have to pay, and they leave it to DOD.

I think reservists will tell you: We like the certainty of knowing, as we make our choice, what it is going to cost. And \$1.37 a day is \$1.37 more a day than Active-Duty personnel pay. And \$4.90 a day is \$4.90 a day more than Active-Duty personnel pay for family coverage. So the reservists are already paying more than what their counterparts right next to them in the line of battle are required to pay today, even though they are both defending this country.

Finally, the last difference has to do with deductibles and copayments for doctor visits. Unlike the committee bill, we ensure that the reservist would not face an annual deductible or copayment for doctor visits. The committee bill does.

So those five specific differences are why we have come to the floor. We acknowledge the commitment and the effort made by our chairman and ranking member and others on the committee to address this issue. But I have to say, for two-tenths of 1 percent of the entire defense budget, we will be able to say to our reservists: We are not only going to support you rhetorically, we are going to support you with what you have told us is your single greatest need and concern today.

There are three reasons I think we need to adopt this legislation: First, because it is the right thing to do. I don't know how you explain, today, to a member of the Guard or the Reserves, who soon could be stationed in Iraq for perhaps 2 years that even though he is required to pay for his health insurance and his Active-Duty counterpart is not, that we are not even going to give him even that chance at coverage, but we want him to defend his country. I do not think that is right. That is inequitable, that is unfair, and this amendment addresses it.

The second is retention. Senator GRAHAM mentioned this so well. We have some very serious concerns about retention in our Guard and Reserves, for good reason. For a lot of them, this is not what they bargained for; this is not what they were told. We have the best Guard and Reserves we have ever had, the best we have ever had in history. If we do not want to go back to those bad old days, in my view, of the draft—and we have a bill pending, S. 89. I get asked all the time: Will there be a draft?

I tell them: No, I don't think you have to worry about a draft. Why? Because the volunteer Army has worked. Why? Because the Guard and Reserves are filling that void, that gap that we used to call upon the draft to do. But if we see the attrition and the erosion in support and the reduction in the enrollment and re-enlistment, we are

going to pay a very heavy price. I cannot think of a better inducement for re-enlistment than this.

Finally, the third reason is simply the need. You can check the category, but across the board, one out of every five of our members of the Guard and Reserves has absolutely no health insurance today. In the age groups below 30, it is even higher, almost 40 percent. So there is a need that we need to address.

So I enthusiastically join my colleague, the distinguished Senator from South Carolina, Mr. GRAHAM, in asking our colleagues, once again, to do what they have done in the past: Support the effort to provide this needed benefit. It is needed, not only for purposes of addressing an inequity that I think has been long overdue, but also real concerns about retention and parity. If we are all going to do what we said we were going to do last Monday, during our Memorial Day speeches—"support our troops"—let's do it more than with bumper stickers and rhetoric.

Let's do it immediately. Let's help them. Let's provide them the assistance they tell us would mean more than anything else we could do for them right now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I ask my colleagues for no more than 2 minutes.

I listened intently to our distinguished Democratic leader as he outlined his proposal. Correct me if I am wrong, but I understood him to say that when a reservist goes on active duty, he has to worry about his costs.

Could I direct the Senator to title 107(4)(a) entitled "Medical and Dental Care" which explicitly says for anyone, reservist or guardsman, on active duty for 30 days or less, they are entitled to it. There is no problem. They are treated exactly as the Active-Duty individual. So may I ask the Senator to refer to that statute and review the remarks that he made to the Senate.

Mr. DASCHLE. Madam President, if I may respond to the distinguished Senator from Virginia, I would simply say that he reads and interprets the law correctly. He said it just as the law reads. While on active duty for that 30-day period, there is no difference. But what about before and after? What about the families and what about the opportunities accorded those families when the need arises? There isn't any accommodation. I think we have to take into account the universe of support we provide through health benefits for Active-Duty personnel.

I stand by my statement concerning the disparity that exists today. I don't want to take anything away from Active-Duty personnel. They deserve every dollar of support we provide them through good health insurance. All I am saying is that today, given the dramatic change we have seen in the makeup of our military and the role

now that the Guard and Reserves play, the Guard and Reserves, for a personal commitment that I outlined in my remarks a moment ago—\$1.37 a day for individuals, \$4.90 a day for families—ought to be entitled to that same level of confidence. Today the law denies that.

I thank the Senator for asking the question.

Mr. WARNER. Madam President, I appreciate that the Senator at least clarified that point. I would like to point out also that in the existing bill, we have added 6 months after demobilization in a transition to civilian life. They are entitled to these same benefits. It isn't as if we drop them the day they walk out of the gate, having served with distinction in his or her service on active duty.

I think we are framing this debate correctly. We have to look at the associated costs with this permanent entitlement program which is being proposed. Bear in mind, particularly to my colleagues who have had experience in the military themselves, we are narrowing the gap between the benefits for reservists and guardsmen and those who commit to enlistment for 5 years or those who aspire to be careerists for 20-plus years. Pretty soon people are going to say, why should I become a regular member of the U.S. Army and sign up for commitments of many years when I can stay in the Reserve and just about get all the same benefits that a regular gets? Once we start that breakdown, I dare say, my dear friends, we will have a lot of difficulty recruiting for the Active Forces and much less difficulty recruiting for the Reserve and the Guard.

I believe the Senate is under an order.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will stand in recess until 2:15 p.m.

Thereupon, at 12:34 p.m., the Senate recessed until 2:17 p.m. and reassembled when called to order by the Presiding Officer (Mr. SUNUNU).

The PRESIDING OFFICER. In my capacity as a Senator from New Hampshire, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005—Continued

AMENDMENT NO. 3258

Mr. WARNER. Mr. President, as to the points of the pending amendment

that the Senator from South Carolina and the Senator from South Dakota have spoken very eloquently about with regard to their amendment, I will interject briefly my own observations and strong opposition because I believe that the Armed Services Committee structured a very adequate program for the Reserves.

I direct the attention of Members to page 135 and thereafter in the bill on each desk, which outlines what the committee did. Roughly, the President's bill had \$300 million in allocations toward additional benefits for the Reserve and Guard. The committee went beyond that and added another \$400 million, and now along comes this proposal which would add on top of that another \$700 million.

We are really beginning to face quite a severe dollar problem because unless this amendment is defeated, it would require the conference to seek out cuts in other military programs, all of those programs having been carefully evaluated by the two committees, the House and the Senate, and reduce them by some \$700 million. That is the bottom line.

The other reason I feel very strongly about that this proposed legislation is not in the best interest of the services, it really begins to provide for the Reserve and Guard Forces in a manner that is commensurate with the Active-Duty military personnel.

Stop and think. When a young person—and oftentimes that person now has a family with a wife and vice versa as the case may be—sits down and evaluates their life and how they would like to make a commitment to service in uniform to this country, suddenly they look at the alternatives. Well, there is the Active and we get a certain degree of benefits under the Active; then there is the Reserve or the Guard, and they compare the benefits that they would get under that program. If this legislation is passed, it is beginning to close the last gap between the benefits on the Active side and the benefits on the Reserve and Guard side.

Now, one might say, well, Senator, when the Reserves are called to active duty, they perform just as the Active member, and that is correct; they take the same risk as the Active member, and that is correct; the family assumes much the same hardships as the Active member, and that is correct. But when the Reserve completes his or her obligation of a callup, they return to the Reserve status, they return to their homes, they return to their civilian jobs and their life in the civilian community with such obligations as their Reserve or Guard requirements require.

The Active person perhaps finishes their overseas commitment, they go back to the training base, they are fully in the military, fully subjected to the regimen of the military, fully subjected to going right back overseas on a very short turnaround basis. We have witnessed that during this conflict period covering the AORs of Afghanistan

and Iraq. But the regular soldier, sailor, airman, and marine, when they commit to a tour of duty of 3 or 4 years' obligated service, or the officers accept their commissions and obligate themselves for 4 or 5 years, whatever the case may be, they understand that, but it makes for equity and fairness that the Active rolls have some benefits that compensate for the rigors, the constant risk, the constant disruption, the constant moving of the Active-Duty Force, unlike the reservist who is called back for a period of time, then released to go back to their civilian jobs and their homes. They could own that one home, whereas the military soldier, the careerist on active duty, often has to get a home, sell it, go get another one, sell it, move, move, sell, rent. Those are hardships for which I think through the years the Congress has carefully balanced out an equitable formulation of the benefits for the Active Force and the Guard and Reserve.

This amendment makes a very substantial closing of that gap, and I think it will be an inducement for young people now to go into the Reserve and Guard because they are going to have just about the same benefits as the individual on active duty, but they can stay in their homes, stay in their jobs, perform their weekends and 2 weeks in the summer active field training. They can match both their civilian life and their Guard and Reserve life and balance it in such a way as to basically stay home. That is not so with the regular force.

So when we reported out the bill S. 2400, we went further than the Senate has ever gone before to improve health care benefits for Reserve members, and it reflects our Nation's growing reliance on their service. When a Reserve or Guard is called up, within 30 days—and I think in a respectful way I brought this to the attention of the distinguished Democratic leader—they are treated just as an active Regular once they go on that active duty. We have added permanent TRICARE coverage before and after mobilization and created a new option for the Reserves and their families to participate in TRICARE while they are enjoying the benefits of civilian life. They have an option but they have to pay something for it.

The bottom line is we are dealing with the taxpayers' money. That is what we are dealing with, the taxpayers' money, and it is quite a considerable commitment under this amendment.

Our fundamental disagreement is how we achieve these goals. The difference, again, is cost. The amendment would be \$700 million for this 1 fiscal year, \$5.7 billion over the ensuing 5 years, and \$14.2 billion over a 10-year period from adoption. We are under stringent budgets these days, and our military is very much in need of modernization, new equipment, additional training, reconfiguration, particularly the U.S. Army, and all those are costly