EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 2005—Continued

AMENDMENT NO. 344, AS MODIFIED

Mr. COCHRAN. Mr. President, it is my intention to make a point of order in connection with the amendment that has been offered by Senators MURRAY and AKAKA. But I do not want to do that if they are not here on the floor. I will wait to give them an opportunity to make any statements or motions they may deem appropriate. So I do not want to foreclose anyone from having an opportunity to express themselves on that issue. But I do make that announcement just for the information of all Senators, that we have pending before us an amendment that purports to add as a matter of emergency appropriations $1.9 billion to the Veterans' Administration accounts.

The administration has not asked for these funds. Testimony before the relevant committees of jurisdiction, the Veterans Affairs' Committee and the Appropriations subcommittee that funds or recommends funding for veterans programs, has not led Senators to request funds for inclusion in the committee mark. So there is a disparity between the proponents of the amendment and what they are urging the Senate to approve and what is being requested as a matter of emergency appropriations.

In addition, the language of the amendment actually has a provision that the moneys appropriated under the amendment would be available until expended, which means the funding would carry over into the next fiscal year. We are, right now, having committees consider the funding levels that are needed in the next fiscal year, beginning October 1.

So with no requests for funds, with the administration saying they have enough funds to run the VA health programs and hospital programs between now and the end of this fiscal year, we are going to suggest that this is subject to a point of order. It is my intention to make that point of order.

Seeing that the Senators are on the floor now, Mr. President, pursuant to section 402 of S. Con. Res. 95 of the 108th Congress, I make a point of order that the amendment contains an emergency designation.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I move to waive the point of order and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, a vote now occurs on the motion to waive, right?

The PRESIDING OFFICER. That is right.

Mr. COCHRAN. Mr. President, there is a question about how much time is going to be——

The PRESIDING OFFICER. The motion to waive is debatable.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, there is some confusion on my part. I thought the Senators were going to debate this, but there was a suggestion that we could agree on a time for a vote on the motion to waive the Budget Act. So I inquire of Senators whether that is the feeling on the other side. We would be willing to enter into an agreement for a vote to occur at a time certain that might suit the convenience of all Senators.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am happy to talk to the chairman of the Appropriations Committee in order to work out a time agreement. I do have more I would like to say. This amendment is extremely serious. It is an emergency. We would like some more time, so I am happy to talk to the chairman about having an agreement on time, if he would like to do that.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I appreciate the comments of the Senator. Let me suggest, then, if there is no objection, that we enter into an agreement that we have a vote that will occur at 3:30 this afternoon.

Would that be satisfactory with the Senator?

Mrs. MURRAY. Mr. President, I assume the time will be equally divided between now and 3:30 on this amendment. That would be satisfactory.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate vote on the motion to waive the Budget Act with respect to the Murray amendment at 3:30 p.m. today, with debate until the vote equally divided in the usual form and no amendments in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COCHRAN. I thank the Chair and thank the Senator.

The PRESIDING OFFICER. Who yields time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield to the Senator from North Dakota.

Mr. DORGAN. 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. DORGAN. 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. DORGAN. Mr. President, I rise in support of the amendment offered by my colleague, Senator MURRAY. Senator MURRAY, I believe, offered this identical amendment in the Appropriations Committee when it marked up the appropriations supplemental bill. I was very pleased to support her then.

I want to refer back to a time when we held a hearing with the Secretary of Defense. My colleague, Senator MURRAY, was at that hearing. She asked some questions, and other colleagues did, and I did, about this issue of health care, health care for soldiers and health care for veterans. One of the questions we asked was, What is the continuum here between a soldier and a veteran?

I would guess all of us in this Chamber have driven to Bethesda Naval Hospital and Walter Reed Medical Center to visit young men and women who have been wounded with respect to hostilities in Iraq. I have made many such visits. I have seen these brave soldiers lying in their hospital bed, often with an arm missing or a leg missing or other serious wounds, convalescing and recovering. In most cases, God willing, when they recover, they will get rehabilitation, and then they will, in most cases, be discharged from the service.

We asked the Secretary of Defense, at that point, What is the difference between a soldier on active duty and a young soldier who has just been released from Walter Reed Medical Center who is then discharged but continues to need medical help for the wounds they suffered in the war? Is there really any difference? And should there really be a difference in the health care that is delivered?

I am enormously proud of the men and women who work at hospitals such as Walter Reed Medical Center and Bethesda Naval Hospital, those we see most often when we visit. That health care could not be better. They do an extraordinary job.

There was recently an article about the job they do in a publication called the Washington Monthly. I discussed that article with Mr. Principi, then the head of the VA. I said, you ought to send this article out to every single employee of the VA because without sufficient money—and they have not had sufficient money—they have done an extraordinary job.

But the question is, When someone becomes a veteran, having come off active duty with a war wound, what happens? Is there full funding in that case for the kind of health care they need? The answer is no.

My colleague from the State of Washington, Senator MURRAY, understands that. She has led the fight on this issue for a long while, to say: Can't we have full funding for health care for veterans?

You can go any place in this country these days and talk about America's service men and women, and people respond to it. They care about the people who wear this country's uniform, and they want to support them. But that support does not just occur with respect to when they are in a hospital such as Walter Reed or Bethesda. That support must occur with respect to VA hospitals and community-based veterans clinics.

As you know, the President's budget does not provide funding for the clinics

that were promised, the clinics that would allow a veteran who has health care issues to show up at a local storefront VA clinic instead of having to drive, particularly in rural States, hundreds and hundreds and hundreds of miles. Well, that is not funded by the President's budget. Even though they had decided they were going to do that, the President says, no, we do not have the money.

My colleague from the State of Washington, Senator MURRAY, asks the question: What is more important in this country? I am not asking you for 10 things, but just give us a couple. What is more important than keeping our promise of health care to veterans? Just give me a couple of things that are more important. These are the people to whom we offered a promise, who answered the call: Uncle Sam wants you. Wear the uniform of this country. Put yourself in harm's way, perhaps lose an arm, perhaps lose a leg, maybe lose your life.

What is more important than saying to those people who answered that call that when you need medical help in our veterans medical system, we will have adequate funding to make sure you get that help?

I recall one day a father calling me and saying: I have a son who fought in the Vietnam war, and he suffered a head wound, a bullet to the brain. It was a very serious head wound that left him in devastating condition, and because of that brain wound and his incapacity, he was suffering muscle atrophy, and at some point he had to have a toe removed. They said, well, to have that toe removed, you have to take this young veteran to Fargo, ND, which was about 250 miles away—500 miles round trip.

So for this young man, who suffered a wound to the head in a war and was incapacitated as a result of it, put him in a car and drive him 500 miles round trip to have a toe removed. I said: Isn't there some common sense here? Couldn't this be done somewhere closer? We finally resolved that.

But the fact is, the money that was left out of the President's budget for the storefront community clinics for veterans, that is exactly the kind of thing they can do in many cases. Yet somehow this is not an urgent priority, with all of the young veterans coming back with wounds from this war, the Iraqi war, and with all of the World War II veterans now reaching that age where they need maximum care, the maximum claim on health care they were promised.

If ever we need to decide as a priority in this Congress that we need to keep our promise to veterans, it is now. That is all the Senator from the State of Washington is saying: Let's keep this promise. There seems to be money for a lot of other priorities around here that rank far lower than health care for America's veterans.

All of us have stories about these veterans, about those we have visited who were involved in World War II, Korea, Vietnam, and now the gulf war. Those stories, individually and collectively, talk about heroism and commitment and service, duty, honor, country. Duty and honor, it seems to me, for us is to make the right choice.

It is always about choices in Congress. Who among us will decide today that it is the wrong choice to fully fund veterans health care in this country? Who among us will decide that is the wrong choice? For me, it is the right choice to decide veterans deserve to know we keep our promise. That is the import of the amendment from Senator MURRAY. I am proud to stand here and speak for it and support it and vote for it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in strong support of the Murray amendment. This is an emergency supplemental bill. We are considering funding for our troops in Iraq and Afghanistan. I voted against this war. I didn't think we were prepared. I didn't think we had a coalition to stand behind us that would send in the soldiers and bring the resources to the battle. Our military went into this war and performed admirably. We were well prepared for the military invasion. Clearly we were not prepared for what happened afterward.

For 2 years now we have been in Iraq and Afghanistan. For 2 years we have seen the casualties come home and we have seen the body bags and caskets come home as well. We have lost over 16,000 of our best and bravest in Iraq to this day. Among our allies, thank goodness there have been fewer losses. But in comparison it shows we are carrying the burden of battle. Our sons and daughters are carrying the burden of battle. The taxpayers, with this bill, will put the resources into material and equipment so these soldiers can do their job and come home safely.

How many of us have stood up on the floor of the Senate on both sides of the aisle praising these men and women in uniform, saying we have to stand behind them, keep them in your thoughts and prayers, don't be ashamed to wave that flag? We are all proud Americans.

Senator MURRAY comes to us today and asks whether our pride in our fighting men and women is enough for us to declare it an emergency to make sure our veterans hospitals and clinics are up to the task of serving these men and women. For us to give all the great speeches about how much we admire the soldiers and then, when they are hurt and come home, to throw them into a VA system unprepared to take care of them is a mockery. If we truly believe in the goodness of the men and women who risk their lives for America, why wouldn't we vote for the Murray amendment to put the money in the veterans hospitals so the very best doctors and nurses and equipment is there for our sons, our daughters, the husband, and wives of people we love.

Let me tell you about one element of this which I am particularly proud that Senator MURRAY has added at my request. It is estimated that at least one out of every five soldiers who serves will come home and face a condition known as posttraumatic stress disorder. What is it? If you saw the movie ''Patton,'' you can recall that scene where George C. Scott, playing Patton, went in the military hospital, saw a soldier on a cot and asked: Where were you hit, soldier? The soldier responded: I wasn't hit. I just can't do it anymore. And Patton reached down and slapped him. He slapped that soldier and that slap reverberated across America, a scandalous headline that this general would slap a soldier because he couldn't face battle.

In all honesty, it is that attitude and denial which have led the United States to ignore this very real problem. It wasn't until 1980, 25 years ago, that the Veterans' Administration acknowledged the fact that when you take men and women in America, train them to be soldiers and sailors, marines and airmen, serve in the Coast Guard, put them into battle, they can have life experiences and witness events which will have a dramatic impact on them personally. They may need help and counseling to come home and set their lives on the right path. The first time we acknowledged posttraumatic stress disorder was 1980. They used to call it shell shock and battle fatigue. But it was never acknowledged as a medical problem that needed attention until 1980.

A few weeks ago I went across my State of Illinois. I went to five different locations for roundtables. I invited medical counselors from the Veterans' Administration to tell me about the soldiers who were trying to come to grips with this torment in their minds over what they had done and what they had seen. I was nothing short of amazed at what happened. In every single stop, these men and women came forward and sat at tables before groups in their communities, before the media, and told their sad stories of being trained to serve this country, being proud to serve, and going into battle situations which caused an impact on their mind they never could have imagined, and coming home with their minds in this turmoil over what they had done and seen, and many times having to wait months and, in one case, a year before they could see a doctor at a VA hospital.

I couldn't believe the stories of World War II veterans. A veteran in southern Illinois who was in the Philippines couldn't come to my meeting because ''I just can't face talking about it,'' 60 years after his experience. Veterans from Korea where my two brothers served, veterans from Vietnam who came home rejected by many, who couldn't resolve their difficulties because they were afraid to even acknowledge they were veterans, tormented by this for decades.

The ones that gripped my heart the most were the Iraqi veterans. I will never forget these men and women. The one I sat next to at Collinsville, a bright, handsome, good looking young marine, talked about going into Fallujah with his unit and how his point man was riddled with bullets, and he had to carry the parts of his body out of that street into some side corner where he could be evacuated, at least the remains could be evacuated. Then he served as point man and went forward. A rocket-propelled grenade was shot at him, and it bounced off his helmet. One of the insurgents came up and shot him twice in the chest. This happened in November. He was there. He survived.

When he came home, he couldn't understand who he was because of what he had seen and been involved in. He had problems with his wife, difficult, violent problems, and he turned to the VA for help.

I said to this young marine: I am almost afraid to ask you this, but how old are you?

He said: I am 19.

Think of what he has been through. Thank goodness he is in the hands of counselors. Thank goodness he is getting some help, moving in the right direction.

But in another meeting in southern Illinois, another soldier said, in front of the group: As part of this battle, I killed children, women. I killed old people. I am trying to come to grips with this in my mind as I try to come back into civilian life.

A young woman, an activated guardswoman from Illinois, said when she came out, still in distress over what she had seen and done, they stopped her at Camp McCoy in Wisconsin and sat her down and asked: Any problems? Of course, that should have been the time for her to come forward and say: I have serious problems. She didn't. Because if you said you had a problem, you had to stay at Camp McCoy for 3 more months. She was so desperate to get home she said: No problems.

She came home and finally realized that was not true. She had serious psychological problems over what she had been through. When she turned to the VA and asked for help, they said: You can come in and see a counselor at the VA in 1 year.

What happens to these veterans, victims of posttraumatic stress disorder, without counseling at an early stage? Sadly, many of them see their marriages destroyed. One I met was on his fourth marriage. Many of them self-medicate with alcohol, sometimes with drugs, desperate to find some relief from the nightmares they face every night. These are the real stories of real people, our sons and daughters, our brothers and sisters, our husbands and wives who go to battle to defend this country and come home with the promise that we will stand behind them.

If we stand behind them, we need to stand by the Murray amendment—$2 billion to make sure these hospitals and clinics have the very best people to treat our soldiers coming home; money as well to make certain that there is family therapy, something that is often overlooked. How many times do you hear the story of the wife who says: Who is this man who came back from battle? He is not the soldier I sent away. He is so distant. He doesn't talk to me. He gets angry in a hurry. He wants to be away from us. That is not the man I sent to battle. The spouses and their children need help, too.

I implore my colleagues. I know it is considered unusual to come in on a President's request and add money for the Veterans' Administration. But we are not doing our duty as Senators to only provide the money for the troops for the battle. We have to do more. We must do that. But we need to provide the physical and mental medical help these same soldiers need when they come home.

I thank Senator MURRAY for her leadership on this amendment. I wish it were a bipartisan amendment. There is certainly bipartisan support for our troops. But maybe when the vote comes, we will find if the same Senators who have said such glowing things about the men and women in uniform will stand by them when they come home and need a helping hand.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank my colleague from Illinois for his heartfelt statement. I know he has worked in his State, talking to young men and women who are coming home. He has looked them in the eyes as I have. I was with him in Kuwait and Iraq a few weeks ago talking to soldiers who are coming home.

The No. 1 question was: We are hearing that services are not going to be available for us when we get home. We are hearing that the veterans from Vietnam and World War II are waiting in line. We have been over here for a year.

They fear this country has forgotten them despite all the rhetoric on this floor. The Senator from Illinois is right. This is not a Republican issue. It is not a Democratic issue. This is an American issue. This is about our American men and women serving us honorably and who deserve to have the services when they come home.

The Senator from Illinois is right. To look into the eyes of a young family where one of them is suffering from posttraumatic stress syndrome affecting their marriage, job, their entire community, and what are we saying? Wait in lines. You don't get in to be served? That is not an emergency?

What we have now in front of us is a point of order saying this is not an emergency. If it is not an emergency to take care of our men and women who are now serving us overseas, who have come home, then I don't know what is. When I am going out and talking to service organizations and every single VISN in this country is telling us they are working under debts, they are not hiring doctors and nurses to replace those who are leaving, they have beds that are being held together by duct tape—if that is not an emergency, then I can't think of one that is.

We have talked to veterans in every single VISN. Every single one of them has given us dramatic stories of the wait lines, of clinics that have been promised and not opened, of service men and women from previous wars who are not getting served. This is not an emergency? I disagree.

I ask unanimous consent to add Senators SCHUMER, JOHNSON, CORZINE, LINCOLN, LANDRIEU, and DORGAN as cosponsors of the amendment.

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

Mrs. MURRAY. I ask unanimous consent to print two letters of support in the RECORD. They are from the national veterans service organizations: The American Legion, the Veterans of Foreign Wars, Amvets, Paralyzed Veterans of America, and Disabled American Veterans.

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

THE AMERICAN LEGION,
Washington, DC, April 11, 2005.

Hon. PATTY MURRAY,
U.S. Senate,
Washington, DC.

DEAR SENATOR MURRAY: Thank you for offering an amendment to the H.R. 1268, FY 2005 emergency supplemental appropriations, to add $2 billion for the Department of Veterans Affairs (VA) medical care. VA medical care is truly the ongoing cost of war. You have The American Legion's full support.

VA is not meeting the health care needs of America's veterans. Currently, certain veterans are actually denied access to the VA health care system even though they are willing to make co-payments and have third-party health care insurance, while other face lengthy delays in accessing care. Although providing quality health care, VA cannot meet its own timely access standards simply because it lacks the health care professionals to meet the demand for services.

In 2003, the President's Task Force to Improve Health Care Delivery For Our Nation's Veterans cited ''eliminating the mismatch between demand and funding'' as a major obstacle. Last year, VA officials claimed to need between 10 and 14 percent annual increases just to maintain current services because of Federal payraises and medical inflation. VA health care is still the best value for the taxpayer's dollar.

As former active-duty service members, especially National Guard and Reservists, transition to their civilian lifestyles, many new veterans will turn to VA to address their health care concerns, especially those with mental health problems associated with combat. VA is a world leader in effective treatment of post-traumatic stress disorder (PTSD) and other readjustments problems. VA must be funded to make sure this newest generation of wartime veterans are properly cared for in a timely manner and not displace other veterans seeking care due simply to limited resources.

Once again, thank you for offering an amendment to add $2 billion for VA medical

care. Timely access to VA medical care is an earned benefit from a grateful nation.

Sincerely,

STEVE ROBERTSON,
Director,
National Legislative Commission.

THE INDEPENDENT BUDGET,
Washington, DC, April 6, 2005.

DEAR SENATOR: On behalf of the co-authors of The Independent Budget, AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and the Veterans of Foreign Wars, we are writing to express our support for the proposed Murray-Akaka amendment to the FY 2005 Emergency Supplemental that would provide $1.9 billion in much needed funding for veterans' health care.

Providing health care to returning servicemembers is an ongoing cost of our national defense. Servicemembers who participate in a theater of combat are eligible for health care from the Department of Veterans Affairs for two years after separation or release from active duty, without regard for strict eligibility rules. VA hospitals are facing budget deficits and moving to reduce services. Neither the Administration's FY 2006 budget request nor the recently passed budget resolution, addressed the costs of providing needed health care. The Independent Budget has recommended an increase for VA health care of $3.5 billion for FY 2006. This amendment would provide the funding needed to care for these returning veterans, as well as provide the resources the VA needs to meet shortfalls that are affecting veterans today.

We ask you to support this amendment and to provide the dollars needed to care for servicemembers returning from Iraq and Afghanistan, as well as all veterans who rely upon the VA to provide their health care.

Sincerely,

RICK JONES,
National Legislative Director, AMVETS.
RICHARD B. FULLER,
National Legislative Director, Paralyzed Veterans of America.
JOSEPH A. VIOLANTE,
National Legislative Director, Disabled American Veterans.
DENNIS CULLINAN,
National Legislative Director, Veterans of Foreign Wars of the United States.

Mrs. MURRAY. Mr. President, the VA is not prepared to deal with the soldiers who are coming home. So far 240,000 soldiers have come out of our service and are now available or have available to them veterans services; 50,000 already have asked the VA for care. This is an emergency.

As I talked about this morning, in State after State, in Alaska, where priority 7 veterans who are not enrolled in VA primary care are not getting appointments to date; in Colorado, where they have a $7.25 million shortage this year; in California where the VA hospital in Los Angeles has closed its psychiatric ward at the exact time we have generals telling us that at least 30 percent of our soldiers who are coming home from Iraq will need mental health care capacity and we have psychiatric emergency rooms being closed; in Florida, where there is $150 million deficit; in Idaho, where we have the Boise Idaho VA facility with a hiring freeze; in Kentucky, where we are having soldiers lie on broken tables because there is simply no money to replace any equipment there. In Maine, we have a $12 million deficit; in Minneapolis, $7 million shortfall—I remind the Senate, there are four facilities that see the most difficult, complex injuries once they have been discharged. Minnesota is one of them, and they have a $7 million shortfall.

The list goes on and on. This is an emergency. I cannot think of a more important issue facing our country today. I can't go home and look at my veterans in north central Washington who have to drive over a mountain pass 150 miles to get care today, who have been promised the health care clinic, and say: Sorry, my colleagues don't see this as an emergency.

Any one of us who has taken the time to sit down with our soldiers when they are discharged from the service and out in their communities—they tell us the stories such as the Senator from Illinois talked about, about the help they need getting through the nightmares, the posttraumatic stress syndrome, getting help with serious injuries where they have lost arms and legs.

We should not say on this Senate floor this is not an emergency. I am appalled that that is what the argument has come down to. I believe this vote is about whether we stand with our men and women. It is about whether you are going to vote with our veterans. I am stunned that there are those who say this one issue is not something that is an emergency.

Any one of us who has been out there working with our veterans—I come to this floor as a daughter of a disabled veteran. I lived with my father who was in a wheelchair most of his lifetime. I worked at a VA hospital long before I even thought about being in the Senate. I worked at the Seattle VA hospital during the Vietnam war. Any one of us who has taken the time to talk to people who served in wars and have come home know that if we don't have the care for them, we are doing a disservice not only to the men and women who serve today, but to the men and women whom we are going to ask to serve us in the wars to come.

This is an emergency. I don't care if the administration is saying the VA hospitals have the money they need. When we talk to them, they are all telling us they have a budget deficit, a hiring freeze; they are not replacing the doctors and nurses who are leaving, and they have equipment that is old, decrepit, falling apart, and dangerous. That is an emergency. It is one we have to deal with.

Mr. President, I see my colleague from Minnesota on the floor. I yield 2 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DAYTON. Mr. President, I thank my colleague from Washington for her leadership on this very important amendment. I share her dismay and astonishment that the other side doesn't recognize this is an emergency. It is an emergency in Minnesota and to the Minneapolis veterans hospital, which has been designated as one of the primary recipients of those returning home injured in the war in Iraq, and which does not have the money even to meet the needs of veterans already in Minnesota, much less the additional demand.

It seems to me incredible that anybody can say they support our troops, as we all do, but then when they come home injured, wounded, even maimed, we are not going to provide them with the resources necessary and everything they need to resume healthy and normal lives.

This is a fundamental question of priorities for this body and for the administration. If we don't believe that sending soldiers to Iraq constitutes an emergency, if we don't believe that supplying them and equipping them, as we will vote to do—as I have supported every time and will again here—constitutes an emergency outside of the normal budget processes, but this instance now where we talk about providing health care to those most in need, in the most emergency-type situations of their lives imaginable, that this is not an emergency expenditure that should be approved unanimously by this body, then I frankly don't see how we can say with any integrity that we support our troops.

We support our troops in Iraq and now we need to support them when they return home. This amendment of the Senator from Washington will accomplish that. I would be astonished if anyone in this body would oppose it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, how much time do we have on this side?

The PRESIDING OFFICER. The Senator has 7 minutes 16 seconds.

Mrs. MURRAY. Mr. President, I note that there is nobody from the other side on the floor. I am frankly not surprised, because I don't see how anyone can argue against making sure that our service men and women get the health care they need, whether it is for a mental or a physical need. We sent them to war. We should be there for them when they come home. Regarding this amendment, I have been trying to do this since the beginning of the year and I have been told this is not the time or the place.

I let my colleagues know this is our last chance this year to make sure our veterans have the care they need. There is no other opportunity. We are going to get to the budget at some point and to the appropriations cycle, and we are going to get to the point where we have an appropriations bill on the floor, and the budget already says there is no more money. We hear the administration say—when we talk

about the VISNs, everyone tells us they don't have the resources. If you look at it, you will see these men and women don't have the care they need.

Mr. DAYTON. Will the Senator yield for a question?

Mrs. MURRAY. Yes.

Mr. DAYTON. The Senator knows this is an emergency supplemental, so it is not subject to the normal budget process. In my 4-plus years here, I have not witnessed another occasion where a budget point of order has been raised against any part of the emergency supplemental appropriations. Is the Senator aware of this happening before, or are veterans being singled out in this instance?

Mrs. MURRAY. Mr. President, I have to agree with my colleague from Minnesota. I have not seen that done before. What we are going to vote on is whether our veterans are an emergency so they can be included in the supplemental.

Mr. DAYTON. We are talking about an $82 billion supplemental here that the Senator has amended, which fits within the President's request—or most of it does. It is a small part of this, and it is the least we should be doing on behalf of veterans.

Mrs. MURRAY. The Senator is correct. Actually, the President sent us an $82 billion supplemental. The Senate is considering $80.1 billion. We have the means to still be less than what the President has sent us by adding this amendment. I sincerely cannot think of any other issue more important than to make sure that those men and women who served us, when they come home, have the services they need.

Ms. STABENOW. Will the Senator yield for a question?

Mrs. MURRAY. Yes.

Ms. STABENOW. I first thank the Senator from Washington State. She is exactly on the mark. I have joined with her on a number of occasions and appreciate her leadership on this issue of veterans health care.

Would she not agree that veterans should not have to go through the process every year, fighting every year to try to get what they need and, at the same time, knowing that they give us everything they are asked to do in terms of putting their lives on the line, keeping us safe? Our men and women in Iraq right now are doing that and we have made a promise to them. Would she not agree that as a country, every year it seems as though we are back here trying to keep the promise.

Mrs. MURRAY. The Senator from Michigan is correct. Frankly, I have joined her in trying to make veteran services mandatory so we are not here. It is disturbing to me that we are desperately pleading to our colleagues to call this an emergency. What are we doing to our soldiers when we tell them we are in a desperate fight on the floor of the Senate that we are going to lose on a partisan vote over our veterans? That is the wrong message to send to the men and women in the services. It should be part of our budget, part of the appropriations every year, that if you serve your country, you get your care. We don't have that now, so we are here in our last-ditch effort, last attempt, last ability to try to provide these services for the men and women in the services.

I find that appalling, but I will fight hard because I believe more than anything that we should be making sure if a young man or woman comes home from Iraq or Afghanistan, they are not turned away at their VA hospital. We need to make sure that anybody who serves in any war—Vietnam, Korea, or anywhere—is not turned away at a VA hospital. They should not be put in a bed held together by duct tape. That is wrong. That is why we are here arguing now that this is an emergency, because we have not dealt with it in the past. We now have to deal with it, and I urge my colleagues to join with us on the last chance we have this year to keep our word to the men and women who have served this country honorably.

Ms. STABENOW. Will my colleague yield?

Mrs. MURRAY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 2 minutes 15 seconds.

Mrs. MURRAY. I yield for a question.

Ms. STABENOW. I wanted to share with my colleague—and then ask a question—the fact that this is an emergency in Michigan. We have a big State, 10 million people, a very large State geographically, where folks often have to drive a long way in order to get to VA assistance. They are now in a situation of having to wait up to 6 months oftentimes to see a doctor and to get the services they need.

I ask my colleague if she is hearing those similar stories around the country—that we wait 6 months, we drive hours and hours to get to a facility right now? Without the additional dollars, that is only going to continue and get worse. I wonder if that is what she is hearing as well.

Mrs. MURRAY. The Senator is exactly right. We are hearing that from every region, including yours. That is why this amendment is before us.

I have little time left. I see some colleagues on the other side are on the floor. They are going to make their arguments. Again, this is an emergency; this is part of the supplemental. We should not tell our soldiers that they are not an emergency when they come home.

I yield to my colleagues on the other side.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Mr. President, I yield such time as she may consume to the Senator from Texas, Mrs. HUTCHISON.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I want to answer some of the concerns raised by the Senator from the State of Washington.

First, there is not a Senator in the entire Senate who doesn't want to make sure that the veterans are taken care of, whether they served in World War I, II, Korea, or any other war. I have to say I am mentioning World War I because I was at a veterans event about 6 months ago, and I asked people to stand by the wars in which they served and I didn't mention World War I. This very irate veteran in a wheelchair in front of me suggested that I left out World War I. So I want to say that I am most appreciative of the veterans who are here having served in World War I and every other war.

We want to take care of our veterans. We want to make sure that we have the money to do it. We do not have a supplemental request from the administration for the Veterans' Administration. This doesn't mean that some veterans hospitals out in our country are not saying they would like to have more money; it doesn't mean that a clinic hasn't been built yet that is on the drawing boards to be built. Most certainly, we have areas that we need to address in veterans care, and I want to make sure we have the money to do it.

But I have to say that the Veterans' Administration is telling us they have the money they need to fulfill this year's budget and, specifically, to fulfill their needs.

We asked the Secretary of Veterans Affairs if he needed more money in the 2005 year—the year we are in budgetwise—for returning veterans from the Iraqi war and from the Afghanistan area. The answer was: No, we have everything we need to cover those veterans. We asked him if he needed more money than was in the current Presidential budget for 2006, which we will be considering in my subcommittee for those same returning veterans. The answer was: No, we have enough in that budget.

Now, I have to say that, as chairman of the Veterans' Affairs Subcommittee in Appropriations, I am going to look at that and I am going to try to determine for myself if there is enough for 2006. But I have to say in this budget year, 2005, which has about 6 more months to run, the Veterans Affairs Department says they have enough to cover Iraq and Afghanistan.

This does not mean everything is going exactly the way I would want it in the Veterans' Administration. There is a hospital in Dallas that is particularly being noted by the GAO investigators as not performing up to the standards we would expect, and I am asking our Secretary of Veterans Affairs to address that particular hospital. I am sure there are other specific instances.

It is not that we do not have the money put in there. It is that we have had a management problem there, and we are seeking to address that situation immediately.

I asked the Secretary to put in writing what the situation is, and I ask

unanimous consent that the April 5, 2005, letter be printed in the RECORD.

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

THE SECRETARY
OF VETERANS AFFAIRS,
Washington, DC, April 5, 2005.

Hon. KAY BAILEY HUTCHISON,
Chairman, Subcommittee on Military Construction and Veterans Affairs, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: Before I begin the main purpose of this letter, I want to take this opportunity to thank you for the consideration and interest you have shown VA through your leadership in this year's appropriation hearing and many other endeavors on behalf of our veterans. I very much appreciate your proactive involvement and commitment to providing for those who have served this country with such dedication.

I write to you today to address certain issues regarding VA's FY 2005 fiscal situation. I know some have said that VA must have emergency supplemental funds to continue providing the services for which veterans depend on us—timely health care and delivery of benefits. Whenever trends indicate the need for refocusing priorities, VA's leaders ensure prudent use of reserve funding for these purposes. That is just simply part of good management. It does not, however, indicate a ''dire emergency''. I can assure you that VA does not need emergency supplemental funds in FY 2005 to continue to provide the timely, quality service that is always our goal. We will, as always, continue to monitor workload and resources to be sure we have a sustainable balance. But certainly for the remainder of this year, I do not foresee any challenges that are not solvable within our own management decision capability.

I look forward to continuing to work with you as we strive to provide the very best service possible for those veterans who depend on us the most. Thank you again for your leadership in this important area.

Sincerely yours,

R. JAMES NICHOLSON.

Mrs. HUTCHISON. Now, that is the Secretary of Veterans Affairs who says there is reserve funding available if an emergency arises, and the Veterans Affairs Department does not need extra funding.

One thing has to be determined, and that is the difference between people who are returning who are on active duty, who are at our military hospitals, who are being treated in the Department of Defense because they are active duty. The Veterans Affairs Department is where the people who are going out of our military service go for their health care. There are fewer coming home in the Veterans Affairs' influence where they would be giving the service, as opposed to active duty where they are going to Bethesda, Walter Reed, and other hospitals that are treating our Active-Duty military.

So I think we have to look at where the Veterans Affairs part of this budget is, and do they need more. In fact, of the 240,000 who have gone out of our service in the last 3 years, only 48,000 have even come in to the Veterans Affairs service capability. Some already have insurance. Some might come later but that is something that we can monitor. Right now, we are told we have the reserve funding to be able to handle anyone who is going out of Active-Duty service, out of Active-Duty military health care and into the Veterans' Administration, and that we have the money to cover it.

So I do not want to take the $2 billion that is in this amendment out of other areas such as our armed services, our Active-Duty military who are on the ground, the equipment we are giving them in this supplemental. That is why I must oppose Senator MURRAY's amendment, although I do agree with her overall goal and will continue to work with her as chairman of the subcommittee to monitor the situation. Let us get our numbers right. Let us act when it is on the budget with the hearings and the anticipation of the needs, rather than adding $2 billion to the emergency appropriations that is before us today and taking it from something else, such as Active-Duty military equipment and preventive measures that we must cover for those who are on the ground today.

With all of this said, we will reach our goal of assuring the very best military veterans' care not by adding $2 billion to the funding for the next 6 months but, instead, planning for it since we are told by the Secretary of Veterans Affairs we have the money we need for this year.

The PRESIDING OFFICER (Mr. COLEMAN). Who yields time? The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the Senator from West Virginia was not able to be on the Senate floor when this was initially discussed, and in deference to his right to speak on this amendment, I yield 10 minutes from our side to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished chairman of the Appropriations Committee, Senator COCHRAN of Mississippi, for his generosity and for his very gracious and courteous action in this regard. I thank him for the time. I will not use the entire 10 minutes. I take it I may yield some of that time, if I wish, to other Senators.

The wars in Iraq and Afghanistan have strained America. The cost of these wars has strained the Federal budget. The deployments of the National Guard and the Reserves have strained American families. The toll of the wars on our troops and their equipment has strained the readiness of our Armed Forces. But there is no one who bears more of the strains of these wars than the veterans who have served our country in combat.

According to the Department of Defense, nearly 12,000 troops have been wounded in Iraq and another 442 have been wounded in Afghanistan. These troops have received the finest medical care our military can offer, but untold numbers of service men and women will require long-term care from the Department of Veterans Affairs. However, the VA is also feeling the strains of war. VA hospitals are seeing more and more veterans from the wars in Iraq and Afghanistan at the same time the aging veterans from World War II, Korea, and Vietnam are most in need of the VA's health care services, to which they are entitled. However, the administration has not met this growing demand for VA health care services with budget increases.

Fortunately, Congress has stepped in and added billions in needed funds in recent years. Last year, Congress added $1.2 billion to the President's request for veterans health care. Two years ago, Congress added $1.57 billion to the President's budget for VA health care. But the shortfalls in the veterans budget continue. The Disabled American Veterans, in its independent budget for fiscal year 2006, estimated that the White House budget for VA health care is $3.4 billion less than what is required to care for all veterans who are entitled to care. Clearly, more needs to be done to care for veterans.

The Murray-Akaka-Byrd, and others, amendment would increase veterans health care by $1.98 billion. These funds are targeted to provide care for veterans returning from Iraq and Afghanistan to increase mental health services and to support local VA hospitals and clinics. This is a commonsense amendment to support the men and the women who have borne the wounds of battle. I urge my colleagues to support the amendment.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 6 minutes.

Mr. BYRD. I thank the Chair and again thank my chairman, Mr. COCHRAN.

May I yield the remaining time to Senator MURRAY and Senator AKAKA?

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

Mrs. MURRAY. Mr. President, I yield some of that time to the Senator from Hawaii, as much time as he will choose to use.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I thank the chairman of the committee, Senator COCHRAN, and also Senator BYRD and Senator MURRAY for the time.

Mr. President, the amendment before us addresses the costs of providing health care to troops serving in Iraq and Afghanistan.

My colleagues in the Senate have already recognized the need to provide funds that would allow VA to absorb an influx of new patients from Operations Iraqi and Enduring Freedom. We recognized that need in 2003, when Congress added $175 million for VA to the Supplemental Appropriations bill. I again point out that this amount was provided only one month after the war in Iraq began and before we knew about the level of troop commitment.

Does this body believe that things are better in VA today or that massive

amounts of troops will not actually come for care? I don't think so.

Our amendment allows VA to provide care for returning troops—without displacing those veterans currently using the system.

The amount of this amendment—$1.9 billion—is drawn from what we know about past use of the VA health care system coupled with what we know to be the costs associated with preparing VA for veterans from the global war on terror.

Earlier we shared data and stories from VA hospitals and clinics across the country. My colleagues on the other side refute the fact that facilities are in crisis situation. I urge my colleagues to talk to VA personnel in their home States.

Perhaps the administration is reluctant to share details of budget shortfalls. Or perhaps network directors have not been allowed to request additional money. But these deficits are real, and they are deficits which will hurt veterans. In my mind that is an emergency.

To reiterate: we know of shortfalls in each and every State. The worst deficits are occurring in Florida, South Dakota, New Hampshire, Washington State, Iowa, and Ohio. These are not fiction.

I urge my colleagues to do what is right for VA hospitals and the veterans served by them.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time is left?

The PRESIDING OFFICER. The Senator has 3 minutes.

Mrs. MURRAY. How much time is left on the other side?

The PRESIDING OFFICER. There remain 14½ minutes.

Mrs. MURRAY. Mr. President, I do not see anybody on the other side who is going to speak. Let me just reiterate for everyone here. What we are talking about is an amendment for veterans, to make sure they have the health care and support they need when they come home from the war in Iraq and the war in Afghanistan.

What we have been very clear about is in every region across this country there is a debt and a shortfall. We have facilities that are decaying, and no money is being put in to fix them. We have long waiting lines. We have veterans in rural areas who are being told they cannot have health clinics. We are being told that veterans, the men and women who served us, have to travel over mountain passes and travel long distances to get the care they need. Most of it is inaccessible.

We are telling veterans who live in urban areas that the long lines in which they are waiting have to be there. We are telling suburban parents if they send their young son or daughter off to war, we are not going to be there for them when they come home.

I believe this is a emergency. I have outlined it this morning. I have outlined it again this afternoon. I heard from our colleagues on the other side that the Veterans Affairs Secretary, Secretary Nicholson, is saying he has the money he needs. He was on the job for 2 weeks when he said that. I invite the Secretary and any one of us to go out on the ground, go out to Michigan and Minnesota, go to Kentucky, go to Illinois, go to California, go to Texas, go to Idaho, go to any veterans facility and look and tell me there is not an emergency. Look in the eye of any VA doctor or nurse and tell them there is not an emergency. But more importantly, look in the eyes of the young men and women who served us.

I was in Iraq and Kuwait several weeks ago. I had to look in the eyes of 150 Guard and Reserve members who had just finished in Iraq for a year. Their No. 1 concern is they are hearing the facilities will not be available for them when they get home. Their No. 1 concern? Stress. A year on the ground in Iraq. They had heard from soldiers who had already gone home about the troubles they had with migraines, post-traumatic stress syndrome, reintegrating in the community. They want to come home, and we know the support is not there, and we tell them that is not an emergency.

I find it outrageous that this body can send to war our sons and daughters, husbands and wives, and say we will not be there for you when you come home; that we will tell them you will have to wait, your budgets are not a priority, your issues are not a concern to this body. I cannot think of a more important issue, I cannot think of a more important emergency, and I cannot think of anywhere else we are going to be able to deal with this this year.

If we do not provide the funds on the emergency supplemental before us, we will be here a year from now with story after story of young men and women who served us and then came home and were told no. That is an emergency.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we had a full debate of this issue. This is not the first time this issue has been presented to the Senate. As a matter of fact, before this fiscal year began, 2005, there was a question about how much money would be needed by the Veterans' Administration to provide health care benefits and other services to veterans.

The President had submitted a budget request for this year, but after hearings in our Appropriations Committee, the subcommittee recommended an increase over and above what the President had requested.

As we all know, there is a considerable time gap after the President's completion of his budget submission. The hearing process takes place in Congress, a budget resolution is developed, and then the Appropriations Committee conducts hearings and reviews what the facts are and if there have been any changes in the situation that can be reflected in the recommendations made in the Appropriations Committee.

Last year, the Appropriations subcommittee recommended to the full committee an increase in funding over and above the request of the President by $1.2 billion—a substantial increase. That was approved.

In this fiscal year's budget which we are now talking about, the President has already received $1.2 billion that he did not request. As we moved into the year, there have been suggestions that additional funds might be needed. We are already, though, preparing for the next fiscal year, 2006. The other day when we had a budget resolution before the Senate, this was again presented as an issue to the Senate. Senators offered an amendment and debated it, and we had a vote on that resolution. By a vote of 53 to 47, an amendment by the Senator from Hawaii to add about $3 billion to the budget resolution was defeated by the Senate. It was well debated. It was considered carefully. And here we are again.

We have an emergency supplemental now on the floor of the Senate dealing with funds needed to successfully complete, we hope, operations in Iraq and Afghanistan at the soonest possible date so we can have a more stable and peaceful situation, not only in that part of the world but in the war against terror generally, to protect the security of American citizens.

This supplemental is directed, in large part, to that concern and to those needs—the needs of the Department of Defense and the Department of State for depleted accounts in programs under the jurisdiction of that department.

There are some other accounts that are funded in this urgent supplemental, but there are no funds requested by the administration for the Veterans' Administration programs.

The other day there was a hearing on this subject. The Secretary, as the distinguished Senator from Texas pointed out, was questioned about the need for additional funds by the Veterans' Administration. The answer was unequivocal. It was clear. It was precise. Then, to clarify that, the Senator from Washington said that was weeks ago, that was early, and all the needs weren't known then. Here is the letter, dated April 5, 2005. This is what the Secretary of the Veterans' Administration said in response to the suggestions being made by the proponent of this amendment:

> I can assure you that VA does not need emergency supplemental funds in FY 2005 to continue to provide the timely quality service that is always our goal. We will, as always continue to monitor workload and resources to be sure we have a sustainable balance, but certainly for the remainder of this year I do not foresee any challenges that are not solvable within our own management decision capability.

That is about as clear and persuasive a statement about the need for the

funds at this time, for the remainder of this fiscal year, as you could possibly ask for by the person who has the responsibility for carrying out these programs and administering these programs for the benefit of our Nation's veterans.

There is another point I am going to make before my time expires.

The Secretary testified not only were the funds sufficient for fiscal year 2005 but that the financial plan is manageable. He said the Department is not in a crisis requiring emergency appropriations.

Then, on the point of the number of servicemen coming back to the States from the wars in Iraq and Afghanistan, the highest projection that has been made, if one looks at the numbers of persons entering the VA system in any given 1 year, the highest projection might be 48,000.

To put that in perspective with respect to the entire system and the entire workload of the Veterans' Administration, returning service members from the Iraqi war entering the VA system will be less than 1 percent of the total VA population.

The Senator from Texas made a point that was very persuasive. I think it should be repeated; that is, most veterans who are coming back to the States at this point and need medical care are still in the Department of Defense. They are at Walter Reed. They are at other hospitals that are under the jurisdiction of the Department of Defense. They are not going to the veterans hospitals. People who are coming back from Iraq are a small percentage of the population, and they are not as likely as older veterans to need services from the Veterans' Administration. The older veterans in the system are a much larger group and require more appointments, medical care, and assistance medications than the younger population coming into the system now.

For these reasons, I urge the Senate to reject the request of the Senators to open this emergency supplemental bill and add the additional $1.9 billion that has been requested.

I am prepared to yield the remainder of our time. I think we talked about the vote being scheduled for 3:30. As I understand, there is before the Chair a motion on the part of the Senator from Washington to waive the Budget Act. Is that correct?

The PRESIDING OFFICER. The Senator has moved to waive the point of order that was raised against her amendment.

Mr. COCHRAN. I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. They have been ordered on that motion.

Mr. COCHRAN. I yield the floor and I yield our time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I understand the other side yielded this time. Let me simply respond by saying we are talking about a supplemental bill that talks about the cost of the war. Part of the cost of war is caring for the men and women when they return home. As President Lincoln said:

> We all have an obligation to care for him who shall have borne the battle and for his widow and for his orphan.

That is what this vote is about, whether we carry forward our obligations to care for those we sent to war.

I ask my colleagues to vote with us to override this motion that says this is not an emergency so our veterans can receive the care they deserve.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 46, nays 54, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—46

Akaka	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bayh	Harkin	Nelson (NE)
Biden	Inouye	Obama
Bingaman	Jeffords	Pryor
Boxer	Johnson	Reed
Byrd	Kennedy	Reid
Cantwell	Kerry	Rockefeller
Carper	Kohl	Salazar
Clinton	Landrieu	Sarbanes
Conrad	Lautenberg	Schumer
Corzine	Leahy	Specter
Dayton	Levin	Stabenow
Dodd	Lieberman	Wyden
Dorgan	Lincoln	
Durbin	Mikulski	

NAYS—54

Alexander	DeMint	Martinez
Allard	DeWine	McCain
Allen	Dole	McConnell
Bennett	Domenici	Murkowski
Bond	Ensign	Roberts
Brownback	Enzi	Santorum
Bunning	Frist	Sessions
Burns	Graham	Shelby
Burr	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hagel	Stevens
Coburn	Hatch	Sununu
Cochran	Hutchison	Talent
Coleman	Inhofe	Thomas
Collins	Isakson	Thune
Cornyn	Kyl	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner

The PRESIDING OFFICER (Mr. MARTINEZ). On this vote the yeas are 46, the nays are 54. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the emergency designation is removed.

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

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

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I make the point of order that the amendment violates section 302 of the Budget Act.

Mrs. MURRAY. Mr. President, I move to waive the applicable sections of the Budget Act, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. MURRAY. Mr. President, what we voted on was whether to make the VA funding emergency funding. This vote is to say that the veterans funding is a priority for this Congress.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

The yeas and nays resulted—yeas 46, nays 54, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—46

Akaka	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bayh	Harkin	Nelson (NE)
Biden	Inouye	Obama
Bingaman	Jeffords	Pryor
Boxer	Johnson	Reed
Byrd	Kennedy	Reid
Cantwell	Kerry	Rockefeller
Carper	Kohl	Salazar
Clinton	Landrieu	Sarbanes
Conrad	Lautenberg	Schumer
Corzine	Leahy	Specter
Dayton	Levin	Stabenow
Dodd	Lieberman	Wyden
Dorgan	Lincoln	
Durbin	Mikulski	

NAYS—54

Alexander	DeMint	Martinez
Allard	DeWine	McCain
Allen	Dole	McConnell
Bennett	Domenici	Murkowski
Bond	Ensign	Roberts
Brownback	Enzi	Santorum
Bunning	Frist	Sessions
Burns	Graham	Shelby
Burr	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hagel	Stevens
Coburn	Hatch	Sununu
Cochran	Hutchison	Talent
Coleman	Inhofe	Thomas
Collins	Isakson	Thune
Cornyn	Kyl	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 54. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I request 15 minutes to speak on the bill.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ALLARD. Mr. President, I rise today to discuss the fiscal year 2005 Emergency Supplemental Appropriations bill. I commend Senator COCHRAN, the manager of this bill and the chairman of the Appropriations Committee, for the way he has put together this bill. His leadership was critical in ensuring that provisions in this bill are truly emergencies and are vital to our troops in the field.

I also acknowledge the work done by Senator STEVENS, the chairman of the Appropriations Subcommittee on Defense. Most of the funding in this bill comes from his subcommittee, and I know he has worked hard to ensure every penny will be wisely spent.

Both Senator COCHRAN and Senator STEVENS have also gone out of their way to assist me and Senator MCCONNELL in tackling an important issue related to our nation's chemical weapons stockpile. I will discuss this issue in greater detail in a moment.

The bill before us includes critically-needed funding for our men and women in uniform. It also ensures that the operations against the global war on terror is not interrupted. It provides certain benefits for our troops, including an increased death gratuity, life insurance extensions, and hazardous pay. I strongly support these provisions and believe they will greatly enhance the effectiveness of our military forces.

The bill also includes several provisions related to the Department of Defense chemical demilitarization program. These provisions seek to force the Department of Defense to move forward with the design and construction of two chemical weapons destruction facilities at Pueblo, CO and Blue Grass, KY.

Since the program's inception, the Department of Defense management has been dismal and ineffective. The program is behind schedule and over-budget. In 1986, Congress was told that the program was going to be completed before 2007 at a cost of approximately $2.1 billion. And now, we are told the program could possibly cost as much as $37 billion and be completed as late as 2030.

The Department of Defense has consistently failed to provide sufficient funding for this program, forcing those who run it to make programmatic decisions that pit demilitarization sites against each other.

The Department of Defense has failed to provide adequate program management. It has repeatedly stopped and restarted design work and operations, adding huge start-up costs and considerable schedule delays.

The department has failed effectively to communicate its intentions and plans to the States in which permitting is necessary, nor to local communities whose support is essential.

An example of these failures is the department's handling of the destruction of the chemical weapons stockpile at the Pueblo Depot in Colorado. In 2002, the department accelerated the destruction of the weapons at Pueblo with the goal of completing its work by the 2012 Chemical Weapons Convention deadline.

However, in 2004, the department changed its mind. Without telling Congress, the State of Colorado, or the people in Pueblo, the department unilaterally decided to cease all design work and assign the project in Pueblo to in care-taker status for the next 6 years.

After six months of no activity, the Department of Defense changed its mind again. It ordered a study on whether the stockpile in Pueblo should be relocated to an operational incineration site, even though such an option is illegal under current law and has already been studied at least three times in the past.

A month after that, the department changed its mind again by ordering the start of preparatory construction and the redesign of the facility.

Today, the future of the project still remains uncertain and judging by the department's past performance, it seems likely that the project will be changed many more times.

I am frustrated, and the people of Colorado are frustrated. Try as we might, we cannot seem to get straight answers from the department. One day I was told by department officials that the stockpile would not be relocated outside of Colorado. The very next day, the department ordered the study of transportation options.

In an Armed Services Committee hearing yesterday, the only answer we could get out of department officials was that they needed to conduct more studies on the technology and more studies on transportation options. From my perspective, we can study this issue into eternity and never get anything done. It is time to move forward with destroying these weapons. It is time to eliminate the danger these weapons pose to the local communities. And, it is time for the department to recognize the necessity of complying with our international obligations.

I am very troubled by the Department of Defense's apparent willingness to violate the Chemical Weapons Convention, a treaty this body ratified. I believe the United States has a moral obligation to comply with it. Our Nation's reputation and moral standing are at stake.

If we are not careful, we will find it impossible to hold others to this treaty and to other treaties as well.

The department seems to be on a path towards blaming Congress for its future non-compliance. Yesterday, a DoD official actually told the Armed Services Committee that it would be the fault of Congress if the department could not meet the treaty deadline. This official seems to believe that relocating the stockpiles in Pueblo and Kentucky to operational sites would solve the problem.

I strongly reject that line of thinking. Congress is not to blame for the department's bungling of this program. The fact is that the Congress has been more than willing to provide the funds and political support to get this program done. Last year alone, the Congress added $50 million for the project at Pueblo. I am certain that if the Department of Defense requested additional funding for the overall program, Congress would be more than willing to support its request.

The fact of the matter is that the department has been trying to destroy these weapons since 1986, nearly 20 years, and has spent billions upon billion of taxpayer's hard-earned dollars. And yet we have destroyed less than 40 percent of our Nation's stockpile, which is no where near the 100 percent requirement of the Chemical Weapons Convention.

Let us also be clear that Congress has been very up front about the transport of chemical munitions across State lines. The law that prohibits this activity has been on the books since 1994. Nothing has changed since then. In fact, such a proposal would be dead on arrival if the department ever offered it in this Congress.

Let there be no mistake about it: I will fight this proposal.

The department should heed the words of Congress and get on with the business of destroying these weapons. Conducting more studies is a waste of time and money. We need to move forward, and we need to move forward now.

I believe it is important at this point to mention I am not alone in this fight. The senior Senator from Kentucky, MITCH MCCONNELL has been pushing the department to destroy our chemical weapons stockpile for nearly two decades. Over this time, he has led the fight in forcing the department to work with State and local communities to get this program off the ground.

There is no doubt in Senator MCCONNELL's mind or in my mind that the department has been inconsistent and unreliable regarding this program. We both strongly believe that it is past time for Congress to intervene.

That is why we worked with Senator COCHRAN and Senator STEVENS to include four provisions related to the Chemical Demilitarization program in this bill. These provisions will require the department to stop dragging its feet and move forward with the design and construction of the chemical demilitarization facilities in Pueblo, CO, and Blue Grass, KY.

Specifically, the provisions in this bill will require the Department to do the following:

transfer within 30 days all previous funding appropriated for the Pueblo and Blue Grass facilities to the program manager of the ACWA program;

require the Program Manager to spend at least $100 million within 120 days;

prevent the department from using the funding appropriated for the Pueblo and Blue Grass for any other purpose; and

prohibit the use of appropriated funding from any study pertaining to the transportation of chemical weapons across state lines.

These provisions prevent the department from dragging its feet and requiring more studies. The treaty deadline is fast approaching and cannot be ignored. The department must move quickly if we are to comply with the treaty, and I assure you today that we intend to hold them to it.

I thank the chair for the opportunity to speak on the supplemental appropriations bill. I urge my colleagues to support this bill and get this funding to our troops as quickly as possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, for the information of Senators, there are no other amendments that I know of that will be offered this afternoon or this evening. There were two amendments that were offered earlier in the day which we set aside to dispose of the amendment of the Senator from Washington. These are offered by the Senator from Massachusetts, Senator KERRY, amendments numbered 333 and 334. It will be the intention of the manager of the bill to move to table these amendments when we convene tomorrow. We will be pleased to continue to set them aside and have them available for debate during the remainder of today's session. So if Senators want to speak on these amendments, this is the time to do it. Tomorrow when we convene and go to the bill, it will be the intention to move to table these amendments if there is no further debate.

In the meantime, we encourage Senators to let the managers know of their amendments that need to be considered to the bill. We are prepared to move forward. We remind Senators that this is an emergency appropriations bill. These funds are needed so that the Departments of Defense and State can proceed with other agencies that are funded in this bill to carry out their responsibilities.

We know that after we complete action on the bill here in the Senate, we will have to confer with the House to work out differences between the House-passed and Senate-passed bills. That will require some time as well.

This is a matter of some urgency. We encourage the Senate to continue to consider the bill and act expeditiously on amendments that may be offered so we can complete action on the bill and work with our colleagues in the House to have a final bill presented to the President as soon as possible. We appreciate very much having the cooperation of all Senators in that regard.

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

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

Mr. DURBIN. Mr. President, I ask unanimous consent the pending business be set aside and I be allowed to file an amendment.

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

AMENDMENT NO. 356

Mr. DURBIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Ms. MIKULSKI, Mr. ALLEN, and Mr. CORZINE, proposes an amendment numbered 356.

Mr. DURBIN. 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 ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred)

On page 153, between lines 15 and 16, insert the following:

SEC. 1110. NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES OR NATIONAL GUARD.

(a) SHORT TITLE.—This section may be cited as the ''Reservists Pay Security Act of 2005''.

(b) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

''§ 5538. Nonreduction in pay while serving in the uniformed services or National Guard

''(a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

''(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee's civilian employment with the Government had not been interrupted by that service, exceeds (if at all);

''(2) the amount of pay and allowances which (as determined under subsection (d))—

''(A) is payable to such employee for that service; and

''(B) is allocable to such pay period.

''(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted)—

''(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

''(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee's civilian employment with the Government.

''(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

''(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

''(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of service on active duty to which called or ordered as described in subsection (a).

''(c) Any amount payable under this section to an employee shall be paid—

''(1) by such employee's employing agency;

''(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

''(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee's civilian employment had not been interrupted.

''(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

''(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

''(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

''(f) For purposes of this section—

''(1) the terms 'employee', 'Federal Government', and 'uniformed services' have the same respective meanings as given them in section 4303 of title 38;

''(2) the term 'employing agency', as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

''(3) the term 'basic pay' includes any amount payable under section 5304.''.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

''5538. Nonreduction in pay while serving in the uniformed services or National Guard.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after the date of enactment of this Act.

Mr. DURBIN. Mr. President, I have offered this amendment before. It has passed the Senate twice. For some reason, as soon as it passes the Senate and goes to a conference committee, it disappears, it dies. I don't understand it. It seems that the Senate by overwhelming numbers supports the concept of this amendment, but somewhere, either in the executive branch of this Government or in the House of Representatives, there is opposition to this amendment.

When I explain the amendment and what it does, you may be as puzzled as I am. Here is what the amendment says in a few words: If you are a Federal employee who is activated to serve in either a Guard or Reserve unit, the Federal Government will make up the difference in pay while you serve.

That is it. You understand, I am sure, as we all do, that we have thousands of men and women across America who are members of Guard and Reserve units who are now being activated and deployed overseas for extended periods

of time, interrupting their daily lives and putting some hardship on their families and their businesses, but they serve their country. We find that many employers have decided to do not only the right thing but the patriotic thing and have said: We will stand behind our employees. If they are going to serve America, we will make up any loss of pay which they experience during the period of their service activation.

It is something we all applaud. In fact, the President has given speeches about it. There are not too many Senators who have not given speeches applauding those employers who stand behind these Guard families and Reserve families.

It turns out, when we look at all the employers across America, there is one notable omission. The U.S. Government does not make up the difference in pay between the guardsmen and reservists who are activated. So you find many Federal employees going off to serve our country are serving next to someone from the private sector who has the helping hand of their employer while those employees of our Federal Government are being disadvantaged.

America's Federal employees are a valuable asset to our Nation, not just in the public service they perform every day to keep America's Government going but today about 120,000 Federal employees serve America as well in the National Guard or Reserve—120,000. Indeed, about 17,000 have been mobilized and deployed overseas as I speak—17,000 Federal employees. Unfortunately, their employer, the U.S. Federal Government, lags behind leading businesses and States and local governments, which provide support to their workers who are activated. The Federal Government does not.

The amendment I propose is an opportunity to correct this shortcoming, update the Federal Government's support for these workers, and keep pace with the high standards set by other employers. For many years now every employer in America has had to consider how to respond to having workers activated in the Guard and Reserve. In times of peace, companies must accommodate staffing, schedule duties for the requirement for workers to be sent for training or drills. The law requires that they do this, and they follow the law.

In wartime, however, workers can be called away for duty for months, sometimes even years. It is a big challenge for employers.

How are they responding? What we have seen since 9/11 is that America's business communities and State and local governments not only provide the employment and reemployment protections required by law, but many of them go above and beyond requirement and patriotically provide even greater benefits and protections for their workers mobilized for duty in the Guard and Reserve. Many of these same businesses and State and local governments continue health insurance and fringe benefits for the families of those Guard and Reserve soldiers who are overseas. Some provide continued full salary for a few months, and more and more employers make up the difference in lost pay that the workers suffered during mobilization.

Covering the pay gap is an important benefit because some Reserve component members suffer a loss of income during mobilization. A recently released Department of Defense study in May of 2004 reveals that 51 percent of the members of our National Guard and Reserve suffer a loss of income when mobilized for long periods of active duty because military pay is less than pay in their civilian jobs. The average reservist loses $368 a month. That calculates out to about $4,300 a year in income. For many families, that $368 a month has a significant impact. Not only must they deal with the absence of someone they love but now on top of it must also tighten the family financial belt a notch or two and endure a decline in perhaps their standard of living, pressure on the family back home, and certainly more pressure on the soldier who worries about them as they serve our country overseas.

While the average monthly income loss was $368, the DOD Status of Forces Survey found that some reservists were losing a lot more. Eleven percent of all reservists report losing income of more than $2,500 a month, $30,000 a year for the year that they are activated and deployed. That is a huge sacrifice to make in the service of your country on top of risking your life every single day.

The Department of Defense operates a program called Employer Support of the Guard and Reserve—ESGR for short. Its purpose is to help employers understand and comply with the new law regarding protections for members of the Reserve. The program highlights and recognizes those employers who do more than the law requires, particularly those who are supportive of the Guard and Reserve.

To publicize these outstanding employers, ESGR lists them on their Web site. If you scroll down the Web site, you will see listed more than 1,000 companies across America, nonprofit organizations, State and local governments, all of which stand behind their Guard and Reserve while the Federal Government does not. Of those that are listed, more than 900 are saluted for providing pay differential. Think of it: 900 companies, 900 units of government that say, We will stand behind that soldier, we will make up the difference in pay.

On the first page, you will see 3M, A.G. Edwards, Abbot Laboratories, ADT Security Service, and Aetna. That is just the beginning. If you scroll down, you will see ICBM. I am proud to say you will see Sears & Roebuck from my State of Illinois, General Motors, United Parcel Service, and Ford Motor Company. In my State of Illinois, not only Sears but Boeing, State Farm Insurance, the State of Illinois, the city of Chicago, and many other Illinois companies, local governments, and institutions cover the pay differential for Reserve and Guard members called to active duty.

More and more American employers are providing a pay differential benefit to their workers who are mobilized for active duty. The number of ''outstanding employers'' recognized on the ESGR Web site for providing pay differential has been steadily growing. Even as the war goes on, more and more companies are stepping up for their people. They are stepping up in the private sector for their employees. How can we in the Federal Government do anything less? While the major employers in America are rushing to support the guardsmen and reservists, our Federal Government has not done so.

In a recently released DOD survey, they asked Reserve component members what factors they took into consideration before they decided to leave the National Guard and Reserve.

Let me show you that list. First, as I mentioned earlier, 51 percent of those in the Reserve who are activated lose income when they are mobilized, and 11 percent lose more than $2,500 per month.

I also mentioned this Web site. The employer-supported Guard and Reserve Web site based out of Arlington, VA, has a long list of over 1,000 employers who helped their activated Guard and soldiers, and 900 of them have provided pay differential for indefinite periods of time, some for 12 months and some for 6 months. But they are standing behind their Guard and Reserve units.

When you take a look at the number of outstanding employers who are making a greater sacrifice for their members of Guard and Reserve units, look at what happened since October of 2003. The number of employers making the pay differential for their employees called to Reserve duty has been increasing. But the U.S. Government is still not one of them. They ask the members of the Reserve and Guard: Why didn't you re-up, why didn't you reenlist? Here are the reasons they gave in a survey: 95 percent said it was too great a family burden, 91 percent said too many activations and deployments, 90 percent said activations-deployments are too long, and 78 percent said income lost.

This is a factor in retention and recruitment. It is a factor in the lifestyles of these families of Guard and Reserve unit members.

How can we come before this Congress asking for additional funds for the soldiers overseas and overlook the obvious? The Federal Government is not providing its share of helping these same soldiers. How can we throw bouquets, as we should, to all of these other employers who meet their responsibility and fail to meet our own?

With recruiting numbers falling short in virtually every branch of service, we need to do everything we can to

lessen the burden. By ensuring Federal employees, if they are mobilized, that their families will not have to endure loss of income, we can help reduce one of the major factors that drive people away from the Guard and Reserve.

This measure is not only good employee support, it is not only in keeping with the standards established by other leading employers, it is not only the patriotic thing to do, it is prudent management of our Reserve component forces. Reserve component soldiers face different family and professional situations than Active-Duty soldiers. They must not only perform military duties in addition to their civilian career, they have to shift back and forth between these two responsibilities.

Additionally, these Reserve component soldiers bring to their military service something special: all of their accumulated civilian time and civilian career experience.

In Iraq, thanks to Guard and Reserve forces, we have experienced teachers, construction supervisors, civil administrators, engineers, professionals over a wide range of skills, skills particularly helpful in rebuilding that ravaged nation. This derives from the unique nature of the Reserve component service and its value to the nation we must protect.

This provision has already passed the Senate twice. In October 2003, it was agreed to by vote of 96 to 3 as an amendment to the supplemental for fiscal year 2004. In June of 2004, it was agreed to by a voice vote as an amendment to the national defense authorization bill. On both occasions, I watched as this measure went into the bipartisan conference committee and disappeared. Apparently someone is opposed to the Federal Government making up the difference in pay for activated Guard and Reserve soldiers. The same Government that is praising businesses for doing this is deep-sixing this provision when it comes time to consider it in the conference committees.

I have just been handed a letter from the Reserve Officers Association of the United States. I am happy to report it to my colleagues in the Senate.

The Reserve Officers Association, representing 75,000 Reserve component members, supports your amendment to the emergency supplemental appropriation to provide an income offset for mobilized Federal employees.

I might add that it goes on to quote an Army Times article dated March 7, 2005, entitled ''Compensating for lost pay a bad idea, reserve head says.'' It inferred in this article that a Reserve pay differential would be unfair to Active-Duty troops.

This retired Major General Mcintosh goes on to say:

It is a shame that it is considered OK for Reservists to accept year-after-year pay losses during mobilization on top of the losses from missed promotions, missed contributions to a retirement account, missed incremental pay increases with their civilian job.

Helping to maintain the financial health of our military positively affects everyone by ensuring a strong economic position for the country.

I ask unanimous consent that this letter be printed in the RECORD.

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

RESERVE OFFICERS ASSOCIATION
OF THE UNITED STATES,
Washington, DC, April 12, 2005.

Hon. RICHARD J. DURBIN,
U.S. Senate,
Washington DC.

DEAR SENATOR DURBIN: The Reserve Officers Association, representing 75,000 Reserve Component members, supports your amendment to the emergency supplemental appropriation, SR 109–052, to provide an income offset for mobilized federal employees.

The Guard and Reserve face financial challenges whenever they are mobilized and ROA continues to hear stories of lost businesses, increasing credit card debt, and families forced to sell their homes. Many employees pay the difference between the civilian and military salary for mobilized Reservists; yet one of the largest employers, the federal government, does not.

In the Army Times Article, ''Compensating for lost pay a bad idea, reserve head says'', dated March 7, 2005, it was inferred a reserve pay differential would be unfair to active-duty troops. It is a shame that it is considered okay for Reservists to accept year-after-year of pay losses during mobilization on top of the losses from missed promotions, missed contributions to a retirement account, missed incremental pay increases with their civilian job.

Helping to maintain the financial health of our military, positively affects everyone by ensuring a strong economic position for the country. Congressional support for our nation's military men and women in the Guard and Reserve is and always will be appreciated.

Sincerely,

ROBERT A. MCINTOSH,
Major General (Ret), USAFR,
Executive Director.

Mr. DURBIN. Thank you very much, Mr. President. These folks who passed this amendment twice recognized reality.

Since the end of the Cold War, employment of our Reserve Forces has shifted profoundly from being primarily an expansion force to augment Active Forces during major war to the situation we face today where the Department of Defense acknowledges that no significant operation can be undertaken without the Guard and Reserve. Today, more than 40 percent of the forces fighting the global war on terrorism are members of our Guard and Reserve. Our part-time warriors have become full-time protectors of freedom.

The Federal Government is the Nation's largest employer. We must set an example. We must show the initiative. We must stand behind the men and women of the Federal workforce who are risking their lives for us overseas. Similar legislation has been enacted in at least 23 other States.

The Presiding Officer and I had a rare opportunity not long ago. We flew into Baghdad 2 or 3 weeks ago. It was a harrowing trip in the back of a C–130. We were strapped into our combat armor, body armor, with helmets on our head, in the C–130 as it made a corkscrew landing into Baghdad. We shared a wonderful, unforgettable opportunity to meet not only the leadership in the Green Zone but to meet with the marines and soldiers who are there risking their lives.

I sat down across the table from those three marines, recalled the guard unit I met the night before, and I thought to myself, we owe them something, not simply thanks but something significant and something tangible.

For those who work in the Federal workforce, this is something tangible we can do. We can make up the difference in lost pay. We can say to them, worry about coming home safely, but don't worry about whether your family is going to make the mortgage payment and pay the utility bills and keep things together while you are overseas.

That is what this amendment is all about. We express our gratitude in many different ways for the men and women in uniform, but this amendment which I have offered with Senator MIKULSKI, Senator ALLEN, and Senator CORZINE, says to my colleagues, on a bipartisan basis, let us offer to these men and women in uniform not only our thanks and our praise but the financial support they need to give them peace of mind.

Mr. GREGG. Mr. President, the pending Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief for 2005, H.R. 1268, as reported by the Senate Committee on Appropriations, provides a net $80.582 billion in budget authority and $32.790 billion in outlays in fiscal year 2005. Of this amount, $74.763 billion is for defense activities, and the balance of $5.819 billion is for non-defense activities.

This bill is $1.299 billion less than the President's request in budget authority, but is $0.699 billion more in outlays. Compared to the House-passed bill, the Senate-reported version is $0.759 billion less in budget authority, but is $0.608 billion more in outlays.

Nearly every individual appropriation item in the bill is designated as an emergency. In total, the bill designates $81.592 billion in budget authority as an emergency, the outlays flowing from that budget authority also have the emergency designation; in fiscal year 2005, the associated outlays are estimated to be $32.790 billion. The bill includes rescission totaling $1.010 billion in budget authority only.

For the information of my colleagues, I would like to briefly summarize where the Senate stands in relation to budgetary enforcement of appropriation bills in 2005. Although the conference report on the 2005 budget resolution was not adopted by both the House and Senate, enactment of the 2005 Defense Appropriations bill, P.L. 108–287, section 14007, did give effect to some of the provisions in that resolution, including a 302(a) allocation to

the Appropriations Committee and sections 402 and 403 of the 2005 budget resolution relating to emergency legislation and overseas contingency operations.

First, any appropriation for 2005 that is not designated as an emergency or as an overseas contingency would be subject to a 302(f) point of order because appropriations enacted to date have already exceeded the allocation provided for 2005.

Second, of the total amount designated as an emergency in H.R. 1268, $74.763 billion in budget authority is designated as an emergency for defense activities, which is exempt from the emergency designation point of order. Section 403 of the 2005 budget resolution provided that $50 billion was assumed in the resolution for 2005 appropriations for overseas contingency operations, which would not even require an emergency designation. The same law that gave effect to sections 402 and 403 of the 2005 budget resolution also provided $25 billion for overseas contingency operations that were designated an emergency, but the funds were provided in 2004. One way to think about the $74.763 billion in emergency defense funds provided in this bill is that it exceeds by almost $25 billion in the amount contemplated for overseas contingency operations for fiscal year 2005 in the 2005 budget resolution.

Third, the remaining amount that is designated as an emergency in H.R. 1268—$6.829 billion—is all for nondefense activities. As a result, any member of the Senate may use the emergency designation point of order under section 402 of the 2005 budget resolution to question, or strike, the emergency designation attached to each individual nondefense appropriation item in the bill or an amendment thereto. Such a point of order can be waived with 60 votes. If the point of order is not waived, the designation would be struck from the bill or amendment, leaving only the appropriation, which, absent its emergency designation, which would have prevented the item from ''counting'' for budget enforcement purposes, would then count against the committee's allocation, meaning a 302(f) point of order would lie against the bill or amendment.

May I also point out to my colleagues that the emergency designation point of order requires that if ''a provision of legislation is designated as an emergency requirement . . . the committee report and any joint explanatory statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria,'' which are defined as follows: ''Any such provision is an emergency requirement if the underlying situation poses a threat to life, property, or national security and is—(I) sudden, quickly coming into being, and not building up over time; (II) an urgent, pressing, and compelling need requiring immediate action; (III) . . . unforeseen, unpredictable, and unanticipated; and (IV) not permanent, temporary in nature'' with the proviso that an ''emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.'' I note that the committee report does not include any discussion of how each individual item in this bill that is designated as an emergency meets all of these criteria.

This supplemental appropriations bill has been requested by the President, and the Congress has responded. It will be conferenced quickly and signed by the President. I know the temptation is strong, almost irresistible, for my colleagues to attempt to amend the bill with extraneous items that may be quite important—but this is not the place for them. I will strongly object to making this supplemental appropriations bill ''Christmas in April'' for various nondefense discretionary items and for new or expanded mandatory spending.

I commend the distinguished Chairman of the Appropriations Committee for bringing this legislation before the Senate, and I ask unanimous consent that a table displaying the Budget Committee scoring of the bill with comparisons to the House-passed bill and the President's request be printed in the RECORD.

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

H.R. 1268, 2005 EMERGENCY SUPPLEMENTAL—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2005, in millions of dollars]

	Defense (050)	Non-Defense	Total
Senate-reported bill:			
Budget authority	74,763	5,819	80,582
Outlays	31,605	1,185	32,790
House-passed:			
Budget authority	77,175	4,166	81,341
Outlays	31,497	685	32,182
President's request:			
Budget authority	75,315	6,566	81,881
Outlays	31,219	902	32,121
Senate-reported bill compared to:			
House-passed:			
Budget authority	−2,412	1,654	−759
Outlays	108	500	608
President's request:			
Budget authority	−552	−747	−1,299
Outlays	386	283	669

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

EXCHANGE RATE OF CHINESE CURRENCY

Mr. VOINOVICH. Mr. President, I rise today to discuss last Wednesday's vote against tabling the Schumer amendment. The Schumer amendment would call on China to move toward a flexible rate or face corrective tariffs on their exports to the United States. Passing the amendment would be a responsible way for the Senate to address the significant problems caused by China fixing the exchange rate of its currency, known as the renminbi or yuan, to the United States dollar.

I have been concerned about China's trade policies for some time. I am particularly concerned about the undervaluation of the Chinese currency caused by China's currency peg. Presently, the yuan is undervalued between 15 and 40 percent. This systematic undervaluation of China's currency makes China's exports less expensive and puts United States workers at a severe disadvantage. As a result, the United States has lost thousands of manufacturing jobs due to the unfair competition with China's exports with prices that are artificially low on account of the undervaluation of the yuan. This is both unfair and it is unacceptable.

China's undervalued currency also harms China's economy. The Chinese people pay much higher prices for their imports and China is presently forced to keep its interest rates artificially low to support the currency peg, which is causing inefficient investment and excessive bank lending in China. Moreover, this undervaluation of the Chinese currency is fueling the dramatic rise of the United States trade deficit with China and distorting trade relationships around the globe.

Currently, we have a $162 billion trade deficit with China, the largest that we have with any country in the world. Accordingly, supporting efforts to get China to move forward toward a flexible exchange rate is consistent with supporting a more open and efficient global marketplace.

I was recently in China and had the opportunity to meet with Premier Wen Jiabao, member of the Politburo Standing Committee and the Chinese Communist Party's Central Committee. I made precisely these points to him: That it is in China's best interest to move toward a flexible exchange rate, and that the Chinese currency peg benefits neither China nor the United States. I urged him to support moving China toward a flexible exchange rate.

One of the primary arguments Chinese officials made to defend China's currency peg is the banking system is not sufficiently developed for a flexible exchange rate, an argument that Secretary of the Treasury John Snow makes on occasion when he gives reasons why he is not pushing them harder for them to stop fixing their currency.

I have an article from The Economist that helps explain in detail why exchange rate flexibility is in China's best interest, along with the best interest of the United States. The title of the article from March 19, 2005 is: ''China Ought to Allow More Flexibility in Exchange Rate, Sooner Rather Than Later.''

I ask unanimous consent to have it printed in the RECORD.