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Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable DAVID VITTER, a Senator from the State of Louisiana.

The PRESIDING OFFICER. Today, we will be led in a prayer by our guest Chaplain, Rabbi Jehiel Orenstein, of Congregation Beth El, South Orange, NJ.

PRAYER

The guest Chaplain offered the following prayer:

Our G-d and G-d of our ancestors, who shall stand in G-d's holy place? The Psalmist answers, ''One who has clean hands and a pure heart who has not used G-d's name in false oaths.'' Almighty Legislator of our lives, our hopes, our dreams, as legislators, one may sometimes despair and say, ''Who can stand in G-d's place?'' After all, we are human, limited. What a vast distance between us and the Creator of the laws of the universe.

And yet, the Psalmist gives us hope. If you want our law to reflect ultimate law, ''Start,'' says the Psalmist, ''with clean hands and a pure heart.'' No worthy law has ever emanated from this place that was not first and foremost ethical.

And then the Psalmist asks us to remember our vow, a vow given to the Ultimate Legislator and to the American people, to hold fast to our vow no matter how great the pressure.

On this Tuesday in April 2005, may there be a sense of spring and renewal. Let us bridge the distance between the law of the human beings and the law of the Creator of the universe.

Rabbi Akivah taught, ''The greatest of G-d's law is, 'Love thy neighbor as thyself.' (Leviticus 19:18).'' May this Senate, may this Congress, may this people come ever closer through our laws to the ultimate law of love. May you be blessed in your work, and may that work make you, and through you, all of America, a home that reflects G-d's love on this Earth, and let us all say, Amen.

PLEDGE OF ALLEGIANCE

The Honorable DAVID VITTER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 12, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAVID VITTER, a Senator from the State of Louisiana, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. VITTER thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. FRIST. Mr. President, this morning, following the 1 hour which is designated for morning business, the Senate will resume consideration of H.R. 1268, the emergency supplemental appropriations bill. I anticipate amendments being offered over the course of the day. Therefore, Senators can expect rollcall votes throughout the day.

I again ask Members to contact their respective cloakrooms if they intend to offer an amendment or amendments to the supplemental. This will allow Chairman COCHRAN and Senator BYRD to facilitate the amendment process.

Yesterday, I mentioned the importance and the timeliness of this legislation, and I hope Members will take that into consideration as they contemplate amendments. We would like to finish this bill which provides funding for our troops as quickly as we can.

Also, today we will have our respective policy luncheons and will recess from 12:30 p.m. to 2:15 p.m. to accommodate those meetings.

Mr. President, at this juncture I will yield to my colleagues for their brief statements and recognition of our guest Chaplain today, and then I will have a brief opening statement.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey, Mr. LAUTENBERG, is recognized.

THE GUEST CHAPLAIN

Mr. LAUTENBERG. Mr. President, this is a very welcome moment for me because I have known Rabbi Orenstein personally for many years. Members of my family have worshiped at his synagogue, the Congregation Beth El in South Orange. I have worshiped with him for 35 years.

Rabbi Orenstein is going to be retiring from Congregation Beth El very shortly. He and his lovely wife Sylvia are going to be honored for their many years of service, and it is going to be done next month.

Rabbi Orenstein is a distinguished scholar. He has a master's degree in Judaica and was ordained as rabbi at the Jewish Theological Seminary of America where he also received a doctorate of divinity.

He has completed course work for a Ph.D. in linguistics at New York University. The rabbi has always inspired education and learning in his congregation and has held interesting meetings for the congregation over the years. He traveled to Russia on four separate occasions to meet and teach refuseniks.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Also, during his career, he served as a chaplain at Lackland Air Force Base in Texas and St. Alban's Naval Hospital, and he is now a chaplain for the New Jersey State police.

I have a personal message for Rabbi Orenstein, and that is, as he contemplates retirement—I speak as one who knows; I tried retirement, and I did not like it. I am not recommending anything differently for you, but I know with your active mind and your social conscience you are going to be doing lots of things that continue to benefit the community, and I expect you will be spending a lot of time with your six grandchildren. We wish all of you well.

The rabbi's daughter Debra is also a rabbi, and she serves at a synagogue in Los Angeles. She has authored a book on Jewish rituals for women. Rabbi Orenstein is justifiably proud of his family, his daughter, and his other two children, one of whom is a professor at the Law School of Indiana, and his son Raphael, who is soon to be a doctor.

I know the 575 families at Congregation Beth El will miss Rabbi Orenstein. I make the plea here: Do not take this retirement too seriously. Stay active; be available to the community. We wish you well. It has been my honor and pleasure to know you well for so many years. I look forward to our contact continuing.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey, Mr. CORZINE, is recognized.

Mr. CORZINE. Mr. President, it is also my honor to bestow my congratulations on Rabbi Orenstein for his 35 years of service to Congregation Beth El and a lifetime of service to community and mankind.

His words this morning about love and our responsibility to our communities and attention, which is demonstrated both by his family and the Congregation Beth El, are testimony to a human being who has a heart that reflects that love in his everyday life.

Senator LAUTENBERG has gone through his resume, but the real issue of a man's life is what he has done for others, and no one has contributed more to his community or reached out to lift up his fellow man than Rabbi Orenstein.

I am honored that he was able to open this morning's session, but I am also honored to have him as a friend. Thank you very much for being here.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the Democratic leader or his designee, and the second half of the time under the control of the majority leader or his designee.

The majority leader is recognized.

Mr. FRIST. Mr. President, I will speak on leader time.

50TH ANNIVERSARY OF THE POLIO VACCINE

Mr. FRIST. Mr. President, today marks the 50th anniversary of the introduction of the polio vaccine. On April 12, 1955, Americans across the country cheered the news that Dr. Jonas Salk and his team of researchers had developed a vaccine that was ''safe, effective, and potent.'' One of mankind's most ancient enemies going as far back as ancient Egypt would finally be vanquished. It was truly a watershed in American history, launching an era of unprecedented vaccine development.

Today, vaccines protect children from more than 12 vaccine-preventable diseases, reducing disease rates by as much as 99 percent in the United States.

It is hard for today's generation to imagine the fear and the panic that gripped the Nation every summer in the first decades of the 20th century. Everyone was at risk—young and old, rich and poor. At the first signs of illness, swimming pools were closed and drained, movie theaters were padlocked shut, mothers cloistered their children for the duration, as everyone waited for that anxious cloud to pass.

Some polio victims died. Others were debilitated for life. The 1916 polio epidemic alone killed 6,000 Americans and paralyzed another 27,000.

Polio's most famous victim was, of course, Franklin Delano Roosevelt, who contracted the virus at the age of 39 while on vacation. As America would later learn, the disease permanently paralyzed the future President.

Even now, half of the 1 million polio survivors today suffer residual bouts of illness. Deborah Cunningham of Nashville, TN, recalls her childhood struggle with the vicious disease. It was 1951. She was only 6 years old. She had just begun the first grade when one morning she woke up with a severe headache. As she tried to walk across her bedroom to get dressed for school, she collapsed on the floor.

Her parents rushed her to the local hospital where doctors examined her. They asked her to try to lift her legs. As she told a newspaper, the Commercial Appeal: ''I didn't know why they gave me such funny looks.''

She thought she had done as they said but, in fact, neither of her legs moved an inch. Deborah spent the next month in isolation, unable to speak or to eat solid foods. She was then moved to a ward for children with polio for 8 months where she spent the first 3 months encased in an iron lung.

In 1946, there were 25,000 cases of polio across the country. By 1952, the annual tally had more than doubled to 58,000 new cases. Until Jonas Salk's historic breakthrough, polio was one of the most dread diseases in the world. Indeed, the development of the polio vaccine has been compared to the Moon landing.

Today, polio has been nearly eradicated from the globe. Worldwide, only six countries are still significantly afflicted. In 1988, there were 350,000 cases worldwide. In 2003, that number was down to only 784 new cases. The World Health Organization is confident they will eradicate polio from the face of the globe by the end of the year.

One gentleman who has been instrumental in the drive to eliminate polio is Tennessee's own William Sergeant, chairman of the International PolioPlus Committee. The 86-year-old has dedicated over 40 years fighting the spread of the disease. In 1998, he was the first recipient of the Hannah Neil World of Children Award.

Today, the Smithsonian's National Museum of American History will celebrate the vaccine's 50th anniversary. Dr. Salk's youngest son and FDR's granddaughter will be in attendance.

Together they will help launch the Smithsonian's monthlong exhibition on the rise and fall of polio and the heroic efforts of Dr. Salk, and people such as Mr. Sergeant who worked tirelessly to defeat the disease.

As we celebrate polio's final retreat from human history, we must be ever vigilant and aware of the new threats that are taking place today. HIV/AIDS, SARS, West Nile virus, avian flu, and most recently the Marburg virus are among the emerging dangers in the 21st century. Currently, Angola is suffering the most severe Marburg outbreak in recorded history. As of yesterday, the virus has killed 193 victims in 1 month.

Marburg, which is a variant, a cousin, of the Ebola virus, is spread by bodily fluids, by things as small as little beads of sweat. Nine out of 10 people who contract the disease die typically within a week. The virus has an incubation of 5 to 10 days. The victim then suffers a sudden onset of fever, chills, and muscle aches. These symptoms quickly escalate to nausea, vomiting, chest tightness, and abdominal pain, ultimately leading to organ failure and death. There is no cure and there is no effective vaccine.

Scientists do not know the source of the virus or how it is initially transmitted into the human population. It is one plane ride away from the United States of America. There is no cure and there is no vaccine. At this very moment, international health workers in Angola are working feverishly to contain its spread. The epidemic is expected to last up to 3 months.

Meanwhile, there is avian flu. We continue to receive disturbing reports on the avian flu outbreaks in Asia. Already 50 people have died. Experts warn that the virus may mutate into a more lethal and more transmissible form,

potentially unleashing a worldwide flu epidemic. If we do not address this threat now, tens of millions of people could die as a result, and we are dangerously behind.

The flu vaccine shortage last winter underscores the fragility of our vaccine supply in this country and indeed around the world. It underscores our need to bolster Federal and State preparedness whether in the event of a bioterror attack or emerging infectious disease. We have had this discussion before. We need to take action.

There are now only five major vaccine manufacturers worldwide that have production facilities in the United States. That is for all vaccines. Only two are U.S. companies. Over the past 2 decades, the number of manufacturers that made vaccines for children has dwindled from 12 now down to 4. Only two of the four manufacturers that make lifesaving vaccines for children are in the United States of America.

Early this year, Republican leadership unveiled the Protecting America in the War on Terror Act of 2005. This legislation contains critical new provisions to strengthen our public health infrastructure, stabilize the vaccine industry, and encourage advanced research and development. It encourages the development of countermeasures against a biological, radiological, or nuclear attack as well as emerging infectious diseases. It does not address routine childhood immunizations.

This legislation incorporates recommendations from top health officials, industry experts, and infectious disease specialists. I urge my colleagues to support these long overdue measures to keep America safe.

I am gratified by my colleagues' efforts in the House to press this public safety issue. Indeed, in a few minutes the House Subcommittee on Labor, Health and Human Services, Education and Related Agencies is holding a hearing on pandemic preparedness and influenza vaccine supply. Officials from the CDC, NAID, and the Office of the Secretary of Health and Human Services will offer testimony this morning on the status of our public health security.

We cannot afford to be complacent. Experts tell us that the emergence of the worldwide flu pandemic is not a mere possibility but an all too frightening probability. Millions of lives could be lost if we fail to act. We must continue to search for preventions and cures to the new diseases on the horizon.

Most recently, thanks to the success of U.S. immunization efforts, the Centers for Disease Control and Prevention announced that rubella is no longer a major health threat in the United States. However, Dr. Julie Gerberding, director of the CDC, stresses:

> We have to remain vigilant because, as we say in public health, our network is only as strong as the weakest link . . . [We] have to sustain our commitment to immunization. We have to strengthen all of the links in the network, and we have to do everything possible to protect the health of children here within our country, as well as beyond.

We have come a long way since the famed Ernest William Goodpasture helped pioneer the development of vaccines. His work at Vanderbilt University helped create the vaccines that protect us from chickenpox, smallpox, yellow fever, typhus, Rocky Mountain fever, and many other viral diseases. I am confident that we possess the ingenuity. America has been the engine of countless lifesaving discoveries and global health efforts. Now it is time for us to demonstrate our resolve once again for the safety of our fellow citizens and millions of people around the globe.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, we have been joined this morning by the Senator from Colorado, and I yield to him such time as he may consume.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

JUDICIAL CONFIRMATION PROCESS

Mr. SALAZAR. Mr. President, I thank the great and wonderful Senator from Delaware for yielding me the time.

I rise to speak briefly about the bipartisan action taken by the Senate yesterday when it confirmed the nomination of Paul Crotty to be U.S. district judge for the southern district of New York.

I commend my colleagues for their willingness to put aside their partisan differences and to make sure that the judicial confirmation process worked in the case of Judge Crotty. I commend them for acting so obviously for the good of the American people.

Even more importantly, it is my hope that this example will prove to be an enduring one for all of us as we move forward with the subject of judicial nominations in the future. Our duty to evaluate Presidential judicial nominations and to confirm or reject nominees is a particularly solemn obligation under our Constitution. Our 871 article III Federal judges hold positions of great respect and great power. They put criminals in jail. They decide our most important private disputes and they explain what our laws mean. Our constitutional duty to evaluate judicial nominees is doubly important because judges are appointed for life. If we make a mistake, our country is stuck with a bad judge for years and sometimes decades.

On March 1, 2005, I sent a letter to President George Bush concerning judicial nominations. I respectfully suggested to the President that there are many well-qualified candidates to serve on the Federal bench, men and women who unquestionably would gain the consensus and approval of this body. The fact that the Senate reached consensus on 205 of the President's 215 judicial nominations over the past 4 years demonstrates the willingness, indeed the strong desire, of the majority and minority in the Senate to achieve this consensus.

Let me repeat that statistic one more time: 205 of the 215 nominations of President Bush have been confirmed by this body. That is a 95-percent confirmation approval rating. When there is that kind of approval of the President's nominees, this body is doing its job and not being, as some people have suggested, an obstructionist body.

Judge Crotty is an example of the way judicial nominations should be pursued in order to be successful under our Constitution. His nomination resulted first from consultations and then from an agreement among Senator SCHUMER, Governor Pataki of New York, and the White House. That kind of collaborative consensus approach to making sure there are no problems with the confirmation of judges who are nominated by the White House is exactly what ought to be pursued in other judicial vacancies that occur in our country.

Partisanship in this particular appointment played no role whatsoever, and it should play no role. Judge Crotty was a consensus choice, a nominee without extreme ideologies or any troubling factors in his background. Judge Crotty's qualifications to sit in judgment of others were apparent to all Senators, Democrats and Republicans alike.

Our duty runs to all the people of our Nation, whether they are Republicans, Democrats, Independents, or something else. At the end of the day, I plead with my colleagues in this Chamber, which has been so much a part of our constitutional history, to avoid moving forward with the so-called nuclear option that has the potential of shutting down the work of this body on behalf of the people of the United States.

At the end of the day, I suggest to the President of the United States and to our leadership in this body that there are issues which are of much greater importance for all of us to work on on behalf of the people. The people's work should be about having a national and homeland security program that works to protect our homeland and protect our Nation. The people's business should be about making sure that we pass energy legislation that addresses our overdependence on foreign oil today. The people's business should be about how we deal with the problem of health care which is strangling so many Americans and so many businesses across our country.

There are so many issues that are important to take care of the people's business that we ought not allow ourselves to get into the distractive avenue of dealing with the controversial issue of the few judges who historically have been rejected by the Senate. I

suggest to all of my colleagues that it is important we move forward in the collaborative, cooperative approach that was taken in the nomination and in the confirmation of Judge Crotty to be a Federal district judge for the State of New York.

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

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

Mr. DURBIN. Mr. President, would you inform me how much time is remaining in morning business on the Democratic side?

The ACTING PRESIDENT pro tempore. There remains 17 minutes 24 seconds.

CONSIDERATION OF TIMELY ISSUES

Mr. DURBIN. Mr. President, I rise in morning business to speak to several issues which I believe are timely in the consideration of the business of the Senate.

We are still in this national debate relative to Social Security. President Bush has proposed a plan to privatize and change Social Security, creating the possibility of so-called personal accounts. The President has taken this message on the road, saying that he would visit 60 cities in 60 days to talk about this issue. What we found is a reaction across America opposed to the President's proposal.

What we find is when the people of this country hear the details of President Bush's privatization plan, they are very skeptical. The reason is obvious. Even the President concedes that his privatization plan for Social Security will not strengthen Social Security. Today, left untouched, the Social Security Program would, for the next 36 or 37 years at a minimum, make every payment to every retiree every year with a cost-of-living increase.

If the President had his way and privatized Social Security, we have asked how much longer would the Social Security plan last. The answer is it would not only not extend the life of Social Security, it would shorten the life of Social Security because the President's plan is to reach into the Social Security trust fund to take out money that could be invested in the stock market. As you take money out of the trust fund, there is less money, obviously, to pay retirees. So the President's approach is going to weaken Social Security, not strengthen it.

Second, the President's approach involves dramatic cuts in benefits for senior citizens. If you take the money out of the Social Security trust fund, there is less to pay. The President's White House memo that was leaked a few weeks ago discloses that they would change the index by which people are paid Social Security benefits. That index decides what increase will come each year in Social Security. The President would reduce that index, so you would find in 10 or 20 years that retirees in America would get 40 percent less when it comes to their Social Security benefits. That would drive many seniors, who have paid into Social Security for a lifetime, into a position where they would be below the poverty line. So the second aspect of President Bush's privatization plan is not only that it does not strengthen Social Security, but there are dramatic benefit cuts to those who have paid a lifetime into Social Security, driving more seniors into poverty, making them vulnerable to a life that is much different than they had anticipated as they went to work every day and paid into Social Security.

The final point is one of the more important ones as well. President Bush's privatization of Social Security is going to add dramatically to America's national debt. In fact, the estimates from the President's own agencies say that this plan of his to privatize will add $2 trillion to $5 trillion to the national debt. That is a dramatic increase in the mortgage of America that our children will have to pay off. Who will hold the mortgage of America? Right now, the people holding the mortgage happen to be Japan, China, Taiwan, Korea, OPEC. So we will find ourselves more in debt to those who are financing America's national deficit, and our children will have to pay them off. We will have to dance to their tune. If they lose confidence in the American dollar, we will have to raise interest rates in order to entice them to buy our debt. Raising interest rates to lure China and Japan onto our side means raising interest rates at home.

So President Bush's privatization plan on Social Security has run into a firestorm of criticism. It is a plan which does not strengthen Social Security; it threatens massive benefit cuts and adds dramatically to our national debt.

I see my colleague from Delaware is on the floor, so I will speak very briefly.

I ask unanimous consent to have printed in the RECORD an article from the Washington Post of April 9.

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

[From the Washington Post, Apr. 9, 2005]

AND THE VERDICT ON JUSTICE KENNEDY IS: GUILTY

(By Dana Milbank)

Supreme Court Justice Anthony M. Kennedy is a fairly accomplished jurist, but he might want to get himself a good lawyer—and perhaps a few more bodyguards.

Conservative leaders meeting in Washington yesterday for a discussion of ''Remedies to Judicial Tyranny'' decided that Kennedy, a Ronald Reagan appointee, should be impeached, or worse.

Phyllis Schlafly, doyenne of American conservatism, said Kennedy's opinion forbidding capital punishment for juveniles ''is a good ground of impeachment.'' To cheers and applause from those gathered at a downtown Marriott for a conference on ''Confronting the Judicial War on Faith,'' Schlafly said that Kennedy had not met the ''good behavior'' requirement for office and that ''Congress ought to talk about impeachment.''

Next, Michael P. Farris, chairman of the Home School Legal Defense Association, said Kennedy ''should be the poster boy for impeachment'' for citing international norms in his opinions. ''If our congressmen and senators do not have the courage to impeach and remove from office Justice Kennedy, they ought to be impeached as well.''

Not to be outdone, lawyer-author Edwin Vieira told the gathering that Kennedy should be impeached because his philosophy, evidenced in his opinion striking down an anti-sodomy statute, ''upholds Marxist, Leninist, satanic principles drawn from foreign law.''

Ominously, Vieira continued by saying his ''bottom line'' for dealing with the Supreme Court comes from Joseph Stalin. ''He had a slogan, and it worked very well for him, whenever he ran into difficulty: 'no man, no problem,' '' Vieira said.

The full Stalin quote, for those who don't recognize it, is ''Death solves all problems: no man, no problem.'' Presumably, Vieira had in mind something less extreme than Stalin did and was not actually advocating violence. But then, these are scary times for the judiciary. An anti-judge furor may help confirm President Bush's judicial nominees, but it also has the potential to turn ugly.

A judge in Atlanta and the husband and mother of a judge in Chicago were murdered in recent weeks. After federal courts spurned a request from Congress to revisit the Terri Schiavo case, House Majority leader Tom Delay (R–Tex.) said that ''the time will come for the men responsible for this to answer for their behavior.'' Sen. John Cornyn (R–Tex.) mused about how a perception that judges are making political decisions could lead people to ''engage in violence.''

''The people who have been speaking out on this, like Tom DeLay and Senator Cornyn, need to be backed up,'' Schlafly said to applause yesterday. One worker at the event wore a sticker declaring ''Hooray for DeLay.''

The conference was organized during the height of the Schiavo controversy by a new group, the Judeo-Christian Council for Constitutional Restoration. This was no collection of fringe characters. The two-day program listed two House members; aides to two senators; representatives from the Family Research Council and Concerned Women for America; conservative activists Alan Keyes and Morton C. Blackwell; the lawyer for Terri Schiavo's parents; Alabama's ''Ten Commandments'' judge, Roy Moore; and DeLay, who canceled to attend the pope's funeral.

The Schlafly session's moderator, Richard Lessner of the American Conservative Union, opened the discussion by decrying a ''radical secularist relativist judiciary.'' It turned more harsh from there.

Schlafly called for passage of a quartet of bills in Congress that would remove courts' power to review religious displays, the Pledge of Allegiance, same-sex marriage and the Boy Scouts. Her speech brought a subtle change in the argument against the courts from emphasizing ''activist'' judges—it was, after all, inaction by federal judges that doomed Schiavo—to ''supremacist'' judges. ''The Constitution is not what the Supreme Court says it is,'' Schlafly asserted.

Former representative William Dannemeyer (R–Calif.) followed Schlafly, saying the country's ''principal problem'' is not Iraq or the federal budget but whether ''we as a people acknowledge that God exists.''

Farris then told the crowd he is ''sick and tired of having to lobby people I helped get elected.'' A better-educated citizenry, he said, would know that ''Medicare is a bad idea'' and that ''Social Security is a horrible idea when run by the government.'' Farris said he would block judicial power by abolishing the concept of binding judicial precedents, by allowing Congress to vacate court decisions, and by impeaching judges such as Kennedy, who seems to have replaced Justice David H. Souter as the target of conservative ire. ''If about 40 of them get impeached, suddenly a lot of these guys would be retiring,'' he said.

Vieira, a constitutional lawyer who wrote ''How to Dethrone the Imperial Judiciary,'' escalated the charges, saying a Politburo of ''five people on the Supreme Court'' has a ''revolutionary agenda'' rooted in foreign law and situational ethics. Vieira, his eyeglasses strapped to his head with black elastic, decried the ''primordial illogic'' of the courts. '

Invoking Stalin, Vieira delivered the ''no man, no problem'' line twice for emphasis. ''This is not a structural problem we have; this is a problem of personnel,'' he said. ''We are in this mess because we have the wrong people as judges.''

A court spokeswoman declined to comment.

Mr. DURBIN. Mr. President, if you want to know the extremes which are being reached in the debate on the role of judges in America, read this article. There was a meeting in Washington, DC, of some of the more conservative groups on the Republican side. These conservative leaders met to discuss ''Remedies to Judicial Tyranny.''

They decided that Supreme Court Justice Anthony Kennedy—a Ronald Reagan appointee, I might add—should be impeached.

Phyllis Schlafly [originally from my home State of Illinois] said [that Justice] Kennedy's opinion forbidding capital punishment for juveniles ''is a good ground of impeachment.'' To cheers and applause from those gathered at a downtown Marriott for a conference on ''Confronting the Judicial War on Faith,'' Schlafly said that Kennedy had not met the ''good behavior'' requirement for office and that ''Congress ought to talk about impeachment.''

Unfortunately, hers was not the most incendiary quote. A gentleman by the name of Edwin Vieira, a lawyer-author, the article goes on to say:

. . . not to be outdone . . . told the gathering that Justice Kennedy should be impeached because his philosophy, evidenced in his opinion striking down an anti-sodomy statute, ''upholds Marxist, Leninist, satanic principles drawn from foreign law.''

Ominously, Vieira continued by saying his ''bottom line'' for dealing with the Supreme Court comes from Joseph Stalin.

I am quoting Mr. Vieira:

He [Stalin] had a slogan, and it worked very well for him, whenever he ran into difficulty: 'no man, no problem,''' Vieira said.

The Washing Post goes on to say:

The full Stalin quote [this is what Stalin really said] . . . is ''Death solves all problems: no man, no problem.''

This type of outrageous statement from the so-called conservative Republican right is clear evidence that what we have heard from Congressman TOM DELAY in the House of Representatives, and from even Members in our own Chamber, represents a departure from the line of civility which we have refused to assault or cross when it comes to dealing with the separate branches of Government.

There is no doubt that decisions are handed down by Federal courts across America on a daily basis with which I personally disagree and find abhorrent. But to suggest retribution against judges—first from Schlafly that it should involve impeachment and then from Mr. Vieira that it should go further—suggests an assault on the independence of the judiciary about which every American should be concerned. When the men and women who don these robes for lifetime appointments have the courage to rule in cases, even in controversial cases, they should not feel they are going to be threatened on a regular basis by Members of Congress or by those in political parties who happen to see things differently.

We know how this can reach an extreme. We have seen it happen. In my home State of Illinois, the family of one of our outstanding Federal jurists was assaulted, and two of them were murdered. This type of reaction shows that when you give comfort to this crazed mindset, it can have disastrous results. The people who sponsored this conference should be embarrassed that they came together and suggested this kind of action against Federal judges.

It is time to put an end to this. We need to have an independent judiciary in touch with the ordinary lives of American citizens, in touch with the value of our families. But we always should stand and defend the independence of our judiciary and the integrity of the men and women who serve in that branch.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

THE JUDICIARY

Mr. CARPER. Mr. President, yesterday I was in my State capital, Dover, DE, before I came down here. I was a short distance from a place called the Golden Fleece Tavern. It no longer exists, but it was the site of the place where Delaware became the first State to ratify the Constitution. They did that on December 7, 1787. That action took place a couple of months after a Constitutional Convention about 75 miles up the road in Philadelphia.

Some of my colleagues may recall that one of the last issues resolved at the time of the Constitutional Convention was the question of how they were going to select these judges, the third branch of our Government. How do we select these judges? There were some at that time who were fearful of creating a Presidency that would be too strong, having had a bite of the apple of putting up with a king of England for a number of years. They did not want to create a king or someone of royalty in this country to be our leader. Our Founding Fathers worked diligently in any number of ways to create checks and balances to ensure that we didn't end up with a king but ended up with a President. Among the checks and balances they incorporated into our Constitution is one that deals with the selection of our judges. We all know how Presidents nominate and the Senate confirms or does not confirm nominees to lifetime appointments to the Federal bench.

Twice in our Nation's history we have seen instances where a President sought to stack the courts. Both were Democrats. One was Thomas Jefferson at the beginning of his second term as President, and a second was FDR at the beginning of his second term as President. Both times, both Presidents, both Democrats, were rebuffed. Today, Democrats no longer reside in the White House. Today, the Republicans are in the majority here in the Senate and in the House of Representatives.

With the election of last November, President Bush is in a position to see much—not all, but a good deal—of his legislative agenda approved; perhaps modified but ultimately approved. He is also in a position to leave an even more enduring legacy through his nomination of hundreds of judges in the Federal courts of almost every State. In President Bush's first term, he nominated over 200 men and women to the Federal bench, and 215 nominees were actually debated here on the Senate floor, and 205 were approved. That is an approval rate of about 95 percent. Of the 10 who were not approved, our side would say they were simply out of the mainstream.

As the 108th Congress concluded last year, the vacancy rate stood at the lowest, I believe, since the Reagan era. How did that compare with the Clinton era? In President Clinton's time as President for 8 years, 81 percent of his Federal nominees were approved, as compared to 95 percent of President Bush's in the last 4 years. It is kind of an irony, at least to me, that 81 percent for President Clinton was enough, it was OK, but 95 percent for President Bush is unacceptable.

While our Republican friends are prepared to change the rules of the Senate in an effort to make it a lot easier to confirm Federal judges, and are poised, I am told, to turn some 200 years of precedent on its head because 95 percent may not be enough, I think to do so would be a mistake.

We have a chance to pass not only class action legislation, but we have a chance to pass bankruptcy legislation, asbestos litigation reform, a comprehensive energy policy, restructuring of the postal system for the 21st century, and on and on. This could be the most fruitful legislative session in recent memory. I would hate to see us destroy that potential.

I say also that the slope we get on with respect to changing the way we close off debate on judicial nominations is a slippery one. Today, we may want to apply it to judicial nominations; later on we may want to apply it to nominees for Cabinet positions or nominations for other positions. It is a slippery slope.

My Republican friends would be wise to listen to former Republican Senators who served on that side of the aisle, people such as Senators Wallop, McClure, Danforth, and today Senator Dole, Robert Dole. They reminded today's Republican Senators, the majority in the Senate, that the bed we make today is one we may have to sleep in. There won't always be a Republican President. Some day there will be a Democrat President. It could be 4 years from now. There will not always be a Republican majority in the Senate. It goes back and forth.

I say to my friends on the other side of the aisle, before we go down this road, keep in mind a couple of things. No. 1, we have the potential to get so much done this year. I would hate to see us blow that opportunity.

No. 2, this is a slippery slope—a policy change that may be designed initially to make it easier to confirm judicial appointments but could easily be applied to other appointments to other positions.

No. 3, some Democrats would take some consolation in the thought that we are not going to always be in the minority, and as there was a Democrat President for the last 8 years for the last century, there will be another one in the future.

My Republican friends, be careful of the bed you make because someday you will have to chance to sleep in it.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

JUDICIAL NOMINATIONS

Mr. ALLARD. Mr. President, I rise this morning to address one of the most important obligations that we, as Members of the Senate, are bound to fulfill—the approval or disapproval of the President's judicial nominations.

Perhaps no other constitutional duty vests as much responsibility in the executive, or this body, than article II, articulating the President's power of appointment, a power that is only realized when the Constitution works as it was intended to, when we fulfill our obligation as laid out in the clause requiring this body's advice and consent.

This fundamental duty carries with it the weight and responsibility of generations, a lifetime appointment to a position that requires a deep and mature understanding of legal thought, and a solemn oath to uphold the law.

This debate is not about numbers. It is not about percentages, how many judges that Republicans confirmed or how many judges Democrats confirmed. To frame the debate as nothing but a statistical argument is to betray the American people.

We were not sent to Congress to focus on a numerical count but instead to make sure that limited government allows for opportunity and promise without stifling individual freedom and liberty.

We were sent here to build a stronger Union and to uphold our obligations under the Constitution.

The Founding Fathers referred to judges as ''the guardians'' of the Constitution and gave to the President the responsibility to appoint them.

Alexander Hamilton once wrote that, in order to maintain the health of the three branches of government, all possible care is requisite to enable the judiciary to defend itself.

It is frightening to think that a minority in the Senate is eroding the foundation of the third branch by perpetuating obstruction and endangering the citadels of justice.

No where does the Constitution give Congress the ability to ignore the appointment process.

By refusing to give judicial nominations an up or down vote, it is nothing more than a Congressional veto with a fancy name.

James Madison characterized the appointment of judges as the remote choice of the people.

Failure to provide an up or down vote deprives the people of the United States the choice selected by their representatives, denying choice to the very same people who elected us to office and the same people who live under the Constitution that we have sworn to protect.

The legal prowess of a nominee is obviously an important factor to consider when confirming a judge.

The Constitution calls upon the Senate collectively to determine whether or not a particular nominee is qualified to serve. This determination is made in one gesture, the approval or disapproval of the nomination itself.

In 2003 and 2004, a series of votes were held on various nominees. Some were approved, while others were denied a vote altogether, even though they were clearly supported by a majority of Senators.

Procedural processes do not fulfill the advice and consent requirement. Advice and consent does not mean avoiding the question on a judicial nominee entirely by employing a filibuster.

If a Member of the Senate disapproves of a judge, then let them vote against the nominee. But do not deprive the people of the right to support a nominee through their elected representative.

It is our vote, the right of each Member to collectively participate in a show of ''advice and consent'' to the President, that exercises the remote choice of the people.

The burden of obstruction is borne by the American people. Empty seats on our highest courts delays the recourse and justice guaranteed by the Constitution.

As so many of my colleagues have stated before me, such justice delayed is justice denied.

In the shadow of September 11, 2001, we now recognize the efforts being made by the enemies of the United States to destroy the liberties and freedom of our great Nation. The most basic of our country's values and traditions are under attack.

Congress responded by enacting new laws and by providing financial assistance to businesses, families and defense; we acted swiftly to suffocate terrorists and destroy the hateful organizations that work to undermine our society.

Through strong and courageous leadership, the President has stood firm against terrorist and terrorist regimes.

But our government cannot function without an equally strong judiciary, the third branch of government. It is through the judiciary that justice is served, rights protected, and that law breakers are sentenced for their crimes.

The Senate cannot willingly refuse to provide an up or down vote on judicial nominees without acknowledging that irreparable harm may be done to an equal branch of government.

Judges must take an oath to uphold the law, regardless of their personal views.

Time after time, a nomination has been blocked by a minority of Senators because they feel that they are better judges of a nominee's ability to fulfill that oath than a majority of the Senate.

The result of this obstruction is a broken nomination process.

I sincerely hope we can work through the impasse on the judicial nomination process.

I hope those opposed to the President's nominees will vote against them and speak their mind about it. But I also hope that we will be allowed to provide the guidance we are required to provide under the Constitution.

As I have said so many times before, ''vote them up or vote them down, but just vote.''

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I am the Senator from Tennessee, and we know something about country music in our State. There is an old country music song with the line that goes something like this: There is light at the end of the tunnel and I hope it ain't no train.

I am beginning to think it is a train and that there is not much way to avoid a train wreck. The train wreck I am talking about is a threat by the minority to ''shut the Senate down in every way'' if the majority adopts rules that will do what the Senate has done for 200 years, which is to vote up or down the President's appellate judicial nominees.

Until recently, not to vote at all on a President's judicial nominee was unimaginable. Take the case of Clarence Thomas in 1991: The first President Bush nominated him to the Supreme Court of the United States. I haven't seen any debate in this body with as much passion in it as the Thomas nomination. But he was nominated in July, the Senate voted in October 52 to 48, and it was done. Yet, in the last session of Congress, for some reason that escapes me, the minority felt it had to use the filibuster to deny an up-and-down vote 10 times on 52 of the President's appellate judicial nominees. That has never happened before. There are a lot of ingenious arguments being made on the other side, but that has never happened.

Some people mention Abe Fortas in 1968—I was here then; I was working for Howard Baker in the Senate. The votes against Fortas were in the majority. But even if you give that to the other side, neither party has ever used the tactic of denying an up-or-down vote on judicial nominees in 200 years.

The argument that the Senate doesn't have the power to change this procedure would get thrown out of court in a summary judgment. From 1789 when the Senate first met and adopted its rules by majority vote, it has adopted its rules by majority vote as the Constitution provides.

The nominees who the President put up who were rejected were badly abused. Charles Pickering, from Mississippi, was accused of not being sensitive to civil rights. In 1967, he put his children into desegregated schools in the middle of Mississippi. He testified in court against the grand wizard of the Ku Klux Klan, who was described by Time Magazine as the most evil terrorist in America.

Bill Pryor, not sensitive on civil rights? Too conservative? Bill Pryor was law clerk to John Minor Wisdom in New Orleans, as the Presiding Officer knows, perhaps the leading civil rights judge in the South during the 1950s, 1960s, and 1970s, and Bill Pryor has repeatedly demonstrated he can separate his views from his judicial judgments. Most recently he was part of the court—by his recess appointment—that rejected an appeal on the Terri Schiavo case. I don't know how he felt personally about it, but he felt under the law there was no recourse in Federal courts. Chairman ARLEN SPECTER has sent a certain memorandum around to Members asking us to look at Priscilla Owen's real views on Roe v. Wade. She hasn't said she wants to overturn Roe v. Wade.

The question is not whether the Senate has the power to adopt the rules by majority vote—it unquestionably does; that is common sense—but whether we should.

I am one of the Republicans who believe such a rules change is not a good idea—not good for the Senate, not for the country, not for Republicans, and not for Democrats. The Senate needs a body that by its procedures gives unusual protection to minority rights.

Tocqueville, in the early 19th century, warned of the tyranny of the majority. In South Africa we saw a political miracle when the new Black majority respected the property rights of the White minority. In 1967, when I came here—and I see the Republican whip here; he came about a year or two later—the Republicans were the ones worrying about protecting minority rights. There were 64 Democrats and 36 Republicans then. There were 38 Republicans in 1977 when I came back working with Howard Baker, and in 1979, when Senator BYRD eloquently argued the majority could make Senate rules, there were only 41 Republicans, so the Republicans were worrying about minority rights.

But minority rights can also be abused. Remember what the filibuster was used for in the 1930s, the 1940s, the 1950s, and the 1960s. The filibuster was used to deny Black Americans the right to vote. It was used to keep the poll tax. It was used to stop a Federal anti-lynching law. It was used to keep African Americans from sitting down and having lunch in Nashville. So the filibuster can also be an abuse of minority rights.

It is not my job to advise the Democrats, and I wouldn't presume to do it, but I believe it is a mistake for the Democrats to provoke a rules change, and I believe it is a bigger mistake, as they have threatened, to ''shut down the Senate,'' when it happens. Last month, three dozen Democrats stood on the steps of the Capitol and basically threatened to do that. On December 13, in the Washington Post, the Senator from New York, Mr. SCHUMER, said that the use of the nuclear option would ''make the Senate look like a banana republic . . . and cause us to try to shut it down in every way.''

Consider what the Senator from New York is saying. Not only will the minority not allow a vote on judges up or down in a country where the rule of law is of paramount concern, but they will shut the Senate down in every way at a time when natural gas prices are at $7, shut the Senate down in every way at a time when oil prices and prices at the pump are at record levels, shut the Senate down in every way when there is a Federal deficit that needs to be brought under control, shut the Senate down in every way when the immigration laws need fixing, and shut the Senate down in every way while we are at war.

I don't believe the American people like the idea of Washington politicians threatening to shut the Senate down in every way. As I remember, the last prominent political leader who said something like that was my friend, Newt Gingrich, 10 years ago. It backfired, and he was out of office in about a year.

The people expect us to go do work, to do our jobs. They expect us to vote on judges, to lower natural gas prices, to reduce the deficit, to fix the immigration laws, and to win the war on terror. We cannot do it if part of the Senate wants to shut the Senate down in every way.

Our Senate leader, BILL FRIST, has been working hard to avoid this train wreck. I still hope we can avoid it. I believe my colleagues in this body know the enormous respect I have for the new Democratic leader, HARRY REID. He and I worked together on American history. I had the privilege of being with him in a delegation for 8 days in Palestine, Israel, Iraq, Kuwait, Georgia, Ukraine, and France, and not once in those 8 days did the Democratic leader undercut the policies of the President of the United States. He conveyed the U.S. position. I am not surprised by that. That is the way it should be. But I am impressed by that. I am impressed by the Democratic leader. I am convinced he and the majority leader can make this Senate do its job if given the chance.

We need to avoid this train wreck if there is a way to do it. Twice I have offered in the Senate my suggestion about how I as one Senator could do it. I said 2 years ago that I would give up my right to filibuster a President's nominee for an appellate judgeship even if it were President KERRY or President Clinton or President REID or any other Democrat. I might vote against that nominee, but I would never filibuster as long as I were a Senator.

Now, if six Democrat Senators and six Republican Senators would say the same thing, then there would be no need for a rules change, and there would be no need for a train wreck. All we need are six Democrat Senators and six Republican Senators who believe there ought to be up-or-down votes regardless of the President's party and who believe it would be wrong to shut the Senate down. The right thing to do is to have an up-or-down vote on any of the President's Federal appellate judicial nominees. That has been the way we have done it for 200 years. The wrong thing to do is to shut the Senate down in every way.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. DEMINT. 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. DEMINT. Mr. President, I rise today to address the current institutional crisis in the Senate brought on by the insistence of a few on defeating the will of the American people in preventing the Senate from doing its job of voting on the President's nominees to the Federal bench.

We all know that the Constitution is very clear on this front. The judicial nominees are chosen solely by the

President with the advice and consent of the Senate. Until President Bush was elected, no one has ever interpreted this requirement to mean anything other than a simple majority vote. The Senate has never denied an up-or-down vote to any appellate court nominee who had majority support. But the Democrats have rejected this 200-year-old Senate tradition and, with it, the very will of the American people.

The Democrats lost the election, and they seem unwilling to accept the fact. Instead, they unilaterally change the rules and politicize the judicial confirmation process. This is extreme behavior and extreme tactics—threatening to shut down the Senate if we should dare to confirm a well-qualified nominee with bipartisan majority support. This is an epitome of arrogance—assuming they know better than the majority of their colleagues and the President. The people back home want to see these nominees treated fairly and given an up-or-down vote.

Is it fair to say to nominees that they are out of the mainstream when they have the support of the Democrats and the Republicans making up the majority of the Senate? I submit it is the obstructionists who are out of the mainstream when they block an up-or-down vote on nominations of justices such as Janice Rogers Brown for years.

Extreme, arrogant, out of the mainstream—this is the anything-goes Senate Democrats who are willing to go to any length to deny exemplary judges the opportunity to dedicate their lives to service to the American people.

By trying to shred the reputation of some of the most respected and admired judges in public service in this country, a few Senators are sending a very powerful message to any others who may aspire to the bench. They are telling us, don't bother. It appears to be increasingly likely that such talent, dedication, and personal sacrifice will be rewarded with attacks on the floor of the Senate and years of uncertainty while a bipartisan majority waits powerless to confirm these nominees.

I call for a return to tradition. The American people have done their jobs and expect us to do the same. We in the Senate need to do our jobs and confirm fair judges through a fair process.

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

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

The bill clerk proceeded to call the roll.

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

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

50TH ANNIVERSARY OF POLIO VACCINE

Mr. McCONNELL. Mr. President, today we celebrate the 50th anniversary of the polio vaccine. The people of my generation, who were youngsters at that time, remember full well the exciting development. Now polio is virtually eradicated.

The Committee on Foreign Operations, which I have had the privilege to either chair or be ranking member for the last decade or so, has appropriated about $160 million toward that fight over the last 6 years.

Of course, the Rotary International, a private organization, deserves the lion's share of the credit for almost total eradication of polio. This private civic group with international chapters made this a project some 20 years ago and have collected and spent about $600 million and delivered the vaccine in all parts of the world. So because of this, today we can celebrate, essentially, the complete eradication of this disease from the Earth. Rotary deserves a big part of the credit for that.

I rise to talk about this for another reason. It had an enormous impact on me personally. I was struck with polio when I was 2 years old. My dad was overseas fighting in World War II. Polio was similar to having the flu—you felt sick all over. Except when polio went away there were residual effects. In my case, when my flu-like symptoms went away, I had a quadricep in my left leg that was dramatically affected.

My mother was, of course, like many mothers of young polio victims, perplexed about what to do, anxious about whether I would be disabled for the rest of my life. But we were fortunate. While my dad was overseas my mother was living with her sister in east central Alabama, only about 40 or 50 miles from Warm Springs. As everyone knows, President Roosevelt established Warm Springs, where he went to engage in his own physical therapy, as a center to treat other polio victims. So my mother was able to put me in the car, go over to Warm Springs, and actually learn, from those marvelous physical therapists who were there, what to do.

They told my mother she needed to keep me from walking. Now, imagine this. You are the mother of a 2-year-old boy. And we all know how anxious little boys are to get up and get around and get into trouble. So my mother convinced me that I could walk, but I couldn't walk—a pretty subtle concept to try to convey to a 2-year-old. In other words, she wanted me to think I could walk, but she wanted me to also understand I should not walk.

Now, obviously, the only way to enforce that with a 2-year-old is to watch them like a hawk all the time. So I was under intense observation by my mother for 2 years. She administered this physical therapy regiment at least three times a day—all of this really before my recollection. But we now know the things that happened to us in the first 5 years of our lives have an enormous impact on us for the rest of our lives.

So this example of incredible discipline that she was teaching me during this period I always felt had an impact on the rest of my life in terms of whatever discipline I may have been able to bring to bear on things I have been involved in. I really have felt my mother taught me that before I was even old enough to remember.

So this went on for 2 years. My first memory in life was stopping at a shoe store in LaGrange, GA. We had left Warm Springs for the last time, and the physical therapist there had told my mother: Your son can walk now. We think he is going to have a normal childhood and a normal life. We stopped at a shoe store in LaGrange, GA, and bought a pair of saddle oxfords, which are low-top shoes—my first recollection in life.

Thanks to my mother, I had a normal childhood. I was not able to run all that well, but I played baseball and have had a normal life. The only impact of that early childhood experience with polio is that I have a little difficulty going down stairs. Most people do not want to go up stairs and do not mind walking down stairs. I like to walk up stairs and take an elevator down because an effected quadricep impacts your ability to descend stairs.

So I am particularly moved by the fact that we can stand here today and say that polio is essentially eradicated from the face of the Earth. When I was a youngster, the fear of polio was enormous. Mothers, every summer, lived in fear that their children would come down with polio, and many did, many died. Many had much more serious aftereffects than I did, certainly.

But it is with great gratitude that I commend Rotary International today for this extraordinary accomplishment of getting this vaccine out all over the world so that we can essentially say, in 2005, that polio has been eradicated from the face of the Earth.

Mr. President, I ask unanimous consent that an article from the Wall Street Journal entitled ''Polio and Rotary'' be printed in the RECORD.

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

[From the Wall Street Journal, Apr. 12, 2005]

POLIO AND ROTARY

Today marks the 50th anniversary of the Salk polio vaccine. Poliomyelitis, also know as infantile paralysis, used to be one of childhood's most feared diseases. A few years after Dr. Jonas Salk announced his vaccine on April 12, 1955, nearly every child in the U.S. was protected. Today polio has disappeared from the Americas, Europe and the Western Pacific and is nearly gone from the rest of the world.

A too-little known part of this feat is the role played by Rotary, the international businessman's club, which 20 years ago adopted the goal of wiping out the disease. Rotary understood that medical breakthroughs are worthless unless people aren't afraid to immunize their children and efficient delivery systems exist to get the vaccine to them. And so it mobilized its members in 30,100 clubs in 166 countries to make it happen.

In 1985, when Rotary launched its eradication program, there were an estimated 350,000 new cases of polio in 125 countries. Last year, 1,263 cases were reported. More than one million Rotary members have volunteered their time or donated money to immunize two billion children in 122 countries. In 1988, Rotary money and its example were the catalyst for a global eradication drive joined by the World Health Organization, Unicef and the U.S. Centers for Disease Control. In 2000 Rotary teamed up with the United Nations Foundation to raise $100 million in private money for the program. By the time the world is certified as polio-free—probably in 2008—Rotary will have contributed $600 million to its eradication effort.

An economist of our acquaintance calls Rotary's effort the most successful private health-care initiative ever. A vaccine-company CEO recently volunteered to us that the work of Rotary and the Gates Foundation, both private groups, has been more effective than any government in promoting vaccines to save lives. It's become fashionable in some quarters to deride civic volunteerism, but Rotary's unsung polio effort deserves the Nobel Peace Prize.

Mr. MCCONNELL. Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, morning business is closed.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 2005

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1268, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Arizona.

Mr. KYL. Mr. President, as was just indicated, we are now back on the supplemental appropriations bill, which is critical to the funding of our effort to continue our activities in Iraq and Afghanistan and elsewhere around the world.

One of the reasons Senator CORNYN and I want to speak for a few minutes this morning is to make the point that we very much hope our colleagues will join with us in ensuring the quick passage of this bill so we can get on with that effort and then move to other business.

There has been a suggestion that amendments might be offered to the bill that do not relate to the funding of the war effort. For example, some of our colleagues have talked about offering amendments that relate to the subject of immigration. Now, that subject is one we are going to have to debate this year, and we are going to have to consider legislation very seriously later on this year, but our view is that it would be inappropriate to consider that legislation in the context of this supplemental appropriations bill.

We are aware of the fact there was a provision in the House bill that related to driver's license standards and asylum, but those are matters that relate more to terrorist activities than our immigration laws, as they pertain to illegal immigration. Therefore, our view is that we would refrain from offering amendments of that kind and would hope our colleagues would as well.

We would hope, by indicating what we plan to do, that our colleagues would appreciate our commitment—that is to say, Senator CORNYN and myself—to seeing that the issue of illegal immigration generally and immigration reform specifically will, in fact, be considered by the Senate a little bit later on this year.

It is our intention to introduce legislation and to work through the amendment process, perhaps before that, to ensure that we are doing everything we can in the Congress to ensure our borders are secure, that we have adequate law enforcement both at the borders and in the interior of the country, and that we, therefore, create the precondition for the consideration of immigration reform, which is that we do have a commitment to enforce the law and abide by the rule of law in this country.

There is one thing I think almost everybody interested in the immigration debate will agree on, and that is that we have a broken legal system right now. Employers pretend they are not employing illegal immigrants, but they know they are, and they have documents the Government has called for. The Government pretends to enforce the law, but it knows the documents, in many cases, are counterfeit.

The industry will very candidly tell you they do not know what they would do without the illegal employment they have today. So they are putting pressure on some of our Members to come forward with legislation to create a legal regime for these employees and, indeed, there should be.

We should get to the point where nobody in this country hires illegal immigrants anymore. To do that, we are going to have to demonstrate a couple things. The first is that we are committed to enforcing such a law, because our constituents rightly tell us: Why should we consider immigration reform—temporary worker reform, for example—if we don't think it is going to be enforced? You are not enforcing the law today. What makes us think you are going to enforce the law in the future?

It is a good question. We have to be able to answer that question in the affirmative and say we are committed to enforcing the law. It begins with enforcement at the border, and it goes right on through with the rest of the law that makes it illegal to hire illegal immigrants. Those laws do need to be adequately enforced.

If we could commit ourselves to do that, then I believe we could lay the foundation for successfully getting legislation to provide some kind of guest worker or temporary worker program that will both liberalize the ability of employers to bring legal immigrants into this country to work for them on a temporary basis and also deal with the 10 to 15 million—nobody knows exactly how many for sure—illegal immigrants who exist in the country today. Many of those people work hard. They come to work here. They intend only to send money back to their relatives in Central America or Mexico or wherever they came from. Many of them are, indeed, needed in our workforce. But we cannot condone a situation in which they are working illegally. So we have to come up with a structure that would permit us to take advantage of their desire to work here, but to do so in a legal construct and not to reward them with any kind of amnesty.

The specifics of doing that have been discussed a little bit by the President of the United States, who laid out some principles for a guest worker program, as he calls it. What Senator CORNYN and I are here to talk about today is the fact that we are working on legislation to try to embody many of the principles the President has laid out to create a legal mechanism by which we can meet our workforce needs in this country but to do so all within the rule of law, where the law will be strictly enforced, there will be no more hiring of illegal immigrants, and therefore we remove the magnet which currently exists which draws illegal immigrants into our country because they can be employed easily.

So we remove that magnet, but we do so in a way that does not reward the lawbreakers, the people who come here illegally and use illegal documentation to obtain employment and, in many cases, are creating a drain on society, and ensure they are not rewarded for their illegal behavior by amnesty, which I think most people would agree, at a minimum, means they would not be granted a path to citizenship or be able to chain migrate their family into the country ahead of those who want to do so legally; meaning, specifically, that, of course, anyone who wanted to do that could get in line in their country of origin with a worker sponsor for legal, permanent residency or green card status. If they acquired that status, then there are other things that flow from that, such as the ability to apply for citizenship. But that should only come as a result of going home, being there, and getting in line with everybody else. It certainly should not be granted to people who came here illegally and would be permitted to stay here while that status was pending. That is the kind of thing we mean by saying no amnesty.

But at the end of the day, I think President Bush is right, that we have to come to grips with this problem. We have to find a way, as he said, to match willing workers with willing employers but to do so strictly in the confines of a legal regime. What Senator CORNYN and I have been working on for several weeks now is a bill we hope would embody many of those principles. It is not going to track exactly what the President has proposed. I would also say the President has not gotten real specific about several areas, and we are going to have to fill in a lot of those blanks.

We will talk to our colleagues, and we will talk to the various groups that are involved in this issue to see what their ideas are about how best to make this work. But the bottom line so far as we are concerned is, if we do this, we have to be able to commit to the American people that since we now have a legal and relatively easy mechanism for filling the workforce needs here in our country, we are not going to condone any illegal employment in this country. If we establish that principle, we then help to remove that magnet which is drawing so many illegal immigrants to the United States.

Just to conclude with this point. I mentioned the fact we would be introducing legislation, which we intend to do. But there are also opportunities for us to demonstrate this commitment to enforcing the law. Let me mention a few of those. In whatever way we can accomplish this, whether it be before the introduction of such legislation or in conjunction therewith, we intend to move forward.

The intelligence reform bill of last year authorized 2,000 new Border Patrol agents each year for 5 years, but we do not have enough money in the budget for any more than about a tenth of that number.

Currently, there are about 11,000 Border Patrol agents. A pre-9/11 study conducted by the University of Texas said we needed at least 16,000 Border Patrol agents on our southern border alone in order to secure the border. So we clearly have to fund the addition of more Border Patrol agents. Authorized in the intelligence bill as well were 800 additional Immigration and Customs Enforcement investigators, again for a 5-year period, an additional 800 Customs/Border Protection inspectors at our Nation's ports, 8,000 new detention bed spaces, and some other requirements that all follow if we are going to enforce the law.

We need to fund these programs to demonstrate our commitment to the law. We also need to reimburse the States for their incarceration of illegal immigrants in prisons. The so-called SCAAP funding accomplishes that. It is the State Criminal Alien Assistance Program. But there was not any money in the budget this year, and it needs to be at least $750 million. We need to do some other work to ensure that States do not bear the costs of the Federal Government's failure to enforce the Federal law.

There are a lot of things that have to be done. The point we are making is, one, this is complicated. It is big. It has to be done. It should not be attempted on a bill which we have to get passed quickly to ensure funding for our troops in Iraq and Afghanistan and elsewhere. This is a debate we can have in the future, and I am assuring our colleagues we are moving the process forward. I chair the Terrorism and Homeland Security Subcommittee of the Judiciary Committee. My colleague, JOHN CORNYN, chairs the Immigration Subcommittee. We intend to try to move this legislation through the Judiciary Committee as a matter of regular order as soon as we can get our legislation complete.

My colleague from Texas wants to make a presentation regarding this same subject.

The PRESIDING OFFICER. Who seeks time?

The Senator from Texas.

Mr. CORNYN. Mr. President, I want to follow on the comments of Senator KYL because we are working together on this important legislation, what we hope and expect will be comprehensive immigration reform. The message both of us would like to convey is that this is a complex topic. It can't be accomplished this week, especially not on supplemental appropriations designed to make sure our troops have the equipment and resources they need to fight the global war on terrorism.

Let me give a little background to explain my perspective. It tracks closely with what Senator KYL has already said.

Our Nation's immigration system is badly broken. It leaves our borders unprotected, threatens our national security, and makes a mockery of the rule of law. We have failed to enforce our laws and to protect our borders for far too long through years of neglect. In a post-9/11 world, we simply cannot tolerate this situation any longer. National security demands a comprehensive solution to our immigration problem.

Senator KYL and I have determined that we would work together. We have a particular interest, being Senators from two border States along the southern border where the illegal immigration is perhaps the most rampant. We also want to come up with a plan that addresses not only our national security but deals with the economic issues that are integrally intertwined with this complex issue in a way that is compassionate and deals with the very real human consequences and causes for illegal immigration.

We are undertaking a thorough review of our immigration laws as we speak. At the conclusion of our discussions, Senator KYL and I plan to introduce a comprehensive immigration reform bill that will dramatically strengthen enforcement, bolster border security, and comprehensively reform our laws. I particularly am glad to be working with Senator KYL. He chairs the Subcommittee on Terrorism, Technology, and Homeland Security, and I chair the Judiciary Subcommittee on Immigration, Border Security, and Citizenship. We have already had our first hearing, a joint hearing, on border security. The second one, this Thursday, will focus on interior enforcement, or maybe I should say interior nonenforcement, when it comes to our immigration laws.

In the past, we have simply not devoted the funds, the resources, or the manpower to properly enforce our immigration laws and protect our borders. That must change. If we have anything to do with it, it will change.

Let me put the matter as clearly and explicitly as I possibly can. No discussion of comprehensive immigration reform is possible without a clear commitment to, and a dramatic elevation in, our efforts to enforce the law. That includes enforcement both at the border and within the interior. We must have strong border protection between ports of entry and a strong employee verification system to put an end to the jobs magnet for illegal entry.

Our immigration laws also present substantial difficulties to our already overburdened law enforcement and border security officials, separate and apart from inadequate funding and resources. It is my belief these difficulties simply cannot be solved by additional funding and additional resources alone, as important as they are. After all, under our current immigration laws, literally millions of people enter this country outside of legal channels to hold jobs that are offered by American businesses and are needed to ensure American economic growth. There is a serious concern that some fraction of this population may harbor evil impulses toward our country. Yet it is a practical impossibility to separate the well meaning from the ill-intentioned.

Put simply, we must focus our scarce resources on the highest risks to our country and our national security. We need our law enforcement and border security officials to spend their highest energies on people who wish to do us harm rather than those who wish only to help themselves and their families through work. Our comprehensive immigration proposal will strengthen enforcement of the law, but it will also provide laws that are capable of strong enforcement.

We agree with the President's stated principles. They are, however, just principles, and certainly he understands and looks to the Congress to come up with the specifics in the form of legislation. Such laws can be designed in a way to be compassionate and humane. Above all, they must be designed to protect U.S. sovereignty and to further U.S. interests. They must be reformed to better serve our national security and our national economy. They must ensure respect for the rule of law and not permit undocumented workers to gain an advantage over those who have followed the rules.

In the coming months we will craft a proposal that implements all those objectives, and we welcome the coming debate as well as the input and the opportunity to work with our colleagues in the Senate.

Finally, we speak today as the Senate is about to begin debate on a supplemental appropriations bill. Congress should not delay enactment of critical appropriations necessary to ensure the well-being of our men and women in uniform fighting in Iraq and elsewhere around the world. Attempting to conduct a debate about immigration reform while the supplemental appropriations bill is pending in the Senate would do just that—it would unnecessarily and inappropriately delay getting those funds to our troops who need them. Our immigration system is badly broken and fails to serve the interests of our national security and our national economy and undermines respect for the rule of law.

To solve that problem, Congress must engage in a careful and deliberate discussion about the need to bolster enforcement of and to comprehensively reform our immigration laws. We should not short-circuit that discussion by enacting legislation outside of the regular order of business in the House and the Senate. I hope we will enact this supplemental appropriations bill soon. Once that process is completed, I will continue to work closely with Senator KYL and any other Member of this body who has a good idea to contribute to enact comprehensive immigration reform that is in the best interests of our Nation.

I yield the floor.

AMENDMENT NO. 344

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. 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 Washington [Mrs. MURRAY], for herself, Mr. AKAKA, Mr. BYRD, Mrs. BOXER, Mr. BINGAMAN, Mr. ROCKEFELLER, Ms. MIKULSKI, Mr. JEFFORDS, Mr. SALAZAR, and Mr. DAYTON, proposes an amendment numbered 344.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide $1,975,183,000 for medical care for veterans)

On page 188, after line 20, add the following:

CHAPTER 5

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For necessary expenses for furnishing, as authorized by law, outpatient and inpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans as described in paragraphs (1) through (8) of section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the department and including medical supplies and equipment and salaries and expenses of health-care employees hired under title 38, United States Code, and to aid State homes as authorized under section 1741 of title 38, United States Code; $1,975,183,000 plus reimbursements: *Provided*, That of the amount under this heading, $610,183,000 shall be available to address the needs of servicemembers deployed for Operation Iraqi Freedom and Operation Enduring Freedom; *Provided further*, That of the amount under this heading, $840,000,000 shall be available, in equal amounts of $40,000,000, for each Veterans Integrated Service Network (VISN) to meet current and pending care and treatment requirements: *Provided further*, That of the amount under this heading, $525,000,000 shall be available for mental health care and treatment, including increased funding for centers for the provision of readjustment counseling and related mental health services under section 1712A of title 38, United States Code (commonly referred to as ''Vet Centers''), increased funding for post traumatic stress disorder (PTSD) programs, funding for the provision of primary care consultations for mental health, funding for the provision of mental health counseling in Community Based Outreach Centers (CBOCs), and funding to facilitate the provision of mental health services by Department of Veterans Affairs facilities that do not currently provide such services: *Provided further*, That the amount under this heading shall remain available until expended.

Mrs. MURRAY. Mr. President, I ask unanimous consent to add as cosponsors Senators AKAKA, BYRD, BOXER, BINGAMAN, ROCKEFELLER, MIKULSKI, JEFFORDS, SALAZAR, and DAYTON.

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

Mrs. MURRAY. Mr. President, today in Iraq and in Afghanistan, our men and women in uniform are making great sacrifices to serve our country. Last month I had the opportunity to meet with some of them in Baghdad and in Kuwait and all of us can be very proud of their service. Every person I met with was a dedicated professional who was putting their duty above their personal well-being.

Today, I am very concerned that when all of these new veterans come home and need medical care, they are going to be pushed into a veterans health care system that does not have the medical staff, the facilities, or the funding to take care of them.

There is a train wreck coming in veterans health care. I am offering an amendment to deal with this emergency now before it turns into a crisis. The VA health care system is overcrowded. It is underfunded. It is understaffed. It is struggling to deal with existing veterans. I fear what will happen when tens of thousands of our new veterans are added to this already strained system.

As Americans, we make a promise to those who join our military that we will take care of them when they come home. It is a promise all of us have to work together to keep, and that is why I am on the Senate floor today. This is not a Democratic issue. It is not a Republican issue. This is an American issue. I am willing to work with anyone to make sure all of our veterans get the health care they are promised.

I appreciate the leadership of many Senators, especially Senator CRAIG who chairs the Senate Veterans' Affairs Committee on which I serve. I thank Senator HUTCHISON of Texas who chairs the committee that funds veterans health care. I truly appreciate their commitment to our veterans. I look forward to working with them, and I will work with many others to make sure we are doing everything we need to do to prepare for the influx of many new veterans.

With Senator AKAKA and others, I am offering a veterans health care amendment to this emergency supplemental. Our amendment recognizes that caring for our veterans is part of the cost of war. This is being offered on the emergency supplemental because our amendment recognizes that caring for our veterans is a part of the cost of war.

Our amendment does three things: First, it makes sure all soldiers who need health care when they return home from Operation Enduring Freedom and Operation Iraqi Freedom can get that health care. To do that, this amendment provides $610 million. Second, it provides funding for mental health care for our newest veterans. Specifically, it provides $525 million for expanded mental health services, including $150 million to treat post-traumatic stress disorder for counseling, as well as family therapy. Third, the amendment helps address the shortfalls that are crippling our regional VA networks. It provides $40 million to each and every VISN, Veterans' Integrated Service Network.

This chart shows the 21 regional health networks. For each region, our amendment provides $40 million to spend on their priorities. For some areas it is going to mean erasing big deficits. For others it will help them hire more medical staff. In other parts of the country they will use it to buy medical equipment. That flexible funding that each VISN gets will allow each region to prepare their staff and facilities for our newest veterans. It will put a total of $840 million where these local communities need it the most.

In short, this amendment will ensure that we can handle the health care needs of all the veterans who will seek care after serving our country in Operation Iraqi Freedom and Operation Enduring Freedom.

The total cost of the amendment is $1.98 billion. Let me explain how we arrived at that figure. First, we looked at the number of new veterans who will return to the VA for care. We multiplied that by the average cost per patient and added the cost of reversing the deficits that are today facing our VA hospitals and the cost of meeting increased mental health care needs that everyone assures us we are facing.

Some Senators may wonder if this is the appropriate vehicle to fund veterans health care, so let me talk about that for a minute.

I would have preferred to fund this critical need in the regular budget process. I tried to do it several times last month in the Budget Committee and on the floor with Senator AKAKA. Unfortunately, our amendments were voted down. But the need is not going away. The shortfalls are only going to get worse. So if we are not going to take care of our veterans from Iraq in the regular budget, then we have to take care of them in the bill that funds our war efforts. This is the appropriate bill because the veterans health care train wreck is an emergency, and because caring for our veterans is part of the cost of war.

As I have been talking about this amendment and discussing it with our veterans, I have been pleased by the support it has received. This amendment is supported by the Veterans of Foreign Wars, AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and it is supported by the VA workers who care for our veterans, represented by the American Federation of Government Employees, AFL–CIO. I thank all of these organizations and their members for supporting my amendment and reaching out to their Senators to call for its passage.

Before I go any further, I want to note that veterans health care is a very personal issue for me. My father was a disabled World War II veteran. I grew up knowing the sacrifices that our veterans make. When I was in college, I interned in our VA hospital in Seattle during the Vietnam war, and I saw how important the services were to our soldiers who were returning. I became the first woman to serve on the Senate Veterans Affairs Committee. I know what the costs are and I know what the challenges are.

The VA provides some of the best care, research, and treatment anywhere. Our VA employees have a unique understanding of the challenges that our veterans face when they return, and their dedication is unmatched. Like them, I want to make sure this system works for every veteran of every war and every generation.

I will share some specific examples from throughout our country that illustrate the emergency in veterans health care today. These examples didn't come from me. They came from people who know our VA facilities firsthand. A couple days ago, I posted a form on my Web site, murray.senate.gov, where veterans and their advocates can share their stories and examples with me. I have been heartened with the things people have shared. I invite other veterans to share their stories with me and with their own Senators.

For anyone who thinks this is not an emergency or it doesn't merit emergency funding, I invite you to listen very closely. I am going to talk about different places, but the overall problem is the same everywhere.

For years, VA funding has not kept up with the growing demand for care and with the rising costs of health care. So VA networks around our country have held off making improvements. When a doctor or nurse left, they were not replaced. When equipment needed to be purchased, it was put on hold. When a clinic needed to be opened, it was held in limbo. When there wasn't enough money in the operating budget, they started taking money from their capital budget.

Now all those years of chronic underfunding are coming back to roost at the worst possible time, as we are about to have a major influx of new veterans, men and women serving honorably in Iraq and Afghanistan today, when they are returning, our VA facilities across the country are facing deficits, staff shortages, and inadequate facilities.

Let me give a couple of examples that have been shared with me.

In Alaska, as of yesterday, they are starting a waiting list for nonemergency care for all new priority 7 veterans who are not enrolled in VA primary care. That means those people cannot get an appointment to even see a doctor.

In Colorado, the Eastern Colorado Health Care System is $7.25 million short this year.

In California, last year, the VA hospital there in Los Angeles closed its psychiatric emergency room.

In Florida, the VISN 8 facilities were facing a $150 million deficit earlier this year. West Palm Beach Medical Center has a deficit alone of $6 million.

In Idaho, at the VA in Boise, they are resorting to hiring freezes when we have soldiers coming home.

In Kentucky, veterans at the Louisville hospital, who are having a type of bladder examination, have to lie on a broken table because there is no money to replace that broken equipment.

In Maine, the Togus VA has a $12 million deficit.

In Minnesota, at the Minneapolis VA, they have a $7 million shortfall. They have one of the VA's four sites for dealing with veterans with complex, multiple injuries but they are not hiring anymore staff for that specialized center because of the deficit.

All of us who have visited our returning soldiers at Walter Reed or Bethesda know many of them are returning with these kinds of injuries that need to be treated at hospitals such as the one in Minneapolis.

In Missouri, at the Kansas City VA Medical Center, they have a $10 million operating deficit. I am also told that in Missouri there are not enough doctors and providers to see all the veterans. If a veteran is less than 50-percent service-connected disabled, he or she is put on a waiting list.

In South Dakota, they are expecting to be $7 million in the red by the end of this fiscal year. The VA is proposing to save $2 million by not filling staff vacancies. I am told, in fact, they need 58 new beds, and that some of the bedframes in that facility are held together with duct tape and wire. So because of the deficits they cannot even buy new beds. That is unacceptable for our veterans who have served this country.

I am also told that the Black Hills Health Care System is $3 million in the hole. They have had to use the capital budget to pay staff and other expenses.

In Texas, at the Temple, Texas, VA, nurses in inpatient care are working 16-hour days several times a week because there is not enough staff. We know that nurses providing direct care should only be working 12-hour days, because longer shifts lead to medical errors and unsafe care. This is not a way to treat our veterans who are returning.

In Virginia, as of January 1, I understand that Virginia had a budget shortfall of $14.5 million.

In my home State of Washington, we have problems, too. In Tacoma, at the American Lake VA, you can only get an appointment if you are 50-percent or more service-connected disabled. That is not the promise we made to the men and women who serve our country.

In Puget Sound, as of January, there was an $11 million deficit. At the Seattle and American Lake VA they are leaving vacant positions unfilled. There are about 16 new vacancies every month and those positions are remaining empty. They hope to reduce the workforce by 160 full-time equivalents by the end of this fiscal year.

This is having a huge impact on our patients. As of this month, the next appointment at the Seattle VA urology clinic is not available until August. I can tell you that conditions like these are breaking the hearts of our VA personnel who work day in and day out with the men and women who have served this country. They are frustrated at seeing so many veterans not get the care they have earned. Why? Because Congress is not providing the money.

I share these examples not to criticize or cast blame. We have problems such as this in my State as well, as I have talked about. I share these examples because we have to look at what is happening and realize that our VA system is not prepared to handle a new generation of veterans. All of these examples, from more than a dozen States, point to one conclusion: The VA is having trouble taking care of the patients it has today. It is certainly not prepared to handle a new influx of veterans from Iraq and Afghanistan.

Many of these VA centers are in the hole for millions of dollars. They are not in a position today to begin expanding care to meet the growing need. They cannot do it alone. We have to step in and help them.

Before I close, I want to talk about one claim we made here during this debate. Some Senators have suggested

that the VA doesn't need any additional funding because it has some kind of reserve for $500 million. I was troubled by the idea that the VA has extra money it is not using while so many communities are struggling, so at a hearing last week of the Senate Veterans' Affairs Committee I got to the bottom of it. I wanted to share this chart with colleagues.

At our hearing on April 7, I asked Acting Under Secretary for Veterans Health Care Dr. Jonathan Perlin:

Is there a $500 million reserve?

Dr. Perlin's reply was:

No . . . I don't know where that might have been suggested, but there is no $500 million reserve that is sitting there for future projects.

I share that with my colleagues to set the record straight. The VA is not sitting on any type of reserve it can use for medical care. That comes straight from the man who runs the program nationwide. We have VA centers that are struggling in every part of our country. They cannot deal with the caseload they have today. How in the world are they going to deal with all of the new veterans who are coming home from Iraq and Afghanistan?

We cannot kick this down the road any longer. It is an emergency today and if we do not deal with it now, it is going to be a crisis tomorrow. This is not a partisan issue; it is an American issue. It is about whether we keep the promise to the men and women we send to serve us overseas.

I am willing to work with anyone who wants to make sure our country is prepared to care for all of the veterans who will be coming home soon. They were there for us. We need to be there for them now. I urge my colleagues to support this veterans health amendment. If you are concerned about this—perhaps I mentioned your State or you have heard from your own veterans—let's talk about it and find a way to make it work.

No matter what party you are in, we are all Americans first. We all have an obligation, as President Lincoln said, ''to care for him who shall have borne the battle, and for his widow, and for his orphan.''

We need to pass a veterans health amendment and keep this promise to America's veterans. This amendment is the last opportunity we will have to make sure our veterans—the men and women serving us—are taken care of when they return home.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I rise today with my friend Senator MURRAY to offer an amendment to address the cost of providing health care to troops serving in Iraq and Afghanistan. She has made an excellent statement about what we are facing in the country and the shortfalls we have. She has taken the leadership on this and I am supporting her. We hope we will be able to continue to help our veterans with their health care.

Following the 1991 Gulf war, returning servicemembers began to report unexplained illnesses and ailments that many linked to their service. Only those who had been granted a claim for a service-connected disability or demonstrated a financial need could turn to VA for health care services at that time. Reservists and Guard members were particularly vulnerable as military health care is lost after separation from service.

Back in 1998, this very body voted unanimously to ensure that no combat veteran would be caught up in stringent eligibility rules and be denied treatment. Today, any servicemember who participates in the theater of combat is eligible for free VA health care for 2 full years after separation or release from active duty, without regard for strict eligibility rules.

This benefit is more important than ever, especially to Reservists and Guard members. Experts calculate that about 40 percent of the lower enlisted grades in these services do not have any kind of health insurance. Because TRICARE eligibility is lost after separation or deactivation, VA is the only place many of these service members can turn.

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. In 2003, $175 million was added for VA to the supplemental appropriations bill. I point out that this amount was provided only 1 month after the war in Iraq began and before we knew about the level of troop commitment.

This amendment we offer today allows VA to provide care for returning troops, without displacing those veterans currently using the system. We are now 2 years into this conflict, and VA has already begun to see real impact. Last year, VA spent $63 million on returning veterans. Using data from the first quarter, VA will spend an unbudgeted $120 million this year. Yet, the lion's share of our troops have not yet returned home, are rehabilitating in the DoD health care system, or are pending separation.

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 cost associated with shoring up the system for all veterans.

This is what we know: VA tells us that 20 percent of returning service members are now turning to VA for care. Using this figure and VA's costs, we know that $600 million in additional funding will be needed for returning service members alone.

We also know that right now VA hospitals are running deficits of about $40 million per each health care network. Let me share some specifics:

Outpatient clinics have stopped seeing even the poorest of patients, sending them hundreds of miles away to other facilities. The Townsend, MA, clinic is only seeing a tiny percent of those who need care.

In Network 20, which serves the Northwest and Alaska, we have now seen the beginnings of what could very well become a nationwide trend. Priority 7 veterans, who often make as little as $26,000 a year, are being denied care, as the Network is running about a $40 million deficit.

Veterans in need of treatment for PTSD or addiction treatment will have one less place to go due to the VA budget. The Psychiatric rehabilitation program at the Chillicothe VA hospital is being shut down.

Thirty nursing home beds at the VA hospital in Manchester, NH, will not be opening. VA officials expect to save $1.3 million by not opening these beds.

As my good friend Senator COLLINS has pointed out, the hospital in Togus, ME, is operating under a $14.2 million deficit. This Maine facility has a hiring freeze and cannot replace equipment.

The Kansas City VA Hospital is short-staffed because they are already $10 million in the hole. The Denver VA Hospital and its affiliated clinics are $7.25 million short. The Maryland Health Care System is $14.5 million in the red already this year. The list goes on and on.

The network that serves Minnesota, Nebraska, Iowa, North Dakota, and South Dakota is facing an overall shortfall of $61 million. South Dakota's facilities are $2.4 million short right now; Minnesota's are $25 million short; and Iowa's hospitals are at least $14 million short of what is currently needed. Bed frames are being held together by duct tape in some facilities, and cleaning staff cannot be hired to keep the facilities sanitary for patients. Health care provider positions also remain open, resulting in shortages of doctors, nurses and medical technicians, to name a few.

Furthermore, Florida's facilities are $150 million in the red. And again, this has resulted in key health care specialist positions going unfilled. In a region where so many veterans and active duty service members reside, a shortfall of this magnitude is shameful.

This trend towards hiring freezes and under-staffing of vital health care programs and services is one that is of great concern to me. I know that the American Federation of Government Employees is also very concerned about the measures being taken by many facilities to compensate for the numerous shortfalls around the country, and I commend AFGE for its support of this amendment.

It will be impossible for VA to care for returning veterans in the midst of this kind of situation. As my colleagues can see, the amount we are asking for today is actually modest when compared to the very real deficits some parts of the country are being forced to deal with. While we know that many Members of this body have worked to see that their VA facilities remain in good condition, we must do

more to ensure quality of care throughout the entire VA system.

We also know that VA mental health must be improved if we are to meet the needs of returning service members. Experts predict that as many as 30 percent may need psychiatric care when they come home. Yet, we are told that the system is nowhere near ready to handle this type of workload. Steady budget cuts over the years have diminished VA mental health care capacity.

GAO recently found that VA has lagged in the implementation of recommendations made by its own advisory committee on post-traumatic stress disorder to improve treatment of veterans who suffer from this very serious mental illness. Furthermore, GAO concluded that it is questionable as to whether or not VA can keep pace with the demand for mental health treatment from veterans of Operations Iraqi and Enduring Freedom.

While veterans' clinics now dot the landscape, they do not have the ability to meet mental health needs. Vet Centers, which provide vital outreach and readjustment counseling to veterans of yesterday and today, have seen their workload double, but not one additional nickel has been sent their way. There are large pockets of this country without any access to VA mental health care whatsoever.

Fixing these problems requires resources of at least $525 million. We know this is a conservative estimate. Advocates believe that it would take more than three times this amount to bring VA mental health care up to what it should be, but this amendment gets us going down the right track. The National Mental Health Association's letter of support for this amendment states that ''. . . the nation has no higher obligation than to heal its combatants' wounds, whether physical or mental, and it has long looked to the VA health care system to carry out that obligation. To date, however, planning and budgeting for the VA health care system has been badly flawed and is failing America's veterans, and particularly the growing numbers from war.'' I ask for unanimous consent that the association's letter, as well as one from the National Alliance for the Mentally Ill, be printed in the RECORD.

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

NATIONAL ALLIANCE FOR THE MENTALLY ILL (NAMI),
Arlington, VA, April 11, 2005.

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

DEAR SENATORS AKAKA AND MURRAY: On behalf of the NAMI Veteran's Council, I am writing to thank you for your support of an amendment to increase the veteran's health care budget by $1.98 billion, with $525 million earmarked for mental health enhancements.

Like all Americans, we feel that caring for the men and women who serve our country is the commitment we make in return for their sacrifices. It is critical that they know we will not abandon that commitment upon their return from the battlefield. Treatment for mental illness is as important to their future, if not more important, than treatment for physical illness.

The Department of Veterans Affairs (VA's) current working statistics reflect a crisis in the making that Congress has the power to avoid. While it is estimated that at least 30% of veterans returning from Iraq will have mental health treatment needs, this is likely a conservative number. We are very encouraged that this amendment includes an extension of time for these needs to be assessed and treated, since we at NAMI know that often the symptoms of mental illnesses arc not apparent immediately following trauma. People who have the personal experience report that months or even years may pass before veterans and their families are finally able to determine that treatment is needed, and to seek help.

It is especially important to support the Veteran's Centers, where it is very likely a veteran or family member would initially seek information and assistance. Expansion of mental health care in VA community-based outpatient clinics (CEDCs) is already a VA priority, and an excellent plan, but current limited resources will not support the Operation Enduring Freedom/Operation Iraqi Freedom expected caseload.

We also know that many VA hospitals and clinics are experiencing major funding crises (small increases in their budgets simply do not match spiraling costs of service). As a result, there are site closings, unaddressed maintenance and equipment needs, personnel freezes, and stoppages on needed expansions. This amendment would help alleviate those shortfalls.

We strongly urge the Senate to adopt the provisions in this important amendment. Let us keep our part of the bargain.

Sincerely,

JANE E. FYER,
Chair, Veterans' Council.

NATIONAL MENTAL HEALTH ASSOCIATION,
Alexandria, VA, April 11, 2005.

Hon. DANIEL K. AKAKA,
Ranking Minority Member, Committee on Veterans Affairs, U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR AKAKA: On behalf of the National Mental Health Association and our 340 affiliates across the country, we are writing to offer our strong support for the Murray-Akaka VA health care amendment to the FY 2005 Emergency Supplemental. We applaud the leadership you and Senator Murray are providing in advancing this important initiative to enable the Department of Veterans Affairs to meet veterans' urgent health needs, and particularly those of veterans from Operations Iraqi and Enduring Freedom.

With a grueling war taking a frightening toll on our men and women in uniform, this nation faces a stern test: will it meet its obligations to its warriors? Surely the nation has no higher obligation than to heal its combatants' wounds, whether physical or mental, and it has long looked to the VA health care system to carry out that obligation. To date, however, planning and budgeting for the VA health care system has been badly flawed and is failing America's veterans, and particularly the growing numbers returning from war.

This important amendment squarely tackles the major funding gaps facing VA at this critical time. Among those gaps, it has long been clear that VA lacks sufficient capacity to meet veterans' mental health needs. With carefully-researched studies documenting the growing mental health needs triggered by a grueling war, Congress must make VA mental health care a major funding priority. This amendment would do so, and would close the critical gap that stands in the way of meeting a fundamental VA obligation.

VA has long had a special obligation to veterans with mental illness, given both the prevalence of mental health and substance use problems among veterans and the large number of those whose illness is of service origin. In furtherance of that obligation, Congress, to its credit, codified in law special safeguards to assure that VA gives priority to the needs of veterans with mental illness. Notwithstanding that step, however, the VA health care system has had an uneven record of service to veterans with mental health needs. Years of oversight by the Senate Committee on Veterans Affairs and other bodies have documented the enormous variability across the country in the availability of VA mental health care, and the relatively limited capacity devoted to rehabilitative help. With the nation at war—and studies finding an already high percentage of returning veterans showing evidence of post-traumatic stress disorder and other war-related mental health problems—VA's special obligation to veterans with mental disorders has special poignancy. VA has taken important steps to make mental health a greater health-care priority, but given the wide gap between VA's mental health capacity and veterans' needs for treatment and support services, real change will require major new funding, particularly to meet war-related needs. Veterans and their families cannot wait. The failure to intervene early increases dramatically the risk that war-related mental health problems will become more severe and chronic in nature. As your amendment highlights, the time to act is now.

Established in 1909, the National Mental Health Association is the nation's oldest and largest advocacy organization dedicated to all aspects of mental health and mental illness. In partnership with our 340 state and local Mental Health Association affiliates nationwide, NMHA works to improve policies, understanding, and services for individuals with mental illness and substance abuse disorders.

Sincerely,

MICHAEL M. FAENZA, M.S.S.W.,
President and CEO.

Mr. AKAKA. The costs of the war we are fighting today will continue to add up long after the final shot is fired, mainly in the form of veterans' health care and benefits.

I urge my colleagues to join us in this effort to see that they are provided the care they are currently earning.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we appreciate the comments of the Senators from Hawaii and Washington concerning the situation in our Veterans Affairs Department and the concerns that they expressed about returning veterans who are now moving into the VA system and questioning whether there are sufficient funds available to take care of the needs in Veterans' Administration hospitals and other different health care facilities throughout the country.

The subcommittee that has jurisdiction over veterans affairs held a hearing recently during which they questioned the Secretary of Veterans Affairs on this subject. They were assured

that the Department is not in a crisis requiring emergency appropriations. The fact is, less than 1 percent of the veterans population is made up of new eligibles who are entering into the Veterans' Administration system, and most of those who are requiring health care assistance and hospital care are older veterans who have already been in the system for a number of years.

Because of that, the Department has not asked for any emergency appropriations to be included in this bill. The administration says that sufficient funds exist now in the Department of Veterans Affairs budget to take care of this fiscal year's needs.

We are now in April and a new fiscal year will begin in October and we are already considering the request for the administration for next year's funding. We have had a budget resolution adopted. Some of these issues were raised during the consideration of this issue by the Budget Committee. I think the Senator from Washington offered an amendment to the budget resolution along the lines that she is urging the Senate to consider today, and the committee rejected the amendment.

That committee reviewed the issue closely and they have included in the budget resolution authority for funding for the fiscal year beginning next October. This Senator's amendment suggests the funds appropriated in this amendment, $1.9 billion, should be made available until expended, which means not only is this a suggestion that an emergency appropriation is needed—although the amendment does not say on its face it is an emergency appropriation—it sounds as if this is in addition to this fiscal year's budget that will go on into next fiscal year. So it is an amendment to this fiscal year's funding authority as well as to the next fiscal year and the next. ''Until expended'' is the way the amendment reads.

I am suggesting that the Senate should look at the information we have before us from the administration: The Secretary of Veterans Affairs, the Department of Defense, which is caring for injured veterans now in the military hospital system. These are not veterans hospitals, where those who have been injured in Iraq or Afghanistan are being cared for. Some may later be cared for there, and may be later cared for as part of the veterans system. But those who are returning now are at Walter Reed Hospital or other hospitals in the Department of Defense system.

I am not the person in charge of the Veterans' Affairs Committee who monitors veterans' needs on a regular basis. The Senator from Idaho, Mr. CRAIG, is chairman of that committee. I have discussed the amendment with him. I expect he wants to be heard on the amendment. The Senator from Texas, Mrs. HUTCHISON, is chair of the appropriations subcommittee that has jurisdiction over the Veterans Affairs funding, and she is available to discuss the merits of the amendment. We have talked informally with her.

At this time I hope the Senate will certainly consider the arguments that have been made by the Senators from Hawaii and Washington. I respect their concerns. I know their concerns are shared by other Senators. I share them. I don't know of any Senator who wants to come into the Chamber and vote against an amendment to fund veterans programs. It is hard to go home and explain to veterans why you voted against an appropriation for veterans health care.

What we are being told by the administration is the funds are not needed, we have the funds available to care for the veterans population. There may be problems in the system that need the attention of the administration and administrators of individual health care centers and hospitals, and certainly they ought to be addressed and we urge that they are. But it is not a matter of not having the money. If there are problems that need to be addressed we can do that, but we are assured that none of the funds being asked for in this amendment are needed for that purpose.

Mr. President, awaiting the arrival of other Senators, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. KERRY. Mr. President, I ask unanimous consent that the current amendment be temporarily set aside so we can take up two amendments quickly.

Mr. COCHRAN. Mr. President, reserving the right to object, may I inquire of the Senator? We were in the process of considering the amendment of the Senators from Washington and Hawaii on Veterans Affairs and funding for that Department. The chairman of the committee has arrived on the floor to speak to that amendment. I had told the Senator from Massachusetts I would have no objection to offering his amendment and then setting it aside.

I inquire: How much time will Senator KERRY require?

Mr. KERRY. Seven minutes very quickly, and then I am happy to set those aside.

Mr. COCHRAN. Is there a problem with the Senator from Idaho?

Mr. CRAIG. How long does the Senator plan to speak?

Mr. KERRY. Seven minutes.

Mr. CRAIG. I would like to make my comments. I think we are under unanimous consent to close down at 12:30.

Mr. COCHRAN. The Senator is correct.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed, and after I have completed the Senator from Idaho be permitted to make his statement before we recess.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. I have no objection.

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

The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator from Mississippi.

AMENDMENTS NOS. 333 AND 334 EN BLOC

Mr. KERRY. Mr. President, I call up amendments numbered 333 and 334.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes amendments numbered 333 and 3334 en bloc.

Mr. KERRY. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

(Purpose: To extend the period of temporary continuation of basic allowance for housing for dependents of members of the Armed Forces who die on active duty)

On page 169, between lines 8 and 9, insert the following:

EXTENSION OF PERIOD OF TEMPORARY CONTINUATION OF BASIC ALLOWANCE FOR HOUSING FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES WHO DIE ON ACTIVE DUTY

SEC. 1122. Section 403(l) of title 37, United States Code, is amended by striking ''180 days'' each place it appears and inserting ''365 days''.

(Purpose: To increase the military death gratuity to $100,000, effective with respect to any deaths of members of the Armed Forces on active duty after October 7, 2001)

On page 159, strike line 6 and all that follows through page 160, line 22, and insert the following:

SEC. 1112. (a) INCREASE IN DEATH GRATUITY.—

(1) AMOUNT.—Section 1478(a) of title 10, United States Code, is amended by striking ''$12,000'' and inserting ''$100,000''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 7, 2001, and shall apply with respect to deaths occurring on or after that date.

(3) NO ADJUSTMENT FOR INCREASES IN BASIC PAY BEFORE DATE OF ENACTMENT.—No adjustment shall be made under subsection (c) of section 1478 of title 10, United States Code, with respect to the amount in force under subsection (a) of that section, as amended by paragraph (1), for any period before the date of the enactment of this Act.

(4) PAYMENT FOR DEATHS BEFORE DATE OF ENACTMENT.—Any additional amount payable as a death gratuity under this subsection for the death of a member of the Armed Forces before the date of the enactment of this Act shall be paid to the eligible survivor of the member previously paid a death gratuity under section 1478 of title 10, United States Code, for the death of the member. If payment cannot be made to such survivor, payment of such amount shall be made to living survivor of the member otherwise highest on the list under 1477(a) of title 10, United States Code.

On page 161, line 23, strike ''$238,000'' and insert ''$150,000''.

Mr. KERRY. Mr. President, many of us in the Senate have had the privilege

of traveling to Iraq where we have visited some of the most remarkable young men and women our country has produced. We have met with hundreds of American soldiers, airmen, Marines and naval personnel, all of whom are doing a magnificent job under, obviously, very difficult conditions. I support this supplemental bill and for the obvious reasons.

The election and increased training and the clarity of a plan that has been put forth and the increased effort of the Iraqis themselves combined provide an important opportunity for the transformation of Iraq. It is obviously vital in these circumstances to make sure our troops have the ability to be safe but to also be able to get the job done. We have always said that. But also I believe we need to do more. Supporting the troops means not just supporting them in the field and in the theaters, but it also means supporting them here at home. It means understanding that their lives, both as warriors fighting for their Nation and as spouses, parents, brothers, sisters, sons and daughters struggling to see that the needs of their families are met—the fact is that too many military families suffer when duty calls. Thousands of reservists take a very significant pay cut when they are called up. Suddenly, single parents are left to struggle with the bills. One in five members of the National Guard don't have any health insurance at all. That is devastating to their families. It is damaging to troop readiness.

I believe that everyone here understands the simple tenet that the Government has to keep faith with our troops. To do that we need to put in place a comprehensive military family bill of rights that puts action behind the promise to support our troops. I understand that the supplemental bill is not the place to ask for the full consideration of that military family bill of rights, so I am not going to propose the entire bill as an amendment here. But I am bringing two amendments to the floor that are broken out of this bill of rights that I believe we could all agree on and which would make an enormous difference in the lives of our soldiers. In agreeing to these, we can take an important step in demonstrating our support for a military family bill of rights which is long overdue.

More than a year ago, I proposed increasing the benefits paid to surviving military families to $500,000 through existing insurance benefits and an increase in the death gratuity. I am not alone in this effort. Members on both sides of the aisle have introduced legislation to improve these benefits, and with very good reason.

Today, families receive only $12,420 to supplement whatever insurance a loved one may have purchased. That $12,420 is completely inadequate. In fact, it is a disgrace. We do right by our fallen police officers and firefighters in America. Their families receive $275,000, and it is time that we did the same for our soldiers. Their survivors' lives remain to be lived, and though no one can ever put a price on the loss of a loved one, it is important for us to be as generous as we can and as realistic as we can as we help people to be able to put their lives back together. I was heartened when the administration embraced a formula to reach the $500,000 threshold, and I am glad the Appropriations Committee has included a benefit increase in this particular bill, but the bill needs to go further and eliminate any distinction between combat and noncombat deaths.

This is important for a number of different reasons.

First of all, the benefit, as matter of principle, ought to go to any American who loses their life while serving our country, and we shouldn't draw a distinction between that kind of service. The fact is that the uniformed leadership of our military doesn't believe we should, either.

GEN Richard Myers, Chairman of the Joint Chiefs of Staff, testified on this matter before the Armed Services Committee, and a number of other leaders. Let me share with colleagues.

GEN Richard Cody said:

> It is about service to this country, and I think we need to be very careful about making decisions based upon what type of action. I would rather err on the side of covering all deaths rather than trying to make a distinction.

Admiral Nathman said:

> This has been about how do we take care of the survivors, the families and the children? They can't make a distinction, and I don't think that we should either.

GEN Michael Moseley of the Air Force said:

> I believe a death is a death and our service men and women should not be represented that way.

—i.e, they shouldn't be distinguished as to where it took place.

If you are a pilot flying in the Navy off an aircraft carrier and you are not in combat and you have a catapult failure and die, that family faces the same crisis as a family of somebody who is shot down. We need to understand that. I'm glad the bill addresses that situation, but there are other circumstances it does not.

GEN William Nyland of the Marine Corps said:

> I think we need to understand that before we put any distinctions on the great services of these wonderful men and women, they are all performing magnificently. I think we have to be careful about drawing any distinctions.

The amendment I offer today with Senators PRYOR and OBAMA expands this benefit to every member of the Armed Forces who dies on active duty.

I have a second amendment at the desk to help military families lessen the disruption that a death brings to the family.

At the present time, the survivors of those killed in action have to move out of military housing in 180 days. But for those with young children in school, that becomes entirely disruptive often with respect to the school district kids are able to go to, and it is a very difficult burden in many cases for widows and widowers to have to try to confront all of the difficulties of that transition, including the efforts of finding housing. The 180 days may mean starting a school year in one State and finishing it in another. I don't believe that is a message we ought to be extending to the families of those who give their lives in service to our country.

Given all of the disruption the loss of a parent brings to their lives, I propose allowing survivors the option to keep their housing for a whole year as they deal with the countless other challenges. It may seem like a small change, but I have heard from enough different folks on active duty in the military about the significance of this particular need, and it can make a huge difference for a family who is struggling with the loss of a father or a mother.

Investing in our military families is not just appropriating the money for the equipment or the latest technology for the deployment itself, it is investing in the families themselves. And it is not as an act of compassion, it is a smart investment in America's military. Good commanders know that while you may recruit an individual soldier or marine, you retain a whole family. That is the way we ought to look at our policies.

Nearly 50 percent of America's service members are married today. If we want to retain our most experienced service members, particularly after we have invested millions of dollars in their training, then it is important—especially for the noncommissioned officers who are the backbone of the military—that we keep faith with their families. If we don't, and those experienced enlisted leaders begin to leave, we as a nation are weakened.

The two amendments I have proposed today are the beginning of a larger effort to do right by our military families. I believe it is a strong beginning. By joining measures to take care of military families at home with legislation to take care of those remarkable young men and women serving abroad, we are going to take a firm step toward putting meaning behind the promise to support our troops. I hope these amendments are agreed to.

I yield to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

AMENDMENT NO. 344

Mr. CRAIG. Mr. President, I thank the Senator from Massachusetts for his cooperation in the unanimous consent propounded that allows me the flexibility to speak. I will be brief. We are at the lunch hour.

The chairman of the appropriations subcommittee on MILCON and Veterans Affairs is also on the floor with me. Let me speak for a moment about the concerns we have in relation to the Murray amendment.

First and foremost, let me say for the record that in no way do I question the integrity of the Senator from Washington. She and I have worked very closely together on veterans issues. She is a valuable member of the Veterans Committee, as is the Presiding Officer.

Without question, our dedication to veterans I hope is unquestioned. The reality is are we dealing with an emergency in an emergency supplemental, or is there a very real need out in veterans land and with the Veterans Administration and the systems that it funds and operates to meet current veterans' and incoming veterans' needs? I say certainly without question that there is always a need. We could expand budgets well beyond where they are today to meet needs, but by what definition? Critical, necessary, important for the moment, dealing with the most needy veterans, the most handicapped, or simply spreading it out and making it more available?

Those are some of the tough choices you and I and members of that subcommittee and certainly members of the subcommittee on appropriations have to make. The Senator from Washington has appropriately challenged us to look at a variety of other aspects that have value. The question is, Are they an emergency at the moment? Do they serve veterans who are not being served? In some instances, that would be arguably yes. But are those veterans of critical service in the sense they can find health care elsewhere in the sense of priority?

Let me talk briefly about what we are doing. We have just finished trying to shape through a budget resolution the 2006 budget. We included $450 million more than the President's request, and we have increased the 2006 budget over the 2005 budget by about $1.2 billion—a substantial increase by anybody's observation. We have also done that without turning to veterans in the less needy categories and saying they will have to pay more for their services. We have been able to assume and bring into the system a good deal of that, which is important.

I find the number of $1.98 billion additional, not spread out over fiscal year 2006 but spent now in 2005 and the balance of 2005 in this emergency, a dramatic increase. Can the Veterans' Administration effectively and responsibly spend that kind of a bump up in money? I question that.

It is important to look at what is necessary. According to VA, they have seen approximately 48,000 OIF and OEF veterans since the war began. With Senator MURRAY's $2 billion, it would be $41,000 per patient, an extraordinary amount by any measure.

The PRESIDING OFFICER. Would the Senator suspend? Would the Senator request unanimous consent to extend past 12:30?

Mr. CRAIG. Mr. President, I ask unanimous consent I be allowed to continue. There are three Members in the Senate. I ask unanimous consent we extend to no later than 12:45.

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

Mr. CRAIG. Mr. President, I have given a figure of $41,000 per patient. That is an extraordinary amount by any measure. The VA's average cost per patient is about $5,000.

My point in making this an issue is I want to work with the Senator from Washington. I am never going to argue that there aren't real needs in the Veterans' Administration. I am not going to argue that there ought to be some priorities—mental health and those things that the Senator from Washington and I have shared as a common interest and a common concern.

Let me yield time to the Senator from Texas. She will take a few moments and give the Senator from Washington adequate time to respond before the 12:45 time.

I am willing to work with the Senator from Washington, to examine her numbers, but a $1.98 billion or $2 billion bump-up to be spent before close of business in September—I am getting signals from the Senator we are dealing with a 2-year appropriation. Let's look at those numbers.

I close by saying, in my opinion, there is not an emergency in the VA. This is an emergency supplemental. I will work with the Senator to see where we might go. It is wrong in an emergency to talk about things that are long term in character and necessary to finance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, as the chairman of the Veterans' Administration appropriations committee, I certainly want to look further at Senator MURRAY's numbers, but adding almost $2 billion to the Department of Veterans Affairs for the next 6 months, we have to look very carefully where we would spend that money and what the emergency nature of the request is.

In fact, we had our appropriations hearing with the Veterans' Administration Secretary. I asked the Secretary specifically—we would certainly be looking at supplemental appropriations in the near future; then we would be looking at our full budget for next year—I asked if there were enough resources to meet the needs of all returning veterans from Iraq and Afghanistan for the current year, 2005. The Secretary said, yes, the VA does have the necessary resources in 2005 to continue meeting the needs of all returning veterans from Iraq and Afghanistan.

The key is when people return from Iraq and Afghanistan, we want to make sure their medical needs are met. That is something we all share. Most of the people returning from Iraq and Afghanistan are still in the Department of Defense. They are either on active duty or they are activated as Guard and Reserve. The bulk of them are still treated for their medical needs in the Department of Defense, not in Veterans Affairs. We have to look at how many people are returning and how many people actually go into the VA system, how many people actually are leaving the military service. The number comes down significantly. We have to look at this number.

All Members have the same goal, that we are going to ask for the amount of money we need to give the medical care to our returning service men and women and to people leaving the military. That is why I asked the question of our Secretary of Veterans Affairs, Do you have enough? Then I further asked if the 2006 budget was adequate for the returning veterans. The response was, yes.

I certainly want to do everything we need to do for the purpose of providing the care these veterans who have served our country, who are protecting freedom, deserve from our Government. But we have to look at the fact that is an emergency not in the 2006 budget. That would start October 1 of this year. Then we need to look further down the road at that budget, which our committee certainly intends to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I ask for regular order.

The PRESIDING OFFICER. The Senator's amendment is now pending.

AMENDMENT NO. 344, AS MODIFIED

Mrs. MURRAY. I send a modification to the desk on our amendment.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 344), as modified, is as follows:

On page 188, after line 20, add the following:

CHAPTER 5

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For necessary expenses for furnishing, as authorized by law, outpatient and inpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans as described in paragraphs (1) through (8) of section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the department and including medical supplies and equipment and salaries and expenses of health-care employees hired under title 38, United States Code, and to aid State homes as authorized under section 1741 of title 38, United States Code; $1,975,183,000 plus reimbursements: *Provided*, That of the amount under this heading, $610,183,000 shall be available to address the needs of servicemembers deployed for Operation Iraqi Freedom and Operation Enduring Freedom; *Provided further*, That of the amount under this heading, $840,000,000 shall be available, in equal amounts of $40,000,000, for each Veterans Integrated Service Network (VISN) to meet current and pending care and treatment requirements: *Provided further*, That of the amount under this heading, $525,000,000 shall be available for mental health care and treatment, including increased funding for centers for the provision of readjustment counseling and related mental health services under section 1712A of title 38, United

States Code (commonly referred to as ''Vet Centers''), including the staffing of certified family therapists at each center, increased funding for post traumatic stress disorder (PTSD) programs, including funding to fully staff PTSD clinical teams at each Veterans Affairs Medical Center and to provide a regional PTSD coordinator in each VISN and in each Readjustment Counseling Service region, funding for the provision of primary care consultations for mental health, funding for the provision of mental health counseling in Community Based Outreach Centers (CBOCs), and funding to facilitate the provision of mental health services by Department of Veterans Affairs facilities that do not currently provide such services: *Provided further*, That the amount under this heading shall remain available until expended: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to Section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Mrs. MURRAY. Mr. President, let me make a couple of comments. I thank the Senators from Idaho and Texas for working with us on this critical issue. I know both of them have worked very long and hard on veterans issues and care deeply about making sure the men and women who serve are taken care of when they return home, as we promised.

Let me remind everyone, of the 240,000 men and women separated from our services since the beginning of the war in Iraq, 50,000 have already asked the VA for services. Many more of them will continue to do that as they come home and as they get back into their homes and look for services, especially mental health services, as all know who have worked with veterans for a long time.

This is an emergency. If any Members work with veterans in our States, talk to our directors at home, and talk with soldiers who have returned home, we will realize the long lines they are waiting in, the clinics that were promised that have not been opened, the tremendous services that are not being provided.

As I discussed in my opening statement, beds are held together by duct tape in our facilities. This is not how we should be treating our veterans. It is an emergency because more veterans return in higher numbers with the care not available for them.

I am willing to work with the Senators from Idaho and the Senators from Texas over the next several hours, or whatever it takes to come up with a number. If they believe $1.98 billion is too high, I would like to talk to them about that. We can work together. I know both care about this issue, and we want to find a way to make sure our veterans are taken care of.

I remind everyone when we send our men and women overseas, one of the promises we make to them is we will have the care available when they return. When we have veterans who are in beds that are held together by duct tape, when we have veterans who have to endure long waiting lines for simple services, that is an emergency.

I clarify, the money in this bill will be used until it is expended. It does not have to be expended this year. It will be used until expended, allowing our veterans and our veteran services to put in place facilities they need for our men and women coming home.

I close at this time, and I will work with Senators from Idaho and Texas and the chairman of the Appropriations Committee because I believe this is an emergency. I believe we have a responsibility. I will make sure our veterans get the care they need.

I yield the floor.

Mr. AKAKA. Mr. President, the Department of Veterans Affairs has been a recognized leader in the treatment of Post-Traumatic Stress Disorder, PTSD. With its outreach efforts and expert mental health staff, VA has made great strides in its treatment of those suffering from the psychological wounds of war. Unfortunately, VA still has a long way to go before it will achieve the level of PTSD treatment our veterans deserve. Demonstrating this fact is a February 2005 GAO report, which found that VA has not fully met any of the 24 clinical care and education recommendations made in 2004 by VA's Special Committee on PTSD.

Titled ''VA Should Expedite the Implementation of Recommendations Needed to Improve Post-Traumatic Stress Disorder Services,'' this report raises serious concerns about VA's ability to treat our veterans' mental health. In fact, I would like to quote one of the report's most disturbing points: ''VA's delay in fully implementing the recommendations raises questions about VA's capacity to identify and treat veterans returning from the Iraq and Afghanistan conflicts who may be at risk for developing PTSD, while maintaining PTSD services for veterans currently receiving them.'' Further adding to the seriousness of this statement is that GAO reported in September 2004 that officials at six of seven VA medical facilities said they may not be able to meet an increased demand for PTSD services. Moreover, the Special Committee reported in 2004 that ''VA does not have sufficient capacity to meet the needs of new combat veterans while still providing for veterans of past wars.

This is further proof of the need for increased funding for VA health care. If we do not give VA the necessary funds, how can we expect it to properly care for the flux of new veterans when it cannot even care for those it currently treats? In fact, VA officials have cited resource constraints as the primary reason for not implementing many of the Special Committee's recommendations.

In all, GAO found that based on the time frames in VA's draft mental health strategic plan, 23 of the 24 recommendations may not be fully implemented until fiscal year 2007 or later. The remaining recommendation is targeted for full implementation by fiscal year 2005, 4 years after the Special Committee first recommended it.

Additionally, the GAO report found that ten of the recommendations are longstanding, as they are consistent with those made in the Special Committee's first report in 1985. VA agreed then that these recommendations would improve the provision of PTSD services to veterans, yet the changes still are not scheduled for full implementation for another two years at the earliest. These delayed initiatives include developing a national PTSD education plan for VA, improving VA collaboration with DoD on PTSD education, and providing increased access to PTSD services.

PTSD is caused by an extremely stressful event and can develop years after military service. Mental health experts estimate that the intensity of warfare in Iraq and Afghanistan could cause more than 15 percent of servicemembers returning from these conflicts to develop PTSD, with a total of nearly 30 percent needing some kind of mental health treatment. While there is no cure for PTSD, these experts believe early identification and treatment of PTSD symptoms may lessen their severity and improve the overall quality of life for individuals with this disorder.

Congress required the establishment of VA's Special Committee on PTSD in 1984, with the original purpose primarily to aid Vietnam-era veterans diagnosed with PTSD. One of the Special Committee's main charges is to carry out an ongoing assessment of VA's capacity to diagnose and treat PTSD and to make recommendations for improving VA's PTSD services.

In addition, a March 20, 2005, article in the Los Angeles Times pointed out how concerned veterans' advocates and even some VA psychiatrists are with VA's handling of PTSD services, saying VA hospitals are ''flirting with disaster.'' The article highlighted the situation at the VA Greater Los Angeles Healthcare System, specifically the Los Angeles VA hospital, which last year closed its psychiatric emergency room. A decade ago, VA hospitals in Los Angeles had rooms to treat 450 mentally ill patients each day. After a series of cutbacks and consolidations, however, the main hospital can now accommodate only 90 veterans overnight in its psychiatric wards. During the same 10-year period, the overall number of mental health patients treated by the VA Greater Los Angeles increased by about 28 percent, to 19,734 veterans in 2004. If this is how VA handles PTSD care for our veterans at the Nation's largest VA hospital, how does that bode for the rest of the nation?

VA must make strides in its provision of mental health services and outreach efforts to servicemembers returning from Iraq and Afghanistan. If we are not careful and do not give VA proper resources, progress will be impossible. As Ranking Member of the Committee on Veterans' Affairs, I will work to ensure that does not happen. As such, I am pleased to tell you that

today I am offering an amendment to the Supplemental to partially fix this problem. Our Nation's veterans deserve the best care possible, for both their physical wounds and mental.

I ask unanimous consent that the article from the Los Angeles Times be printed in the RECORD.

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

[From the Los Angeles Times, Mar. 20, 2005]

MENTAL HEALTH CARE FOR VETERANS DISPUTED; WHILE NEED HAS GROWN, INPATIENT SERVICES HAVE BEEN DRASTICALLY CUT IN THE LAST DECADE.

CRITICS SAY OUTPATIENT PROGRAMS CAN'T DO THE JOB.

(By Charles Ornstein)

As troops return from Iraq and Afghanistan—including thousands with combat-related mental disorders—they enter a Veterans Affairs healthcare system sharply divided about how to care for them.

In the last decade, veterans hospitals across the country have sharply reduced the number of inpatient psychiatric beds, replacing them with outpatient programs and homeless services.

The new offerings, officials say, cost less and are just as effective.

''It used to be with mental illness that once you got it, you never got rid of it,'' said Dr. Mark Shelhorse, a national VA mental health official. But ''mental illness is perceived as a disease now just like hypertension and diabetes. We have medicines to treat it. We know that people recover and lead fully normal lives.''

But veterans' advocates and even some VA psychiatrists say the hospitals, including the massive Veterans Affairs Greater Los Angeles Healthcare System, are flirting with disaster. They say the facilities are ill-equipped to deal with veterans who need the most extensive help for psychosis, substance abuse, suicidal impulses and post-traumatic stress disorder.

Last year, the Los Angeles hospital closed its psychiatric emergency room, a move that heightened the anger of the VA's critics.

''We were too easily swayed in the past by the argument that after a while, it [PTSD] will go away,'' said Jay Morales, a Vietnam veteran who chairs the mental health consumer advisory council at the Los Angeles hospital. ''But there are Vietnam vets walking around today, 30 years after the war ended, having these problems.''

Dr. William Wirshing, a psychiatrist for 23 years at the Greater Los Angeles VA, agreed. ''It's absurd how much they've cut—and it's absurd how much they continue to cut,'' he said.

A decade ago, VA hospitals in Los Angeles had rooms to treat 450 mentally ill patients each day. After a series of cutbacks and consolidations, the main Wadsworth hospital on Wilshire Boulevard can now accommodate only 90 veterans overnight in its psychiatric wards.

During the same 10-year period, the overall number of mental health patients treated by the VA Greater Los Angeles increased by about 28 percent, to 19,734 veterans in 2004.

The VA hospital in Los Angeles, the largest veterans hospital in the nation, treats 80,000 veterans annually with a budget of more than $450 million. It includes the hospital, nursing homes, a domiciliary, three main outpatient care sites and 10 community clinics. There are an estimated 510,000 veterans in Los Angeles County alone.

VA officials say that despite the cutbacks, the Los Angeles VA hospital offers more mental health services today than ever. Instead of keeping patients in locked wards overnight, the VA offers them outpatient programs and temporary accommodations in partnership with nonprofit groups, officials say.

''It's not like we went into a hospital that was fully occupied and we said, 'We don't need this unit anymore,''' said Dr. Andrew Shaner, the hospital's acting director of mental health. ''We built programs that kept people relatively well and therefore out of the hospital, and that's why we were able to do it.''

The question remains: Are the current offerings enough?

A report last fall by the U.S. Government Accountability Office cited estimates that 15% of service members stationed in Iraq and Afghanistan would develop post-traumatic stress disorder. As of December, about 1 million troops had spent time in one of the two war zones (about one-third have done more than one tour).

The GAO determined that the VA did not have enough information to know if it could meet the increased demand.

Shelhorse, the VA's acting deputy consultant for patient care services for mental health, said the agency is monitoring the situation carefully and is pumping millions of dollars into mental health programs.

The shift from inpatient to outpatient mental health services has become a controversial issue throughout the VA system. A 1996 federal law prohibits the VA from reducing specialized treatment and rehabilitation for disabled veterans, including mental health services.

A VA committee has found that the agency hasn't abided by that law. While VA hospitals may be treating more mentally ill patients, they aren't spending as much money doing so. At the West Los Angeles VA, the amount spent on mental health has decreased from $74 million in fiscal 1997 to $64.4 million in fiscal 2003, according to a national monitoring system.

Experts disagree on whether outpatient care can replace inpatient treatment.

''I don't think that intensive community treatment can take care of all the people that no longer have the availability of inpatient beds,'' said Dr. H. Richard Lamb, a psychiatry professor at USC.

Lamb said the trend has led to an increase in homeless mentally ill and those in jails.

But Dr. Robert Rosenheck, director of the VA's Northeast Program Evaluation Center, said changes in the VA system have not produced those results.

Studies, he said, have not shown an increase in jailed veterans after inpatient psychiatric beds have been cut. Nor, he said, have there been significant increases in suicides or veterans showing up at non-VA hospitals for care.

''Veterans very much preferred coming in and being in a supportive environment for an extended period of time,'' Rosenheck said. But ''when you look at objective outcomes, we don't see scientific evidence of adverse effects'' because of the cutbacks.

Even so, veterans' advocates and psychiatrists have been complaining for years about cutbacks at the Greater Los Angeles VA.

For many, the final straw came in May when the hospital closed the psychiatric emergency room and shifted mental health emergencies to the main ER. Troubled patients are now cared for by nurses and other staff who, according to the critics, are not adequately trained to handle psychiatric emergencies.

Critics point to several instances since the transition in which psychiatric patients were admitted to inpatient wards without any written orders or treated with disrespect by ER nurses who didn't understand their disorders. At least one female patient with PTSD attempted suicide.

''This is a dangerous situation,'' said Guy Mazzeo, a veteran and member of the L.A. mental health consumer advisory council. ''None of us'' was consulted before the change, he said, referring to advocates for veterans and the VA's outside advisory groups. And none agree with it, he said.

The veterans and their doctors have been joined in their criticism by Rep. Henry A. Waxman (D-Los Angeles), whose district includes the VA health center.

He asked the VA in January to hire a full-time psychiatrist for the emergency room and arrange for specially trained psychiatric nurses to work there, among other things. The VA declined his requests.

''I'm disappointed that the VA has not responded more aggressively,'' Waxman said in an interview. ''With Iraq and Afghanistan war veterans returning, these demands are only going to increase.''

VA officials say the criticism is unfair. Care in the main ER is more coordinated than the care given in the stand-alone psychiatric emergency room, they say. Patients can get their medical and mental problems treated in one place, instead of having to be shuttled between two.

Administrators say ER staff members have received extensive training. And they say that there's no evidence that patients are receiving inferior care.

Dr. Dean Norman, the hospital's chief of staff, said the closure of the psychiatric ER made sense because the number of patients using it had been decreasing for years, and the hospital did not have enough staff.

''One of our goals is to be good stewards of taxpayer dollars,'' Norman said. ''We didn't make this in a precipitous or reckless fashion. This was well thought out, and we had good reasons for doing this.''

Mrs. BOXER. Mr. President, I am pleased to join Senator MURRAY in cosponsoring this important amendment

to increase veterans health care funding. We owe it to our veterans, who have so bravely served our country, to give them the best medical care possible. It is disappointing that funding for veterans programs, especially veterans health care, has not kept pace with either the increased number of veterans in the system or medical inflation. This amendment is crucial to providing veterans with the services they have earned.

As I have talked to veterans in California—and as I have met with returning soldiers from Iraq and Afghanistan—I have come to one disturbing conclusion: we are not serving all of the needs of our veterans now and we are not prepared to serve the tens of thousands of veterans who will be returning over the next couple of years.

Senator MURRAY's amendment begins to address this situation. It will increase veterans health care funding by almost $2 billion. This includes $610 million for new veterans returning from Iraq and Afghanistan. Funding for these veterans is not included in the current VA budget. In addition, each of the 21 veterans regions will receive $40 million to address their budget shortfalls. This will allow each region to determine how the funds can best be used to benefit their veteran population.

I am especially pleased that this amendment includes funding designated for veterans mental health care. Specifically, $525 million is designated to expand mental health services, with $150 million targeted for the treatment of Post Traumatic Stress Disorder—PTSD. The VA has estimated that 30 percent of men and women currently serving in the Armed Forces will need treatment for mental illness or readjustment issues. That is why this funding is so critical.

This amendment has the support of many veterans organizations, including the Veterans of Foreign Wars, AMVETS, Disabled American Veterans, and Paralyzed Veterans of America. They realize, as I do, how crucial it is that this funding be made available. Without it, the VA will not be able to meet the needs of the men and women who have so bravely served our country. I urge my colleagues to support this amendment.

Mrs. LINCOLN. Mr. President, today, I rise in support of an amendment to the emergency supplemental to provide an additional $1.98 billion for veterans health care. I am a cosponsor of this amendment because I believe that when we talk about the costs of war, we cannot forget the brave men and women who are returning from war every single day.

In the past couple months, my home State of Arkansas has seen the return of over 3,000 brave men and women from the Army National Guard, who answered their Nation's call to serve in Operation Iraqi Freedom. Many of them will need ready access to health care as they attempt to transition back to the civilian lives they knew before the war.

I am troubled because they are returning to a veterans health care system that is underfunded and overburdened. Increasing health care costs and an influx of thousands of new veterans each month makes it essential that we do what we can to provide for veterans health care, and we do it now.

This amendment would enable the VA to absorb the new veterans being added to the system and would reverse many of the critical budget shortfalls that have left many VA facilities without the medical staff or equipment they desperately need. It would also provide $40 million for every veterans regional network so they can better meet their local needs.

My father fought in Korea and I was raised from an early age to have tremendous respect for the unselfish service of the men and women of the Armed Services. As a United States Senator, I believe we have an obligation to provide them with the health care they were promised and to honor the benefits they have earned. I urge my colleagues to support this amendment because it is the right thing to do, it is our moral responsibility, and it should be a priority for each and every one of us.

Mr. JEFFORDS. Mr. President, the Bush administration has decided that all funding for the conflicts in Iraq and Afghanistan be requested as supplemental emergency funding. I believe, therefore, that we must include in this supplemental funding legislation, additional monies to cover the cost of the war incurred by the Veterans Administration.

The President's budget did not request sufficient funding to cover the significant increases in medical costs of veterans wounded in Iraq and Afghanistan. While severely wounded service members are remaining longer in the Department of Defense health care system than in past conflicts, the VA provides all care for these men and women after they are released from the military, and provides care to Guard members and Reservists beginning immediately after they return home from a deployment.

We must cover these expenses. We cannot turn away these veterans. We also cannot turn away other veterans and deny them care in deference to the newest veterans. That would not be right either.

I am pleased to join Senators MURRAY and AKAKA in offering this amendment to provide $1.9 billion in additional funding to the Veterans Administration. Passage of this amendment would go a long way to covering existing shortfalls and allowing the VA to ramp up to meet the current and expected needs for the coming year. I am pleased that this amendment addresses the critical issue of mental health by providing $525 million specifically for mental health care and treatment.

Unlike prior wars, where soldiers were expected to lay down their guns upon returning home and forget about the war, service members returning from Iraq and Afghanistan understand that it is very important for their mental health and the well-being of their family, that they deal with both the mental effects of the war and the emotional effects on their families of a long and stressful separation. Vet centers exist all across the country to help veterans and their families deal with the ghosts of war and manage the transition back home. These centers do a phenomenal job, but they are generally very small and have been handling a limited case load. With veterans returning from Iraq in huge numbers, particularly members of the National Guard and Reserve who do not live on or near military bases the job of the Vet centers has increased more than a hundred-fold. The Vet centers need an increase in both staff and resources commensurate with the demands now placed upon them.

We have learned from prior wars that much can be done to ease the transition back to civilian life if it is done immediately. Immediate mental health care can prevent the onset of more difficult diagnoses, such as post traumatic stress disorder. The VA has developed expertise in the diagnosis and treatment of PTSD, well beyond that of the private sector. The challenge now is to spread this expertise throughout the VA system. This takes resources. We also have learned that those soldiers who have suffered physical wounds will often need ongoing mental health assistance to face the challenges of life with a disability. We must not turn our backs on them.

The bill before the Senate is designed to cover the costs of these two conflicts. We cannot say we have done so if we do not cover the costs of the physical and emotional wounds from these conflicts. The only way that this can be done with the funding provided by the President's budget is if our obligations to other veterans are set aside. This would be wrong. The only way we can truly honor our obligations to all of our veterans is to support the amendment by the Senator from Washington, Mrs. MURRAY.

I urge my colleagues to support the Murray amendment.

RECESS

Mr. COCHRAN. I ask unanimous consent we stand in recess under the previous order.

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

Thereupon, the Senate, at 12:39 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from Mississippi.

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.

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

[From the Economist, Mar. 19, 2005]

ECONOMICS FOCUS—PUTTING THINGS IN ORDER

CHINA OUGHT TO ALLOW MORE FLEXIBILITY IN ITS EXCHANGE RATE, SOONER RATHER THAN LATER

The Chinese government says that it intends, eventually, to make its exchange rate more flexible and to liberalise capital controls. In the past year or so, it has already eased some controls on capital outflows and officials have said recently that they will open the capital account further this year. On the exchange rate, much less has been done. The yuan has been pegged to the dollar for a decade; and the government is loath to change much until the country's banking system is in healthier shape: this week the prime minister, Wen Jiabao, said that a shift would be risky. But is China putting the cart before the horse? Other countries' experience suggests that it is, and that it is better to loosen the exchange rate before, not after, freeing capital flows.

Most commentary on the Chinese yuan tends to focus on the extent to which it is undervalued. It has been pegged to the dollar for a decade, and there is a widespread belief that it is unfairly cheap. In fact, this is not clear-cut. For instance, the increase in China's official reserves is often held up as evidence that the yuan is undervalued. Yet this largely reflects speculative capital inflows lured by the expectation of a currency revaluation. Such inflows could easily be reversed. Given the huge uncertainty about the yuan's correct level, it makes more sense for China to make its currency more flexible than to repeg it at a higher rate. Greater flexibility would be in China's interest: it would afford the country more independence in monetary policy and a buffer against external shocks. By fixing the yuan to the dollar, China has been forced to hold interest rates lower than is prudent, leading to inefficient investment and excessive bank lending.

The problem is that Chinese officials, along with many foreign commentators, tend to confuse exchange-rate flexibility and capital-account liberalisation. A commonly heard argument is that China cannot let its exchange rate move more freely before it has fixed its dodgy banking system, because that could encourage a large outflow of capital. A recent paper* by Eswar Prasad, Thomas Rumbaugh and Qing Wang, all of the International Monetary Fund, argues that, on the contrary, greater exchange-rate flexibility is a prerequisite for capital-account liberalisation.

Flexibility does not necessarily mean a free float. Initially, China could allow the yuan to move within a wider band, or peg it to a basket of currencies rather than the dollar alone. The authors first knock on the head the notion that the banking system must be cleaned up before allowing the exchange rate to move. Although financial reform is certainly essential before scrapping capital controls, the authors argue that with existing controls in place the banking system is unlikely to come under much pressure simply as a result of exchange-rate flexibility. Banks' exposure to currency risks is currently low and flexibility alone is unlikely to cause Chinese residents to withdraw their deposits or provide channels for them to send their money abroad.

The authors argue that it is also not necessary to open the capital account to create a proper foreign-exchange market. Because China exports and imports a lot, with few restrictions on currency convertibility for such transactions, it can still develop a deep, well-functioning market without a fully open capital account. A more flexible currency would itself assist the development of such a market. For example, firms would have more incentive to hedge foreign-exchange risks, encouraging the development of suitable instruments. The experience of greater exchange-rate flexibility would also help the economy to prepare for a full opening of the capital account. While capital controls shielded the economy from volatile flows, China would have time for reforms to strengthen the banking system.

China instead seems intent on relaxing capital controls before setting its exchange rate free. This ignores the history of the past decade or so: the combination of fixed exchange rates and open capital accounts has caused financial crises in many emerging economies, especially when financial systems are fragile. China would therefore be wise to move cautiously in liberalising its capital account, but should move more rapidly towards greater exchange-rate flexibility.

YUAN AT A TIME

The Chinese have tried to offset the recent upward pressure on the yuan by easing controls on capital outflows, for instance by allowing firms to invest abroad. While this is in line with the eventual objective of full capital-account liberalisation, it runs the risk of getting reforms in the wrong order. An easing of controls on outflows may even be counterproductive if it stimulates larger inflows. By making it easier to take money out of the country, investors may be enticed to bring more in.

Capital controls are not watertight. So although China will continue to be protected from international flows, its controls can be evaded through the under- or over-invoicing of trade. Multinationals can also use transfer prices (the prices at which internal transactions are accounted for) to dodge the rules. Despite extensive controls, a lot of capital left China during the Asian crisis in the late 1990s; recently, lots of short-term money has flowed in. Controls are likely to become even more porous as China becomes more integrated into the global economy. Thus, waiting for speculative and other inflows to ease before changing the exchange-rate regime might not be a fruitful strategy.

China ought to move to a flexible exchange rate soon, while its capital controls still work. Experience also suggests that it is best to loosen the reins on a currency when growth is strong and the external account is in surplus. China should take advantage of today's opportunity rather than being forced into change at a much less convenient time.

Mr. VOINOVICH. I also urge my colleagues to read a paper by the staff of the International Monetary Fund entitled ''Putting the Cart Before the Horse: Capital Account Liberalization and Exchange Rate Flexibility in China.'' That is a January publication by the IMF. I would have asked it be printed in the RECORD, but it is 30 pages long and I do not want to burden the CONGRESSIONAL RECORD with 30 pages. If my colleagues are interested in getting a copy of that article, I would be more than happy to supply it.

These papers show how exchange rate flexibility will facilitate economic development in China and why China does not have to wait until its banking system is more fully developed to move toward a flexible exchange rate.

Moreover, they note that China does not need to immediately float its currency to remedy the problems caused by an undervalued currency. All China needs to do is take steps in that direction, such as adopting a wider exchange rate ban or pegging the exchange rate to a basket of currencies instead of the dollar alone, for example, a basket of currencies in the ASEAN countries, including Japan. Either of these policies would likely cause an upward revaluation of the yuan. Unfortunately, the Bush administration has refused meaningful action to get China to move toward a flexible exchange rate.

Last year—I remember it well—on September 8—that happens to be my wedding anniversary—four of our leaders in this country summarily said there is no problem in terms of the exchange rate and they refused to go forward with something called a 301 investigation. The 301 investigation is allowable under the WTO. That is the way you bring into question whether somebody is following the rules. They said, no, we are not going to do it. Imagine what kind of a message that sent to the leaders of the Chinese Government, that we were not even willing to look at a 301 investigation. That was a mistake.

The United States-China Economic and Security Review Commission, a bipartisan commission established by Congress to examine China's trade policies, has concluded that China's exchange rate policy violates both its International Monetary Fund and World Trade obligations. That was a bipartisan commission that came together and issued this report. The commission said China is intentionally manipulating its currency for trade advantage in violation of its trading agreements. Yet the administration refuses to act. Unless the United States exerts direct pressure on China, however, it is unlikely that China will address the undervaluation of its currency. When I asked the question of Premier Wen, he said, We know there is a problem, but we are not sure when we will do it.

I can say they will not do it unless we continue to put pressure on them to do it and convince them that, again, it is not only in our best interest but their best interest if they want to be a player in the global marketplace.

That is why Wednesday's vote was important. It showed the Senate is willing to take matters into its own hands and take effective steps to address the serious problem if the administration continues to refuse to do so. No one wants to see tariffs imposed on Chinese exports, but the United States needs to take action to address China's unfair exchange rate policy. I hope Wednesday's vote will motivate the administration to do more to get China to address the serious market distortions caused by the undervaluation of China's currency.

I believe in fair trade and improving our trading relationship with China. I was one of the leaders in the Senate to

approve normal trade relations with China. I wrote articles in Ohio magazines. In fact, I gave a copy of an article to Premier Wen to prove to him I am not a protectionist, I am a free trader.

But I also believe in fair trade. It represents a huge potential market for our exports. If we want to have trade with China, though, China must be a better trading partner, starting with its exchange rate policies. Furthermore, if we want to have a free and fair global trading system, China must take actions to move toward a flexible exchange rate. I, therefore, believe Wednesday's vote was a responsible step aimed at advancing global trade and, in particular, America's long-term trading relationship with China.

I say to the Presiding Officer, as you know, there was an agreement made that it would be pulled down from the foreign relations authorization bill, and this is going to be considered again. There is an agreement, in the form of a UC, that we will be bringing it up again. I hope before the Senate considers voting on that amendment with an up-or-down vote the administration will get the message that they have to do something to show a little bit of spirit and indicate to us that they understand and know that the Senate and the House of Representatives are serious about moving forward to deal with this problem.

I also think the vote on this particular amendment sends a strong signal, a signal to Premier Wen and to President Hu that we are concerned about this issue. I know they are concerned about jobs. We are concerned about jobs. They have to understand that. I am hoping instead of the administration looking at this as some kind of a negative action on the part of the Senate, that they will see that we are helping them communicate the message to the people over there that we are serious about a problem.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAMBLISS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. 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. INHOFE. Mr. President, I ask unanimous consent that I be recognized for up to 30 minutes as in morning business.

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

GLOBAL CLIMATE CHANGE

Mr. INHOFE. Mr. President, today I continue my series of talks on the four pillars of climate alarmism. Last week I showed the first pillar, the 2001 climate change report by the National Academy of Sciences. It was really a farce, and we documented it very well. The same is true of the 2001 report of the IPCC. That is the Intergovernmental Panel on Climate Change. It supposedly provides irrefutable evidence of the global warming consensus. Simply put, it does not, as my speech today will demonstrate.

The media greeted the release of the IPCC's Third Assessment Report with the predictable hysteria with which they normally respond to things such as this. From the Independent newspaper of London:

> In a report published today by the United Nations Intergovernmental Panel on Climate Change (IPCC), hundreds of the world's leading scientists give their unqualified support to the view that global warming is real and that the release of manmade greenhouse gases is largely responsible.

It continues:

> The latest three-volume report, amounting to 2,600 pages of detailed analysis, leaves the reader in little doubt that the scientific uncertainties of the previous decade are being resolved in favor of an emerging, and increasingly pessimistic consensus.

The preceding quotes, and many that followed in the Independent's report, came from the Third Assessment's ''Summary for Policymakers.'' In fact, the media based much, if not all, of its reporting on the summary itself. It did this even though in some respects the summary distorted the actual context of the full report.

The National Academy of Sciences, in its 2001 report, criticized both how the summary was written and how the media portrayed it, as in this chart No. 1:

> The IPCC Summary for Policymakers could give an impression that the science of global warming is settled, even though many uncertainties still remain.

This clearly contradicts the claim of the Independent that there is little doubt that the scientific uncertainties in the previous decade are settled.

Another claim the media featured prominently was that temperature increases over the last century are unprecedented, at least when considered on a time scale of the last 1,000 years. According to the IPCC, the 1990s were the warmest decade on record, and 1998 was the warmest year since temperature records began in 1861. The basis for this claim is a so-called hockey stick graph, shown in chart No. 2. This is an interesting one because this plots out the temperatures over a period of time and then shows the blade, when it gets to be the 19th century, coming up.

The graph was constructed by Dr. Michael Mann of the University of Virginia and his colleagues using a combination of proxy data and modern temperature records. The hockey stick curve showed a gradual cooling period around 1400 A.D., which is the hockey stick handle—that is the horizontal line—then a sharp warming starting about 1900, the hockey stick blade. Its release was revolutionary, overturning widespread evidence adduced over many years confirming significant national variability long before the advent of SUVs. The IPCC was so impressed that the hockey stick was featured prominently in its Third Assessment Report of 2001.

As Dr. Roy Spencer, the principal research scientist at the University of Alabama, noted:

> This was taken as proof that the major climate event of the last 1,000 years was the influence of humans in the 20th century. One of its authors, Dr. Michael Mann, confidently declared in 2003 that the hockey stick ''is the indisputable consensus of the community of scientists actively involved in the research of climate variability and its causes.''

The hockey stick caused quite a stir, not just in the scientific community but also in the world of politics. It galvanized alarmists in their push for Kyoto. It is supposedly ironclad proof that manmade greenhouse gas emissions are warming the planet at an unsustainable degree. But here again, one of the essential pillars of the alarmists appears to be crumbling.

Two Canadian researchers have produced the most devastating evidence to date that the hockey stick is bad science. Before I describe their work, I want to make a prediction. The alarmists will cry foul, saying this critique is part of an industry conspiracy. And true to form, they will avoid discussion of the substance and engage in personal attacks. That is because one of the researchers, Stephen McIntyre, is a mineral exploration consultant. Dr. Mann already has accused them of having a conflict of interest. This is nonsense.

First, Stephen McIntyre and his colleague, Ross McKitrick, an economist with Canada's University of Guelph, received no outside funding for their work. They are both very well recognized professional people. Second, they published their peer-reviewed critique in geophysical research letters. This is no organ of big oil, but an eminent scientific journal, the same journal, in fact, which published the version of Dr. Mann's hockey stick that appeared in the IPCC's Third Assessment Report. Apparently the journal's editor didn't see much evidence of bias. The remarks of one editor are worth quoting in full:

> S. McIntyre and R. McKitrick have written a remarkable paper on a subject of great importance. What makes the paper significant is that they show that one of the most widely known results of climate analysis, the ''hockey stick'' diagram of Mann [and company], was based on a mistake in the application of a mathematical technique known as principle component analysis.

Further, he said:

> I have looked carefully at the McIntyre and McKitrick analysis, and I am convinced that their work is correct.

What did McKitrick and McIntyre find? In essence, they discovered that Dr. Mann misused an established statistical method called principal components analysis, PCA. As they explained, Mann created a program that ''effectively mines a data set for hockey stick patterns.'' In other words, no matter what kind of data one uses, even if it is random and totally meaningless, the Mann method always produces a hockey stick. After conducting

some 10,000 data simulations, the result was nearly always the same. ''In over 99 percent of cases,'' McIntyre and McKitrick wrote, ''it produced a hockey stick shaped PCI series.'' Statistician Francis Zwiers of Environment Canada, a government agency, says he agrees that Dr. Mann's statistical method ''preferentially produces hockey sticks when there are none in the data.'' Even to a non-statistician, this looks extremely troubling.

But that statistical error is just the beginning. On a public web site where Dr. Mann filed data, McIntyre and McKitrick discovered an intriguing folder titled ''BACKTO_1400–CENSORED.'' What McIntyre and McKitrick found in the folder was disturbing: Mann's hockey stick blade was based on a certain type of tree—a bristlecone pine—that, in effect, helped to manufacture the hockey stick.

Remember, the hockey stick shows a relatively stable climate over 900 years, and then a dramatic spike in temperature about 1900, the inference being that man-made emissions are the cause of rising temperatures. So why is the bristlecone pine important? That bristlecone experienced a growth pulse in the Western United States in the late 19th and early 20th centuries. However, this growth pulse, as the specialist literature has confirmed, was not attributed to temperature. So using those pines, and only those pines, as a proxy for temperature during this period is questionable at best. Even Mann's co-author has stated that the bristlecone growth pulse is a ''mystery.''

Because of these obvious problems, McIntyre and McKitrick appropriately excluded the bristlecone data from their calculations. What did they find? Not the Mann hockey stick, to be sure, but a confirmation of the Medieval Warm Period, which Mann's work had erased.

This is very interesting because the chart will show, if you would include the calculation—what we refer to as the Medieval Warm Period which, as everybody now understands, is a reality—then temperatures at that time exceeded the temperatures in the blade of the hockey stick. In fact, when I was over in Milan, Italy, at one of the big meetings, I pointed this out as evidence it was done, and done intentionally. Why would he start with the year when you have a level line going for 900 years and totally ignore the Medieval Warming Period, at which time the temperatures of the Earth exceeded the temperatures in this century?

As the CENSORED folder revealed, Mann and his colleagues never reported results obtained from calculations that excluded the bristlecone data. This appears to be a case of selectively using data—that is, if you don't like the result, remove the offending data until you get the answer you want. As McIntyre and McKitrick explained, ''Imagine the irony of this discovery . . . Mann accused us of selectively deleting North American proxy series. Now it appeared that he had results that were exactly the same as ours, stuffed away in a folder labeled CENSORED.''

McIntyre and McKitrick believe there are additional errors in the Mann hockey stick. To confirm their suspicion, they need additional data from Dr. Mann, including the computer code he used to generate the graph. But Dr. Mann refuses to supply it. As he told the Wall Street Journal, ''Giving them the algorithm would be giving in to the intimidation tactics that these people are engaged in.''

What we are talking about is he refused to give him the necessary computerized data to come to the conclusion. There is no way of analyzing it.

Who are ''these people''? And what ''intimidation tactics''? Mr. McIntyre and Mr. McKitrick are trying to find the truth. What is Dr. Mann trying to hide?

For many scientists, McIntyre and McKitrick's work is earth-shattering. For example, Professor Richard Muller of the University of California at Berkeley recently wrote in the MIT Technology Review that McIntyre and McKitrick's findings ''hit me like a bombshell, and I suspect it is having the same effect on many others. Suddenly the hockey stick, the poster-child of the global warming community, turns out to be an artifact of poor mathematics.'' Dr. Rob van Dorland, of the Royal Netherlands Meteorological Institute, and an IPCC lead author, said, ''The IPCC made a mistake by only including Mann's reconstruction and not those of other researchers.'' He concluded that unless the error is corrected, it will ''seriously damage the work of the IPCC.''

Or consider Dr. Hans von Storch, an IPCC contributing author and internationally renowned expert in climate statistics at Germany's Center for Coastal Research, who said McIntyre and McKitrick's work is ''entirely valid.'' In an interview last October with the German Newspaper Der Spiegel, Dr. von Storch said the Mann hockey stick ''contains assumptions that are not permissible. Methodologically it is wrong: rubbish.'' He stressed that, ''it remains important for science to point out the erroneous nature of the Mann curve. In recent years it has been elevated to the status of truth by the U.N. appointed science body, the Intergovernmental Panel on Climate Change, IPCC. This handicapped all that research which strives to make a realistic distinction between human influences and climate and natural variability.''

If McIntyre and McKitrick's work isn't convincing enough, consider the recent paper published in the February 10 issue of Nature. The paper, authored by a group of Swedish climate researchers, once again undercuts the scientific credibility of the Mann hockey stick. The press release for the study by the Swedish Research Council says, ''A new study of climate in the Northern Hemisphere for the past 2000 years shows that natural climate change may be larger than generally thought.''

According to the paper's authors, the Mann hockey stick does not provide an accurate picture of the last 1,000 years. ''The new results,'' they wrote, ''show an appreciable temperature swing between the 12th and 20th centuries, with a notable cold period around AD 1600. A large part of the 20th century had approximately the same temperature as the 11th and 12th centuries.''

In other words, here's evidence of the Medieval Warm Period and the Little Ice Age, demonstrating that climate, long before the burning of fossil fuels, varied considerably over the last 2,000 years. The researchers note that changes in the sun's output and volcanic eruptions appear to have caused considerable natural variations in the climate system. ''The fact that these two climate evolutions,'' they contend, ''which have been obtained completely independently of each other, are very similar supports the case that climate shows an appreciable natural variability—and that changes in the sun's output and volcanic eruptions on the earth may be the cause.''

Another important development chipping away at the so-called scientific consensus has to do with economics and statistics, and how both are used by the IPCC.

To determine how man-made greenhouse gases might affect the climate over the next century, the IPCC had to predict 100 years' worth of greenhouse gas emissions. Predicting emissions rates depends on several factors, including population growth, technological advances, and future economic growth rates in developed and developing countries.

Based on these and other factors, the IPCC's Third Assessment Report projected an average global temperature increase by 2100 ranging between 1.4 to 5.8 degrees Celsius, which is about 2.7 to 10.4 degrees Fahrenheit. This temperature range was determined from several different emission scenarios. In each of those scenarios, the IPCC arbitrarily assumed that incomes in poor countries and rich countries would converge by the year 2100. According to Warren McKibbin of Australia National University's Center for Applied Macroeconomics and the Brookings Institution, this assumption is unwarranted. Even if it were to happen, McKibbin and his colleagues write:

> The empirical literature suggests that the rate of convergence in income per capita would be very slow.

Even the IPCC agrees, stating:

> It may well take a century (given all the other factors set favorably) for a poor country to catch up to [income] levels that prevail in the industrial countries today, never mind the levels that might prevail in affluent countries 100 years in the future.

Nevertheless, the IPCC assumed poor and rich countries would achieve parity by the end of the century. To measure that growth over time, the IPCC

had to compare what income levels look like today. It did that by using market exchange rates, but this raises a major problem. Relying on exchange rates fails to account for price differences between countries. This has the effect of vastly overstating differences in wealth. ''This comparison is valid,'' says Ian Castles, formerly head of Australia's National Office of Statistics, now with the National Center of Development Studies at Australian National University.

Castles and his colleague David Henderson, former chief economist for the Organization of Economic Cooperation and Development, now of the Westminster Business School, discovered the IPCC's error last year and have published their findings in the distinguished scientific journal Energy and Environment.

Castles and Henderson note that using exchange rates is invalid because it is based on the assumption that ''[a] poor Bangladeshi family has converted the whole of its income into foreign currency, and spent it on goods and services at average world prices rather than [at much lower] Bangladeshi prices.''

Through the use of exchange rates, the IPCC concluded the average income of rich countries right now is 40 times higher than the average income in developing countries in Asia and 12 times higher than the average income in other non-Asian developing countries.

As my colleagues can see, there is a huge gap, which raises a significant point. If the initial income gap is large, then poor countries will have to grow incredibly fast to catch up. According to the IPCC, the greater the economic growth, the greater the emissions released into the atmosphere, and hence higher temperatures.

The IPCC, as the Economist Magazine wrote, is simply wrong. They said:

> The developing-country growth rates yielded by this method [market exchange rates] are historically implausible, to put it mildly. The emissions forecasts based on those implausibly high growth rates are accordingly unsound.

Castles and Henderson have shown convincingly that the IPCC's temperature range rests on a majority of major economic error and, therefore, is wildly off the mark. Because of this error, even the IPCC's low end emission scenario is implausible. As the Economist Magazine wrote:

> But, as we pointed out before, even the scenarios that give the lowest cumulative emissions assume that incomes in the developing countries will increase at a much faster rate over the course of the century than they have ever done before.

The Economist continued:

> Disaggregated projections published by the IPCC say that—even in the lowest-emission scenarios—growth in poor countries will be so fast that by the end of the century Americans will be poorer on average than South Africans, Algerians, Argentines, Libyans, Turks and North Koreans.

And I do not think any of us are ready to accept that.

Let us get a better sense of why that is odd. Under the IPCC's low-end scenario, the amount of goods and services produced per person in developing countries in Asia would increase 70-fold by 2100, and increase nearly 30-fold for other developing countries. To put that in perspective, the United States only achieved a 5-fold increase in per capita income growth in the 19th century, and Japan achieved a nearly 20-fold increase in the 20th Century.

The IPCC's mistakes are fatal. Jacob Ryten, a leading figure in the development, evaluation, and implementation of the United Nations International Comparisons Programme, said the IPCC suffers from ''manifest ignorance of the conceptual and practical issues involved in developing and using intercountry measures of economic product.''

The Economist said that the IPCC's method proved it was guilty of dangerous economic incompetence.

Castles and Henderson, along with the Economist and other scientists, have pressed the IPCC to abandon its use of market exchange rates in its upcoming Fourth Assessment Report. They say this is essential to provide a more accurate projection of future emissions. Thus far, the IPCC has ignored their request, but this is no surprise. The IPCC has become politicized and appears more intent on pursuing propaganda over science.

Consider the case of Dr. Christopher Landsea, the world's foremost expert on hurricanes. Dr. Landsea accepted an invitation to provide input on Atlantic hurricanes for the IPCC's Fourth Assessment Report due out in 2007. But over time, Dr. Landsea realized that certain key members of the IPCC were bent on advancing a political agenda rather than providing an objective, fact-based understanding of climate change. As a result, he resigned from the IPCC process.

Dr. Landsea was outraged that Dr. Kevin Trenberth, the lead author of observations for the upcoming Fourth Assessment, and other scientists participated in a politically charged press conference at Harvard University on the supposed causal link between global warming and extreme weather events. The press conference was promoted this way:

> Experts to warn global warming likely to continue spurring more outbreaks of intense hurricane activity.

In other words, they were trying to blame these catastrophes that come up on what they consider to be global warming.

As Dr. Landsea explained, the topic was bogus. It has no scientific basis, and none of the scientists who participated had any expertise in the matter.

In his resignation letter, Dr. Landsea wrote:

> To my knowledge, none of the participants in that press conference had performed any research on hurricane variability, nor were they reporting on any new work in the field . . . It is beyond me why my colleagues would utilize the media to push an unsupported agenda that recent hurricane activity has been due to global warming.

What is the real state of the science on this topic?

> All previous and current research in the area of hurricane variability has shown no reliable, long-term trend in the frequency or intensity of tropical cyclones, either the Atlantic or any other basin.

Dr. Landsea wrote, and this is in the chart:

> Moreover, the evidence is quite strong and supported by most recent credible studies that any impact in the future from global warming upon hurricanes will likely be quite small.

Dr. Landsea noted that the most recent science shows that ''by around 2080 hurricanes may have winds and rainfall about 5 percent more intense than today. It has been proposed that even this tiny change may be an exaggeration as to what may happen by the end of the 21st Century.''

Dr. Landsea concluded that because the IPCC process has been compromised, resigning was his only option. He said:

> I personally cannot in good faith continue to contribute to a process that I view as both being motivated by preconceived agendas and being scientifically unsound.

As with Castles and Henderson, the IPCC leadership has brushed off Dr. Landsea's concerns. This is outrageous. In doing so, the IPCC is seriously undermining its credibility.

One can only hope that the IPCC will change its ways. Otherwise, we can expect yet another assessment report that is unsupported by facts and science.

It is no surprising that alarmists want to fabricate the perception that there is consensus about climate change. We know the costs of this would be enormous. Wharton Econometrics Forecasting Associates estimates that implementing Kyoto would coast an American family of four $2,700 annually. Acknowledging a full-fledged debate over global warming would undermine their agenda. And what is that agenda? Two international leaders have said it best. Margot Wallstrom, the EU's Environment Commissioner, states that Kyoto is ''about leveling the playing field for big businesses worldwide.'' French President Jacques Chirac said during a speech at the Hague in November 2000 that Kyoto represents ''the first component of an authentic global governance.''

Look at this and you realize what is motivating these people. People ask me if science is not behind this and there is that much damage that can be effected, what is the motive? That is what the motive is.

Facts and science are showing that the catastrophic global warming consensus does not exist. The IPCC has been exposed as a political arm of U.N.'s Kyoto Protocol, with a mission to prop up its flawed scientific conclusions.

The Mann hockey stick, the flagship of the IPCC's claims that global warming is real, has now been thoroughly

discredited in scientific circles. Projections of future carbon emissions—which drive temperature model conclusions—have been proven to be based on political decisions that, by the end of the century, countries like Bangladesh will be as wealthy, or wealthier, than the United States.

A world renowned scientist has just resigned from the IPCC because it is too politicized, saying that the IPCC plans to make claims that contradict scientific understanding. Increasingly, it appears that the scientific case for catastrophic global warming is a house of cards that will soon come tumbling down.

Despite this, there are still some who choose to ignore science.

After I spoke about this last week, Duke Energy CEO Paul Anderson advocated a tax on carbon dioxide and other greenhouse gases. In doing so, the company has seemingly bought into the spurious notion that the science is settled. But perhaps it is not. Unfortunately, to some global warming advocates, the science is irrelevant.

As Myron Ebell of the competitive Enterprise Institute says:

> Duke Energy has now admitted that the costs will be significant. But the fact is it will only be expensive for their competitors. Nuclear plants don't emit carbon dioxide and Duke is already one-third nuclear generation. Moreover, the company has announced plans to build even more nuclear plants, giving it an even bigger competitive edge.

This is a lot of scientific stuff. I have said several times since I became chairman of the Environment and Public Works Committee that the first thing we did was study this because it was assumed that global warming is taking place and anthropogenic gases are causing it, methane and CO_2, only to find out that is not the case. Virtually all the science since 1999 has refuted these assertions. I think we have an obligation to recognize these far-left environmentalist extremist groups are huge contributors to campaigns and they have a lot of political power, but in the long run we have to be more concerned about America than we are about political campaigns.

Mr. President, I yield the floor and 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. McCONNELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

The Senator from Kentucky is recognized.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

GOLDEN GAVEL AWARD

Mr. FRIST. Mr. President, on September 30, 2004, I had the pleasure to announce that Senator GORDON SMITH was the latest recipient of the Senate's Golden Gavel Award, marking his 100th hour of presiding over the Senate.

The Golden Gavel Award has long served as a symbol of appreciation for the time that Senators contribute to presiding over the Senate—a privileged and important duty. Since the 1960s, Senators who preside for 100 hours have been recognized with this coveted award.

On behalf of the Senate, I extend our sincere appreciation to Senator SMITH for presiding during the 108th Congress.

TRIBUTE TO DOUG FERTIG

Mr. FRIST. Mr. President, I rise today to pay tribute to a dedicated member of the Senate family, Doug Fertig, Human Resources Director of the Senate Sergeant at Arms office, who passed away on April 2, 2005, at the age of 54.

Doug Fertig came to the Sergeant at Arms in 1996 facing a formidable challenge to standardize processes, establish pay bands and job classifications and a leave accountability system to comply with the Congressional Accountability Act. Doug Fertig's dedication, knowledge and compassion to the Senate Sergeant at Arms organization turned the Human Resources Department into the professional organization it is today.

Doug Fertig was born in Columbus, OH, received his B.A. from Oberlin College in 1972, and held Masters Degrees from Stanford University and Ohio State University. Doug Fertig was a dedicated family man who was very proud of his wife Susan, daughter Emily, and son Andrew. He was passionate about education and any sport involving Ohio State University.

During his tenure with the Senate Sergeant at Arms, Doug Fertig was faced with many challenges, including anthrax in October 2001 and ricin in February 2004.

Because of Doug's experience and calm demeanor, the challenges of relocating the Human Resources operation and continuing to serve the Senate community were met with calm leadership and competent direction and stability.

Today we honor Doug for his dedication to the Senate, his love for his family, his compassion for the staff in the Human Resources department and the Senate Sergeant at Arms organization. His passing leaves the Senate community with a profound sense of loss. I hope it is of comfort to his family that so many people share their loss at this sad time.

TRIBUTE TO TOM STONEBURNER

Mr. REID. Mr. President, I rise today to recognize the life and work of Tom Stoneburner, a Nevada labor leader who passed away on February 21, 2005.

A veteran of the U.S. Marine Corps, Tom served as a deputy sheriff in Mono County, CA, before moving to Nevada in 1969. During his 36 years in Nevada, he became one of the most effective labor leaders in the State, fighting tirelessly on behalf of the working people of Nevada. As a casino security guard, he successfully organized union elections for guards at two Reno hotel casinos and later went on to serve as president of the United Plant Guard Workers.

Tom was dedicated to helping all of Nevada's workers. That is why in 1997 he formed the Alliance for Workers Rights, an organization expressly committed to advocating on behalf of workers in Nevada who had no union representation. Through his leadership of this organization, Tom successfully lobbied for strengthened State safety protections after several workers died in industrial accidents in 1998 and 2001.

His passion and determination in protecting the rights of Nevada's workers belied the soft-spoken and mild-mannered nature that many close to him have recalled since his passing. Tom's example has undoubtedly inspired many others who will carry on his work, including his wife Kathy who will continue his important work at the Alliance for Worker's Rights.

Mr. President, please join me in recognizing Tom Stoneburner's contributions to Nevada workers and in sending condolences to Tom's family for their loss.

THE DEATH OF POPE JOHN PAUL II

Mr. DORGAN. Mr. President, with the passing of Pope John Paul II, I take this opportunity to pay homage to one of the great spiritual leaders of our time. He was a truly gifted religious leader who touched people all over the world: young and old, rich and poor, the powerful and the underprivileged, Catholics and non-Catholics.

Pope John Paul II defied political labels and was constant in his beliefs. For him, defending life included opposing capital punishment and recourse to war as well as opposing abortion. Defending families meant a commitment to faith and moral uprightness, but it also meant standing up for just wages and a social safety net. These beliefs and convictions made him a respected leader all over the world.

One of John Paul's strengths was reaching out to young adults. World Youth Day was established by the Pope on Palm Sunday, 1984. He invited the Youth of Rome to celebrate the Holy Year of Redemption with him at Saint Peter's Square. It was a great success. Building upon this success and its popularity, the Pope held this worldwide event every 3 years.

Over the last 20 years, millions of young people from hundreds of countries have participated in World Youth

Day. One young woman who attended said that young people loved the Pope because the Pope loved them: ''People think that teenagers and young people are just out there and reckless, but he didn't see it that way. He said, 'You are the future and I love you for that.' ''

The world is now mourning the death of Pope John Paul II. In parishes from the Americas to Europe to Africa to Asia, millions are paying tribute to a leader whose central message was love, respect, faith and responsibility to our fellow man. That example is his legacy, and regardless of our individual faiths, it is an example for all of us of how to live and relate to our neighbors. May God grant Pope John Paul II eternal rest and peace, and we thank him for a life lived in the service of people everywhere.

IN HONOR OF THE 50TH ANNIVERSARY OF THE SUCCESSFUL SALK POLIO VACCINE TRIALS

Mr. LEVIN. Mr. President, I would like to take this opportunity to commemorate an historic event that changed the world. Fifty years ago today, Dr. Thomas Francis, Jr., director of the Poliomyelitis Vaccine Evaluation Center and founding chair of the Department of Epidemiology at the University of Michigan School of Public Health, announced that the Salk polio vaccine was ''safe, effective, and potent.''

That announcement marked the culmination of the most comprehensive field trials ever conducted, unprecedented in scope and magnitude. In the early 1950s, Dr. Jonas Salk, a postdoctoral student of Dr. Francis at the University of Michigan, developed a promising vaccine against poliomyelitis in his laboratory at the University of Pittsburgh. Dr. Salk returned to the University of Michigan to work with his longtime mentor, Dr. Francis, who led the year-long field trials demonstrating that ''the vaccine works.'' More than 300,000 individuals participated in the work of the trials, including 20,000 physicians and public health officers, 40,000 registered nurses, 14,000 school principals, and 200,000 volunteers. More than 100 statisticians and epidemiologists tabulated data from the approximately 1.8 million children across the United States, Canada, and Finland who were involved in the trial. These brave children, who stepped forward to receive a shot not knowing if it would be the real vaccine or a placebo or whether it would be safe or harmful, are now affectionately known as polio pioneers.

While we rarely consider the possibility of contracting polio today, let me remind you that for generations polio was one of the most feared childhood diseases. Poliomyelitis, a neuromuscular disease also known as infantile paralysis, is caused by the polio virus. The virus invades nerve cells in the spinal cord, resulting in weakness or paralysis of the limbs and muscles. Prior to the successful work of Drs. Salk and Thomas, no one knew how to prevent polio, and there was no cure for the disease. Hot weather in late summer was ''polio season,'' bringing on a rash of new cases of paralytic polio each year. In 1916, a devastating epidemic struck New York, killing 9,000 people and leaving 27,000 disabled. For the next 40 years, not a summer passed without an epidemic occurring somewhere in the U.S. In the 1940s and 1950s, the number of cases reported in the U.S. ranged from 40,000 to 60,000 each year. The warmer months of the year were termed ''nightmare summers of quarantine and contagion.'' President Roosevelt, who suffered personally from the effects of polio, founded the National Foundation for Infantile Paralysis, now called the March of Dimes, and called upon millions of private citizens to donate dimes to fund the foundation's work to fight polio. Today, polio has been nearly eradicated.

Fifty years ago this morning, before more than 500 scientists, physicians, and reporters at Rackham Auditorium in Ann Arbor, Dr. Francis told an anxious world of parents that the Salk vaccine had been proven to be effective in preventing polio. Please join me in honoring the success of Drs. Francis and Salk in combating this devastating disease.

ADDITIONAL STATEMENTS

COMMENDING THE EFFORTS OF BASKETBALL WITHOUT BORDERS

• Mr. DODD. Mr. President, I commend the efforts of Basketball without Borders, an initiative that promotes friendship, understanding, and healthy living for young people around the world.

Today, the National Basketball Association, NBA, and the International Basketball Federation, FIBA, announced that Basketball without Borders will hold four instructional camps in the coming year. For the first time, Basketball without Borders will be staged on four continents: North America, Europe, Asia, and Africa. It will feature professional basketball players from diverse backgrounds, including China's Yao Ming, Argentina's Manu Ginobili, Germany's Dirk Nowitzki, and Congo's Dikembe Mutombo.

The Basketball without Borders initiative is more than an opportunity for children to meet their favorite players and learn basketball skills. It is also a chance for them to learn important lessons about the world in which they live.

In addition to basketball instruction, the children who participate in Basketball without Borders will learn about HIV/AIDS prevention, the importance of education, and ways to lead a healthier life. They will also have the opportunity to meet children whose ethnicities, backgrounds, and cultures are different from their own.

I also applaud the NBA and FIBA for the charitable efforts that are part of the Basketball without Borders initiative. As part of this year's program, the NBA will be conducting several auctions on its website, with the proceeds funding community improvement efforts worldwide, particularly in disadvantaged areas.

As public figures, professional athletes can send a strong message by serving as role models both on and off the playing field. It is my hope that the players who are taking part in Basketball without Borders will inspire basketball fans around the world to take a closer look at ways they can extend a hand of friendship to diverse communities around the globe. I salute the athletes who are participating in this worthy venture, as well as all those whose hard work has made this initiative possible.•

TRIBUTE TO RALPH STURGES, CHIEF OF THE MOHEGAN TRIBE

• Mr. DODD. Mr. President, I honor Ralph Sturges, Chief of the Mohegan Tribe. On April 13, Chief Sturges will receive the Citizen of the Year award from the Chamber of Commerce of Eastern Connecticut.

Chief Sturges is known throughout southeastern Connecticut for his leadership, his community involvement, and his humility. Even as he has risen in the ranks of the Mohegan Tribe, from serving as a member of the Tribal Council in the 1980s to becoming lifetime chief in 1991, he has never lost a sense of who he is or what he stands for.

Born in 1918, Ralph Sturges served in our armed forces during the World War II as a security and intelligence officer. He went on to work for the Philadelphia Legal Aid Society and the Salvation Army, as well as the Legnos Boat Company.

Chief Sturges was renowned for his skills as a craftsman, particularly as a sculptor of traditional Mohegan cultural symbols. Among his many works were a whale sculpture donated to Governor Ella Grasso and the carving of a base for the headstone of the Mohegan chief Samuel Uncas.

When Ralph Sturges was elected lifetime chief of the Mohegan Tribe, as he puts it, he ''didn't have a telephone and didn't have an office.'' He devoted a great deal of time and energy over the coming decade to the cause of securing federal recognition for the Mohegans—a goal that was realized on March 7, 1994.

Today, the Mohegan Tribe stands as a remarkable success story. So much of this success is due to the efforts and dedication of Ralph Sturges, as well as countless others who worked with him over the years.

Chief Sturges is an outstanding citizen, a respected leader, and a devoted member of the Mohegan tribe. He has forged strong bonds between his tribe and the State of Connecticut, as well

as the Federal Government. These bonds have reaped tremendous benefits, not only for the Mohegan Tribe, but all of Southeastern Connecticut. The relationship between Connecticut and the Mohegan Tribe serves as a model that other states and tribal nations would do well to emulate.

The honor Chief Sturges will receive this Wednesday is well-deserved. I applaud Ralph Sturges for all of his accomplishments, I congratulate him on this distinguished award, and I wish him continued health and happiness.●

TRIBUTE TO MARTIN MACKEY

● Mrs. BOXER. Mr. President, I rise to share with my colleagues the memory of a very special man, Martin Mackey of Marin County, CA, who died on March 25, 2005. He was 87 years old. Martin Mackey was born in San Francisco. He earned his engineering degree from Stanford and entered the Navy Midshipman Reserve Training Program. He served in the Navy during World War II and was trained in antisubmarine warfare.

Martin met his wife Mary while on leave in Seattle during World War II. They were engaged 5 days later. Martin and Mary just celebrated their 61st wedding anniversary last December.

After the war and after 22 years of steel and concrete sales with a multinational company, Martin retired with a desire to change the world. The year was 1968, and he was deeply disturbed by social injustice and the assassinations of Martin Luther King, Jr., and Robert Kennedy. He went on a weekend retreat with his wife Mary to figure out what he should contribute to make our world a better place.

Martin played a key role in bringing affordable housing to Marin County. President Lyndon Johnson had just signed the Housing Act into law. Martin's good friend, Larry Livingston, who was a city and regional planner, told Martin that Marin County badly needed low and moderate-income housing. Martin was convinced. As chairman of the Social Concerns Committee at Marin County Unitarian Church, he called upon ministers throughout the county to form a social action group to respond to the community's housing needs. They met in a rent-free office in the attic of a convent. Then he called upon other leaders and friends in the community to join their efforts. This social action group of faith and community leaders began to raise money and became the Ecumenical Association for Housing, EAH, still in existence today.

EAH began with 24 organizations, each pledging $200. Martin selflessly accepted a salary of $1 to serve as executive director. EAH quickly took off and began lending money to architects and regional groups to build affordable housing projects throughout Marin. Their first project was Pilgrim Park, a 61 unit, low-income housing development in San Rafael.

For more than 22 years, Martin devoted himself to EAH and affordable housing. Martin worked to persuade citizens and elected officials to accept low and moderate-income housing in their wealthy communities. To develop his knowledge and save EAH outside consultant fees, Martin went to Catholic University in Washington, DC, to take a 2-month course in how to be a housing consultant. He eventually expanded his services and consulted for affordable housing projects in other parts of the Bay Area as well as Arizona.

From its origins as the fledgling group Martin founded in 1968 to a 325-person staff and $6 million budget, EAH has completed 62 projects and 4,556 housing units in the Bay area and beyond.

Martin was a dynamic figure in Marin County. My staff and I always knew we could call on him for invaluable information and sound advice. He was a passionate and effective advocate for affordable housing. He led EAH with a sense of humor and a deep appreciation for the dedicated individuals who worked with him. His accomplishments in creating affordable housing for Marin residents is legendary. He was also a respected member of the Marin community and a wonderful, inspiring man who will be deeply missed. We take comfort in knowing that countless future generations will benefit from his courage, his vision and his leadership.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1596. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, the report of a rule entitled ''Air Quality Designations for the Fine Particles (PM2.5) National Ambient Air Quality Standards—Supplemental Notice'' (FRL No. 7896–8) received on April 7, 2005; to the Committee on Environment and Public Works.

EC–1597. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Texas; Low-Emission Diesel Fuel Compliance Date'' (FRL No. 7895–9) received on April 7, 2005; to the Committee on Environment and Public Works.

EC–1598. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Texas; Locally Enforced Idling Prohibition Rule'' (FRL No. 7896–7) received on April 7, 2005; to the Committee on Environment and Public Works.

EC–1599. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Coke Oven Batteries'' (FRL No. 7895–8) received on April 7, 2005; to the Committee on Environment and Public Works.

EC–1600. A communication from the Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Astragalus jaegerainus (Lane Mountain milk-vetch)'' (RIN1018–AI78) received on April 7, 2005; to the Committee on Environment and Public Works.

EC–1601. A communication from the Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants: Establishment of a Nonessential Experimental Population for Two Fishes (Boulder Darter and Spotfin Chub) in Shoal Creek, Tennessee and Alabama '' (RIN1018–AH44) received on April 7, 2005; to the Committee on Environment and Public Works.

EC–1602. A communication from the Assistant Secretary for Fish, Wildlife and Parks, Division of Management Authority, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Revisions to General Permit Procedures'' (RIN1018–AC57) received on April 7, 2005; to the Committee on Environment and Public Works.

EC–1603. A communication from the Acting Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''7 CFR Part 1728, Specifications and Drawings for 12.47/7.2 kV Line Construction'' received on April 7, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1604. A communication from the Acting Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''7 CFR Part 1738, Rural Broadband Access Loans and Loan Guarantee'' (RIN0572–AB81) received on April 7, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1605. A communication from the Chairman and CEO, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled ''Rules of Practice and Procedure; Adjusting Civil Money Penalties for Inflation'' (RIN3052–AC28) received on April 7, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1606. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Triflumizole; Pesticide Tolerances for Emergency Exemptions'' (FRL No. 7701–6) received on April 7, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1607. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Paecilomyces lilacinus strain 251; Exemption from the Requirement of a Tolerance'' (FRL No. 7708–4) received on April 7, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1608. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Buprofezin; Pesticide Tolerance'' (FRL No. 7691–8) received on April 7, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1609. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acetamiprid; Pesticide Tolerance'' (FRL No. 7705–7) received on April 7, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1610. A communication from the Vice President, Government Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, a report of the Corporation's intent to submit its annual Legislative and Grant Request for fiscal year 2006; to the Committee on Commerce, Science, and Transportation.

EC–1611. A communication from the Secretary of Commerce, transmitting, pursuant to law, the 2004 Annual Report of the Visiting Committee on Advanced Technology of the National Institute of Standards and Technology (NIST); to the Committee on Commerce, Science, and Transportation.

EC–1612. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Saab Model SAAB SF340A and 340B Series Airplanes;'' ((RIN2120–AA64) (2005–0126)) received on April 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1613. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A330, A340–200, and A340–300 Series Airplanes'' ((RIN2120–AA64) (2005–0131)) received on April 4, 2004; to the Committee on Commerce, Science, and Transportation.

EC–1614. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Hartzell Propeller, Inc. Model HC B3TN 5 T10282 Propellers'' ((RIN2120–AA64) (2005–0125)) received on April 4, 2004; to the Committee on Commerce, Science, and Transportation.

EC–1615. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–400, 400D, and 400F Series Airplanes'' ((RIN2120–AA64) (2005–0118)) received on April 4, 2004; to the Committee on Commerce, Science, and Transportation.

EC–1616. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Saab Model SAAB SF340A and SAAB 340B Series Airplanes'' ((RIN2120–AA64) (2005–0117)) received on April 4, 2004; to the Committee on Commerce, Science, and Transportation.

EC–1617. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Dassault Model Falcon 10 Series Airplanes'' ((RIN2120–AA64) (2005–0116)) received on April 4, 2004; to the Committee on Commerce, Science, and Transportation.

EC–1618. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bell Helicopter Textron Canada Model 222, 222B, 222U, 230, and 430 Helicopters'' ((RIN2120–AA64) (2005–0115)) received on April 4, 2004; to the Committee on Commerce, Science, and Transportation.

EC–1619. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model EMB 135 and 145 Series Airplanes'' ((RIN2120–AA64) (2005–0122)) received on April 4, 2004; to the Committee on Commerce, Science, and Transportation.

EC–1620. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 707–100, 100B, 300B, and E3A Series Airplanes; Model 720 and 720B Series Airplanes; Model 737–100, 200, 200C, 300, 400, and 500 Series Airplanes; and Model 747 Airplanes'' ((RIN2120–AA64) (2005–0121)) received on April 4, 2004; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. CHAMBILSS for the Committee on Agriculture, Nutrition, and Forestry. Charles F. Conner, of Indiana, to be Deputy Secretary of Agriculture.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 761. A bill to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VOINOVICH (for himself, Mr. LEVIN, Mr. DEWINE, Ms. STABENOW, Mr. CORNYN, Mr. ALEXANDER, Mr. DEMINT, Mrs. DOLE, Mr. VITTER, Mr. MARTINEZ, Mr. ISAKSON, Mr. NELSON of Florida, Mr. LUGAR, Mr. BURR, Mr. COCHRAN, Mr. LOTT, Mrs. HUTCHISON, Mr. CHAMBLISS, Mr. BAYH, Mr. ALLEN, and Ms. LANDRIEU):

S. 762. A bill to amend title 23, United States Code, to increase the minimum allocation provided to states for use in carrying out certain highway programs; to the Committee on Environment and Public Works.

By Mr. DORGAN (for himself and Mrs. HUTCHISON):

S. 763. A bill to direct the Federal Railroad Administration to make welded rail and tank car improvements; to the Committee on Commerce, Science, and Transportation.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 764. A bill to amend title XVIII of the Social Security Act to improve the coordination of prescription drug coverage provided under State pharmaceutical assistance programs with the prescription drug benefit provided under the medicare program, and for other purposes; to the Committee on Finance.

By Mr. WARNER (for himself and Mr. DURBIN):

S. 765. A bill to preserve mathematics- and science-based industries in the United States; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM:

S. 766. A bill to remove civil liability barriers that discourage the donation of fire equipment to volunteer fire companies; to the Committee on the Judiciary.

By Mr. BOND (for himself, Ms. MIKULSKI, Mr. TALENT, Mr. HARKIN, Mr. ROBERTS, and Mr. COLEMAN):

S. 767. A bill to establish a Division of Food and Agricultural Science within the National Science Foundation and to authorize funding for the support of fundamental agricultural research of the highest quality, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHUMER (for himself and Mr. NELSON of Florida):

S. 768. A bill to provide for comprehensive identity theft prevention; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself and Mr. HAGEL):

S. Res. 104. A resolution expressing the sense of the Senate encouraging the active engagement of Americans in world affairs and urging the Secretary of State to take the lead and coordinate with other governmental agencies and non-governmental organizations in creating an online database of international exchange programs and related opportunities; to the Committee on Foreign Relations.

By Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. ALLEN, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CRAIG, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GREGG, Mr. HAGEL, Mr. ISAKSON, Mr. JOHNSON, Mr. KERRY, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. LEVIN, Mr. LOTT, Mr. MARTINEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REED, Mr. SALAZAR, Mr. SANTORUM, Mr. SCHUMER, Mr. SESSIONS, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. THUNE, and Mr. BUNNING):

S. Res. 105. A resolution designating April 15, 2005, as National Youth Service Day, and for other purposes; considered and agreed to.

By Mr. CONRAD (for himself, Mr. SANTORUM, Mr. ALLARD, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. CARPER, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. CORZINE, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mrs. FEINSTEIN, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Ms. LANDRIEU, Mr. LEAHY, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SCHUMER, Mr. SPECTER, and Mr. STEVENS):

S. Con. Res. 26. A concurrent resolution honoring and memorializing the passengers and crew of United Airlines Flight 93; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 21

At the request of Ms. COLLINS, the name of the Senator from Rhode Island

(Mr. CHAFEE) was added as a cosponsor of S. 21, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 35

At the request of Mr. CONRAD, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 35, a bill to amend the Internal Revenue Code of 1986 to extend the credit for production of electricity from wind.

S. 77

At the request of Mr. SESSIONS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 77, a bill to amend titles 10 and 38, United States Code, to improve death benefits for the families of deceased members of the Armed Forces, and for other purposes.

S. 103

At the request of Mr. TALENT, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 103, a bill to respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

S. 241

At the request of Ms. SNOWE, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 331

At the request of Mr. JOHNSON, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 331, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 333

At the request of Mr. SANTORUM, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 352

At the request of Ms. MIKULSKI, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 352, a bill to revise certain requirements for H–2B employers and require submission of information regarding H–2B non-immigrants, and for other purposes.

S. 359

At the request of Mr. CRAIG, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 359, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H–2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 370

At the request of Mr. LOTT, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 370, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 397

At the request of Mr. CRAIG, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 397, a bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

S. 398

At the request of Mr. SANTORUM, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 398, a bill to amend the Internal Revenue Code of 1986 to expand the expensing of environmental remediation costs.

S. 432

At the request of Mr. ALLEN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 432, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 438

At the request of Mr. ENSIGN, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 477

At the request of Mr. DORGAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 477, a bill to amend the Homeland Security Act of 2002 to include Indian tribes among the entities consulted with respect to activities carried out by the Secretary of Homeland Security, and for other purposes.

S. 484

At the request of Mr. WARNER, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Vermont (Mr. LEAHY) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 487

At the request of Mr. SMITH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 487, a bill to amend title 10, United States Code, to provide leave for members of the Armed Forces in connection with adoptions of children, and for other purposes.

S. 494

At the request of Mr. AKAKA, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 494, a bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes.

S. 495

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 495, a bill to impose sanctions against perpetrators of crimes against humanity in Darfur, Sudan, and for other purposes.

S. 506

At the request of Mr. HAGEL, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 506, a bill to amend the Public Health Service Act to establish a scholarship and loan repayment program for public health preparedness workforce development to eliminate critical public health preparedness workforce shortages in Federal, State, local, and tribal public health agencies.

S. 512

At the request of Mr. SANTORUM, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 512, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 555

At the request of Mr. DEWINE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 555, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 582

At the request of Mr. PRYOR, the names of the Senator from Montana (Mr. BURNS), the Senator from Michigan (Ms. STABENOW), the Senator from Minnesota (Mr. COLEMAN), the Senator from Montana (Mr. BAUCUS), the Senator from New Mexico (Mr. DOMENICI), the Senator from Oregon (Mr. WYDEN), the Senator from Kansas (Mr. BROWNBACK), the Senator from Indiana (Mr. BAYH), the Senator from Iowa (Mr. GRASSLEY), the Senator from New York (Mr. SCHUMER), the Senator from Kansas (Mr. ROBERTS), the Senator from California (Mrs. BOXER), the Senator from Nevada (Mr. REID), the Senator from Connecticut (Mr. DODD) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 582, a bill to require the Secretary of the Treasury to mint coins in commemoration of the

50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes.

S. 586

At the request of Mr. BOND, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 586, a bill to amend the Internal Revenue Code of 1986 to provide for the proper tax treatment of certain disaster mitigation payments.

S. 595

At the request of Mr. SANTORUM, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to modify the work opportunity credit and the welfare-to-work credit.

S. 611

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 611, a bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on Emergency Medical Services Advisory Council, and for other purposes.

S. 619

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 619, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 626

At the request of Mr. NELSON of Nebraska, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 626, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self management training by designating certified diabetes educators who are recognized by a nationally recognized certifying body and who meet the same quality standards set forth for other providers of diabetes self management training, as certified providers for purposes of outpatient diabetes self-management training services under part B of the medicare program.

S. 627

At the request of Ms. CANTWELL, her name was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 633

At the request of Mr. JOHNSON, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 642

At the request of Mr. FRIST, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

S. 656

At the request of Mr. REED, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

S. 658

At the request of Mr. BROWNBACK, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 658, a bill to amend the Public Health Service Act to prohibit human cloning.

S. 662

At the request of Ms. COLLINS, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 662, a bill to reform the postal laws of the United States.

S. 675

At the request of Mr. DORGAN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 675, a bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes.

S. 722

At the request of Mr. SANTORUM, the names of the Senator from Colorado (Mr. ALLARD), the Senator from North Dakota (Mr. CONRAD) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 722, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 725

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 725, a bill to improve the Child Care Access Means Parents in School Program.

S. 756

At the request of Mr. BENNETT, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 756, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 758

At the request of Mr. ALLEN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 758, a bill to amend the Internal Revenue Code of 1986 to ensure that the federal excise tax on communication services does not apply to internet access service.

S. RES. 40

At the request of Ms. LANDRIEU, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 40, a resolution supporting the goals and ideas of National Time Out Day to promote the adoption of the Joint Commission on Accreditation of Healthcare Organizations' universal protocol for preventing errors in the operating room.

S. RES. 82

At the request of Mr. ALLEN, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. Res. 82, a resolution urging the European Union to add Hezbollah to the Eurpoean Union's wide-ranging list of terrorist organizations.

S. RES. 85

At the request of Mr. THOMAS, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. Res. 85, a resolution designating July 23, 2005, and July 22, 2006, as ''National Day of the American Cowboy.''

AMENDMENT NO. 204

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 204 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 316

At the request of Mr. NELSON of Florida, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of amendment No. 316 intended to be proposed to H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes.

AMENDMENT NO. 333

At the request of Mr. KERRY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of amendment No. 333 proposed to H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes.

AMENDMENT NO. 334

At the request of Mr. KERRY, the names of the Senator from Illinois (Mr.

OBAMA), the Senator from New Jersey (Mr. CORZINE) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 334 proposed to H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 761. A bill to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, I rise today to introduce, along with my colleague, Mr. CRAPO, a bill to rename a National Conservation Area in the State of Idaho after the late Morley Nelson. This bill renames it the Morley Nelson Snake River Birds of Prey National Conservation Area.

After returning home as a decorated veteran of World War II, having served with the famed 10th Mountain Division in Italy, Morley Nelson recognized the unique importance of the Snake River area for birds of prey. He worked for its protection and various designations, culminating in its establishment by Congress as a National Conservation Area.

Starting in the 1950s, Morley Nelson spent decades convincing ranchers and farmers not to shoot raptors, but rather to accept them as an integral part of the ecosystem.

Morley Nelson raised public awareness about birds of prey through scores of speeches with an eagle on his fist, and through dozens of movies and TV specials starring his eagle or hawks, including seven films for Disney.

Morley Nelson recognized the longstanding problem with raptor electrocution from power lines and the associated power outages and even resulting wildfires. In cooperation with Idaho Power, and later with other utilities, he helped develop guards and redesigned power transmission lines to reduce raptor electrocution. This technology has since spread throughout the world.

Morley Nelson once said, ''This is where the wind and the cliffs and the birds are. This is where I'll always be.'' It seems only fitting that the Snake River Birds of Prey National Conservation Area should bear his name.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Morley Nelson Snake River Birds of Prey National Conservation Area Act''.

SEC. 2. RENAMING OF SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA.

(a) RENAMING.—Public Law 103–64 is amended—

(1) in section 2(2) (16 U.S.C. 460iii–1(2)), by inserting ''Morley Nelson'' before ''Snake River Birds of Prey National Conservation Area''; and

(2) in section 3(a)(1) (16 U.S.C. 460iii–2(a)(1)), by inserting ''Morley Nelson'' before ''Snake River Birds of Prey National Conservation Area''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Snake River Birds of Prey National Conservation Area shall be deemed to be a reference to the Morley Nelson Snake River Birds of Prey National Conservation Area.

(c) TECHNICAL CORRECTIONS.—Public Law 103–64 is further amended—

(1) in section 3(a)(1) (16 U.S.C. 460iii–2(a)(1)), by striking ''(hereafter referred to as the 'conservation area')''; and

(2) in section 4 (16 U.S.C. 460iii–3)—

(A) in subsection (a)(2), by striking ''Conservation Area'' and inserting ''conservation area''; and

(B) in subsection (d), by striking ''Visitors Center'' and inserting ''visitors center''.

By Mr. VOINOVICH (for himself, Mr. LEVIN, Mr. DEWINE, Ms. STABENOW, Mr. CORNYN, Mr. ALEXANDER, Mr. DEMINT, Mrs. DOLE, Mr. VITTER, Mr. MARTINEZ, Mr. ISAKSON, Mr. NELSON of Florida, Mr. LUGAR, Mr. BURR, Mr. COCHRAN, Mr. LOTT, Mrs. HUTCHISON, Mr. CHAMBLISS, Mr. BAYH, Mr. ALLEN, and Ms. LANDRIEU):

S. 762. A bill to amend title 23, United States Code, to increase the minimum allocation provided to states for use in carrying out certain highway programs; to the Committee on Environment and Public Works.

Mr. VOINOVICH. Mr. President, I rise today to introduce the Highway Funding Equity Act of 2005. I am joined on a bipartisan basis by Senators LEVIN, DEWINE, STABENOW, CORNYN, ALEXANDER, DEMINT, DOLE, VITTER, MARTINEZ, ISAKSON, NELSON of Florida, LUGAR, BURR, COCHRAN, LOTT, HUTCHISON, CHAMBLISS, BAYH, ALLEN, and LANDRIEU.

The Transportation Equity Act for the 21st Century, TEA–21 authorized more than $218 billion for transportation programs and expired in September 2003, but has been extended through May 2005. TEA–21 requires certain States, known as donor States, to transfer to other States a percentage of the revenue from federal highway user fees. Several of these donor States transfer more than 10 percent of every federal highway user fee dollar to other States. As a result, donor States receive a significantly lower rate-of-return on their transportation tax dollars being sent to Washington. Currently, over 25 States, including my State of Ohio, contribute more money to the Highway Trust Fund than they receive back.

My State of Ohio has the Nation's 10th largest highway network, the 5th highest volume of traffic, the 4th largest interstate highway network, and the 2nd largest inventory of bridges in the country. Ohio is a major manufacturing State and is within 600 miles of 50 percent of the population of North America. The interstate highways throughout Ohio and all the donor States provide a vital link to suppliers, manufacturers, distributors, and—consumers.

Maintaining our Nation's highway infrastructure is essential to a robust economy and increasing Ohio's share of federal highway dollars has been a longtime battle of mine. One of my goals when I became Governor 14 years ago was to increase our rate-of-return from 79 percent to 87 percent in the Intermodal Surface Transportation Efficiency Act of 1991, ISTEA. Then, in 1998, as chairman of the National Governors Association, I lobbied Congress to increase the minimum rate-of-return to 90.5 percent. The goal of the Highway Funding Equity Act of 2005 is to increase the minimum guaranteed rate-of-return to 95 percent.

The Highway Funding Equity Act of 2005 has two components. First, the bill would increase the minimum guaranteed rate-of-return in TEA–21 from 90.5 percent of a State's share of contributions to the Highway Trust Fund to 95 percent. The Minimum Guarantee under TEA–21 includes all major Core highway programs: Interstate Maintenance, National Highway System, Bridge, Surface Transportation Program, Congestion Mitigation and Air Quality, Metropolitan Planning, Recreational Trails, and any funds provided by the Minimum Guarantee itself.

Second, the bill uses the table of percentages now in Section 105 of Title 23 to guarantee States with a population density of less the 50 people per square mile a minimum rate-of-return that may exceed 95 percent of that State's share of Highway Account contributions. This provision is intended to ensure that every State is able to provide the quality of road systems needed for national mobility, economic prosperity, and national defense. Under the 2000 Census, this provision would benefit 15 States: Alaska, Arizona, Colorado, Idaho, Kansas, Maine, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, and Wyoming.

Increasing donor States' rate of return to 95 percent will send more than $60 million back to Ohio for road improvements we sorely need. The interstate system was built in the 1950s to serve the demands and traffic of the 1980s. Today, Ohio's infrastructure is functionally obsolete. Nearly every central urban interstate in Ohio is over capacity and plagued with accidents and congestion. Ohio's critical roadways are unable to meet today's traffic demands, much less future traffic which is expected to grow nearly 70

percent in the next 20 years. Like all the donor states, we need these funds in Ohio.

States can no longer afford to support others that are already self-sufficient. Each State has its own needs that far outweigh total available funding, especially in light of the so called ''mega projects'' coming due in the next decade. For example, the Brent Spence Bridge that carries Interstates 71 and 75 across the Ohio River into Kentucky is in need of replacement within the next 10 years at a cost of about $500 million. With the inclusion of the approach work, the total project could cost close to $1 billion.

The goal of this legislation is to improve the rate-of-return on donor States' dollars to guarantee that Federal highway program funding is more equitable for all States. Donor States seek only their fair share, and I look forward to working with my colleagues to improve highway funding equity during the upcoming surface transportation reauthorization process. I am pleased with the strong bipartisan support this legislation has received. In addition, I am hopeful that the highway bill will be brought to the Senate floor quickly, so that we can move to a conference. It is vital that our Nation's highway infrastructure needs be properly addressed to ensure continued economic growth.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 762

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Highway Funding Equity Act of 2005''.

SEC. 2. MINIMUM GUARANTEE.

Section 105 of title 23, United States Code, is amended—

(1) by striking subsection (a) and subsections (c) through (f);

(2) by redesignating subsection (b) as subsection (e);

(3) by inserting after the section heading the following:

''(a) GUARANTEE.—

''(1) IN GENERAL.—For each of fiscal years 2005 through 2009, the Secretary shall allocate among the States amounts sufficient to ensure that the percentage for each State of the total apportionments for the fiscal year for the National Highway System under section 103(b), the high priority projects program under section 117, the Interstate maintenance program under section 119, the surface transportation program under section 133, metropolitan planning under section 134, the highway bridge replacement and rehabilitation program under section 144, the congestion mitigation and air quality improvement program under section 149, the recreational trails program under section 206, the Appalachian development highway system under subtitle IV of title 40, and the minimum guarantee under this paragraph, equals or exceeds the percentage determined for the State under paragraph (2).

''(2) STATE PERCENTAGES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the percentage for each State referred to in paragraph (1) is the percentage that is equal to 95 percent of the ratio that—

''(i) the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available; bears to

''(ii) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available.

''(B) EXCEPTION.—In the case of a State having a population density of less than 50 individuals per square mile according to the 2000 decennial census, the percentage referred to in paragraph (1) shall be the greater of—

''(i) the percentage determined under subparagraph (A); or

''(ii) the percentage specified in subsection (e).

''(b) TREATMENT OF FUNDS.—

''(1) PROGRAMMATIC DISTRIBUTION.—The Secretary shall apportion the amounts made available under this section that exceed $2,800,000,000 so that the amount apportioned to each State under this paragraph for each program referred to in subsection (a)(1) (other than the high priority projects program, metropolitan planning, the recreational trails program, the Appalachian development highway system, and the minimum guarantee under subsection (a)) is equal to the product obtained by multiplying—

''(A) the amount to be apportioned under this paragraph; and

''(B) the ratio that—

''(i) the amount of funds apportioned to the State for each program referred to in subsection (a)(1) (other than the high priority projects program, metropolitan planning, the recreational trails program, the Appalachian development highway system, and the minimum guarantee under subsection (a)) for a fiscal year; bears to

''(ii) the total amount of funds apportioned to the State for that program for the fiscal year.

''(2) REMAINING DISTRIBUTION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall apportion the remainder of funds made available under this section to the States, and administer those funds, in accordance with section 104(b)(3).

''(B) INAPPLICABLE REQUIREMENTS.—Paragraphs (1), (2), and (3) of section 133(d) shall not apply to amounts apportioned in accordance with this paragraph.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section for each of fiscal years 2005 through 2009.

''(d) GUARANTEE OF 95 PERCENT RETURN.—

''(1) IN GENERAL.—For each of fiscal years 2005 through 2009, before making any apportionment under this title, the Secretary shall—

''(A) determine whether the sum of the percentages determined under subsection (a)(2) for the fiscal year exceeds 100 percent; and

''(B) if the sum of the percentages exceeds 100 percent, proportionately adjust the percentages specified in the table contained in subsection (e) to ensure that the sum of the percentages determined under subsection (a)(1)(B) for the fiscal year equals 100 percent.

''(2) ELIGIBILITY THRESHOLD FOR ADJUSTMENT.—The Secretary may make an adjustment under paragraph (1) for a State for a fiscal year only if the percentage for the State in the table contained in subsection (e) is equal to or exceeds 95 percent of the ratio determined for the State under subsection (a)(1)(B)(i) for the fiscal year.

''(3) LIMITATION ON ADJUSTMENTS.—Adjustments of the percentages in the table contained in subsection (e) in accordance with this subsection shall not result in a total of the percentages determined under subsection (a)(2) that exceeds 100 percent.''; and

(4) in subsection (e) (as redesignated by paragraph (2)), by striking ''subsection (a)'' and inserting ''subsections (a)(2)(B)(ii) and (d)''.

Mr. LEVIN. Mr. President, today I join Senator VOINOVICH in introducing the Highway Funding Equity Act of 2005.

Our bill will allow States to get back a fairer share of what they contribute in gas taxes to the highway trust fund. We do this by increasing the Federal minimum guaranteed funding level for highways to 95 percent from the current 90.5 percent of a State's share of contributions made to the Federal Highway Trust Fund in gas tax payments.

Increasing this minimum guarantee to 95 percent will bring us one step closer to achieving fairness in the distribution of Federal highway funds to States.

Historically about 20 States, including Michigan, known as ''donor'' States, have sent more gas tax dollars to the Highway Trust Fund in Washington than were returned in transportation infrastructure spending. The remaining 30 States, known as ''donee'' States, have received more transportation funding than they paid into the Highway Trust Fund.

This came about in 1956 when a number of small States and large Western States banded together to develop a formula to distribute Federal highway dollars that advantaged themselves over the remaining States. They formed a coalition of about 30 States that would benefit from the formula and, once that formula was in place, have tenaciously defended it.

At the beginning there was some legitimacy to the large low-population predominately Western States getting more funds than they contributed to the system in order to build a national interstate highway system. Some arguments remain for providing additional funds to those States to maintain the national system and our bill will do that. However, there is no justification for any State getting more than its fair share.

Each time the highway bill is reauthorized the donor States that have traditionally subsidized other States' road and bridge projects have fought to correct this inequity in highway funding. It has been a long struggle to change these outdated formulas. Through these battles, some progress has been made. For instance, in 1978, Michigan was getting around 75 cents on our gas tax dollar. The 1991 bill brought us up to approximately 80 cents per dollar and the 1998 bill guaranteed a 90.5 cent minimum return for each State.

We still have a long way to go to achieve fairness for Michigan and other States on the return on our Highway Trust Fund contributions. At stake are tens of millions of dollars a year in additional funding to pay for badly needed transportation improvements in Michigan alone and the jobs that go with it. Based on FHWA data, we calculate that Michigan would have received over $55 million in additional funds in FY 2004 under the Voinovich-Levin 95 percent minimum guarantee bill. That's a critically important difference for Michigan each year. The same is true for other donor States that stand to get back millions more of their gas tax dollars currently being sent to other States. There's no logical reason for some States to be forced to continue to send that money to other states to subsidize their road and bridge projects and to perpetuate this imbalance is simply unfair and unjustifiable.

With the national interstate system completed, the formulas used to determine how much a State will receive from the Highway Trust Fund are antiquated and do not relate to what a State's real needs or contributions are.

The Voinovich-Levin bill is a consensus bill developed with the help of donor State Department of Transportation agencies and their coalition working group. This legislation would increase the minimum guarantee from 90.5 percent to 95 percent for all States. With this legislation, we intend to send a strong message to our colleagues and the authorizing Committee about the need to address the equity issue in the highway reauthorization bill. We are determined to make progress in this bill to distribute the highway funds in a more equitable manner so that every State gets its fair share.

This is simply an issue of fairness and we will not be satisfied until we achieve it.

By Mr. DORGAN (for himself and Mrs. HUTCHISON):

S. 763. A bill to direct the Federal Railroad Administration to make welded rail and tank car improvements; to the Committee on Commerce, Science, and Transportation.

Mr. DORGAN. Mr. President, today I am introducing bipartisan legislation to address improvements that need to be made to the Nation's rail tracks and tank cars. I am very pleased to be joined on this bill by Senator KAY BAILEY HUTCHISON.

It is vital that we address this issue of track and tank car safety. Rail accidents occur in our Nation too frequently, and can cause devastating harm, ranging from economic loss, environmental or health hazards, or the worst tragedy, the loss of human life.

In my own State of North Dakota a terrible derailment took place in Minot, ND in January of 2002. At approximately 1:37 a.m. on January 18, 2002, an eastbound Canadian Pacific Railway freight train, derailed 31 of its 112 cars about ½ mile west of the city limits of Minot, ND.

Five tank cars carrying anhydrous ammonia, a liquefied compressed gas, catastrophically ruptured, and a vapor plume covered the derailment site and surrounding area. About 146,700 gallons of anhydrous ammonia were released from the five cars, and a cloud of hydrolyzed ammonia formed almost immediately. This plume rose an estimated 300 feet and gradually expanded 5 miles downwind of the accident site and over a population of about 11,600 people. One resident was fatally injured, and 60 to 65 residents of the neighborhood nearest the derailment site had to be rescued. Over the next 5 days, another 74,000 gallons of anhydrous ammonia were released from six other anhydrous ammonia tank cars.

As a result of the accident, 11 people sustained serious injuries, and 322 people, including the 2 train crewmembers, sustained minor injuries. Damages exceeded $2 million, and more than $8 million was been spent for environmental remediation. Imagine the devastation that could have occurred if this accident had happened in a more populated area.

The National Transportation Safety Board (NTSB) investigated this terrible derailment, and in its report issued important safety recommendations on track inspections and tank car crashworthiness. The findings by the NTSB raised great concern. NTSB estimated that the pre-1989 tank cars were insufficiently crashworthy. The cars were estimated to make up approximately 60 percent of the pressure tank cars in the rail system, and with a 50-year lifespan, could continue operating until 2039. The risks posed by these cars are significant, and the NTSB set forth recommendations on addressing these safety issues.

Of further concern is the fact that statistics show that there were more than 1.23 million tank car shipments of hazardous materials in 2000, the last year for which the study had data available, in the United States and Canada. Of the top 10 hazardous materials transported by tank car, 5 were class 2 liquefied compressed gases, LPG, anhydrous ammonia, chlorine, propane, and vinyl chloride, that together accounted for more than 246,600 tank car shipments, or about 20 percent of all hazardous materials shipments by tank car.

Consequently, the NTSB specifically stated concerns about continued transportation of class 2 hazardous materials in pre-1989 tank cars. Because of the high volume of liquefied gases transported in these tank cars and the cars' lengthy service lives, the NTSB concluded that using these cars to transport DOT class 2 hazardous materials under current operating practices poses an unquantified but real risk to the public. The NTSB also concluded that research was needed on improving the crashworthiness of all tank cars.

With regards to track safety, the NTSB also found that improved track inspection, such as visual inspections, and additional oversight by the FRA was necessary. The accident was caused in part because of undetected cracks in the rail tracks, and NTSB concluded that track inspections to identify and remove cracked rail components before the cracks grow to critical size are the primary preventive measure to ensure safety.

The findings from the NTSB's report are extremely troubling, and require immediate action by the Federal Railroad Administration (FRA) to implement the safety recommendations. Our legislation incorporates these recommendations and others on track safety, and sets forth time frames for the FRA to act so that we ensure that these critical and potentially life-saving recommendations will move forward.

It is important to note that the terrible tragedy that took place in Madrid last year demonstrates that tank and track safety are vital to prevent not only against rail accidents, but also against terrorist attacks against our rail system. We cannot delay on investigating improvements to tank cars that travel every day across this country, often carrying dangerous loads of hazardous material. This is a necessary step in improving rail security.

We will now work with the Senate Commerce Committee and the Senate leadership to speed enactment of this important legislation. Last year similar provisions were included in a larger rail security bill that passed the Senate, and I am hopeful that we can proceed along the same route this year, as both measures are vital to protect our rail system. I invite my colleagues to join me in cosponsoring this bill.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Welded Rail and Tank Car Safety Improvement Act''.

SEC. 2. WELDED RAIL AND TANK CAR SAFETY IMPROVEMENTS.

(a) TRACK STANDARDS.—

(1) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Federal Railroad Administration shall—

(A) require each track owner using continuous welded rail track to include procedures (in its procedures filed with the Administration pursuant to section 213.119 of title 49, Code of Federal Regulations) to improve the identification of cracks in rail joint bars;

(B) instruct Administration track inspectors to obtain copies of the most recent continuous welded rail programs of each railroad within the inspectors' areas of responsibility and require that inspectors use those programs when conducting track inspections; and

(C) establish a program to review continuous welded rail joint bar inspection data from railroads and Administration track inspectors periodically.

(2) Whenever the Administration determines that it is necessary or appropriate the Administration may require railroads to increase the frequency of inspection, or improve the methods of inspection, of joint bars in continuous welded rail.

(b) TANK CAR STANDARDS.—The Federal Railroad Administration shall—

(1) validate a predictive model to quantify the relevant dynamic forces acting on railroad tank cars under accident conditions within 1 year after the date of enactment of this Act; and

(2) initiate a rulemaking to develop and implement appropriate design standards for pressurized tank cars within 18 months after the date of enactment of this Act.

(c) OLDER TANK CAR IMPACT RESISTANCE ANALYSIS AND REPORT.—Within 1 year after the date of enactment of this Act the Federal Railroad Administration shall conduct a comprehensive analysis to determine the impact resistance of the steels in the shells of pressure tank cars constructed before 1989. Within 6 months after completing that analysis the Administration shall—

(1) establish a program to rank those cars according to their risk of catastrophic fracture and separation;

(2) implement measures to eliminate or mitigate this risk; and

(3) transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure setting forth the measures implemented.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Federal Railroad Administration $1,000,000 for fiscal year 2006 to carry out this section, such sums to remain available until expended.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 764. A bill to amend title XVIII of the Social Security Act to improve the coordination of prescription drug coverage provided under State pharmaceutical assistance programs with the prescription drug benefit provided under the medicare program, and for other purposes; to the Committee on Finance.

Mr. CORZINE. Mr. President, I rise today along with my colleague, Senator LAUTENBERG, to introduce legislation, the Preserving Access to Affordable Drugs (PAAD) Act. This legislation is essential to ensuring that our most vulnerable seniors who have existing prescription drug coverage do not see a reduction or disruption in their coverage once the Medicare prescription drug program goes into effect.

Hundreds of thousands of seniors, including 190,000 in my State, currently enrolled in state pharmacy assistance programs (SPAPs) will be forced out of those programs and into a private drug plan under the Medicare prescription drug benefit. Additionally, approximately six million seniors, including 140,000 in New Jersey, who are dually eligible for Medicare and Medicaid will lose access to their Medicaid prescription drug benefits, which are more generous and provide greater access to a variety of drugs than the Medicare benefit will.

No senior should be made worse off by the new Medicare law. The law should expand benefits—not reduce them. The PAAD Act will make critical changes to the Medicare law to ensure that the above-mentioned benefits are safeguarded.

The PAAD Act will allow States to automatically enroll SPAP and dually eligible Medicaid beneficiaries into one or more preferred prescription drug plans to ensure that these beneficiaries are enrolled in a Medicare drug plan that maximizes both their Federal and State prescription drug coverage and ensures for a seamless transition to the new Medicare Part D drug benefit.

The PAAD Act will ensure that New Jersey seniors who currently receive prescription drug benefits under PAAD or through the State's Medicaid program are not made worse off by the new Medicare law.

The PAAD Act will allow New Jersey to provide supplemental Medicaid prescription drug benefits to low-income seniors and disabled who currently receive generous prescription drug benefits under the Medicaid program and who will now receive their prescription drug benefits through Medicare.

One of the goals of medicine is to do no harm. The manner in which the Bush Administration has chosen to implement the Medicare law violates that tenet. The Medicare legislation signed by the President created the State Pharmaceutical Assistance Transition Commission specifically to address the coordination of benefits between SPAPS, State Medicaid drug programs, and the new Medicare drug plan. The Commission was explicit in its recommendation to CMS that states be permitted to automatically enroll these beneficiaries in preferred prescription drug plans to "enhance benefits to enrollees, encourage enrollment, and promote coordination between Medicare Part D and [states]." Members of the Commission recognized that many blind, disabled, and aged beneficiaries, those who most need coverage, would not be able to navigate the plan selection process and could face gaps in coverage. Yet, CMS recently denied New Jersey's request to automatically enroll those Medicare beneficiaries currently enrolled in New Jersey's PAAD and Medicaid programs into a preferred Medicare prescription drug plan. This ruling effectively blocks New Jersey's efforts to preserve the generous prescription drug coverage the state currently provides to the 190,000 seniors enrolled in New Jersey's PAAD program and the 140,000 seniors and disabled enrolled in the state's Medicaid program when the new Medicare prescription drug benefit goes into effect on January 1, 2006.

Yesterday, I was joined by Senator LAUTENBERG in writing to the President to express our sincere dismay over the recent CMS ruling. It is clear that permitting states to automatically enroll these beneficiaries would guarantee that these seniors continue to receive the same level of prescription drug coverage, which is more generous than the coverage that will be available under the new Medicare benefit. Furthermore, auto enrollment would relieve beneficiaries from the anxiety of selecting the appropriate plan to ensure that their drug coverage is maximized. Certainly, beneficiaries who prefer to select their own prescription drug plan should have that choice, but those who want the state to act on their behalf to ensure that they receive the most comprehensive and seamless coverage should be afforded that option.

This legislation is critical to preserving and protecting existing prescription drug coverage while expanding it to those who currently lack such coverage. States like New Jersey, Pennsylvania, and New York, States that have well-established, generous prescription drug plans for seniors and the disabled, should not be prevented from continuing to provide the same level of coverage under the new Medicare law. I look forward to working with my colleagues to pass this legislation and preserve prescription drug benefits for all seniors.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preserving Access to Affordable Drugs Act of 2005".

SEC. 2. STATE AS AUTHORIZED REPRESENTATIVE.

(a) IN GENERAL.—Section 1860D–1(b)(1) of the Social Security Act (42 U.S.C. 1395w–101(b)(1)) is amended by adding at the end the following new subparagraph:

"(D) STATE AS AUTHORIZED REPRESENTATIVE.—A State Pharmaceutical Assistance Program (as defined in section 1860D–23(b)) may, at the option of the State operating the Program, act as the authorized representative for any part D eligible individual residing in the State who is enrolled in the Program or described in section 1935(c)(6)(A)(ii) in order to select one or more preferred prescription drug plans to enroll such an individual, so long as the individual is afforded the authority to decline such enrollment. A Program that acts as an authorized representative for an individual pursuant to the preceding sentence shall not be considered to have violated section 1860D–23(b)(2) solely because of the enrollment of such individual in a preferred prescription drug plan.".

(b) CONFORMING AMENDMENT TO ANTI-DISCRIMINATION PROVISION.—Section 1860D–23(b)(2) of the Social Security Act (42 U.S.C. 1395w–133(b)(2)) is amended by inserting "subject to 1860D–1(b)(1)(D)," after "which,".

SEC. 3. FACILITATION OF COORDINATION.

Section 1860D–24(c)(1) of the Social Security Act (42 U.S.C. 1395w–134(c)(1)) is amended by striking "all methods of operation" and inserting "its own methods of operation, except that a PDP sponsor or MA organization may not require a State Pharmaceutical Assistance Program or an RX plan described in subsection (b) to apply such tools when coordinating benefits".

SEC. 4. ALLOWING MEDICAID WRAP.

Section 1935 of the Social Security Act (42 U.S.C. 1396u–5) is amended by striking subsection (d).

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall take effect as if included in the enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2066).

By Mr. WARNER (for himself and Mr. DURBIN):

S. 765. A bill to preserve mathematics- and science-based industries in the United States; to the Committee on Health, Education, Labor, and Pensions.

Mr. WARNER. Mr. President, I rise today to introduce, along with Senator DURBIN, an important bipartisan bill related to education and our national, homeland, and economic security. My good friend and colleague in the U.S. House of Representatives, Congressman FRANK WOLF, is introducing the same legislation today in the House.

Without a doubt, our ability to remain ahead of the curve in scientific and technological advancements is a key component to ensuring America's national, homeland and economic security in the post 9/11 world of global terrorism.

Yet alarmingly, the bottom line is that America faces a huge shortage of home-grown, highly trained scientific minds.

The situation America faces today is not unlike almost 50 years ago. On October 4, 1957, the Soviet Union successfully launched the first man-made satellite into space, Sputnik. The launch shocked America, as many of us had assumed that we were preeminent in the scientific fields. While prior to that unforgettable day America enjoyed an air of post World War II invincibility; afterwards our Nation recognized that there was a cost to its complacency. We had fallen behind.

In the months and years to follow, we would respond with massive investments in science, technology and engineering. In 1958, Congress passed legislation creating the National Defense Education Act, which was designed to stimulate advancement in science and mathematics. In addition, President Eisenhower signed into law legislation that established the National Aeronautics and Space Administration (NASA). And a few years later, in 1961, President Kennedy set the Nation's goal of landing a man on the moon within the decade.

These investments paid off. In the years following the Sputnik launch, America not only closed the scientific and technological gap with the Soviet Union, we surpassed them. Our renewed commitment to science and technology not only enabled us to safely land a man on the moon in 1969, it spurred research and development which helped ensure that our modern military has always had the best equipment and technology in the world. These post-Sputnik investments also laid the foundation for the creation of some of the most significant technologies of modern life, including personal computers and the Internet.

Why is any of this important to us today? Because, as the old saying goes—he or she who fails to remember history is bound to repeat it.

The truth of the matter is that today America's education system is coming up short in training the highly technical American minds that we now need and will continue to need far into the future.

The 2003 Program for International Student Assessment found that the math, problem solving, and science skills of fifteen year old students in the United States were below average when compared to their international counterparts in industrialized countries. While a little bit better news was presented by the recently released 2003 Trends in International Mathematics and Science Study (TIMSS), it is still nothing we should cheer about. TIMSS showed that eighth grade students in the U.S. had lower average math scores than fifteen other participating countries. U.S. science scores weren't much better.

Our colleges and universities are not immune to the waning achievement in math and science education. The National Science Foundation reports the percentage of bachelor degrees in science and engineering have been declining in the U.S. for nearly two decades. In fact, the proportion of college-age students earning degrees in math, science, and engineering was substantially higher in 16 countries in Asia and Europe than it was in the United States.

In the past, this country has been able to compensate for its shortfall in homegrown, highly trained, technical and scientific talent by importing the necessary brain power from foreign countries. However, with increased global competition, this is becoming harder and harder. More and more of our imported brain power is returning home to their native countries. And regrettably, as they return home, many American high tech jobs are being outsourced with them.

Moreover, in the post 9/11 era, it is more important than ever from a security perspective to have American citizens performing certain tasks. We cannot run the risk of having to outsource the security of this country simply because we don't have enough highly trained U.S. citizens to meet our America's needs.

The legislation we are introducing today is a targeted measure that will help America meet its needs by providing strong incentives to students and graduates to pursue studies and careers in these important scientific and technical fields.

Our bill simply allows the Federal Government to pay the interest on undergraduate student loans for certain graduates of math, science, or engineering programs who agree to work in the United States in these fields for 5 consecutive years. Priority will be given to those students with degrees in majors that are key to protecting our national, homeland and economic security as a nation.

Almost 50 years ago our Nation learned a lesson about the cost of complacency in science and technology. While we responded with immediate vigor and ultimately prevailed, today, new dangers are upon us.

Once again, America must rise to meet a new challenge. In my view, this initiative is an important step forward that will encourage Americans to enter important fields of study that are crucial to the national, homeland, and economic security of this country.

By Mr. SANTORUM:

S. 766. A bill to remove civil liability barriers that discourage the donation of fire equipment to volunteer fire companies; to the Committee on the Judiciary.

Mr. SANTORUM. Mr. President, I am introducing the ''Good Samaritan Volunteer Firefighter Assistance Act of 2005.'' Amazingly, every year quality firefighting equipment worth millions of dollars is wasted. In order to avoid civil liability lawsuits, heavy industry and wealthier fire departments destroy surplus equipment, including hoses, fire trucks, protective gear and breathing apparatus, instead of donating it to volunteer fire departments.

The basic purpose of this legislation is to induce donations of surplus firefighting equipment by reducing the threat of civil liability for organizations, most commonly heavy industry, and individuals who wish to make these donations. The bill eliminates civil liability barriers to donations of surplus firefighting equipment by raising the liability standard for donors from ''negligence'' to ''gross negligence.'' By doing this, the legislation saves taxpayer dollars by encouraging donations, thereby reducing the taxpayers' burden of purchasing expensive equipment for volunteer fire departments.

The Good Samaritan Volunteer Firefighter Assistance Act of 2005 is modeled after a bill passed by the Texas state legislature in 1997 and signed into law by then-Governor George W. Bush which has resulted in more than $10 million in additional equipment donations from companies and other fire departments for volunteer departments which may not be as well equipped. Now companies in Texas can donate surplus equipment to the Texas Forest Service, which then certifies the equipment and passes it on to volunteer fire departments that are in need. The donated equipment must meet all original specifications before it can be sent to volunteer departments. Alabama, Arizona, Arkansas, California, Florida, Illinois, Indiana, Missouri, Nevada, South Carolina, and Pennsylvania have passed similar legislation at the State level.

In the 108th Congress, Representative CASTLE introduced the Good Samaritan Volunteer Firefighter Assistance Act, which had 64 bipartisan cosponsors in the House of Representatives. It is also supported by the National Volunteer Fire Council, the Firemen's Association of the State of New York, and a former director of the Federal Emergency Management Agency, FEMA, James Lee Witt. The legislation passed overwhelmingly in the House by a vote of 397–3. The bill has been reintroduced as H.R. 1088 in the 109th Congress and already has garnered 64 cosponsors. I introduced the Good Samaritan Volunteer Firefighter Assistance Act of 2004 in the 108th Congress that also enjoyed support from the National Volunteer Fire Council.

Federally, precedent for similar measures includes the Bill Emerson Good Samaritan Food Act, Public Law 104–210, named for the late Representative Bill Emerson, which encourages restaurants, hotels and businesses to donate millions of dollars worth of food. The Volunteer Protection Act of 1997, Public Law 105–101, also immunizes individuals who do volunteer work for non-profit organizations or governmental entities from liability for ordinary negligence in the course of their volunteer work. I have also previously introduced three Good Samaritan measures in the 106th Congress, S. 843, S. 844 and S. 845. These provisions were also included in a broader charitable package in S. 997, the Charity Empowerment Act, to provide additional incentives for corporate in-kind charitable contributions for motor vehicle, aircraft, and facility use. The same provision passed the House of Representatives in the 107th Congress as part of H.R. 7, the Community Solutions Act, in July of 2001, but was not signed into law.

Volunteers comprise approximately 73 percent of firefighters in the United States. Of the total estimated 1,078,300 firefighters across the country, 784,700 are volunteers. Of the more than 30,000 fire departments in the country, approximately 22,600 are all volunteer; 4,800 are mostly volunteer; 1,600 are mostly career; and 2,000 are all career. In 2000, 58 of the 103 firefighters who died in the line of duty were volunteers.

This legislation provides a commonsense incentive for additional contributions to volunteer fire departments around the country and would make it more attractive for corporations to give equipment to fire departments in other States. All of America has witnessed the heroic acts of selflessness and sacrifice of firefighters in New York City, Northern Virginia, and Pennsylvania. I urge my colleagues to join me in supporting this incentive for the provision of additional safety equipment for volunteer firefighters who put their lives on the line every day throughout this great Nation.

By Mr. BOND (for himself, Ms. MIKULSKI, Mr. TALENT, Mr. HARKIN, Mr. ROBERTS, and Mr. COLEMAN):

S. 767. A bill to establish a Division of Food and Agricultural Science within the National Science Foundation and to authorize funding for the support of fundamental agricultural research of the highest quality, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BOND. I rise today to introduce legislation with Senators MIKULSKI, TALENT, HARKIN, ROBERTS and COLEMAN to establish a division of food and agricultural science within the National Science Foundation to support fundamental agricultural research of the highest quality. I present this to begin a critical discussion that I believe we must have over the next several months about how we are going to ensure we capitalize on the technology to maximize the benefits and minimize the costs of our agricultural production.

We remain the world leader in food and fiber production. We do it safely and through technology and the hard work of the American farmer. In the past half century, the number of people fed by a single U.S. farm has grown from 19 to 129. We have a tremendously innovative agricultural research program. Our farmers, our farm leaders are on the cutting edge of developing new technology. And we have seen the innovations continue to come down the pike. This has made it possible for one farmer to feed 129 people.

In addition, we export $60 billion worth of agricultural products, and we do so at less cost and at less harm to the environment than any of our competitors around the world, again, because of new practices, diligence on the part of farmers, and new technology.

In a world that has a decreasing amount of soil available for cultivation, we have a growing population and we still have 800 million children who are hungry or malnourished throughout the world. As some have said: A person who is well fed can have many problems. A person who is hungry has but one problem. Unless we maximize technology and new practices, production will continue to overtax the world's natural resources.

Many people legitimately have raised concerns regarding new diseases and pests and related food safety issues. And they are growing. The leading competitiveness of our U.S. producers is only as solid as our willingness to invest in forward-looking investments and build upon our historic successes.

Now, we also know from past experience that with new technology the doors are being opened to novel new uses of renewable agricultural products in the fields of energy, medicine, and industrial products. In the future, we can make our farm fields and farm animals factories for everyday products, fuels, and medicines in a way that is efficient and better preserves our natural resources. Advances in the life sciences have come about, such as genetics, proteomics, and cell and molecular biology. They are providing the base for new and continuing agricultural innovations.

It was only about a dozen years ago that farmers in Missouri came to me to tell me about the potential that genetic engineering and plant biotechnology had for improving the production of food, and doing so with less impact on the environment, providing more nutritious food. Since that time, I have had a wonderful, continuing education, not in how it works but what it can do.

We know now, for example, that in hungry areas of the world as many as half a million children go blind from vitamin A deficiency, and maybe a million die from vitamin A deficiency. Well, through plant biotechnology, the International Rice Research Institute in the Philippines and others have developed Golden Rice, taking a gene from the sunflower, a beta-carotene gene, and they enrich the rice. The Golden Rice now has that vitamin A, and that is going to make a significant difference in dealing with malnutrition.

We also know that in many areas of the world, where agricultural production has overtaxed the land, where drought has cut the production, where virus has plagued production, the way we can make farmers self-sufficient, where we can restore the farm economy in many of these countries, is through plant biotechnology.

But this is just the beginning. This legislation I am introducing today seeks to lay the foundation for tremendous advances in the future.

This legislation stems from findings and recommendations produced by a distinguished group of scientists working on the Agricultural Research, Economics and Education Task Force, which I was honored to be able to include in the 2002 farm bill. The distinguished task force was led by Dr. William H. Danforth, of St. Louis, the brother of our former distinguished colleague, Senator Jack Danforth. Dr. Bill Danforth has a tremendous reputation in science and in education, with a commitment to human welfare and is known worldwide. He was joined by Dr. Nancy Betts, the University of Nebraska; Mr. Michael Bryan, president of BBI International; Dr. Richard Coombe, the Watershed Agricultural Council; Dr. Victor Lechtenbert, Purdue University; Dr. Luis Sequeira, the University of Wisconsin; Dr. Robert Wideman, the University of Arkansas; and Dr. H. Alan Wood, Mississippi State University.

I extend my congratulations and my sincere gratitude to Dr. Danforth and his team for providing the basis and the roadmap to ensure we have the mechanisms in place to solve the problems and capitalize on the opportunities in agricultural research. The full report of the task force can be found at www.ars.usda.gov/research.htm.

In summary, that study concludes that it is absolutely necessary we reinvigorate and forward focus our technology to meet the responsibilities of our time. New investment is critical for the world's consumers, the protection of our natural resources, the standard of living for Americans who labor in rural America, and for the well-being of the hungry people and the needy people throughout the world.

This legislation is supported by the some 22 Member and Associate Member Societies of the Federation of American Societies for Experimental Biology, as well as the Institute of Food Technologists, American Society of Agronomy, Crop Science Society of America, Soil Science Society of America, the Council for Agricultural Research, the National Coalition for Food and Agricultural Research, the American Soybean Association, National Cattlemen's Beef Association, National Chicken Council, National Corn Growers Association, National Farmers Union, National Milk Producers Federation, National Pork Producers Council, National Turkey Federation, Association of American Veterinary Medical Colleges and the United Fresh Fruit and Vegetable Association.

I look forward to pursuing this vision in the 109th Congress. I invite my colleagues who are interested in science and research to review this report, to look at this measure, to join with me and my cosponsors in the next session of Congress to talk about moving forward on what I think will be a tremendous opportunity to improve agriculture and its benefits to all our populations.

Madam President, this, I hope, will be the start of something really big. Today, Congressman GUTKNECHT is offering companion legislation in the House. I congratulate him on his leadership in promoting science and I am pleased to be working on this with him.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 767

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Food and Agricultural Science Act of 2005''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COUNCIL.—The term ''Council'' means the Standing Council of Advisors established under section 4(c).

(2) DIRECTOR.—Except as otherwise provided in this Act, the term ''Director'' means the Director of Food and Agricultural Science.

(3) DIVISION.—The term ''Division'' means the Division of Food and Agricultural Science established under section 4(a).

(4) FOUNDATION.—The term ''Foundation'' means the National Science Foundation.

(5) FUNDAMENTAL AGRICULTURAL RESEARCH; FUNDAMENTAL SCIENCE.—The terms ''fundamental agricultural research'' and ''fundamental science'' mean fundamental research or science that—

(A) advances the frontiers of knowledge so as to lead to practical results or to further scientific discovery; and

(B) has an effect on agriculture, food, nutrition, human health, or another purpose of this Act, as described in section 3(b).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(7) UNITED STATES.—The term ''United States'' when used in a geographical sense means the States, the District of Columbia, the Commonwealth of Puerto Rico, and all territories and possessions of the United States.

SEC. 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Agricultural Research, Economics, and Education Task Force established under section 7404 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3101 note) conducted an exhaustive review of agricultural research in the United States and evaluated the merits of establishing 1 or more national institutes focused on disciplines important to the progress of food and agricultural science. Consistent with the findings and recommendations of the Agricultural Research, Economics, and Education Task Force, Congress finds the following:

(1) Agriculture in the United States faces critical challenges, including an impending crisis in the food, agricultural, and natural resource systems of the United States. Exotic diseases and pests threaten crops and livestock, obesity has reached epidemic proportions, agriculturally-related environmental degradation is a serious problem for the United States and other parts of the world, certain animal diseases threaten human health, and United States producers of some major crops are no longer the world's lowest cost producers.

(2) In order to meet these critical challenges, it is essential that the Nation ensure that the agricultural innovation that has been so successful in the past continues in the future. Agricultural innovation has resulted in hybrid and higher yielding varieties of basic crops and enhanced the world's food supply by increasing yields on existing acres. Since 1960, the world's population has tripled with no net increase in the amount of land under cultivation. Currently, only 1.5 percent of the population of the United States provides the food and fiber to supply the Nation's needs. Agriculture and agriculture sciences play a major role in maintaining the health and welfare of all people of the United States and in husbanding our land and water, and that role must be expanded.

(3) Fundamental scientific research that leads to understandings of how cells and organisms work is critical to continued innovation in agriculture in the United States. Such future innovations are dependent on fundamental scientific research, and will be enhanced by ideas and technologies from other fields of science and research.

(4) Opportunities to advance fundamental knowledge of benefit to agriculture in the United States have never been greater. Many of these new opportunities are the result of amazing progress in the life sciences over recent decades, attributable in large part to the provision made by the Federal Government through the National Institutes of Health and the National Science Foundation. New technologies and new concepts have speeded advances in the fields of genetics, cell and molecular biology, and proteomics. Much of this scientific knowledge is ready to be mined for agriculture and food sciences, through a sustained, disciplined research effort at an institute dedicated to this research.

(5) Publicly sponsored research is essential to continued agricultural innovation to mitigate or harmonize the long-term effects of agriculture on the environment, to enhance the long-term sustainability of agriculture, and to improve the public health and welfare.

(6) Competitive, peer-reviewed fundamental agricultural research is best suited to promoting the fundamental research from which breakthrough innovations that agriculture and society require will come.

(7) It is in the national interest to dedicate additional funds on a long-term, ongoing basis to an institute dedicated to funding competitive peer-reviewed grant programs that support and promote the highest caliber of fundamental agricultural research.

(8) The Nation's capacity to be competitive internationally in agriculture is threatened by inadequate investment in research.

(9) To be successful over the long term, grant-receiving institutions must be adequately reimbursed for their costs if they are to pursue the necessary agricultural research.

(10) To meet these challenges, address these needs, and provide for vitally needed agricultural innovation, it is in the national interest to provide sufficient Federal funds over the long term to fund a significant program of fundamental agricultural research through an independent institute.

(b) PURPOSES.—The purposes of the Division established under section 4(a) shall be to ensure that the technological superiority of agriculture in the United States effectively serve the people of the United States in the coming decades, and to support and promote fundamental agricultural research of the highest caliber in order to achieve goals, including the following goals:

(1) Increase the international competitiveness of United States agriculture.

(2) Develop knowledge leading to new foods and practices that improve nutrition and health and reduce obesity.

(3) Create new and more useful food, fiber, health, medicinal, energy, environmental, and industrial products from plants and animals.

(4) Improve food safety and food security by protecting plants and animals in the United States from insects, diseases, and the threat of bioterrorism.

(5) Enhance agricultural sustainability and improve the environment.

(6) Strengthen the economies of the Nation's rural communities.

(7) Decrease United States dependence on foreign sources of petroleum by developing bio-based fuels and materials from plants.

(8) Strengthen national security by improving the agricultural productivity of subsistence farmers in developing countries to combat hunger and the political instability that it produces.

(9) Assist in modernizing and revitalizing the Nation's agricultural research facilities at institutions of higher education, independent non-profit research institutions, and consortia of such institutions, through capital investment.

(10) Achieve such other goals and meet such other needs as determined appropriate by the Foundation, the Director, or the Secretary.

SEC. 4. ESTABLISHMENT OF DIVISION.

(a) ESTABLISHMENT.—There is established within the National Science Foundation a Division of Food and Agricultural Science. The Division shall consist of the Council and be administered by a Director of Food and Agricultural Science.

(b) REPORTING AND CONSULTATION.—The Director shall coordinate the research agenda of the Division after consultation with the Secretary.

(c) STANDING COUNCIL OF ADVISORS.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is established in the Division a Standing Council of Advisors composed of 12 highly qualified scientists who are not employed by the Federal Government and 12 stakeholders.

(B) SCIENTISTS.—

(i) APPOINTMENT.—The 12 scientist members of the Council shall be appointed to 4-year staggered terms by the Director of the National Science Foundation, with the consent of the Director of Food and Agricultural Science.

(ii) QUALIFICATIONS.—The persons nominated for appointment as scientist members of the Council shall be—

(I) eminent in the fields of agricultural research, nutrition, science, or related appropriate fields; and

(II) selected for appointment solely on the basis of established records of distinguished service and to provide representation of the views of agricultural research and scientific leaders in all areas of the Nation.

(C) STAKEHOLDERS.—

(i) APPOINTMENT.—The 12 stakeholder members of the Council shall be appointed to 4-year staggered terms by the Secretary, with the consent of the Director.

(ii) QUALIFICATIONS.—The persons nominated for appointment as stakeholder members of the Council shall—

(I) include distinguished members of the public of the United States, including representatives of farm organizations and industry, and persons knowledgeable about the environment, subsistence agriculture, energy, and human health and disease; and

(II) be selected for appointment so as to provide representation of the views of stakeholder leaders in all areas of the Nation.

(2) DUTIES.—The Council shall assist the Director in establishing the Division's research priorities, and in reviewing, judging, and maintaining the relevance of the programs funded by the Division. The Council shall review all proposals approved by the scientific committees of the Division to ensure that the purposes of this Act and the needs of the Nation are being met.

(3) MEETINGS.—

(A) IN GENERAL.—The Council shall hold periodic meetings in order to—

(i) provide an interface between scientists and stakeholders; and

(ii) ensure that the Division is linking national goals with realistic scientific opportunities.

(B) TIMING.—The meetings shall be held at the call of the Director, or at the call of the Secretary, but not less frequently than annually.

SEC. 5. FUNCTIONS OF DIVISION.

(a) COMPETITIVE RESEARCH.—

(1) IN GENERAL.—The Director shall carry out the purposes of this Act by awarding competitive peer-reviewed grants to support and promote the very highest quality of fundamental agricultural research.

(2) GRANT RECIPIENTS.—The Director shall make grants to fund research proposals submitted by—

(A) individual scientists;

(B) single and multi-institutional research centers; and

(C) entities from the private and public sectors, including researchers in the Department of Agriculture, the Foundation, or other Federal agencies.

(b) COMPLEMENTARY RESEARCH.—The research funded by the Division shall—

(1) supplement and enhance, not supplant, the existing research programs of, or funded by, the Department of Agriculture, the Foundation, and the National Institutes of Health; and

(2) seek to make existing research programs more relevant to the United States food and agriculture system, consistent with the purposes of this Act.

(c) GRANT-AWARDING ONLY.—The Division's sole duty shall be to award grants. The Division may not conduct fundamental agricultural research or fundamental science, or operate any laboratories or pilot plants.

(d) PROCEDURES.—The Director shall establish procedures for the peer review, awarding, and administration of grants under this Act, consistent with sound management and the findings and purposes described in section 3.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 104—EXPRESSING THE SENSE OF THE SENATE ENCOURAGING THE ACTIVE ENGAGEMENT OF AMERICANS IN WORLD AFFAIRS AND URGING THE SECRETARY OF STATE TO TAKE THE LEAD AND COORDINATE WITH OTHER GOVERNMENTAL AGENCIES AND NON-GOVERNMENTAL ORGANIZATIONS IN CREATING AN ONLINE DATABASE OF INTERNATIONAL EXCHANGE PROGRAMS AND RELATED OPPORTUNITIES

Mr. FEINGOLD (for himself and Mr. HAGEL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 104

Whereas the United States needs to do a better job of building personal and institutional relationships with peoples and Nations around the world in order to combat the rise in anti-American sentiment that many polls and studies have reported;

Whereas a broad bipartisan consensus in favor of strengthening United States public diplomacy emerged during 2003 in Congress and was expressed in various reports, including reports of the Council on Foreign Relations, the General Accounting Office, the Advisory Commission on Public Diplomacy, the Heritage Foundation, and the Advisory Group on Public Diplomacy for the Arab and Muslim World;

Whereas, in July 2004, the National Commission on Terrorist Attacks Upon the United States released its final report on United States intelligence, which determined that "[j]ust as we did in the Cold War, we need to defend our ideals abroad vigorously. America does stand up for its values . . . If the United States does not act aggressively to define itself in the Islamic World, the extremists will gladly do the job for us.";

Whereas the National Intelligence Reform Act of 2004 declares the sense of Congress that the United States should commit to a long-term and significant investment in promoting people-to-people engagement with all levels of society in other countries;

Whereas international exchange programs, which have assisted in extending American influence around the world by educating the world's leaders, have suffered from a decline in funding and policy priority;

Whereas, when students are instructed in their civic and community responsibilities during secondary education, the importance of their participation in global affairs should be underscored as well;

Whereas the number of United States university-level students studying abroad in 2002–2003 was 174,629, representing just over 1 percent of United States students;

Whereas ⅔ of United States students studying abroad study in Western Europe (18.2 percent in the United Kingdom alone), although 95 percent of the world population growth in the next 50 years is expected to occur outside of Western Europe;

Whereas there are 29,953,000 retired workers in the United States as of December 2004, meaning that there are many older Americans who have the talent, maturity, and time to volunteer their services abroad;

Whereas the average United States college graduate who has studied 1 of the less commonly taught languages reaches no more than an intermediate level of proficiency in the language, which is insufficient to meet national security requirements; and

Whereas there are hundreds of well-established organizations in the United States that implement educational and professional exchanges, international volunteering, and related programs, and the efforts of those organizations could readily be expanded to reach out to more Americans: Now, therefore, be it

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the "People-to-People Engagement in World Affairs Resolution".

SEC. 2. SENSE OF SENATE.

It is the sense of the Senate that—

(1) the Secretary of State should coordinate with implementing partners in creating an online database that provides information on how Americans can take advantage of—

(A) international exchange programs of the Department of State, the Department of Education, and other Federal Government and non-government entities;

(B) volunteer opportunities with organizations that assist refugees and immigrants in the United States;

(C) opportunities to host international students and professionals in the United States;

(D) sister-city organizations in the United States;

(E) international fairs and cultural events in the United States; and

(F) foreign language learning opportunities;

(2) Americans should strive to become more engaged in international affairs and more aware of peoples and developments outside the United States;

(3) Americans should seize 1 or more opportunities toward this end, by such means as—

(A) participating in a professional or cultural exchange;

(B) studying abroad;

(C) volunteering abroad;

(D) working with an immigrant or refugee group;

(E) hosting a foreign student or professional;

(F) participating in a sister-city program; and

(G) learning a foreign language; and

(4) Members of Congress should raise the importance of international engagement in the districts and States the Members represent.

Mr. FEINGOLD. Mr. President, I am pleased to submit the People-to-People Engagement in World Affairs resolution with my colleague from Nebraska, Senator HAGEL.

In July 2004, the National Commission on Terrorist Attacks Upon the United States released its final report, which determined that "just as we did in the Cold War, we need to defend our ideals abroad vigorously. . . . If the United States does not act aggressively to define itself in the Islamic world,

the extremists will gladly do the job for us.'' The 9/11 Commission report clearly states that in the interests of national security, the U.S. must commit to a long-term, global strategy, which includes, among other things, effective public diplomacy.

Public diplomacy is an essential component of our efforts to define and defend America's interests and ideals abroad. But a successful, long-term approach to building solid relationships with the rest of the world is not just the mission of the State Department. It also requires the engagement of the American people.

This People-to-People Engagement in World Affairs resolution is a call to Americans to reach beyond our borders to engage with the world at an individual level. It encourages Americans to seize opportunities to engage in the global arena—through participating in a professional or cultural exchange; studying or volunteering abroad; working with an immigrant or refugee group in the United States; hosting a foreign student or professional; participating in a sister-city program; or learning a foreign language. This resolution also urges the State Department to coordinate between government agencies and non-governmental organizations to create a database where Americans can learn of opportunities to become involved in world affairs. Furthermore, it encourages all Members of Congress to work to raise the importance of citizen diplomacy in their states and districts.

Americans must make a serious investment in reaching across borders and reversing the tide of increasing anti-American sentiments abroad. According to a 2003 Pew Research Center survey, during 1999–2000, more than 50 percent of the people in surveyed countries held a favorable view of the U.S., and in at least one country, favorable views of the U.S. were held by over 80 percent of those surveyed. More recent surveys reveal a stark contrast with those figures and growing anti-American sentiment. Pew found that, by 2003, favorable views of the United States in these countries plummeted. Additionally, whereas negative public opinion of the U.S. among Muslims was once limited to the Middle East, now it has spread to populations in places like Nigeria and Indonesia. Pew found that ''the bottom has fallen out of Arab and Muslim support for the United States.''

While these sentiments are most notable in the Muslim world, they extend even farther, coloring the views of many others.

Growing anti-American sentiment abroad is dangerous and breeds misperceptions in future generations. Our ability to work with allies to foster democratic societies and tackle global problems relates directly to our image abroad. Building an international coalition with our allies requires their trust that our efforts are genuine. Success in combating terrorism, the greatest global threat, is contingent upon a unified, global participation. Members of the international community must collaborate to eliminate loopholes that terrorist networks manipulate when intelligence and communication break down between borders.

Anti-Americanism can feed a steady supply of recruits and supporters for terrorist networks, intent on our destruction. Terrorist networks capitalize on misperceptions about the U.S. to advance their own agenda and scapegoat the U.S. as the reason for the poverty, weak and corrupt states, and powerlessness that many experience on a daily basis.

International cooperation is also essential for effective progress in other important, trans-border issues, such as the proliferation of WMD, human trafficking, poverty, environmental degradation, and diseases from HIV/AIDS to polio. We cannot solve these problems alone—we need allies to help find and achieve meaningful solutions.

Combating anti-American sentiments requires that we engage in a conversation with people in all levels of society beyond our borders. And as Secretary Rice has noted, our dialogue cannot be a monologue. Talking at people about what the U.S. image abroad should be is not sustainable or effective. Talking with people, and listening to them, however, can be the start of real understanding and even trust. That conversation needs to happen at a governmental level, through public and private diplomacy, but it also needs to happen at an individual person-to-person level, through citizen diplomacy.

I have met with a number of groups from my State of Wisconsin that tell me they are concerned about misperceptions of America abroad, which they believe discourage people from coming to the U.S. to visit, study, learn about our wonderful country, and share their knowledge. I am so proud of the work people back in Wisconsin have done to overcome barriers to engaging outside our borders, whether by continuing Wisconsin's strong history of support for the Peace Corps, or by taking part in farmer to farmer initiatives and education exchange programs, building sister communities, or tirelessly working to ensure that Wisconsin maintains its success in attracting foreign visitors to our remarkable state. In 2004, Wisconsin was awarded the Goldman Sachs Foundation Prizes for Excellence in International Education in honor of its work to bring international education and skills into its curriculum. In fact, earlier this year, Wisconsin welcomed a group of teachers from Azerbaijan to study the workings of our education system to create a model for a new curriculum in their country.

Wisconsin also works to improve communities abroad. A non-profit organization based in Wisconsin helps abused children in Latvia and is working to create the first family shelter there for these children and their mothers. Another Wisconsinite who is an expert in dairy prices participated in a farmer to farmer program to assist in building a pricing system in Armenia's dairy industry. He was able to share his experiences from this program with myself and people back in the state.

Citizen diplomacy not only helps the rest of the world to understand us, it strengthens this country internally as well. Americans with insight into and understanding of the world beyond our borders become energized constituents who demand wise foreign policy and help all of us to understand global events.

President Kennedy acknowledged the importance of public diplomacy in 1960 and challenged Americans to serve their country through building stronger communities abroad. His vision is even more relevant today. It is our responsibility to connect with people outside our borders. This duty can be fulfilled by teachers, students, retirees, and anyone who can share the best of the American people. We are a generous nation. Many of our fellow Americans have dedicated their lives to bringing about change for a better world. It is in our hands to carry this mission forward.

SENATE RESOLUTION 105—DESIGNATING APRIL 15, 2005, AS NATIONAL YOUTH SERVICE DAY, AND FOR OTHER PURPOSES

Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. ALLEN, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CRAIG, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GREGG, Mr. HAGEL, Mr. ISAKSON, Mr. JOHNSON, Mr. KERRY, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. LEVIN, Mr. LOTT, Mr. MARTINEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REED, Mr. SALAZAR, Mr. SANTORUM, Mr. SCHUMER, Mr. SESSIONS, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. THUNE, and Mr. BUNNING) submitted the following resolution; which was considered and agreed to:

S. RES. 105

Whereas National Youth Service Day is an annual public awareness and education campaign that highlights the valuable contributions that young people make to their communities throughout the year;

Whereas the goals of National Youth Service Day are to mobilize youth as leaders in identifying and addressing the needs of their communities through service and service-learning, to support youth on a lifelong path of service and civic engagement, and to educate the public, the media, and policymakers about the year-round contributions of young people as community leaders;

Whereas young people in the United States, and in many other countries, are volunteering more than in any generation in history;

Whereas young people should be viewed as the hope not only of the future, but also of today, and should be valued for the idealism,

energy, creativity, and commitment they bring to the challenges found in their communities;

Whereas there is a fundamental and conclusive correlation between youth service and lifelong adult volunteering and philanthropy;

Whereas through community service, young people build character and learn valuable skills, including time management, teamwork, needs-assessment, and leadership, that are sought by employers;

Whereas service-learning, an innovative teaching method combining service to the community with curriculum-based learning, is a proven strategy to increase academic achievement and strengthens civic engagement and civic responsibility;

Whereas several private foundations and corporations in the United States support service-learning because they understand that strong communities begin with strong schools and a community investment in the lives and futures of youth;

Whereas a sustained investment by the Federal Government, business partners, schools, and communities fuels the positive, long-term cultural change that will make service and service-learning the common expectation and the common experience of all young people;

Whereas National Youth Service Day, a program of Youth Service America, is the largest service event in the world and is being observed for the 17th consecutive year in 2005;

Whereas National Youth Service Day, with the support of 50 lead agencies, hundreds of grant winners, and thousands of local partners, engages millions of young people nationwide;

Whereas National Youth Service Day will involve 114 national partners, including 8 Federal agencies and 10 organizations that are offering grants to support National Youth Service Day;

Whereas National Youth Service Day has inspired Global Youth Service Day, which occurs concurrently in over 120 countries and is now in its sixth year; and

Whereas young people will benefit greatly from expanded opportunities to engage in meaningful volunteer service and service-learning: Now, therefore, be it

Resolved,

SECTION 1. RECOGNITION AND ENCOURAGEMENT OF YOUTH COMMUNITY SERVICE.

The Senate recognizes and commends the significant contributions of American youth and encourages the cultivation of a common civic bond among young people dedicated to serving their neighbors, their communities, and the Nation.

SEC. 2. NATIONAL YOUTH SERVICE DAY.

The Senate—

(1) designates April 15, 2005, as ''National Youth Service Day''; and

(2) calls on the people of the United States to—

(A) observe the day by encouraging and engaging youth to participate in civic and community service projects;

(B) recognize the volunteer efforts of our Nation's young people throughout the year; and

(C) support these efforts and engage youth in meaningful decision making opportunities today as an investment in the future of our Nation.

SENATE CONCURRENT RESOLUTION 26—HONORING AND MEMORIALIZING THE PASSENGERS AND CREW OF UNITED AIRLINES FLIGHT 93

Mr. CONRAD (for himself, Mr. SANTORUM, Mr. ALLARD, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. CARPER, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. CORZINE, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mrs. FEINSTEIN, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Ms. LANDRIEU, Mr. LEAHY, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SCHUMER, Mr. SPECTER, and Mr. STEVENS) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 26

Whereas on September 11, 2001, acts of war involving the hijacking of commercial airplanes were committed against the United States, killing and injuring thousands of innocent people;

Whereas 1 of the hijacked planes, United Airlines Flight 93, crashed in a field in Pennsylvania;

Whereas while Flight 93 was still in the air, the passengers and crew, through cellular phone conversations with loved ones on the ground, learned that other hijacked airplanes had been used to attack the United States;

Whereas during those phone conversations, several of the passengers indicated that there was an agreement among the passengers and crew to try to overpower the hijackers who had taken over Flight 93;

Whereas Congress established the National Commission on Terrorist Attacks Upon the United States (commonly referred to as ''the 9–11 Commission'') to study the September 11, 2001, attacks and how they occurred;

Whereas the 9–11 Commission concluded that ''the nation owes a debt to the passengers of Flight 93. Their actions saved the lives of countless others, and may have saved either the U.S. Capitol or the White House from destruction.''; and

Whereas the crash of Flight 93 resulted in the death of everyone on board: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the United States owes the passengers and crew of United Airlines Flight 93 deep respect and gratitude for their decisive actions and efforts of bravery;

(2) the United States extends its condolences to the families and friends of the passengers and crew of Flight 93;

(3) not later than October 1, 2006, the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate shall select an appropriate memorial that shall be located in the United States Capitol and that shall honor the passengers and crew of Flight 93, who saved the United States Capitol from destruction; and

(4) the memorial shall state the purpose of the honor and the names of the passengers and crew of Flight 93 on whom the honor is bestowed.

Mr. CONRAD. Mr. President, I rise today to submit a concurrent resolution to honor the memory of the passengers on flight 93. As we reflect on the events of 9/11 and mourn the great loss we suffered, we remember the innocent who perished and we are reminded of the valiant efforts of those who saved lives, including the passengers and crew of United Airlines flight 93. Those brave people gave up their lives in order to save others that fateful day.

Last fall, the 9/11 Commission released its report about the series of events that took place on September 11, 2001. The Senate has subsequently undertaken an evaluation of the Commission's findings through a series of hearings. As the story continues to unfold, it becomes clearer how important the actions of the passengers and crew of flight 93 were. We now know that flight 93 was almost certainly headed to the U.S. Capitol or the White House. We also know the passengers of flight 93 learned through a series of phone calls to loved ones that hijackers on three other flights had turned airplanes into flying bombs that morning, crashing them into the World Trade Center and the Pentagon.

Armed only with that knowledge and their own courage and resolve, those brave passengers attacked the hijackers and forced them to crash flight 93 into rural Pennsylvania far short of its intended target. The 9/11 Commission concluded that the Nation owes a debt to the passengers of flight 93. Their actions saved the lives of countless others and may have saved either the U.S. Capitol or the White House from destruction. Those of us who work here in the Capitol owe a special debt of gratitude to those heroes. Their actions saved one of the greatest symbols of our democracy.

Today I am resubmitting a resolution honoring and memorializing the passengers and crew of United Airlines flight 93. This legislation expresses our deepest respect and gratitude to them, as well as condolences to their families and friends. This bill also calls for an appropriate memorial to be placed in the Capitol by the bicameral, bipartisan leaders of Congress.

Today I bow my head in memory of those who died at the World Trade Center and the Pentagon. I also pay respect to our first responders, volunteers, and average citizens who risked their lives to save others on that day.

Finally, I pay homage to the passengers and crew of flight 93 for taking on those who wished to harm our country and Nation's Capitol. I believe it is appropriate at this time to acknowledge the actions of the passengers of flight 93 for showing such remarkable heroism and to commemorate them in the very walls that might have crumbled had they not made that ultimate sacrifice. We are forever indebted to them and should never forget their bravery or sacrifice or that of their loved ones.

The Senate unanimously passed an identical resolution last October 11, within a month of its introduction, but it did not pass the House of Representatives before the adjournment of the 108th Congress. The bipartisan legislation I am reintroducing today has the

support of 25 of my colleagues, including Senator SANTORUM from Pennsylvania, who has joined me in leading this effort. I am also happy to report that Congressman SHUSTER of Pennsylvania will also be introducing companion legislation today.

I hope all my colleagues will join me in sponsoring this resolution. I hope on a broad bipartisan basis we are able to recognize those brave passengers and crew of flight 93 for what they did on that remarkable day.

Mr. SANTORUM. Mr. President, I rise today with Senator CONRAD as a proud cosponsor of a resolution which recognizes the immense bravery of the crew and passengers on flight 93. Over 3½ years have passed since September 11, 2001, but we, the American people, have not forgotten the bravery and selflessness that was shown by our fellow citizens on that day.

During the 108th Congress, the 9/11 Commission investigated the events that took place on September 11, 2001, including flight 93's crash in Somerset County, PA. As a result of a series of Senate hearings held to evaluate and gain a clearer understanding of the 9/11 Commission's findings, the actions of flight 93's passengers and crew have become increasingly evident. We know with near certainty now that the terrorists had plans of causing severe destruction to either the White House or the Capitol Building.

Having realized through phone calls to loved ones that three other planes had already been crashed that morning by terrorists, the passengers on flight 93 acted quickly and collaboratively to overtake the hijackers and force them to crash the plane into a rural part of Pennsylvania, keeping the plane's intended target safe from harm.

As a result of the 9/11 Commission's findings, we conclude that America is indebted to the heroic actions of those on flight 93, who showed great bravery so that many other lives could be spared from ruin.

We who work here in the Capitol are particularly indebted to those on board flight 93. In addition to saving the lives of thousands, the passengers on flight 93 ensured the preservation of one of the greatest symbols of America's freedom and democracy.

In an effort to recognize and honor the heroes on flight 93, I am proud to submit this resolution with Senator CONRAD. This resolution is an expression of our deep gratitude for what those on flight 93 did for each of us here in our Nation's Capital, as well as an expression of sorrow and condolence to their families and friends. Additionally, this resolution provides for a place in the Capitol Building to be memorialized in the name of the crew and passengers of flight 93, with a remembrance plaque placed at the location.

This day presents an opportunity to remember all of those who died on September 11, 2001. Additionally, our volunteers, first responders, and the American people deserve a heartfelt ''thank you'' for the strength and strong resolve they showed in the face of destructive, cowardly acts.

I hope that all of my colleagues will join with Senator CONRAD and me in this bipartisan effort to honor the crew and passengers on flight 93 for what they did on that infamous day in America's history. May their selfless actions, taken for us and the American people, never be forgotten.

AMENDMENTS SUBMITTED AND PROPOSED

SA 338. Ms. SNOWE (for herself, Mr. KERRY, Mr. LIEBERMAN, Ms. CANTWELL, Mr. BAYH, and Mr. PRYOR) submitted an amendment intended to be proposed by her to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table.

SA 339. Mr. DEWINE (for himself, Mr. DURBIN, Mr. ALLEN, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 340. Mr. DEWINE (for himself, Mr. DURBIN, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 341. Mr. DEWINE (for himself, Mr. DURBIN, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 342. Mr. DEWINE (for himself, Mr. BINGAMAN, Mr. COLEMAN, Mr. NELSON of Florida, Mr. MARTINEZ, Mr. CORZINE, Mrs. DOLE, Mr. DODD, and Mr. CHAFEE) submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 343. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 344. Mrs. MURRAY (for herself, Mr. AKAKA, Mr. BYRD, Mrs. BOXER, Mr. BINGAMAN, Mr. ROCKEFELLER, Ms. MIKULSKI, Mr. JEFFORDS, Mr. SALAZAR, Mr. DAYTON, Mr. SCHUMER, Mr. JOHNSON, Mr. CORZINE, Mrs. LINCOLN, Ms. LANDRIEU, Mr. DORGAN, and Mr. BIDEN) proposed an amendment to the bill H.R. 1268, supra.

SA 345. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 346. Mr. CORZINE (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 347. Mr. CORZINE (for himself, Mr. DEWINE, Mr. BROWNBACK, Mr. DURBIN, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 348. Mr. TALENT submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 349. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 350. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 351. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 352. Mr. SALAZAR (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 353. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 354. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 355. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 356. Mr. DURBIN (for himself, Ms. MIKULSKI, Mr. ALLEN, and Mr. CORZINE) proposed an amendment to the bill H.R. 1268, supra.

TEXT OF AMENDMENTS

SA 338. Ms. SNOWE (for herself, Mr. KERRY, Mr. LIEBERMAN, Ms. CANTWELL, Mr. BAYH, and Mr. PRYOR) submitted an amendment intended to be proposed by her to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 214, strike lines 5 through 19.

SA 339. Mr. DEWINE (for himself, Mr. DURBIN, Mr. ALLEN, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 159, strike line 6 and all that follows through page 160, line 22, and insert the following:

SEC. 1112. (a) INCREASE IN DEATH GRATUITY.—

(1) AMOUNT.—Section 1478(a) of title 10, United States Code, is amended by striking ''$12,000'' and inserting ''$100,000''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on

October 7, 2001, and shall apply with respect to deaths occurring on or after that date.

(3) NO ADJUSTMENT FOR INCREASES IN BASIC PAY BEFORE DATE OF ENACTMENT.—No adjustment shall be made under subsection (c) of section 1478 of title 10, United States Code, with respect to the amount in force under subsection (a) of that section, as amended by paragraph (1), for any period before the date of the enactment of this Act.

(4) PAYMENT FOR DEATHS BEFORE DATE OF ENACTMENT.—Any additional amount payable as a death gratuity under this subsection for the death of a member of the Armed Forces before the date of the enactment of this Act shall be paid to the eligible survivor of the member previously paid a death gratuity under section 1478 of title 10, United States Code, for the death of the member. If payment cannot be made to such survivor, payment of such amount shall be made to living survivor of the member otherwise highest on the list under 1477(a) of title 10, United States Code.

On page 161, line 23, strike ''$238,000'' and insert ''$150,000''.

SA 340. Mr. DEWINE (for himself, Mr. DURBIN, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INCREASED PERIOD OF CONTINUED TRICARE COVERAGE OF CHILDREN OF MEMBERS OF THE UNIFORMED SERVICES WHO DIE WHILE SERVING ON ACTIVE DUTY FOR A PERIOD OF MORE THAN 30 DAYS.

(a) PERIOD OF ELIGIBILITY.—Section 1079(g) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(g)''; and

(2) by striking the second sentence and inserting the following:

''(2) In addition to any continuation of eligibility for benefits under paragraph (1), when a member dies while on active duty for a period of more than 30 days, the member's dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for such benefits during the three-year period beginning on the date of the member's death, except that, in the case of such a dependent who is a child of the deceased, the period of continued eligibility shall be the longer of the following periods beginning on such date:

''(A) Three years.

''(B) The period ending on the date on which the child attains 21 years of age.

''(C) In the case of a child of the deceased who, at 21 years of age, is enrolled in a full-time course of study in a secondary school or in a full-time course of study in an institution of higher education approved by the administering Secretary and was, at the time of the member's death, in fact dependent on the member for over one-half of the child's support, the period ending on the earlier of the following dates:

''(i) The date on which the child ceases to pursue such a course of study, as determined by the administering Secretary.

''(ii) The date on which the child attains 23 years of age.

''(3) For the purposes of paragraph (2)(C), a child shall be treated as being enrolled in a full-time course of study in an institution of higher education during any reasonable period of transition between the child's completion of a full-time course of study in a secondary school and the commencement of an enrollment in a full-time course of study in an institution of higher education, as determined by the administering Secretary.

''(4) No charge may be imposed for any benefits coverage under this chapter that is provided for a child for a period of continued eligibility under paragraph (2), or for any benefits provided to such child during such period under that coverage.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 1, 2001, and shall apply with respect to deaths occurring on or after such date.

SA 341. Mr. DEWINE (for himself, Mr. DURBIN, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXPANSION OF AUTHORIZED USES OF EDUCATIONAL ASSISTANCE UNDER THE SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM.

Section 3531(a) of title 38, United States Code, is amended by inserting ''room, board,'' after ''equipment,''.

SA 342. Mr. DEWINE (for himself, Mr. BINGAMAN, Mr. COLEMAN, Mr. NELSON of Florida, Mr. MARTINEZ, Mr. CORZINE, Mrs. DOLE, Mr. DODD, and Mr. CHAFEE) submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 183, after line 23, add the following:

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For necessary expenses to provide assistance to Haiti under chapter 1 of part I of the Foreign Assistance Act of 1961, for child survival, health, and family planning/reproductive health activities, in addition to funds otherwise available for such purposes, $10,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

ASSISTANCE TO HAITI

SEC. 2105. (a)(1) The total amount appropriated by this chapter under the heading ''ECONOMIC SUPPORT FUND'' is increased by $21,000,000. Of the total amount appropriated under that heading, $21,000,000 shall be available for necessary expenses to provide assistance to Haiti.

(2) Of the funds made available under paragraph (1), up to $10,000,000 may be made available for election assistance in Haiti.

(3) Of the funds made available under paragraph (1), up to $10,000,000 may be made available for public works programs in Haiti.

(4) Of the funds made available under paragraph (1), up to $1,000,000 may be made available for administration of justice programs in Haiti.

(5) The amount made available under paragraph (1) is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

(b)(1) The total amount appropriated by this chapter under the heading ''INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT'' is increased by $10,000,000. Of the total amount appropriated under that heading, $10,000,000 shall be available for necessary expenses to provide assistance to Haiti.

(2) Of the funds made available under paragraph (1), up to $5,000,000 may be made available for training and equipping the Haitian National Police.

(3) Of the funds made available under paragraph (1), up to $5,000,000 may be made available to provide additional United States civilian police in support of the United Nations Stabilization Mission in Haiti.

(4) The amount made available under paragraph (1) is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

SA 343. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 231, between lines 3 and 4, insert the following:

SEC. 6047. The United States releases to the State of Arkansas the reversionary interest described in sections 2 and 3 of the Act entitled ''An Act authorizing the transfer of part of Camp Joseph T. Robinson to the State of Arkansas'', approved June 30, 1950 (64 Stat. 311, chapter 429), in and to the surface estate of the land constituting Camp Joseph T. Robinson, Arkansas, which lies east of the Batesville Pike county road, in sections 24, 25, and 36, township 3 north, range 12 west, Pulaski County, Arkansas.

SA 344. Mrs MURRAY (for herself, Mr. AKAKA, Mr. BYRD, Mrs. BOXER, Mr. BINGAMAN, Mr. ROCKEFELLER, Ms. MIKULSKI, Mr. JEFFORDS, Mr. SALAZAR, Mr. DAYTON, Mr. SCHUMER, Mr. JOHNSON, Mr. CORZINE, Mrs. LINCOLN, Ms. LANDRIEU, Mr. DORGAN, and Mr. BIDEN) proposed an amendment to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal to ensure expeditious construction of the San Diego border fence, and for other purposes; as follows:

On page 188, after line 20, add the following:

CHAPTER 5

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For necessary expenses for furnishing, as authorized by law, outpatient and inpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans as described in paragraphs (1) through (8) of section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the department and including medical supplies and equipment and salaries and expenses of health-care employees hired under title 38, United States Code, and to aid State homes as authorized under section 1741 of title 38, United States Code; $1,975,183,000 plus reimbursements: *Provided*, That of the amount under this heading, $610,183,000 shall be available to address the needs of servicemembers deployed for Operation Iraqi Freedom and Operation Enduring Freedom; *Provided further*, That of the amount under this heading, $840,000,000 shall be available, in equal amounts of $40,000,000, for each Veterans Integrated Service Network (VISN) to meet current and pending care and treatment requirements: *Provided further*, That of the amount under this heading, $525,000,000 shall be available for mental health care and treatment, including increased funding for centers for the provision of readjustment counseling and related mental health services under section 1712A of title 38, United States Code (commonly referred to as ''Vet Centers''), increased funding for post traumatic stress disorder (PTSD) programs, funding for the provision of primary care consultations for mental health, funding for the provision of mental health counseling in Community Based Outreach Centers (CBOCs), and funding to facilitate the provision of mental health services by Department of Veterans Affairs facilities that do not currently provide such services: *Provided further*, That the amount under this heading shall remain available until expended.

SA 345. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. The Secretary of Labor shall convey to the State of Michigan, for no consideration, all right, title, and interest of the United States in and to the real property known as the ''Detroit Labor Building'' and located at 7310 Woodward Avenue, Detroit, Michigan, to the extent the right, title, or interest was acquired through a grant to the State of Michigan under title III of the Social Security Act (42 U.S.C. 501 et seq.) or the Wagner-Peyser Act (29 U.S.C. 49 et seq.) or using funds distributed to the State of Michigan under section 903 of the Social Security Act (42 U.S.C. 1103).

SA 346. Mr. CORZINE (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 231, between lines 3 and 4, insert the following:

TITLE VII—ACCOUNTABILITY IN DARFUR

SECTION 7001. SHORT TITLE.

This title may be cited as the ''Darfur Accountability Act of 2005''.

SEC. 7002. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) GOVERNMENT OF SUDAN.—The term ''Government of Sudan'' means the National Congress Party-led government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of this title.

(3) MEMBER STATES.—The term ''member states'' means the member states of the United Nations.

(4) SUDAN NORTH-SOUTH PEACE AGREEMENT.—The term ''Sudan North-South Peace Agreement'' means the comprehensive peace agreement signed by the Government of Sudan and the Sudan People's Liberation Army/Movement on January 9, 2005.

(5) THOSE NAMED BY THE UN COMMISSION OF INQUIRY.—The term ''those named by the UN Commission of Inquiry'' means those individuals whose names appear in the sealed file delivered to the Secretary-General of the United Nations by the International Commission of Inquiry on Darfur to the United Nations Security Council.

(6) UN COMMITTEE.—The term ''UN Committee'' means the Committee of the Security Council established in United Nations Security Council Resolution 1591 (29 March 2005); paragraph 3.

SEC. 7003. FINDINGS.

Congress makes the following findings:

(1) On July 22, 2004, the House of Representatives and the Senate declared that the atrocities occurring in Darfur, Sudan are genocide.

(2) On September 9, 2004, Secretary of State Colin L. Powell stated before the Committee on Foreign Relations of the Senate, ''[w]hen we reviewed the evidence compiled by our team, along with other information available to the State Department, we concluded that genocide has been committed in Darfur and that the Government of Sudan and the [Janjaweed] bear responsibility—and genocide may still be occurring''.

(3) President George W. Bush, in an address before the United Nations General Assembly on September 21, 2004, stated, ''[a]t this hour, the world is witnessing terrible suffering and horrible crimes in the Darfur region of Sudan, crimes my government has concluded are genocide''.

(4) On July 30, 2004, the United Nations Security Council passed Security Council Resolution 1556, calling upon the Government of Sudan to disarm the Janjaweed militias and to apprehend and bring to justice Janjaweed leaders and their associates who have incited and carried out violations of human rights and international humanitarian law and carried out other atrocities in the Darfur region.

(5) On September 18, 2004, the United Nations Security Council passed Security Council Resolution 1564, determining that the Government of Sudan had failed to meet its obligations under Security Council Resolution 1556, calling for a military flight ban in and over the Darfur region, demanding the names of Janjaweed militiamen disarmed and arrested for verification, establishing an International Commission of Inquiry into violations of international humanitarian and human rights laws, and threatening sanctions should the Government of Sudan fail to fully comply with Security Council Resolutions 1556 and 1564.

(6) United Nations Security Council Resolution 1564 declares that if the Government of Sudan ''fails to comply fully'' with Security Council Resolutions 1556 and 1564, the Security Council shall consider taking ''additional measures'' against the Government of Sudan ''as contemplated in Article 41 of the Charter of the United Nations, such as actions to affect Sudan's petroleum sector or individual members of the Government of Sudan, in order to take effective action to obtain such full compliance and cooperation''.

(7) United Nations Security Council Resolution 1564 also ''welcomes and supports the intention of the African Union to enhance and augment its monitoring mission in Darfur'' and ''urges member states to support the African Union in these efforts, including by providing all equipment, logistical, financial, material, and other resources necessary to support the rapid expansion of the African Union Mission''.

(8) On February 1, 2005, the United Nations released the Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General, dated January 25, 2005, which stated that, ''[g]overnment forces and militias conducted indiscriminate attacks, including killing of civilians, torture, enforced disappearances, destruction of villages, rape and other forms of sexual violence, pillaging and forced displacement throughout Darfur'', that such ''acts were conducted on a widespread and systematic basis, and therefore may amount to crimes against humanity'', and that the ''magnitude and large-scale nature of some crimes against humanity as well as their

consistency over a long period of time, necessarily imply that these crimes result from a central planning operation''.

(9) The Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General notes that, pursuant to its mandate and in the course of its work, the UN Commission collected information relating to individual perpetrators of acts constituting ''violations of international human rights law and international humanitarian law, including crimes against humanity and war crimes'' and that the UN Commission has delivered to the Secretary-General of the United Nations a sealed file of those named by the UN Commission with the recommendation that the ''file be handed over to a competent Prosecutor''.

(10) On March 24, 2005, the United Nations Security Council passed Security Council Resolution 1590, establishing the United Nations Mission in Sudan (UNMIS) consisting of 10,000 military personnel and 715 civilian police personnel. The mandate of UNMIS includes to ''closely and continuously liaise and coordinate at all levels with the African Union Mission in Sudan (AMIS) with a view towards expeditiously reinforcing the effort to foster peace in Darfur, especially with regard to the Abuja peace process and the African Union Mission in Sudan''. Security Council Resolution 1590 also urged the Secretary-General and United Nations High Commissioner for Human Rights to increase the number and deployment rate of human rights monitors to Darfur.

(11) On March 29, 2005, the United Security Council passed Security Council Resolution 1591, establishing a Committee of the Security Council and a Panel of Experts to identify individuals who have impeded the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, or who are responsible for offensive overflights, and calling on member states to prevent those individuals identified from entry into or transit of their territories and to freeze those individuals non-exempted assets.

(12) On March 31, 2005, the United Nations Security Council passed Security Council Resolution 1593, referring the situation in Darfur since July 1, 2002, to the Prosecutor of the International Criminal Court (ICC) with the proviso that personnel from a state outside Sudan not a party to the Rome Statute of the ICC shall not be subject to the ICC in this instance.

SEC. 7004. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the atrocities unfolding in Darfur, Sudan, have been and continue to be genocide;

(2) the United States should immediately seek passage at the United Nations Security Council of a resolution that—

(A) extends the freezing of property and assets and denial of visas and entry, pursuant to United Nations Security Council Resolution 1591, to include—

(i) those named by the UN Commission of Inquiry;

(ii) family members of those named by the UN Commission of Inquiry and those designated by the UN Committee; and

(iii) any associates of those named by the UN Commission of Inquiry and those designated by the UN Committee to whom assets or property of those named by the UN Commission of Inquiry or those designated by the UN Committee were transferred on or after July 1, 2002;

(B) urges member states to submit to the Security Council the name of any individual that the government of any such member state believes is or has been planning, carrying out, responsible for, or otherwise involved in genocide, war crimes, or crimes against humanity in Darfur, along with evidence supporting such belief so that the Security Council may consider imposing sanctions pursuant to United Nations Security Council Resolution 1591;

(C) imposes additional sanctions or additional measures against the Government of Sudan, including sanctions that will affect the petroleum sector in Sudan, individual members of the Government of Sudan, and entities controlled or owned by officials of the government of Sudan or the National Congress Party in Sudan, that will remain in effect until such time as—

(i) humanitarian organizations are granted full, unimpeded access to Darfur;

(ii) the Government of Sudan cooperates with humanitarian relief efforts, carries out activities to demobilize and disarm Janjaweed militias and any other militias supported or created by the Government of Sudan, and cooperates fully with efforts to bring to justice the individuals responsible for genocide, war crimes, or crimes against humanity in Darfur;

(iii) the Government of Sudan cooperates fully with the African Union, the United Nations, and all other observer, monitoring, and protection missions mandated to operate in Sudan;

(iv) the Government of Sudan permits the safe and voluntary return of displaced persons and refugees to their homes and rebuilds the communities destroyed in the violence in Darfur; and

(v) the Sudan North-South Peace Agreement is fully implemented and a new coalition government is created under such Agreement;

(D) establishes a military no-fly zone in Darfur;

(E) supports the expansion of the African Union force in Darfur so that such force achieves the size and strength needed to prevent ongoing fighting and violence in Darfur;

(F) urges member states to accelerate assistance to the African Union force in Darfur;

(G) calls on the Government of Sudan to cooperate with, and allow unrestricted movement in Darfur by, the African Union force in the region, UNMIS, international humanitarian organizations, and United Nations monitors;

(H) extends the embargo of military equipment established by paragraphs 7 through 9 of Security Council Resolution 1556 and expanded by Security Council Resolution 1591 to include a total prohibition of sale or supply to the Government of Sudan;

(I) supports African Union and other international efforts to negotiate peace talks between the Government of Sudan and rebels in Darfur, calls on the Government of Sudan and rebels in Darfur to abide by their obligations under the N'Djamena Ceasefire Agreement of April 8, 2004, and subsequent agreements, and urges parties to engage in peace talks without preconditions and seek to resolve the conflict; and

(J) expands the mandate of UNMIS to include the protection of civilians throughout Sudan, including Dafur;

(3) the United States should work with other nations to ensure effective efforts to freeze the property and assets of and deny visas and entry to—

(A) those named by the UN Commission of Inquiry and those designated by the UN Committee;

(B) any individuals the United States believes is or has been planning, carrying out, responsible for, or otherwise involved in genocide, war crimes, and crimes against humanity in Darfur;

(C) family members of any person described in subparagraphs (A) or (B); and

(D) any associates of any such person to whom assets or property of such person were transferred on or after July 1, 2002;

(4) the United States should not provide assistance to the Government of Sudan, other than assistance necessary for the implementation of the Sudan North-South Peace Agreement, the support of the southern regional government in Sudan, or for humanitarian purposes in Sudan, unless the President certifies and reports to Congress that—

(A) humanitarian organizations are being granted full, unimpeded access to Darfur and the Government of Sudan is providing full cooperation with humanitarian efforts;

(B) concrete, sustained steps are being taken toward demobilizing and disarming Janjaweed militias and any other militias supported or created by the Government of Sudan;

(C) the Government of Sudan is cooperating fully with international efforts to bring to justice those responsible for genocide, war crimes, or crimes against humanity in Darfur;

(D) the Government of Sudan cooperates fully with the African Union, the United Nations, and all other observer, monitoring, and protection missions mandated to operate in Sudan;

(E) the Government of Sudan permits the safe and voluntary return of displaced persons and refugees to their homes and rebuilds the communities destroyed in the violence in Darfur; and

(F) the Sudan North-South Peace Agreement is fully implemented and a new coalition government is created under such Agreement;

(5) the President should work with international organizations, including the North Atlantic Treaty Organization (NATO), the United Nations, and the African Union to establish mechanisms for the enforcement of a no-fly zone in Darfur;

(6) the African Union should extend its mandate in Darfur to include the protection of civilians and proactive efforts to prevent violence, and member states should support fully this extension;

(7) the President should accelerate assistance to the African Union force in Darfur and discussions with the African Union and the European Union and other supporters of the African Union force on the needs of such force, including assistance for housing, transportation, communications, equipment, technical assistance such as training and command and control assistance, and intelligence;

(8) the President should appoint a Presidential Envoy for Sudan—

(A) to support the implementation of the Sudan North-South Peace Agreement;

(B) to seek ways to bring stability and peace to Darfur;

(C) to address instability elsewhere in Sudan; and

(D) to seek a comprehensive peace throughout Sudan;

(9) United States officials, including the President, the Secretary of State, and the Secretary of Defense, should raise the issue of Darfur in bilateral meetings with officials from other members of the United Nations Security Council and relevant countries, with the aim of passing a United Nations Security Council resolution described in paragraph (2) and mobilizing maximum support for political, financial, and military efforts to stop the genocide in Darfur;

(10) the Secretary of State should immediately engage in a concerted, sustained campaign with other members of the United

Nations Security Council and relevant countries with the aim of achieving the goals described in paragraph (9);

(11) the United States fully supports the Sudan North-South Peace Agreement and urges the rapid implementation of its terms;

(12) the United States condemns attacks on humanitarian workers and calls on all forces in Darfur, including forces of the Government of Sudan, all militia, and forces of the Sudan Liberation Army/Movement and the Justice and Equality Movement, to refrain from such attacks; and

(13) The United States should actively participate in the UN Committee and the Panel of Experts established pursuant to Security Council Resolution 1591, and work to support the Secretary-General and the United Nations High Commissioner for Human Rights in their efforts to increase the number and deployment rate of human rights monitors to Darfur.

SEC. 7005. IMPOSITION OF SANCTIONS.

(a) FREEZING ASSETS.—At such time as the United States has access to the names of those named by the UN Commission of Inquiry and those designated by the UN Committee, the President shall, except as described under subsection (c), take such action as may be necessary to immediately freeze the funds and other assets belonging to anyone so named, their family members, and any associates of those so named to whom assets or property of those so named were transferred on or after July 1, 2002, including requiring that any United States financial institution holding such funds and assets promptly report those funds and assets to the Office of Foreign Assets Control.

(b) VISA BAN.—Beginning at such times as the United States has access to the names of those named by the UN Commission of Inquiry and those designated by the UN Committee, the President shall, except as described under subsection (c), deny visas and entry to—

(1) those named by the UN Commission of Inquiry and those designated by the UN Committee;

(2) the family members of those named by the UN Commission of Inquiry and those designated by the UN Committee; and

(3) anyone the President determines has been, is, or may be planning, carrying out, responsible for, or otherwise involved in crimes against humanity, war crimes, or genocide in Darfur, Sudan.

(c) WAIVER AUTHORITY.—The President may elect not to take an action otherwise required to be taken with respect to an individual under subsection (a) or (b) after submitting to Congress a report—

(1) naming the individual with respect to whom the President has made such election;

(2) describing the reasons for such election; and

(3) including the determination of the President as to whether such individual has been, is, or may be planning, carrying out, responsible for, or otherwise involved in crimes against humanity, war crimes, or genocide in Darfur, Sudan.

(d) ASSET REPORTING REQUIREMENT.—Not later than 14 days after a decision to freeze the property or assets of, or deny a visa or entry to, any person under this section, the President shall report the name of such person to the appropriate congressional committees.

(e) NOTIFICATION OF WAIVERS OF SANCTIONS.—Not later than 30 days before waiving the provisions of any sanctions currently in force with regard to Sudan, the President shall submit to the appropriate congressional committees a report describing the waiver and the reasons therefor.

SEC. 7006. REPORTS TO CONGRESS.

(a) REPORTS ON STABILIZATION IN SUDAN.—

(1) INITIAL REPORT.—Not later than 30 days after the date of enactment of this title, the Secretary of State, in conjunction with the Secretary of Defense, shall report to the appropriate congressional committees on efforts to deploy an African Union force in Darfur, the capacity of such force to stabilize Darfur and protect civilians, the needs of such force to succeed at such mission including housing, transportation, communications, equipment, technical assistance, including training and command and control, and intelligence, current status of United States and other assistance to the African Union force, and additional United States assistance needed.

(2) SUBSEQUENT REPORTS.—

(A) UPDATES REQUIRED.—The Secretary of State, in conjunction with the Secretary of Defense, shall submit an update of the report submitted under paragraph (1) until such time as the President certifies that the situation in Darfur is stable and that civilians are no longer in danger and that the African Union is no longer needed to prevent a resumption of violence and attacks against civilians.

(B) DURATION OF REPORTING REQUIREMENT.—The Secretary of State shall submit any updated reports required under subparagraph (A)—

(i) every 60 days during the 2-year period following the date of the enactment of this Act; and

(ii) after such 2-year period, as part of the report required under section 8(b) of the Sudan Peace Act (50 U.S.C. 1701 note), as amended by section 5(b) of the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497; 118 Stat. 4018).

(b) REPORT ON THOSE NAMED BY THE UN COMMISSION OF INQUIRY.—At such time as the United States has access to the names of those named by the UN Commission of Inquiry, the President shall submit to the appropriate congressional committees a report listing such names.

SA 347. Mr. CORZINE (for himself, Mr. DEWINE, Mr. BROWNBACK, Mr. DURBIN, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 183, after line 23, add the following:

REQUIREMENT FOR TRANSFER OF FUNDS

SEC. 2105. Not later than 15 days after the date of the enactment of this Act, the authority contained under the heading ''INTERNATIONAL DISASTER AND FAMINE ASSISTANCE'' in chapter 2 of title II of Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108-106; 117 Stat. 1227) to transfer funds made available under such chapter, shall be fully exercised and the funds transferred as follows:

(1) $53,000,000 shall be transferred to and consolidated with funds appropriated under the heading ''PEACEKEEPING OPERATIONS'' in title III of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (as enacted in division D of Public Law 108-447; 118 Stat. 2988) and used for the support of the efforts of the African Union to halt genocide and other atrocities in Darfur, Sudan; and

(2) $40,500,000 shall be transferred to and consolidated with funds appropriated under the heading ''INTERNATIONAL DISASTER AND FAMINE ASSISTANCE'' in such Act and used for assistance for Darfur, Sudan.

SA 348. Mr. TALENT submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 169, between lines 8 and 9, insert the following:

PROCUREMENT OF COMMERCIAL SATELLITE BANDWIDTH SERVICES

SEC. 1122. The Secretary of Defense may not implement the action plan for the procurement of commercial satellite bandwidth services proposed by the Assistant Secretary of Defense for Networks and Information Integration on December 14, 2004, or enter into any new contract for commercial satellite communications services (other than through existing contract vehicles), until 30 days after the date on which the Comptroller General of the United States submits to the congressional defense committees a report setting forth the comprehensive assessment and recommendations of the Comptroller General regarding the Defense Information Systems Network Satellite Transmission Services–Global (DSTS–G) program, as previously requested by Congress.

SA 349. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 169, between lines 8 and 9, insert the following:

ACQUISITION OF VITAL LEARNING RECRUITMENT/RETENTION SCREENING TEST PROGRAM

SEC. 1122. (a) IN GENERAL.—In determining the person or entity to supply the Vital Learning Recruitment/Retention Screening Test Program to the Navy for purposes of the acquisition of that program, the Secretary of the Navy shall utilize a strategy that emphasizes past performance on technical capabilities (commonly referred to as a ''best value'' strategy) applicable to that program.

(b) VITAL LEARNING RECRUITMENT/RETENTION SCREENING TEST PROGRAM DEFINED.—In this section, the term ''Vital Learning Recruitment/Retention Screening Test Program'' means the recruitment and retention screening test program of the Navy for which $1,000,000 is available under the heading ''OPERATION AND MAINTENANCE, NAVY'' in each of the Department of Defense Appropriations Act, 2004 (Public Law 108–87; 117 Stat. 1057) and the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 954).

SA 350. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. IMPLEMENTATION OF MISSION CHANGES AT SPECIFIC VETERANS HEALTH ADMINISTRATION FACILITIES.

Section 414(c)(1) of the Veterans Health Programs Improvement Act of 2004, is amended by inserting '', and all outpatient clinics in the VA Boston Healthcare System'' before the period at the end.

SA 351. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. SENSE OF THE SENATE ON THE EARNED INCOME TAX CREDIT.

(a) FINDINGS.—The Senate makes the following findings:

(1) In an effort to provide support to military families, this Act includes an important increase in the maximum payable benefit under Servicemembers' Group Life Insurance from $150,000 to $400,000.

(2) In an effort to provide support to military families, this Act includes an important increase in the death gratuity from $12,000 to $100,000.

(3) In an effort to provide support to military families, this Act includes an important increase in the maximum Reserve Affiliation bonus to $10,000.

(4) The Federal earned income tax credit (EITC) under section 32 of the Internal Revenue Code of 1986 provides critical tax relief and support to military as well as civilian families. In 2003, approximately 21,000,000 families benefitted from the EITC.

(5) Nearly 160,000 active duty members of the armed forces, 11 percent of all active duty members, currently are eligible for the EITC, based on analyses of data from the Department of Defense and the Government Accountability Office.

(6) Congress acted in 2001 and 2004 to expand EITC eligibility to more military personnel, recognizing that military families and their finances are intensely affected by war.

(7) With over 300,000 National Guard and reservists called to active duty since September 11, 2001, the need for tax assistance is greater than ever.

(8) Census data shows that the EITC lifted 4,900,000 people out of poverty in 2002, including 2,700,000 children. The EITC lifts more children out of poverty than any other single program or category of programs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Congress should take steps necessary to support our troops and their families;

(2) it is not in the interests of our troops and their families to reduce the earned income tax credit under section 32 of the Internal Revenue Code of 1986; and

(3) the conference committee for H. Con. Res. 96, the concurrent resolution on the budget for fiscal year 2006, should not assume any reduction in the earned income tax credit in the budget process this year, as provided in such resolution as passed by the House of Representatives.

SA 352. Mr. SALAZAR (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 162, between lines 22 and 23, insert the following:

SEC. 1113. RENAMING OF DEATH GRATUITY PAYABLE FOR DEATHS OF MEMBERS OF THE ARMED FORCES AS FALLEN HERO COMPENSATION.

(a) IN GENERAL.—Subchapter II of chapter 75 of title 10, United States Code, is amended as follows:

(1) In section 1475(a), by striking ''have a death gratuity paid'' and inserting ''have fallen hero compensation paid''.

(2) In section 1476(a)—

(A) in paragraph (1), by striking ''a death gratuity'' and inserting ''fallen hero compensation''; and

(B) in paragraph (2), by striking ''A death gratuity'' and inserting ''Fallen hero compensation''.

(3) In section 1477(a), by striking ''A death gratuity'' and inserting ''Fallen hero compensation''.

(4) In section 1478(a), by striking ''The death gratuity'' and inserting ''The amount of fallen hero compensation''.

(5) In section 1479(1), by striking ''the death gratuity'' and inserting ''fallen hero compensation''.

(6) In section 1489—

(A) in subsection (a), by striking ''a gratuity'' in the matter preceding paragraph (1) and inserting ''fallen hero compensation''; and

(B) in subsection (b)(2), by inserting ''or other assistance'' after ''lesser death gratuity''.

(b) CLERICAL AMENDMENTS.—(1) Such subchapter is further amended by striking ''**Death gratuity:**'' each place it appears in the heading of sections 1475 through 1480 and 1489 and inserting ''**Fallen hero compensation:**''.

(2) The table of sections at the beginning of such subchapter is amended by striking ''Death gratuity:'' in the items relating to sections 1474 through 1480 and 1489 and inserting ''Fallen hero compensation:''.

(c) GENERAL REFERENCES.—Any reference to a death gratuity payable under subchapter II of chapter 75 of title 10, United States Code, in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to fallen hero compensation payable under such subchapter, as amended by this section.

SA 353. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

OPERATIONS AND MAINTENANCE, GENERAL

The Secretary of the Army, acting through the Chief of Engineers, shall use any funds appropriated to the Secretary pursuant to this Act to repair, restore, and maintain projects and facilities of the Corps of Engineers, including by dredging navigation channels, cleaning area streams, providing emergency streambank protection, restoring such public infrastructure as the Secretary determines to be necessary (including sewer and water facilities), conducting studies of the impacts of floods, and providing such flood relief as the Secretary determines to be appropriate: *Provided*, That of those funds, $32,000,000 shall be used by the Secretary for the Upper Peninsula, Michigan.

SA 354. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 169, between lines 8 and 9, insert the following:

PROHIBITION ON IMPLEMENTATION OF CERTAIN ORDERS AND GUIDANCE ON FUNCTIONS AND DUTIES OF GENERAL COUNSEL AND JUDGE ADVOCATE GENERAL OF THE AIR FORCE

SEC. 1122. No funds appropriated or otherwise made available by this Act, or any other Act, may be obligated or expended to implement or enforce either of the following:

(1) The order of the Secretary of the Air Force dated May 15, 2003, and entitled ''Functions and Duties of the General Counsel and the Judge Advocate General''.

(2) Any internal operating instruction or memorandum issued by the General Counsel of the Air Force in reliance upon the order referred to in paragraph (1).

SA 355. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CONSTRUCTION, GENERAL

The Secretary of the Army, acting through the Chief of Engineers, shall carry out construction at the Jacksonville Harbor, Florida, in accordance with the report of the Chief of Engineers dated July 22, 2003, using the funds appropriated for that purpose under title I of division C of the Energy and Water Development Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2935).

SA 356. Mr. DURBIN (for himself, Ms. MIKULSKI, Mr. ALLEN, and Mr. CORZINE) proposed an amendment to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; as follows:

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.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, April 19, at 10 a.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony concerning offshore hydrocarbon production and the future of alternate energy resources on the outer Continental Shelf. Issues to be discussed include: recent technological advancements made in the offshore exploration and production of traditional forms of energy, and the future of deep shelf and deepwater production; enhancements in worker safety, and steps taken by the offshore oil and gas industry to meet environmental challenges. Participants in the hearing will also address ways that the Federal Government can facilitate increased exploration and production offshore while protecting the environment. New approaches to help diversify the offshore energy mix will also be discussed.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact: Shane Perkins at 202–224–7555.

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, April 19, 2005 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 166, to amend the Oregon Resource Conservation Act of 1996 to reauthorize the participation of the Bureau of Reclamation in the Deschutes River Conservancy, and for other purposes; S. 251, to authorize the Secretary of the Interior to conduct a

water resource feasibility study for the Little Butte/Bear Creek Subbasins in Oregon; S. 310, to direct the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District in the State of Nevada; S. 519, to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects and activities under that Act, and for other purposes; and S. 592, to extend the contract for the Glendo Unit of the Missouri Basin Project in the State of Wyoming.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Kellie Donnelly 202–224–9360 or Shane Perkins at 202–224–7555.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 12, 2005, at 9:30 a.m., in closed session to receive testimony on the assessment of Iraqi security forces.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on the nominations of Dr. Michael Griffin to be Administrator of the National Aeronautics and Space Administration, Mr. Joseph Boardman to be Administrator of the Federal Railroad Administration, Ms. Nancy Nord to be Commissioner of the Consumer Product Safety Commission, and The Honorable William W. Cobey, Jr. to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority, on Tuesday, April 12, 2005, at 10:15 a.m., in SR–253.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, April 12, at 10 a.m. in room SD–366.

The purpose of the hearing is to discuss opportunities to advance technology that will facilitate environmentally friendly development of oil shale and oil sands resources. The hearing will address legislative and administrative actions necessary to provide incentives for industry investment, as well as explore concerns and experiences of other governments and organizations and the interests of industry.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 12, 2005, at 9:30 a.m., to hold a nomination hearing.

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

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet in a closed briefing on Tuesday, April 12, 2005, at 11:30 a.m., in S–407, the Capitol.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 12, 2005, at 10 a.m. and 2:30 p.m., to hold hearings.

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

SPECIAL COMMITTEE ON AGING

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Tuesday, April 12, 2005, from 2:30 p.m. to 5 p.m., in Dirksen 106, for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate on Tuesday, April 12 at 2:30 p.m. to review management and planning issues for the National Mall, including the history of development, security projects and other planned constructions, and future development plans.

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

SUBCOMMITTEE ON SEAPOWER

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Seapower be authorized to meet during the session of the Senate on April 12 at 2:30 p.m. to receive testimony on Navy shipbuilding and industrial base status in review of the defense authorization request for fiscal year 2006.

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

PRIVILEGE OF THE FLOOR

Mr. CARPER. Mr. President, I ask unanimous consent that Richard Litsey, a fellow on the Finance Committee staff of Senator BAUCUS, be granted the privilege of the floor during consideration of H.R. 1268, the emergency Iraq/Afghanistan supplemental appropriations, and all rollcall votes thereon.

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

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senator JOHN MCCAIN's legislative fellow, Navy CDR Shawn Grenier, be granted floor privileges during the consideration of H.R. 1268, the Emergency Supplemental Appropriations Act.

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

Mr. BYRD. Mr. President, on behalf of Senator BAUCUS, I ask unanimous consent that Cuong Huynh, a fellow on his staff at the Finance Committee, be accorded floor privileges during the consideration of H.R. 1268, the emergency Iraq-Afghanistan supplemental appropriation bill, and any votes thereon.

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

NATIONAL YOUTH SERVICE DAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent the Senate now proceed to consideration of S. Res. 105, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 105) designating April 15, 2005, as National Youth Service Day, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Ms. MURKOWSKI. Mr. President, I rise in support of S. Res. 105, a resolution designating April 15, 2005, as National Youth Service Day. S. Res. 105 acknowledges the remarkable community service efforts that our Nation's youth are making in communities across the country on April 15 and every day, and encourages all people to recognize and support the significance of these contributions.

National Youth Service Day is a public awareness and education campaign that highlights the extraordinary contributions that young people make to their communities throughout the year. On this day, youth from across the United states and the world will carry out community service projects in areas ranging from hunger to literacy to the environment. National Youth Service Day is the largest service event in the world that brings millions of youth and over 50 local, regional, and national partners together to support and promote youth service.

In Alaska, the following groups will engage youth in community service activities on April 15:

(1) Anchorage's Promise, along with 70 other youth/family organizations from Anchorage and the Mat-Su Valley, will mobilize all sectors of the

community to build the character and competence of Anchorage's children and youth by fulfilling the Five Promises: caring adults, safe places, a healthy start, marketable skills, and opportunities to serve. This year's National Youth Service Day celebration in anchorage hopes to engage at least 7,000 youth in service-learning projects throughout the city.

(2) Cook Inlet Tribal Council Youth Center will prepare and serve traditional Alaska Native dishes to 75–100 homeless people in downtown Anchorage.

(3) As part of the Anchorage Youth Make It Better Project, the mountain View Boys and Girls Club, Alaska Division of Juvenile Justice, members of the Boy Scouts of America Venturing Program, interested AmeriCorps/VISTA volunteers, and the Alaska Points of Light Youth Leadership Institute Student Alumni association will organize and conduct a Youth Make A Better Community essay contest involving 50 Anchorage fifth and sixth grade students. The students will write about how they would improve the community. In addition, 25 middle and high school students will design and paint an outdoor mural in Mountain View highlighting important social issues and traits of good character.

(4) In Koyukuk, young people will be helping elders with household chores they cannot do for themselves.

(5) In the Matanuska-Susitna Valley, Communities In Schools Mat-Su has organized 25 students from the Mat-Su Youth Facility School and students from the Chickaloon Tribal School to work on building a Chicken Coop for the tribal sustainability project.

Many similar and wonderful activities will be taking place all across the Nation.

I thank my colleagues—Senators AKAKA, ALLEN, BAYH, BINGAMAN, BOXER, BUNNING, CLINTON, COCHRAN, COLEMAN, COLLINS, CONRAD, CORNYN, CRAIG, DEWINE, DODD, DOMENICI, DORGAN, DURBIN, FEINGOLD, FEINSTEIN, GREGG, HAGEL, ISAKSON, JOHNSON, KERRY, LANDRIEU, LIEBERMAN, LEVIN, LOTT, MARTINEZ, MIKULSKI, MURRAY, NELSON, REED, SALAZAR, SANTORUM, SCHUMER, SESSIONS, SNOWE, SPECTER, STABENOW, STEVENS, BUNNING and THUNE—for co-sponsoring this worthwhile legislation, which will ensure that youth across the country and the world know that all of their hard work is greatly appreciated.

Mr. MCCONNELL. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

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

The resolution (S. Res. 105) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 105

Whereas National Youth Service Day is an annual public awareness and education campaign that highlights the valuable contributions that young people make to their communities throughout the year;

Whereas the goals of National Youth Service Day are to mobilize youth as leaders in identifying and addressing the needs of their communities through service and service-learning, to support youth on a lifelong path of service and civic engagement, and to educate the public, the media, and policymakers about the year-round contributions of young people as community leaders;

Whereas young people in the United States, and in many other countries, are volunteering more than in any generation in history;

Whereas young people should be viewed as the hope not only of the future, but also of today, and should be valued for the idealism, energy, creativity, and commitment they bring to the challenges found in their communities;

Whereas there is a fundamental and conclusive correlation between youth service and lifelong adult volunteering and philanthropy;

Whereas through community service, young people build character and learn valuable skills, including time management, teamwork, needs-assessment, and leadership, that are sought by employers;

Whereas service-learning, an innovative teaching method combining service to the community with curriculum-based learning, is a proven strategy to increase academic achievement and strengthens civic engagement and civic responsibility;

Whereas several private foundations and corporations in the United States support service-learning because they understand that strong communities begin with strong schools and a community investment in the lives and futures of youth;

Whereas a sustained investment by the Federal Government, business partners, schools, and communities fuels the positive, long-term cultural change that will make service and service-learning the common expectation and the common experience of all young people;

Whereas National Youth Service Day, a program of Youth Service America, is the largest service event in the world and is being observed for the 17th consecutive year in 2005;

Whereas National Youth Service Day, with the support of 50 lead agencies, hundreds of grant winners, and thousands of local partners, engages millions of young people nationwide;

Whereas National Youth Service Day will involve 114 national partners, including 8 Federal agencies and 10 organizations that are offering grants to support National Youth Service Day;

Whereas National Youth Service Day has inspired Global Youth Service Day, which occurs concurrently in over 120 countries and is now in its sixth year; and

Whereas young people will benefit greatly from expanded opportunities to engage in meaningful volunteer service and service-learning: Now, therefore, be it

Resolved,

SECTION 1. RECOGNITION AND ENCOURAGEMENT OF YOUTH COMMUNITY SERVICE.

The Senate recognizes and commends the significant contributions of American youth and encourages the cultivation of a common civic bond among young people dedicated to serving their neighbors, their communities, and the Nation.

SEC. 2. NATIONAL YOUTH SERVICE DAY.

The Senate—

(1) designates April 15, 2005, as ''National Youth Service Day''; and

(2) calls on the people of the United States to—

(A) observe the day by encouraging and engaging youth to participate in civic and community service projects;

(B) recognize the volunteer efforts of our Nation's young people throughout the year; and

(C) support these efforts and engage youth in meaningful decision making opportunities today as an investment in the future of our Nation.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Democratic Leader, pursuant to Public Law 101–509, the appointment of Guy Rocha, of Nevada, to the Advisory Committee on the Records of Congress, vice Stephen Van Buren of South Dakota.

ORDERS FOR WEDNESDAY, APRIL 13, 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow, Wednesday, April 13. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business for up to 60 minutes, with the first 30 minutes under the control of the majority leader or his designee and the second 30 minutes under the control of the Democratic leader or his designee; provided that following morning business the Senate resume consideration of H.R. 1268, the Iraq-Afghanistan supplemental appropriations bill; provided further that there be 40 minutes equally divided in relation to Durbin amendment No. 356 prior to the vote in relation to the amendment, with no second degrees in order to the amendment prior to that vote.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object, I will not object, I say to my friend, the Republican whip, it is my intention to try to reduce the length of that debate depending on morning business. I understand many of our colleagues have a meeting at the White House. If we can expedite this debate time and bring the vote up before the Senator leaves, that is my intention.

Mr. MCCONNELL. That would be very good. We would either finish it before that meeting or do it after. I think we can get the vote in before that meeting. It would be very good.

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

PROGRAM

Mr. MCCONNELL. Mr. President, tomorrow, following morning business,

the Senate will resume consideration of the Iraq-Afghanistan supplemental. We had a good start today and will continue to make progress tomorrow. Currently there are three amendments pending to the bill. We will try to have, as Senator DURBIN and I were discussing, the first vote at 10:50, or before if all debate is used on the Durbin amendment. As I indicated, if we are unable to vote by that point we will have to delay the vote until sometime shortly after noon. For the remainder of the day we will continue working through amendments to the bill. The chairman and ranking member will be here to receive any amendments. I certainly encourage our colleagues who wish to offer amendments to contact them as soon as possible.

Obviously rollcall votes are expected throughout the day tomorrow as the Senate continues consideration of this important appropriations bill.

Again, we are going to have a busy week as we work toward completion of the Iraq-Afghanistan appropriations measure.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:53 p.m., adjourned until Wednesday, April 13, 2005, at 9:30 a.m.