

difficult. But I think it is extremely important for us to first fulfill our obligations with the Baucus-Grassley effort. Let us let this come to a vote. Let us stop the objections. Let us withdraw the objection from the other side. Let us get a vote. Then let us see if a bunch of us can come back together—and we should—and get a prescription drug benefit.

But, for heaven's sake, even in the greatest and most sincere effort in the world, we should not think about one bill here because we are trying to save another, when we know very well it is not going to work. We have not run out of time. We can do this. We should bifurcate them. We should separate them, get the Baucus-Grassley bill done, withdraw the amendment, and let us work on a prescription drug benefit so I can go home and I can talk to Lee and George and tell them something more than: Well, we tried.

I sure don't want to have to go back and say: Well, we didn't get anything on prescription drugs. But that isn't where the bad news ends. There is worse news. We also didn't get the give-back bill through, and that means if you have to go to a nursing home, there may not be one. Your doctor may decide he is not going to treat you because he has had a reimbursement dropped or if, heaven forbid, they have to go on Medicaid, there will not be any benefits to provide for seniors as well.

I don't want to have to tell the children of Nebraska there are further cuts coming because we could not get the State relief, the FMAP, as it is called, back to the States to take care of the short budgets so that people are not going to be further disadvantaged by these unfortunate economic conditions in these times.

I agree with my friend from West Virginia, there is more passion in this Senate body to pass a prescription drug benefit than you can imagine. The problem is very simple. We just cannot agree on how to do it. It cannot cost too much, the benefits cannot be too little, and we cannot pass something that will not work.

I think we have the collective wisdom to find a way to do it, but it is going to require the collective will to do it. But this mechanism is not the mechanism on which to do it. And let's not sink it trying to do something noble for those who are the most vulnerable among us, our seniors. I think they can understand why we do not want to sink one trying to do the other.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from West Virginia.

CONCURRENT RECEIPT

Mr. ROCKEFELLER. Mr. President, I rise at this point on a different subject, with the tolerance and forgiveness of the Senator from Louisiana, to discuss a different problem, concurrent receipt.

I am very pleased my friend from Minnesota is in the Chair because he is on the Armed Services Committee, and so it makes me very happy to be able to present this argument to him.

We are all very familiar with this practice of requiring military retirees to choose between military pay for retirement and disability benefits. There is a history of this which I will get into. The money comes from the Department of Veterans Affairs, but it is a very sad state of affairs that we have come into.

This is a practice that my friend, Bill Stubblefield, of Martinsburg, which is a large town in West Virginia, who serves on the board of directors of the Retired Officers Association, told me "is patently unfair when a serviceman or woman, who has devoted 20 plus years of their life in service to this country—suffering physically as a consequence—has to be penalized by having their VA disability offset by their retirement pay."

It is a huge subject. We have been fighting for years to eliminate this injustice. While the Senate, under the leadership of Senator HARRY REID of Nevada, has passed such a provision several times, this is the first time we have something to offer that approximates the Senate's efforts in dealing with the House, which is now a problem.

Money has been set aside in the deemed resolution to fund some version of concurrent receipt.

Now we learn that the Bush administration is threatening to veto—they have said the President will veto—the Department of Defense authorization bill. I think the enormity of that is \$347 billion, something of that sort. They said the President will veto the entire bill because officials in this administration oppose concurrent receipt for service members who are retired from the Armed Forces with a service-connected disability.

A disability is a very special condition. Frankly, I find this opposition highly objectionable. I find it shocking. It wholly disregards the enormous dedication and sacrifice of our men and women in uniform, and it labels their claim to compensation earned in service to this Nation as "double-dipping," which is a slam and a putdown. It is something you say in sort of contemptuous terms.

When did this become double-dipping? More than 100 years ago, Congress examined the military pensions of veterans of the Mexican-American war. At that time, Congress found the retired service members who returned to active duty could draw active duty, retirement, and disability pay. So life was good and right and fair.

During debate, the late Senator Francis Marion Cockrell, who, I confess, is unknown to me, argued that:

[T]he salary we pay the officers of the Army is intended to be in full for all military services. We allow longevity pay . . . in lieu of pension and everything else.

In 1891, therefore, Congress banned what is called "dual compensation" for past or active service and disability compensation. So that is history, 1891.

That legislation accomplished its goal. Service members can no longer receive retirement or full disability compensation while on active duty. However, the Congress of 1891 painted with too broad a stroke. Retirement and compensation are and have always been intended to compensate very different purposes. One is called retirement; the other is called a disability. They are totally unconnected.

This is a very important issue to veterans in this Senator's State and to veterans throughout the country. In fact, I would say to the Presiding Officer, there is no single subject on which this Senator gets more mail and more telephone calls and more conversations when in my State than on this subject of concurrent receipt. It is an overwhelmingly emotional and powerful argument of anger and disgust and frustration on the part of the veterans of this country.

Veterans such as Hugh Weeks of Beckley, WV, a veteran of World War II, Korea, and Vietnam—that's not bad—a career military man, writes to tell me that while their military careers placed hardships on them and their families, they never stopped serving during those hardships. Hugh wrote to me: "Now is the time for the government to stop discriminating against us."

In yet another disturbing setback for retiree veterans, the House of Representatives Appropriations Committee, last week, reported out a VA-HUD appropriations bill for fiscal year 2003 spending. This bill contains a provision that would prohibit specifically VA from using any staffing funds to adjudicate claims for VA service-connected disability benefits that would result in concurrent receipt.

Mr. President, I ask unanimous consent that the applicable text of the bill and committee report be printed in the RECORD.

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

H.R. 5605—DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2003

SEC. 114. (a) No appropriations in this Act for the Department of Veterans Affairs shall be available for the adjudication of any claim for disability compensation filed after the date of the enactment of a new concurrent receipt law by a veteran who is entitled to retired or retainer pay based upon service in the uniformed services if the Secretary determines that, if compensation under the claim is awarded to the claimant, the veteran will, by reason of the new concurrent receipt law, be entitled to payment of both compensation under the claim and some amount of such retired pay determined without regard to the provisions of sections 5304 and 5305 of title 38, United States Code.

(b) For purposes of subsection (a), the term 'new concurrent receipt law' means a provision of law enacted after October 1, 2002, that

provides that certain veterans are entitled to be paid both veterans' disability compensation and military retired pay (in whole or in part) without regard to sections 5304 and 5305 of title 38, United States Code.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2003

Section 114 prohibits VBA funds from being used to adjudicate claims arising from any new concurrent receipt legislation. The Department of Veterans Affairs estimates that enacting concurrent receipt of compensation benefits and military retirement pay would result in estimated mandatory costs to VA of approximately \$16,000,000,000 over ten years, as well as administrative costs of \$124,000,000 in the first year and \$245,000,000 over a five year period. These estimates do not include the additional costs to the Department of Defense. The Department estimates the concurrent receipt claims workload would add more than 800,000 claims over the next three years. VA has been working diligently over the years to reduce the claims backlog and adjudication time. As of August, VA adjudicated almost 730,000 claims in fiscal year 2002 and still has a current workload of over 355,000 claims with a lag time of 225 days. Regardless of the policy surrounding concurrent receipt, the Committee is concerned that the deluge of new concurrent receipt claims will paralyze the system and those veterans who have been waiting for years to get a determination will never see the benefit. The Committee directs the Administration to budget appropriate VA funding for both mandatory and administrative costs should such new concurrent receipt legislation be enacted.

Mr. ROCKEFELLER. Mr. President, if this provision becomes law, no service member who retires next year and is disabled because of service will be found service connected by VA. No current retiree who has yet to file a claim with VA but is disabled because of service will be service connected by the Veterans' Administration. No retiree who is already service connected, whose condition worsens, will receive a service-connected rating increase. No widow of a retiree who died of a disability related to service will be able to receive VA service-connected death benefits if she receives Department of Defense survivor benefits.

It is discrimination. It is wrong. If followed to its logical conclusion, none of the benefits that flow from service-connected disability status will be given to otherwise completely eligible individuals. These important benefits include free health care and, most importantly, obviously, long-term care, vocational rehabilitation and certain life or homeowner's insurance, health care, education, and home loan eligibility for surviving spouses and children.

Our House colleagues have justified this action, so to speak, this policy choice, by pointing to the cost to the Federal Government of paying for benefits that rightfully accrue to veterans who devoted a lifetime of service to this country. The House Appropriations Committee also warned of a potential flood of new claims that might be filed if concurrent receipt passes, increasing delays in processing.

My shock over these provisions and the rationale given for them is not that of the chair, which I am, of an authorizing committee seeing its role usurped by appropriators. One gets accustomed to that. No one is more concerned about the way the Veterans' Administration adjudicates claims than I am. As chairman of the Veterans' Affairs Committee, I have been working on this issue for a very long time. I am troubled not only about the length of time the Veterans' Administration takes but the quality of the decision-making in that process.

We can quibble over the number of claims that might arise if concurrent receipt passes and how much they might add to VA's already shocking backlog. That is why we must support, therefore, a sufficient appropriation to process and pay for these claims.

None of these concerns aforementioned by me justify prohibiting benefits to eligible veterans and their families, benefits they have earned through their service to this country. Nothing justifies that.

It can be straightened out in this body. It is time for us as a nation to step up and do the right thing. Otherwise, how can we face Hugh Weeks, the aforementioned veteran from Beckley, WV, and all of the disabled retirees who stand with him. When will it be time to stop discriminating against those who continue to serve after they have suffered disabling injuries or illnesses? I hope that time is now.

Mr. NELSON of Florida. Will the Senator yield?

Mr. ROCKEFELLER. I am glad to.

Mr. NELSON of Florida. I just want to thank the Senator from West Virginia for his insight and leadership and for educating me, a Senator from Florida, from his position as chairman of the Veterans' Affairs Committee.

I wanted to bring to the Senator some late-breaking news. We have just had a conference committee meeting of the Armed Services Committee in which we are trying to get final resolution on the DOD authorization bill. The House conferees refused to show up with the Senate conferees to hammer out the final version because of a dispute over concurrent receipt. But it is not a dispute from the entire membership of the House of Representatives. In fact, they had a motion to instruct conferees to accept the Senate's position, as articulated by the Senator from West Virginia on concurrent receipt; in other words, that if you have a military retirement, you ought to have that, and it should not be offset by what you are also entitled to if you are a disabled veteran who is entitled to disability benefits.

Despite the fact that the House passed a motion to instruct conferees, 400 to 0, to accept the Senate position—in other words, to accept concurrent receipt—and give these disabled veterans what they are entitled to, the White House sends a message to the House of Representatives leadership and says: Don't agree with the Senate.

I was so proud of the chairman of the Armed Services Committee; when he found out that was the position, he said: Nothing doing. We are not agreeing to the White House's position. We are going to stand up. The Senate is going to stand up for concurrent receipt.

I thank the Senator from West Virginia. I wanted to bring him that late-breaking news.

I also want to put very clearly where the responsibility is because the veterans of this country don't know that they are going to be denied concurrent receipt because of instructions from the White House staff and President Bush.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I rise to add my words on this issue and also to thank the Senator from West Virginia for his comments, as well as the Senator from Florida. The Senator from West Virginia is absolutely correct; this is a very important issue to Americans generally, particularly in the context in which we find ourselves, getting ready to perhaps fight yet another war and honing our designs on homeland security, but particularly to the veterans and their families that are affected.

Unfortunately, the President has stated he will, in fact, veto the Defense bill over this issue. I urge him—and I am sure many of my colleagues on both sides of the aisle do as well—to reconsider. While there is a cost associated with this, clearly it is an injustice that should be corrected.

A veteran, a person who has put their life on the line, particularly in recent years, been called up again and again and again into active reserves and also reservists have been called up, to have a person injured or disabled and then to serve out their 20 years, only to come to the realization that they can receive their retirement but they can't receive their full disability is a very unfair situation, something for which our veterans most certainly deserve our better attention.

As we allocate our resources to strengthen our military, not only do we need smarter weapons, but we need to keep our promises to our men and women in uniform. We need to keep our promises about health care—you take care of us now, we will take care of you in your senior years. We are doing a better job of that by stepping up with the TRICARE and health benefits. But this concurrent receipt issue is where the rubber hits the road and trying to get some sort of commitment to helping our veterans who are disabled on the battlefield or injured on the battlefield, that disability then is subsequent to that injury, to allow them and their families to take the full benefit of their retirement as well as their disability seems to me in the scheme of what we have been talking about: Investing in our military, trying to keep up their morale, keep up our promises,

and live up to our promises to our men and women in uniform as to what we should be doing.

I am hopeful this situation will resolve itself to the benefit of veterans. I, for one, am prepared to stay here and work toward that end.

TRIBUTE TO SENATOR JOHN BREAUX

Ms. LANDRIEU. Mr. President, I rise to address a subject on which there is no disagreement. The President would agree, as would Senate Democrats and Republicans and many Members of Congress; that is, to congratulate the senior Senator from Louisiana, JOHN BREAUX, on 30 years of service in the Congress.

We celebrated that momentous anniversary this past Saturday. He received, of course, many well wishes from his many friends and supporters in Louisiana and around the Nation.

I know his family is very proud. I want to say for a minute how proud I am of his service to our State of Louisiana. Thirty years ago, Senator JOHN BREAUX, then a Congressman, came to Washington as a young lawyer from a small town, the city of Crowley. He was elected to the House of Representatives at a very young age. In fact, when he got here, he was the youngest Member of Congress. He has served our State admirably ever since. Now he is in his third term in the U.S. Senate, and I have every hope he will run again and have no doubt he will be reelected.

JOHN likes to say he started campaigning in nursery school. Those of us who know him well would almost believe that. That is probably no stretch. He said he was going to city council meetings with his grandfather when he was 7 years old. In high school he was a popular athlete who played hard but was always fair to his teammates as well as his opponents. He learned the lessons on those athletic fields of hard work, teamwork, and leadership, which serve him well. Frankly, it is so obvious to all of us who know him and his affable manner, his very approachable way, always with a kind word to say, always a joke, and always something to lighten up a discussion at the appropriate time. Those traits have served him well as an outstanding Congressman and Senator.

In addition, because none of us come here on our own, he has come here as a husband, a father, and now as a grandfather. His wife, Lois, has truly been a tremendous partner, at great sacrifice to herself and her family. JOHN and Lois brought their Cajun roots to our Nation's capital, and we are proud of that. He has never lost sight of who he is or where he has come from. We know him at home in many ways, but in Washington he is known as a strong, vocal, and effective advocate for agriculture. His hometown sits right in the heart of rice country, in Crowley, LA, and in the heart of, in many ways, sugarcane country in south Louisiana; and

he is familiar with all of our row crops, cattle, and other aquaculture and agricultural commodities.

He is a strong and effective advocate of energy policy for the Nation, and his voice has been one that has brought us to the center, with a balanced approach on our energy policy. In addition, on our health care industry and issues, he has been particularly noted as a leader. As a member of the Finance Committee, there is not an important compromise that is developed on that committee—or outside of that Committee, for that matter—that he is not part and parcel of, which is a great strength as a Senator, particularly in these times when our parties seem to have a hard time coming together and finding middle ground and working out a compromise. Senator BREAUX brings so much effort in that regard and so much help.

To mention a few things—and after his 30 years, I could stay here all night and I could talk for hours. I will highlight a few of the things that would not have passed without his able help and assistance: the Welfare Reform Act, many health insurance reform bills, the balanced budget amendment, and tax cut packages that have passed here. He chaired the Special Committee on Aging and to that committee has brought a tremendous amount of passion on the issues of Social Security and Medicare, which have served this Nation well.

I will conclude by saying we have all been blessed by his leadership and his talent. He has used it to help Louisiana to grow and expand economically. Mr. President, he has had a tremendous impact on the Nation at large. He has fought for businesses, schools, workers, students, and opportunities for all. He is a founder of the DLC, of the new Democratic Network.

I could not have a better partner in the U.S. Senate than JOHN BREAUX. He is a mentor, a friend, and a partner in helping to strengthen our State. I wanted to spend a few moments to acknowledge the 30th anniversary and wish him 30 more years. He is in great health. He plays tennis regularly, with Democrats and Republicans alike, and beats us all on the court. He wins many of his battles on the Senate floor as well.

Again, I congratulate Senator JOHN BREAUX.

RESERVISTS AND GUARD PAID PROTECTION ACT

Ms. LANDRIEU. Mr. President, I will now address the Reservists and Guard Paid Protection Act, which I introduced last week. I'm looking forward to working diligently in the months and years ahead—hopefully, it won't take years—to pass this bill. I think it is a bill we probably should have addressed some years ago. I will speak to what the bill does.

The Reservists and Guard Paid Protection Act attempts to put into law a

tax credit for employers who voluntarily—because it is not mandatory—pay their reservists and maintain their salary level when they are called up to represent us, to fight for us, to stand in harm's way, to preserve our freedom, whether it be in Afghanistan, Bosnia, or Iraq, or anywhere our flag needs to continue to wave.

Mr. President, as you might know—and I am certain most people in America don't realize—when our reservists are called up, their salary is cut. When our reservists are called up to defend us—because the President, our Commander in Chief, and this Congress have authorized us to call on them, to call on their lives, their health, and strength to defend us—they, in most instances, take a pay cut. Why? Because their salaries are generally higher in the civilian sector than we are able to compensate them.

No soldier works for a paycheck, I realize that. If they did, we would not have any soldiers, because their paychecks are not what they need to be. They are patriotic and they believe in our Nation and they want to do their part. For that, they should be commended.

This Reservists and Guard Protection Act gives their employers, if they voluntarily keep their salaries at the level they were before they were called up to serve, a 50 percent tax credit. So it helps the employer, who also is making a sacrifice, might I say, in the new system we have on relying more on reservists and guardsmen. The employers themselves are, of course, by law mandated to keep that job open so when the Reservists come back, they have a job. They are not mandated—and should not be—to pick up the tab for their salary, but we can help, and the cost is really minimal compared to the benefits that would result.

In addition, this bill also would mandate the Federal Government would maintain, for those reservists who are Federal employees—and we have a good percentage—not a majority, but a number of our Federal employees who might work at Treasury during the day, but are weekend warriors, and now they are full-time warriors because they have been called up—this bill would mandate the Federal Government simply maintain their pay at their regular level. Instead of taking the paycheck and sending part of it back to the Treasury while they defend us, they would be allowed to keep that paycheck, which would make a tremendous amount of sense. I know it would mean a tremendous amount to the spouses and family members at home, who have to keep the lights on, pay the mortgage, pay the rent, or pay the car payment monthly, food bills, et cetera. Just because one person in the family—one of the breadwinners, and in some cases it may be the sole breadwinner—has been called up to go to war, the family bills don't stop coming. They need to be paid.

So anything we can do to keep our reservists' and our guardsmen's pay