

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

I thank the Senator for asking the question.

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

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

I believe the Senate is under an order.

RECESS

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

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

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005—Continued

AMENDMENT NO. 3258

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

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

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

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

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

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

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

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

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

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

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

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

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

items. If this amendment were adopted, it would draw down on that ability of modernization.

Our statistics show the vast majority of reservists and their families, at least 85 percent according to the Comptroller General, have health coverage from their employers. Recruitment and retention among Reserves at the present time is not a crisis. So this is not a recruiting tool.

So I ask my colleagues, why, then, should we respond to increasing calls to the Reserve providing health care compensation in a civilian capacity that is so costly as to guarantee erosion of funding needed for readiness requirements of the other military branches? Under S. 2400, all become eligible for TRICARE when they are mobilized in support of a contingency. All are eligible for 6 months additional coverage after they are demobilized. Mr. President, \$200 million is set aside for a demonstration project to provide coverage for the unemployed and the uninsured.

In addition to these new benefits, let us not forget that all reservists and their families are eligible to enroll in the Reserve dental insurance program, in which the government pays 60 percent of premiums for reserve families whose sponsors are mobilized for more than 30 days; and all reservists who retire with 20 years of creditable service are eligible for TRICARE for life when they reach age 60.

Colleagues, the amendment will duplicate private insurance, handing a windfall to the insurance companies who are now paying full premiums for coverage of civilian-employed reservists. The amendment asks the taxpayers to take the place of employers in providing health care coverage for reserve members while they enjoy the benefits of civilian employment and civilian life.

The underlying bill also includes authority for appointment of an independent commission on the future roles and mission of the reserves. This commission would examine all the proposals for enhancements to compensation and benefits of Reserve members that have been proposed in light of changes in current and future roles.

We should not more blindly into a permanent and costly government entitlement for reservists while, unlike their active duty counterparts, they are enjoying the benefits of civilian life, and earning benefits in their civilian roles.

This is the fundamental basis for the reserve: an option, desirable to many, to maintain civilian employment and benefit status and civilian lifestyles for the majority of their careers, while serving in reserve for the nation's active military components.

Let us not ignore the significant investment and improvements in the underlying bill for reserve members and their families, which are affordable for this country, today and in the future.

So I think we have hit a very balanced program in the committee bill acted upon by all members of the committee. To the best of my knowledge it was voted out unanimously by committee. I hate to see this treatment of the hard work of the committee. They are entrusted, by virtue of their assignments on this committee, with making the tough decisions as to how best to balance the benefits given to the Guard and Reserve and those in the Active Force. And I come back to the American taxpayer who has to foot a very considerable permanent guarantee, the entitlement under this program for many years.

At this time I yield the floor.

Would the Chair advise the Chamber with regard to the time remaining under the control of the Senator from Virginia and the control of the two proponents of the measure?

The PRESIDING OFFICER. At this time there is no pending time agreement.

Mr. WARNER. I see. I thank the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. REID. Will the Senator from South Carolina yield?

Mr. GRAHAM of South Carolina. Yes.

Mr. REID. I have spoken to the two managers of the bill and the proponent of the underlying amendment, together with Senator DASCHLE. They would be willing to start a vote at 3:30. However, I don't think there is that much more talk on this amendment. We will have a vote at 3:30 for the convenience of some Senators. We could complete the debate fairly soon, within the next 10 or 15 minutes, and then if the Senator from Virginia wanted to lay down the \$25 billion amendment, we could do that and get started on that, and then we would stop at 3:30 and have our vote?

Mr. WARNER. Mr. President, I think that is a very good suggestion. We then seek unanimous consent to vote, now, at 3:30, with the understanding that in the interim period we could set the amendment aside, bring up another amendment, and then terminate debate on that amendment at the established 3:30?

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. I understand we will soon be carefully scripted by our very able staff.

Mr. REID. We can be carefully scripted, but the point is, what the intent of the manager of the bill is that we will vote at 3:30 on the Daschle-Graham amendment. Then prior to that time we would have a few minutes remaining on this amendment. Then we would go off this, go to, I believe it will be a bipartisan amendment of Senator WARNER and Senator LEVIN about \$25 billion, debate that for a while, vote, and then go to the recognition time for the World War II veterans. Then, if the leader decides to come back after all that is done, tonight we

would be on the \$25 billion amendment and either vote on that tonight or some other time because under the order, as I understand it, that is now entered, tomorrow morning we go to the Cantwell-Graham problem we have.

Mr. WARNER. Mr. President, as usual our distinguished colleague has stated the facts with accuracy.

The PRESIDING OFFICER. Without objection, the pending request is withdrawn. Who seeks time? The Senator from South Carolina.

Mr. WARNER. Not on time yielding, as I understand it; whoever seeks recognition. I have had a time to speak. As I understand it, my colleague from Michigan—

Mr. LEVIN. I just have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, as I understand it, this is going to be a unanimous consent that is going to be entered formally, but it has not yet been entered; is that correct?

The PRESIDING OFFICER. The Senator is correct. The suggestion has been made.

The Senator from South Carolina.

Mr. GRAHAM of South Carolina. I just need 10 minutes to speak on the amendment.

Just to conclude this debate, this debate has been going on for a very long time, more than a year, on how to best take care of the Guard and Reserve Forces in terms of their health care needs. It is an honest debate, sincere debate. Mr. President, 85 Members of the Senate voted last year on this very amendment. I think I understand why they voted to extend health care benefits to the Guard and Reserve, full time, and with the premium to be paid for them. It makes sense for our military needs. Forty percent of our people in Iraq and Afghanistan are going to be Guard and Reserve members.

Let me explain as best as I can how this works. If you are a member of the Guard and Reserve today, while you are serving in that capacity you have absolutely zero health care benefits offered to you from the military. A part-time Federal Government employee, a temporary Federal Government employee receives health care benefits. So go home and explain that one. You can be a part-time Federal employee, work in the Senate or the House, and you get health care. You can be a part-time citizen soldier, training to defend America, and you get zip.

Now, it is true when you are called to active duty you get everything an Active-Duty person gets. The reason is because you are on active duty. That is not that great of a benefit, to pay you like somebody right next to you and to give you the same benefits because you are doing the same job. The point we are trying to make is, there is a problem in the Guard and Reserve community when it comes to health care. Mr. President, 25 percent of the people called to active duty, as I stated before, from the Guard and Reserve community are unable to go on active duty

because of health care problems. I would argue that we need a better health care network covering our Guard and Reserve members and their families, from a readiness point of view.

Let's talk a little bit about retention. The head of the Army Reserve said yesterday—and this is back in January—that the 205,000-soldier force must guard against a potential crisis in its ability to retain troops, saying serious problems were being masked temporarily because reservists are barred from leaving the military while the units are mobilized in Iraq.

In this prison abuse scandal what we found was that the MPs in that jail, and some of their associates, were due to go home, but they couldn't go back home because they were needed in Iraq, and they had the rug pulled out from under them, causing tremendous morale problems.

"This is the first extended duration war our Nation has fought with an all-volunteer force," said LTG James R. Henley, the head of the Reserves. "We must be sensitive to that and we must provide proactive, preventive measures to prevent a recruiting retention crisis." 1-21-04.

"We got a real retention issue," said Republican Governor of South Carolina, Mark Sanford, our Governor and a member of the Air Force Reserve. "We are going to see it emptying when people's tickets are up and when Guardsmen are not stepping up to the plate."

You know, I am not sure that is true. Patriotism is high. To prevent them from getting out, we need to be thinking of what we can do to make it a more attractive job. But let's say you stay in. What can you do to honor your service to our country? This Congress has spent \$400 billion on Medicare improvements. Let's talk about money for a minute. We are trying to get every senior in the country to sign up for a discount card because we want to help seniors. Great, good idea.

We are trying to spend \$1 billion a year for 5 years to give Guard and Reserve members continuity of health care coverage, and we are arguing about the money? We spent \$20 billion of hard-earned taxpayer money in Iraq. We gave it to the Iraqi people, to build their hospitals, to build their schools, to build their roads, to build their fire departments, and their police stations, to train their army. Do you know what. The money is needed.

I wanted to loan some of it because they are sitting on \$1 trillion worth of oil. I like helping people but I want people to help themselves. So when it came time to write this amendment we did strike a balance. Here is the balance.

Right now, as a Guard and Reserve member, you are a part-time Federal employee. Unlike every other part-time Federal employee, you get nothing. So here is what we are suggesting. If you want to, you can sign up for military health care year round. It will

be eligible for you and your family—you will be eligible for that program. But while you are a Guard or Reserve member you are going to have to pay a premium like a Federal employee. I wish we could get the Iraqi people to help pay some of the money back, but we are not. So they are going to make a contribution. This is not a free deal. They have to pay like every other part-time Federal employee. Put them in that same category. They deserve to be in that category.

Here is the difference between an Active-Duty troop and a Guard and Reserve member. No. 1, an Active-Duty troop is doing a great job, and we should pay them more. Senator WARNER has done a great job improving benefits for Active-Duty people. Our Armed Services Committee in the Senate has been second to no one in trying to make a better life for those who serve our country. My hat is off to them. We just have a disagreement over this particular amendment. But we are daily improving the benefit package of Active-Duty people. By God, they deserve it.

But here is why it will not affect recruiting. The Pentagon has started this argument. It is the most bogus argument I have ever heard. It is that if you offer TRICARE eligibility for the military members who would have to pay \$1,800 a year for the benefit, as a premium for a family, that somehow that will hurt recruiting for active duty.

Here is your choice if you are going to pick between the two programs. You have a Reserve job or a Guard job that allows you to work one weekend a month, 2 weeks a year, and you get to retire when you are 60. The Active-Duty person gets a full paycheck, gets full health care benefits, gets a retirement after 20 years. There is no way that is going to compete and take people away from Active-Duty Forces. How are you going to raise a family working 2 days a month? They are part-time employees in a vital job, to defend America. Unlike every other part-time Federal employee, they are not eligible for Federal Government health care, and they should be. We are asking them to pay a premium unless they are called to active duty.

That is a fiscally responsible balance. We spent \$20 billion of the taxpayers' money to make Iraq a better place. We spent \$400 billion and counting on a prescription drug program for our seniors. Here we are, trying to get \$5.4 billion over a 5-year period to cover 300,000 families who have suffered beyond description, in terms of leaving their homes and their jobs for pay cuts. Most Guard and Reserve members, when called to active duty, leave obligations behind, greater than the military paycheck. They make more money in the civilian world and when they are called to active duty they take a pay cut and we don't make up the difference. But they know that going in.

There are small things that mean a lot to these people, and this is truly small, in terms of money. It is two-tenths of 1 percent of the budget. Mr. President, 25 percent of the people are unable to go on active duty when called to the Guard and Reserve community because of health care problems. This amendment more than pays for itself. The money is well spent. It is affordable, and there are many programs in this budget that cost more than \$700 million that, if you ask the taxpayer to choose, I think the Guard and Reserve community would win every time.

How many bills do we pass every year that spend billions of dollars on questionable programs? This is the one area upon which we can all agree. The Guard and Reserve community needs a better benefit package because they are being asked to do more than ever. They are dying at a greater rate this year than last year. What has happened in the year when we first debated this? There are more of them and they are dying at a faster rate.

The father of TRICARE is Senator WARNER.

This is why I object to committee markups. No. 1, the entire cost of TRICARE under the committee markup is borne by the employer community and the reservists. The Government doesn't contribute one penny to the health care needs of our Guard and Reserve members. That is wrong.

The unsung hero of this whole war effort, when it comes to the Guard and Reserve community, is the employer. Wouldn't it be nice if we could take a load off of small businesses and large businesses which have guardsmen and reservists and share in the cost of health care along with the Guard members themselves and take them off the payroll? It is a small thing. It would mean a lot to employers.

Employers have paid the difference between active pay and civilian pay voluntarily, and in huge numbers. We have done nothing to thank them. Taking care of the health care needs of our Guard and Reserve Forces is one less problem an employer has to worry about.

I ask the 85 Members of the Senate who voted last year for this very same measure, which is now \$300 million cheaper and going down every minute because we are trying to make it cheaper, to step to the plate and say to the Guard and Reserve community: We got it. We understand your sacrifice. We understand your stress. We understand your family is having health care coverage problems. Twenty percent of them have no health care. They are bouncing from one group to the next, and we are going to fix that. We are going to give you an option. We are going to ask you to pay some, but we are going to make your health care life better.

I ask unanimous consent to have printed in the RECORD letters of support for this amendment from the National Guard Association of the United

States, the Reserve Officers Association of the United States, the Reserve Enlisted Association, the Air Force Sergeants Association, along with the National Guard Association of the United States.

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

NATIONAL GUARD ASSOCIATION
OF THE UNITED STATES,
Washington, DC, May 19, 2004.

Hon. LINDSEY GRAHAM,
U.S. Senator, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR GRAHAM: On behalf of the 50,000 members of the National Guard Association of the United States (NGAUS), I want to thank you for doing so much for our membership in the National Defense Authorization Act for Fiscal Year 2005 (NDAA FY05). Your leadership, along with your colleagues, has given our soldiers and airmen the much-needed opportunity to participate in the TRICARE health program when not in a mobilized status.

This health coverage will not only provide Guard members and their families with continuity of care, but also with a chance to positively contribute to the betterment of the TRICARE program. As we all know, the system of care will respond in a positive way to these additional beneficiaries, especially in remote areas. The three new provider networks—TriWest, Health Net, Humana—have made a commitment to ensure TRICARE beneficiaries are satisfied with their health care. Along with Congress, we will also be keeping an eye on the path of transition from 11 TRICARE regions to three.

We recognize section 706 in the NDAA FY05 is an excellent starting point to providing a health care program to our Guardsmen as a measurement of the country's appreciation for all they have done. We support the initial intent of S. 2035, as sponsored by you and Senator Daschle, which was to have the Department of Defense pay 72 percent of the premium cost, thereby taking the burden off private and public employees completely. The NGAUS fully understands the pressure of budget constraints in the FY05 budget, but we are hopeful that soon the burden will be taken off the employers and rest fully in its intended, and rightful place, in the Department of Defense.

The fashion in which the National Guard is being utilized has forced America to take notice and recognize the full worth of these exceptional men and women serving in harm's way. Guardsmen are our neighbors, teachers, co-workers and students. Once again, thank you for all you have done for the soldiers and airmen in the National Guard.

Sincerely,

RICHARD C. ALEXANDER,
Major General (Ret.), AUS,
President.

RESERVE ENLISTED ASSOCIATION,
May 21, 2004.

Hon. THOMAS A. DASCHLE,
U.S. Senator, Hart Senate Office Building,
Washington, DC.

Hon. LINDSEY O. GRAHAM,
U.S. Senator, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR DASCHLE AND SENATOR GRAHAM: The mobilizations over the past three years since September 11th have once again shown that the readiness of our reserve components has been affected by medical issues. When called upon our nation's citizen-soldiers need to be prepared to answer that call, but without proper healthcare we cannot maintain a well trained and ready reserve force.

The Reserve Enlisted Association supports Daschle-Graham amendment to the Senate Armed Service Committee, FY2005, National Defense Authorization Act, S.2400, requiring the Department of Defense to assume responsibility for the employer cost of a Reservist's healthcare under TRICARE.

REA is dedicated to making our nation stronger and our military more prepared and look forward to working together towards these goals. Please feel free to call me at 202-646-7758 or via email at lburnett@reaus.org or our Legislative Director, Seth Bengé.

Sincerely,

LANI BURNETT,
CMSgt, USAFR (Retired),
Executive Director.

AIR FORCE SERGEANTS ASSOCIATION,
Temple Hills, MD, May 15, 2003.

Hon. LINDSEY GRAHAM,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR GRAHAM: On behalf of the 136,000 members of AFSA, I would like to offer our support of S. 1000. This association has been on the leading edge of the effort to lower the earliest Guard and Reserve retirement age. We feel very strongly that the retirement age should be lowered at a minimum to age 55, consistent with the retirement age of all other federal retirees. Although the provisions contained within S. 1000 addressing this issue fall short of what we believe is fair, it is a step in the right direction.

Without question, reservists and their families will benefit from the opportunity to receive health coverage through TRICARE. So will DoD. Beyond recruitment and retention, this program will improve readiness since nearly 20 percent of reserve component members do not currently have health insurance. Maintaining a healthy force is absolutely essential to maintaining a prepared force.

The success of our national defense is dependent on a "Total Force" effort, and the availability of Guard and Reserve members is critical. The various tax credits contained in S. 1000 will encourage employee and citizen participation in Guard and Reserve programs, thereby facilitating the availability of these important servicemembers when they are needed.

I thank you for taking the initiative to introduce such an important piece of legislation. As always, I offer you this association's support on this and other matters of mutual concern.

Sincerely,

JAMES D. STATON,
Executive Director.

RESERVE OFFICERS ASSOCIATION
OF THE UNITED STATES,
Washington, DC, May 18, 2004.

Senator THOMAS A. DASCHLE,
U.S. Senate, Senate Hart,
Washington, DC.

Senator LINDSEY O. GRAHAM,
U.S. Senate, Senate Russell,
Washington, DC.

DEAR SENATOR DASCHLE AND SENATOR GRAHAM: It has been over a decade since Desert Shield and Desert Storm occurred and medical readiness problems were identified; yet the Reserve Components face the same problems with medical and dental fitness when mobilized for Iraq and Afghanistan. We cannot continue losing the service and experience of Reserve Component members who cannot mobilize due to medical readiness.

The Reserve Officers Association supports the Daschle-Graham amendment to the Senate Armed Services Committee, FY2005, National Defense Authorization Act, S. 2400, requiring the Department of Defense to assume

responsibility for the employer cost of a Reservist's healthcare under TRICARE.

Sincerely,

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

NATIONAL GUARD ASSOCIATION
OF THE UNITED STATES,
Washington, DC, May 21, 2003.

Hon. LINDSEY GRAHAM,
U.S. Senator,
Washington, DC.

DEAR SENATOR GRAHAM: On behalf of the men and women of the National Guard Association of the United States (NGAUS), I would like to personally thank you for your leadership in helping ensure passage your amendment to the National Defense Authorization Act for fiscal year 2004 based off S. 1000 and S. 852. This important amendment provides the opportunity for Guardsmen to participate in the Tricare program on a cost-share basis. As you know, this initiative to improve healthcare readiness for members of the National Guard and Reserve components and their families is at the forefront of our priorities.

Your staff, especially Steve Flippin and Aleix Jarvis, has put forth a tremendous effort toward this initiative. You should be proud to have such an outstanding team.

Again, thank you for your continued support of a strong and viable National Guard.

Sincerely,

RICHARD C. ALEXANDER,
Major General (Ret.), AUS,
President.

Mr. GRAHAM of South Carolina. Mr. President, these letters are not just words on paper. I challenge every member of the public and every Senator to go back home and spend a few minutes in a Guard and Reserve unit and ask about TRICARE for those who have been on active duty.

Does it work? Senator WARNER deserves great praise because it is working. Ask the question: If you could sign up for TRICARE year round and pay a premium, how many of you would do it? Hands would be raised. It would be a great benefit to the 300,000 forces. It would be good for their families. It would be good for retention. It is affordable, and it is the right thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, my colleagues have just heard an eloquent and extraordinarily persuasive case for the amendment offered by our colleague from South Carolina. It illustrates yet again why it has been such a pleasure for me to work with him on this amendment. He has made the case.

But for emphasis let me reiterate a couple of points which he made better than I could. First, with regard to cost, our distinguished Chair this morning—and I think on other occasions—has raised an understandable concern. He correctly noted that the cost of this amendment this year is about \$696 million. The cost over 5 years is \$5.7 billion. He correctly noted that there isn't any particular offset listed for this benefit. Of course, what we haven't said is that is exactly the situation we will face with the amendment he is about to offer. The only difference is

his is \$25 million and ours is \$696 million.

I said the only difference but there is another difference. The amendment requested by the administration for our efforts in Iraq indirectly benefits the United States but directly benefits the people of Iraq. This amendment benefits directly 300,000 people—men and women who are putting their lives on the line in support of their country's efforts in Iraq. It is two-tenths of 1 percent of the entire budget.

That is all we are asking—to say with an exclamation point that we support our troops. We support the efforts made by our members of the Reserve, the Guard, and the extraordinary heroism, patriotism, and dedication they demonstrate each and every day on the job.

We give our colleagues on the Armed Services Committee credit and our thanks for making an effort to address this problem in the bill, but with great respect and tremendous admiration for them. In particular, we have indicated in the past our concern and, frankly, our opposition to the language—as well intended as it is—to require that employers and the guardsmen themselves shoulder 100 percent of the responsibility, in light of the fact the colleagues they work next to every single day on the job get that critical benefit; it is part of their package for serving in the military. That is wrong.

To give an employer veto power over whether this guardsman can access the benefit is wrong. To say we are going to benefit our active-duty personnel and not provide any help or appreciation for the extraordinary difficulties in accessing health care for guardsmen is wrong.

The 85 Senators who supported this legislation in the past need to demonstrate once again that our commitment has not eroded and we will continue to press for parity, for fairness, for a recognition of the commitment made by our members of the Guard and Reserves every single month, week, and year until this action becomes law.

My colleague from South Carolina has done it so well, laying out our arguments and the persuasive case to be made. All that remains is, on a bipartisan basis, to again reiterate our strong support for the fairness represented in the Graham-Daschle amendment.

I thank him for his leadership. I thank our colleagues for their support. I hope we can send a clear message today, as we have said on so many occasions, that when we say we support our troops, we mean it with more than our words. We intend to step up to the plate and show it with our deeds. That is what this amendment does.

I yield the floor.

Mr. DEWINE. Mr. President, I thank the committee for their hard work on this bill. I am always impressed by how Senator WARNER and Senator LEVIN manage this bill and for the excellent work of their staff. Their continued

commitment to our troops, and to our Nation is evident in this bill. It is especially important right now.

I also thank the committee for their very important inclusion of expanded TRICARE coverage to several members of the Guard and Reserve. While limited, the Committee's inclusion of any extended health care benefits to the reserve component is unprecedented. The committee's mark is an important step in the right direction, but the benefits included in the committee's mark simply aren't enough. They don't go far enough to reach the folks we need to; the current provisions don't provide the kind of coverage that we owe these individuals and their families. They also don't recognize the continued sacrifice of the employers of our Reservists and Guardsmen.

That is why I join my colleagues—Senator LINDSAY GRAHAM, Senator DASCHLE, and Senator LEAHY—in support of this important amendment. Unfortunately, benefits for our Guard and Reserve simply have not kept pace with the increasing role these folks are expected to play. With the increasing demands we are placing on these individuals, it is the right thing to do. I look forward to working with my colleagues throughout the coming months to make these important initiatives a permanent reality.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, at this time I would like to lay this amendment aside and proceed with another matter, with the understanding that prior to the vote, assuming we do establish the vote to be at 3:30, there may be some desire by the proponents as well as the opponents to speak for a few minutes.

We will proceed at this time.

Mr. REID. If the Senator will yield, is there any reason we cannot lock in a vote at 3:30 today?

Mr. WARNER. I now ask unanimous consent that following the granting of this consent, the pending amendment be temporarily set aside in order for the chairman to offer an amendment regarding a \$25 billion contingent fund. I further ask consent the vote in relation to the pending TRICARE amendment occur at 3:45 today, with the 15 minutes prior to that vote equally divided in the usual form, with no second-degree amendment in order prior to the vote. I further ask consent following the vote, the Senate begin the 60-minute period during morning business and provided for earlier. That will address the recognition of the World War II veterans who are currently Members of the Senate.

I amend one thing, if I may, from my reading, and that is at 20 minutes prior to the vote, I understand there is another speaker on my side who may wish to speak.

Mr. REID. That would interrupt the amendment you are going to lay down.

Mr. WARNER. That is correct.

Mr. REID. And go back to TRICARE, 20 minutes before the vote on TRICARE?

Mr. WARNER. Correct.

Mr. REID. Rather than 15 minutes, we have 20 minutes equally controlled between the 2 managers.

Mr. WARNER. Correct.

Mr. LEVIN. Reserving the right to object, to clarify, is it 20 minutes on top of the 15 minutes?

Mr. WARNER. No, extending 5 minutes.

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

Mr. WARNER. I thank the Presiding Officer.

I ask unanimous consent the pending amendment be set aside.

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

AMENDMENT NO. 3260

Mr. WARNER. I now send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. STEVENS, proposes an amendment numbered 3260.

Mr. WARNER. I think that should say Senator WARNER, for himself, Mr. LEVIN, and Mr. STEVENS.

The PRESIDING OFFICER. The amendment is so modified.

Mr. WARNER. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To authorize appropriations for a contingent emergency reserve fund for operations in Iraq and Afghanistan)

On page 239, between lines 2 and 3, insert the following:

SEC. 1006. AUTHORIZATION OF APPROPRIATIONS FOR A CONTINGENT EMERGENCY RESERVE FUND FOR OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated by this Act, there is hereby authorized to be appropriated for the Department of Defense for fiscal year 2005, subject to subsections (b) and (c), \$25,000,000,000, to be available only for activities in support of operations in Iraq and Afghanistan.

(b) SPECIFIC AMOUNTS.—Of the amount authorized to be appropriated under subsection (a), funds are authorized to be appropriated in amounts for purposes as follows:

(1) For the Army for operation and maintenance, \$14,000,000,000.

(2) For the Navy for operation and maintenance, \$1,000,000,000.

(3) For the Marine Corps for operation and maintenance, \$2,000,000,000.

(4) For the Air Force for operation and maintenance, \$1,000,000,000.

(5) For operation and maintenance, Defense-wide activities, \$2,000,000,000.

(6) For military personnel, \$2,000,000,000.

(7) An additional amount of \$3,000,000,000 to be available for transfer to—

(A) operation and maintenance accounts;

(B) military personnel accounts;

(C) research, development, test, and evaluation accounts;

(D) procurement accounts;

(E) classified programs, and

(F) Coast Guard operating expenses.

(c) **AUTHORIZATION CONTINGENT ON BUDGET REQUEST.**—The authorization of appropriations in subsection (a) shall be effective only to the extent that a budget request for all or part of the amount authorized to be appropriated under such subsection for the purposes set forth in such subsection is transmitted by the President to Congress after the date of the enactment of this Act and includes a designation of the requested amount as an emergency and essential to support activities in Iraq and Afghanistan.

(d) **TRANSFER AUTHORITY.**—(1) Of the amount authorized to be appropriated under subsection (b)(7) for transfer, no transfer may be made until the Secretary of Defense consults with the Chairmen and Ranking Members of the congressional defense committees and then notifies such committees in writing not later than five days before the transfer is made.

(2) The transfer authority provided under this section is in addition to any other transfer authority available to the Department of Defense.

(e) **MONTHLY REPORT.**—The Secretary of Defense shall submit to the congressional defense committees each month a report on the use of funds authorized to be appropriated under this section. The report for a month shall include in a separate display for each of Iraq and Afghanistan, the activity for which the funds were used, the purpose for which the funds were used, the source of the funds used to carry out that activity, and the account to which those expenditures were charged.

Mr. WARNER. Quickly, our colleagues are pretty well familiar with this, but I will take a short few moments to address it.

When the administration presented its budget request for fiscal year 2005 in February, the request did not include funding for costs associated with the ongoing global war on terrorism. This is in keeping with longstanding tradition of funding ongoing military operations through supplemental appropriations. At that time, the administration stated that it expected to request a supplemental to cover these costs, after the start of calendar year 2005. Prior to the passage of a supplemental, the administration planned to cover the cost of the war with funds from other military accounts—a process commonly called “cash flowing.” Administration officials stated in February and March that “cash flowing” ongoing military operations presented acceptable and manageable risk.

On May 5, President Bush announced his intention to request a \$25 billion contingent reserve fund for fiscal year 2005 for United States military operations in Iraq and Afghanistan. The President stated that, “While we do not know the precise costs for operations next year, recent developments on the ground and increased demands on our troops indicate the need to plan for contingencies. We must make sure there is no disruption in funding and resources for our troops.” In my judgment, this is a prudent course of action, and it has my strongest support.

It is important to note that, even with this reserve fund, the administration will still request a full fiscal year 2005 supplemental after the first of the year, when it can better estimate the costs of the ongoing war on terror.

When the President made his announcement 3 weeks ago, the committee was in the process of marking up the fiscal year 2005 national defense authorization bill. At the request of Senator BYRD, the committee deferred action on this request for additional funding until we could hold a hearing to receive more information on this request.

On Thursday, May 13, the committee held a hearing on the administration’s amended budget request. Committee staff then met with administration and Defense Department officials to address concerns raised by committee members during that hearing. After careful study of the administration’s request and consultation on both sides of the aisle, the committee supports inclusion of a \$25 billion reserve, with some additional restrictions and reporting requirements.

As proposed by the administration, this contingency reserve fund would essentially have been a \$25 billion transfer account. Many members expressed concern over this in our hearing. As drafted, the amendment requires that \$22 billion of the fund be spent on specific accounts. Only \$3 billion would be in the form of a transfer account which could be spent only after prior consultation and notification.

Increased demands on our troops, particularly in Iraq, have led to concerns that additional funding may be needed prior to the start of calendar year 2005, thus the need for contingency funding. As proposed, the contingent emergency reserve fund would act as a “bridge” between the fiscal year 2005 budget request and the fiscal year 2005 supplemental expected in February 2005.

Without a contingent reserve fund, to mitigate the risks, the department may be forced to “cash flow” ongoing operations with other funding sources until supplemental funds are appropriated, which could be well into the second quarter of fiscal year 2005. Ongoing procurement programs, modernization efforts, and even training could be adversely affected from having to pay up front for ongoing military operations in Iraq and Afghanistan.

I agree with the President that our first commitment must be to America’s security and that our troops “have the resources they need, when they need them.”

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, let me commend my good friend, the chairman of our committee, for this amendment. This amendment is very much needed, first of all. We know we are going to need these funds for the operations we are planning in the next fiscal year.

The budget that was submitted to us in January did not have the extra funding which we knew would be required because of our operations in Iraq and Afghanistan. Many Members pointed

that out. Indeed, I wrote a letter to the Budget Committee on February 24th pointing out the budget request for Defense represented a reasonable estimate of the cost for supporting the normal operations of the activities, but that the request does not include any request to support the incremental costs of our military forces for continuing operations in Iraq and Afghanistan.

At that point, the administration indicated it would not seek any additional funds, supplementally, to pay for these incremental costs this calendar year. It was their intention at that time to wait until the next calendar year to do that. I, and many others here, thought that was not a responsible way to budget. There was a political tone to it because it delayed paying the piper for the costs of this war until after the election, and there was no point in being that disingenuous about what we all know is going to be required.

I very much support—and I think every Member of this body supports—paying for the needs of our troops, regardless of what one’s position is as to how we got to Iraq, how we are doing in Iraq, whether we ought to be doing things differently in Iraq. Regardless of the difference of position of Members of this body on those subjects, when it comes to the support of the operations of our forces and their pay and benefits and needs, I think there is overwhelming if not total unanimous support for funding those troops.

The recent approval by the Department of Defense of increased force levels in Iraq has made this need even more urgent. Even before the Department approved the additional 30,000 troops, approximately, for Iraq, there was an acknowledgement by the uniformed military leaders that the additional costs of ongoing operations in Iraq and Afghanistan are approximately \$4 billion to \$5 billion per month. So there was no reason, in terms of sound budgeting, for us to hide that fact from the American people.

Just to give one example of that, a recent headline, which perhaps says the whole thing, from the May 5 Washington Post read: “138,000 Troops to Stay in Iraq Through 2005.” Well, that kind of says it all. We need this supplemental because we know there is going to be that many troops—more than planned at the time this budget was submitted to us—staying in Iraq through 2005.

The fact that we do not know the exact, precise amount for the operations in Iraq and Afghanistan is not an excuse to do nothing. Of course we do not know precisely the cost, but we know approximately the cost from our experience there. We have estimates of these costs from our uniformed and civilian leadership now that the civilian leadership is committed to this course of action.

One thing we do know for certain: We know, for certain, the amount in the

President's budget—which was zero—is the wrong number. We don't know whether the right number is going to be \$4.8 billion or \$4.9 billion per month, but we know the approximate number, and we know what is \$4 billion to \$5 billion short per month, which is what the President's budget was.

Both the House and the Senate, in their budget resolutions, advanced the ball on this issue. The Senate made \$30 billion available on a contingent basis if the President requested the additional funds, as he now has. That was intended to be approximately half the year so we would not have to use funds forward from accounts early in the year, leaving those accounts short later in the year.

It was my belief that if we added just 6 months of what we knew would be the supplemental amount needed, that would be enough for us to then, early next year, adopt a supplemental appropriations bill for the balance. The amendment that Senator WARNER and I and Senator STEVENS are now offering authorizes the level requested by the President, which is \$25 billion, which is within the Senate-passed level of \$30 billion.

Again, we know this money is not going to be enough to cover all of fiscal year 2005, but it will cover at least, we expect, October 1—the beginning of the fiscal year—through January 31. Since Congress is scheduled to be out of session during that entire period, we would not be in a good position to act then. We are in a position to act now, and we should do so.

The budget request from the President was really a blank check. We have amended it, changed it, modified it in many ways. First of all, it is more detailed. We assign money from two various accounts, such as operation and maintenance, such as personnel.

The amendment we are offering also does not allow the administration to move money around as it wanted to with total flexibility. We have put limits on their ability to move money within that account, as we should in terms of carrying out our responsibility as the appropriating and authorizing body.

This amendment is more structured, more stringent and, I believe, more responsible from a legislative point of view than was the proposal that was given to us by the administration. We allocate the \$25 billion: \$14 billion, for instance, for operation and maintenance armor, which is the biggest chunk of money needed. And everybody acknowledged that was the biggest chunk. But the administration proposal provided that after we listed all these allocations between Army, Navy, Marine Corps, Air Force, and so forth, that—and this is what their proposal read:

In addition to the transfers authorized in the previous proviso, after consultation with the director of Office of Management and Budget, the Secretary of Defense may transfer the funds provided herein to any appro-

priation or fund of the Department of Defense or classified program.

So after looking as though it was allocating the \$25 billion to various accounts, the language which was submitted to us, which we are now deleting, would have in effect given the administration and the Department of Defense a blank check because it said, in addition to the numbers enumerated, they can, after consulting with themselves—that is, the Department of Defense consulting with the OMB Director—move the funds provided to any appropriation or fund of the Department of Defense.

Again, that was the definition of the blank check. We have eliminated that language from the proposal that was submitted to us by the administration. It was the responsible thing to do.

Our amendment basically reflected the same numbers that the administration proposed. For instance, the Army's operating funds, which were the primary reason that we need these funds this year, are now guaranteed, if we can, of course, get this passed in the Senate, get it passed in the House, signed by the President. This will be guaranteed to the Army for their operating cost this year. That will avoid some of the real problems which we would have had otherwise in spending next year's money this year, borrowing huge amounts of money, disrupting normal activities in the Army and the other services in order to cash-flow expenditures.

If we did not provide more funding when needed, there would have been a very real chance that the Army, possibly the Marine Corps Special Operations Command, could be out of funds by the time the Congress would be ready to act next February.

So this is the right thing to do, to act now for our men and women in Iraq and Afghanistan who need and deserve the support, for those serving in the United States and in other locations around the world from whose budgets funds would have been borrowed to provide the support if we do not act.

Finally, the Secretary of Defense is now authorized the additional 30,000 extra Army personnel. What this budget does is to recognize that fact. It was appropriate that the administration acknowledged that those troops were going to remain in Iraq. That is a fact of life. And that being a given—that is the reality—it seems to me we are now carrying out our responsibility to our troops by reflecting that reality with the funds that we are hereby authorizing this year and not simply delaying until next year when a number of undesirable effects could have been felt and surely should be avoided. Our troops deserve a lot better than our stealing from next year's funds to pay their costs this year, when we should be budgeting this year for this year's cost. That is precisely what we are doing now.

I thank particularly our uniformed leadership. General Abizaid appeared in

front of us. He was very direct when we asked him what the additional funding needs were. He indicated that, after accounting for the extra approximately 20,000 troops then, he expected the monthly rate of spending to be even higher than it had been up until then.

And it is because we were able to get such testimony from our uniform leadership that I think that spurred us on and encouraged us to insist that we be responsible in the authorizing bill this year rather than simply saying, well, we will steal from next year's funds and take up a supplemental next year. We are going to need the money. This isn't the final answer. It is the first installment. Again, I emphasize this is just the first 5 or 6 months. There is going to have to be a supplemental next year. But we will be able to pass that when we come back in the beginning of next year and not force our services to steal from future funding in order to pay for the needs that are going to exist at the end of this year.

So it is a foreseeable problem. We are acting now to avoid it. It is the responsible way for this body to act. I commend Senator WARNER, again, for his leadership on this amendment, Senator STEVENS, and the willingness to put this together on a bipartisan basis.

I ask unanimous consent that a letter I wrote to Senators NICKLES and CONRAD be printed in the RECORD.

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

DEAR DON AND KENT: In accordance with your request, I am forwarding my recommendations for the fiscal year 2005 budget resolution.

I believe that the President's defense budget request for \$420.7 billion represents a reasonable estimate of the cost of supporting the normal operations of the activities within the national defense budget function for fiscal year 2005. However, this request does not include any request to support the incremental costs that our military forces will incur in continuing operations in Iraq or Afghanistan. Administration officials have further indicated that they do not intend to seek any funds for a supplemental to pay for these incremental costs this calendar year.

There are a number of potential military personnel benefits issues that we will need to address in the authorization and appropriations process to accommodate a number of concerns. I believe, however, that having a budget resolution total the same as that requested by the President should provide sufficient funding to address these issues.

What it will not permit us to do is address the costs of the ongoing war in a responsible manner. We should provide for those costs that we can reasonably predict our forces will incur. We should not force our armed forces to rob from existing requirements to pay for these operations on a "cash flow" basis.

Our nation's armed forces have been heavily stressed again this year in supporting the war on terrorism and supporting operations in Iraq and Afghanistan. To that end, Congress provided an extra \$65 billion to support these operations during the current fiscal year. There are concerns about whether these funds will even be sufficient to cover all of the incremental costs of the war until the end of fiscal year 2004. We should not be counting on excess carry-over funding from

this previous supplemental to provide sufficient funding to address these problems in fiscal year 2005 until a mid-year supplemental can be enacted.

At hearings before the Senate Armed Services Committee earlier this month, three of the chiefs of staff of the Armed Services expressed concern about waiting until after the end of calendar year 2004 to submit a supplemental budget request. I believe that we should listen to those concerns. We should not wait until some time during fiscal year 2005 to submit a supplemental budget request as the Administration did last year. Circumstances are different this year. Last year, the war had not begun. Now, having U.S. troops on the ground is a fact and recognizing this reality and paying for it is the responsible thing to do.

While it is certainly true that no one can predict with precision what these fiscal year 2005 costs will be, we could certainly provide funds to cover likely requirements for some period of the year. This would allow the Administration an opportunity to submit a supplemental request to cover the balance of these costs and for Congress to review and act on.

I suggest increasing the budget authority in the national defense function by \$30 billion in fiscal year 2005, specifically to cover up to six months of the incremental costs, at the current pace of operations, of the ongoing operations in Iraq and Afghanistan. It is the responsible thing to do for our troops and for budget accuracy.

Sincerely,

CARL LEVIN,
Ranking Member.

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

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have come to the Senate floor to support the amendment offered by my good friend, the chairman of the Armed Services Committee, Senator WARNER from Virginia.

This amendment will authorize appropriations for a \$25 billion contingent emergency reserve fund. It is an amendment I am proud to support. It is not often, I might add, that the chairman of the Defense Appropriations Subcommittee comes to the floor of the Senate to support an amendment from the chairman of the Armed Services Committee, but maybe we will set a new trend this year and I will welcome his support when we get to the floor.

But, in any event, this amendment is in direct support of our ongoing military operations in Iraq and Afghanistan, and it is limited to that. It should be adopted. It covers emergency concepts in Afghanistan and Iraq.

It is important that the Congress act on the President's request for this reserve fund. It will ensure that our men and women in uniform continue to have the resources they need. We have worked very hard to make certain that was the case in the past. This serves as a clear, unambiguous signal that while our troops are deployed and in harm's way, they will have the unequivocal and unwavering support of the Congress.

I believe it is important to support the President's request. It is a different

type of concept. I want to be sure Members understand. It is not a blank check. It is one that is well defined, in a request that came to the Armed Services Committee and to the Appropriations Committee. The Armed Services Committee held a hearing on this issue with both civilian and military witnesses from the Department of Defense and the Deputy Director of the Office of Management and Budget, and the chairman is commended for holding that hearing. The bill now before us is the result of the Armed Services Committee's consideration.

This morning, the Defense Appropriations Subcommittee also held a hearing to fully consider the President's request for this contingency emergency reserve fund. I was pleased to point out to our committee that this is a continuation of what we call the IFF that we created before both in 2003 and 2004.

This amendment is for the 2005 appropriations. We intend to include some form of a reserve fund as part of our fiscal year 2005 Defense appropriations bill. Although this has come as a supplemental request, we will add it to the 2005 appropriations bill, and our subcommittee has agreed to that, in effect, this morning.

The exact form of the reserve fund is being reviewed by our Appropriations Subcommittee on Defense, but I assure the Senate that our Appropriations subcommittee will provide our armed services the funds they need, as requested by the President. Second, we will provide adequate and reasonable financial flexibility. Third, we will provide for full and fair congressional oversight.

We have developed, I believe, bipartisan support for this request of the President's this morning in our hearing before the Appropriations Committee. Certainly, the developments on the ground in Iraq make it plain that there is an absolute need to plan for contingencies. Our military commanders have prudent operational plans, but they must be prepared to respond to the dynamic events that are going forward now in Iraq. We can expect nothing less of our military leadership, and the Congress must give them the tools they need. This reserve fund will do that. It is a fund that is available for emergencies. They have funds available for the predictable needs of the military. These funds are for the unpredictable needs of the military over the period beginning in 2005.

The troops that are there are doing hard work. They must not find that fiscal issues might impede their doing the job they have to do in Iraq at this time. They should not be constrained in any way by the availability of money. The last thing I—and I believe all Senators—would want would be for an operational commander to be concerned about whether there is enough money to do the job he has to do in an emergency.

This is an emergency fund. It does not mean they can add to the money

they have automatically through regular appropriations without finding first—and the President must find—that there is an emergency for this money to be released. But it will be there. It will be a means where the President, on request, can notify the Congress with 5 days' notice that he intends to put some of this money to work.

I pointed out to our committee this morning, there have been 33 times that IFF funds have been released by the Department of Defense before on request of the President. Now we must provide this same kind of contingency emergency reserve fund because the alternatives available are too risky. The alternative would be we would have to meet and pass a separate bill, another supplemental. We want the reserve fund to be there for emergencies that could occur. I point out to the Senate, it may be that we would be out of session during that period. I hope we are out of session after the election. I have to stop and say that. I do think the concepts of the past, whereby the President has used the food and forage concept to dip into funds that were available for training for the next year or dip into funds for procurement, the President has that power. He can go to any fund that is available to meet an emergency.

This is to foresee that, to foresee the interruption of plan development, plan utilization of our forces, training of forces in order to get moneys for an emergency.

That practice should be avoided. I don't say it is wrong, but to borrow money from the third and fourth quarters to pay for urgent bills of the first and second quarters is not the way to do business. We set up a fund and say, if there is an emergency, tell us what you are going to use the money for and use it, unless we say no.

I applaud the decision of the President to ask for these resources now. I am one who went to the President and the administration and asked them not to send a supplemental for 2005 because I believe we should not have that until the first quarter of the next year. We thought we had enough money to go through this calendar year, but because of the turn of events in Iraq, that is not the case. The President decided the option of waiting was too risky, and he has asked us to provide this fund as a reserve fund. The President made the right choice. It was not an easy decision.

The people who have reviewed this so far in both committees, Armed Services and Appropriations, have agreed that the armed services need this flexibility to have funds available in an emergency and for use only in Afghanistan and Iraq. It is a good concept. I applaud the Senator from Virginia in offering the amendment, and I urge the Senate to adopt his amendment.

I yield the floor.

Mr. WARNER. Mr. President, I thank the distinguished chairman of the Appropriations Committee and his colleagues for supporting this issue. As he most eloquently stated, the purpose is clear. It is to avoid the repetition of the past where we have gone into the forage fund to meet contingencies. We know they exist today. It is best we face up to it and put it on record.

Mr. LEVIN. Mr. President, while the Senator from Alaska is in the Chamber, I thank the Senator for his work on the Appropriations Committee relative to this subject. As I indicated, I think the testimony before his committee indicated—I believe this morning—that we know it is about \$4.7 billion or \$4.8 billion at the current level of spending that we will need above what was in the budgeted amount. This provides that additional funding. It is the responsible thing to do. It has strong support on this side of the aisle as well as his. That is the way it should be when we have men and women in harm's way.

AMENDMENT NO. 3258

Mr. WARNER. Mr. President, I thank my distinguished colleague. At this time, I suggest that we go off of the Warner amendment, which I ask be laid aside, and return to the pending amendment by the Senator from South Carolina, at which time I think a number of colleagues are anxious to address the Senate.

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

The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I rise in opposition to the amendment offered by my friend Senator GRAHAM of South Carolina, the so-called TRICARE amendment offered by himself and Senator DASCHLE. I have great respect for both Senator GRAHAM and Senator DASCHLE. I just oppose their amendment.

The amendment is very expensive. Their amendment costs billions and billions of dollars. Their amendment, in my opinion, is a serious mistake. I can see where people would say: I want to vote for it. I want to show my support for the National Guard.

I also want to show my support for the National Guard, but we do show our support for the National Guard in this bill. We take care of their health care. If they go on active duty, we take care of their health care. That is a Government expense. They don't have copays. We take care of them.

In fact, when they sign up and go into active duty, we take care of them. But this is when they are on inactive status, when they basically show up for 2 days a month.

I used to be in the Guard. I also used to be in the private sector. I was in the private sector during the month, for 28 or 29 days of the month, and then in the National Guard for 2 days of the month. I think the primary responsibility for health care should be on the employer for the 28 or 29 days of the

month, not on the Government because somebody served for 2 days in a month.

Incidentally, if you are on Guard duty and you are injured, they are going to take care of you. If you are climbing hills, or practicing at a gun-firing range, and you are injured, you will be taken care of. If you are on 2-week duty during the summer and you have an injury, they are going to take care of that. Those expenses are covered.

So, basically, do we want to take care of an individual who happens to be in the Guard or Reserve and pay for their health care throughout the year for thousands of dollars?

TRICARE costs \$7,000 or \$8,000 for a family. Should that be the Federal Government's responsibility if an individual is serving only 2 days a month? Under the pending amendment, it would be the Federal Government's responsibility.

Eighty-some percent of Guard and Reserve members have health care. So this would be a great motivation for people who may be in the private sector to say: Since you are in the Guard or Reserve, we don't have to pay for you. Thank you very much, the Government will pay for yours—even though you work for this company or this organization for 28 days a month and you work for the Government 2 days a month. Why should the Federal Government pick up 100 percent of that cost?

Then when you have the transfer from the private sector health care coverage to the public, wow, it gets expensive. The cost was already mentioned. I think CBO estimated it at almost—I have one cost at \$696 million for 2005, and \$5.7 billion for 5 years, and \$14.2 billion over 10 years. So it adds to the bill. It either adds to the deficit or it crowds out other defense spending. That other defense spending might be replacement munitions or body armor or new technology for night vision—who knows. It is saying we want to take care of these individuals' health care even when they are in inactive status. That is a mistake.

Senator WARNER's bill takes care of them when they are activated. They are given physicals. We pay 100 percent of it. We take care of our Active-Duty men and women. If they are activated, we should take care of them. I believe Senator WARNER's bill takes care of them for several months after Active-Duty status.

To say we want a new Federal entitlement saying if you sign up for the Guard or Reserve, we are going to pay up to 72 percent of an individual and their family's health care cost, at a cost estimated to be \$7,700 in benefits under the TRICARE program, with individuals paying 28 percent, this gets real expensive. It spends billions and billions of dollars. It would be transferring money. This money has to be appropriated. Defense is only going to get so much money. I am afraid we will be crowding out some of the money need-

ed to protect our men and women in the field. We protect our men and women in the field who are on active duty. We give them the best quality health care we can. They don't have to pay anything.

I don't believe the Federal Government should pay for an individual and/or their families' health care cost for a month because they do 2 days a month of Guard duty.

I think it is a serious mistake, especially when the private sector already provides it for over 80 percent of those individuals. You may be able to score political points, but this is not money well spent. We should use our money to maximize our defense capabilities. This will spend a lot of money, saying let's have the Federal Government pay for the health care cost of Guard and Reserves, instead of having the private sector pay for it, even though they work for the private sector 90 percent of the time during that month. I don't think we can afford it.

I urge my colleagues to vote in opposition to the so-called TRICARE amendment at 3:45.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I yield to our distinguished colleague from Alabama such time as he may require, to be followed by our distinguished colleague from Oklahoma, with the understanding that the vote will commence, as described under the standing order, at 3:45.

The PRESIDING OFFICER. The Senator controls 5½ minutes in opposition. The Senator from Alabama is recognized.

Mr. WARNER. Mr. President, I will seek additional time for my colleagues if that becomes necessary.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I join with the chairman of the Armed Services Committee, Senator WARNER, in his concern over this TRICARE amendment for our Guard and Reserve. I had 10 years in the Army Reserve. My chief of staff is a retired lieutenant colonel. We have discussed these issues a lot—what we can do to help our Guard and Reserve. But a \$14 billion expenditure over 10 years for this one project is not the best way to spend \$14 billion to help the Guard and Reserve.

I have met with top generals in command of our Guard and Reserve. As a member of the Armed Services Committee, and as a person who cares about improving the quality of life of our superb Guard and Reserve members, I care about it deeply. I want to make their lives better. I want to make serving through retirement and beyond minimum retirement time attractive for them. I want their lives to be happy and as fulfilling as possible. We need to reward them financially in every way we possibly can.

To take \$14 billion and in effect have it spent for a lot of people who already

have good health care insurance is not a smart way to do it. It is not the right way.

I have asked the leadership of the Guard and Reserve and the Department of Defense to help us develop a package of bills that will be beneficial to a broad-based number of our Guard and Reserve. They do terrific work.

When I was in the 1184th in Mobile, our drills and work got tougher and tougher every single year. More was demanded. That is why they are so excellent in performance today.

I really believe in what they do. The skill level is higher than it has ever been. The training is better than it has ever been. They are better equipped than they have ever been. They are performing better in difficult situations than we have ever seen before, and I am proud of them, but this is not the best way to go about this.

I know there is a concern about this issue. I believe we can address it. I believe the chairman has come up with a way we can address this issue. That is what we need to do.

Let's listen to that. Let's not commit the funds for this one particular problem for 20 percent of the Guard and Reserve, those who do not have insurance today, and drain this large sum of money we could use in another fashion.

I thank the chairman for his leadership, and I give my support for the \$25 billion supplemental. I believe it is the right thing to do. It will allow our Defense Department to proceed. It will make sure our equipment that has been damaged in the course of this is repaired and maintained.

I yield the floor.

Mr. WARNER. I thank my colleague from Alabama, as well as the senior Senator from Oklahoma, and now I am privileged to have the wisdom of the junior Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I appreciate the time.

I think one thing the last three speakers, including myself, have in common is no one has been more highly supportive of the Guard and the Reserve than Senator NICKLES, Senator SESSIONS, and myself. In fact, I daresay I probably have spent more time talking about the dilemma of the Reserve component in all of the deployments as we continue this, and the reason we are having to do it is because we are, of course, at war.

During the 1990s, we saw what happened to the military. It went down and consequently we had an end-strength problem. We are now talking about maybe 30,000 more troops and we are going to have to do something to help the Reserve component. Most of these people are gainfully employed. They have occupations. We cannot expect them to continuously be deployed while at the same time the employer is letting them go. That is the whole idea of a Reserve component.

So although I oppose this amendment, I have to qualify it by saying

how much I have always supported the Guard and the Reserve. I think all members of the Guard and Reserve, certainly in my State of Oklahoma, are aware of that.

I just returned from Afghanistan where the 45th is stationed. They are doing a great job training the ANA to fight their own battles. They are doing a tremendous job. The problem is this does not have to happen in a vacuum. If it happened in a vacuum and we were able to give them full-time TRICARE, I would vote to do it in spite of the fact there would be, as my senior Senator from Oklahoma stated, many people who would go ahead and drop their coverage, saying the Government already supplies it, and that would be a problem.

They talk about the costs being \$11 billion, \$12 billion, and as high as \$18 billion. That is because we have yet to have any kind of a study to see how many people are out there who already have coverage or how many people are out there who actually would want to even have this coverage.

Our chairman and our committee did a great job—it has not been said on the floor enough—because in this area of TRICARE, 90 days prior to deployment they have coverage. For 6 months after coming back, they have coverage. So it is not something we have not already looked at and decided to be very fair. I think we have a good compromise that is in the mark that is up for consideration on the floor today.

I say to my good friend from South Carolina, he has another amendment that frankly I am very much for. It is one having to do with the movement of nuclear waste. I think he is dead right on it. That was a good policy until the National Resource Defense Council came in and filed a lawsuit against the DOE. Before then, everything was going fine. This would rectify that problem. This amendment is being offered by Senator GRAHAM of South Carolina. I am a strong supporter of that particular amendment, but on this amendment one cannot assume this is going to happen and it is going to come out of nowhere.

We have to come up with \$11 billion, \$12 billion, \$14 billion, or \$18 billion somewhere. It has to come out of Defense. This is the problem we have. I served as the chairman of the Readiness Subcommittee all during the 1990s, and I saw what was happening to our military, knowing one day this day would come and we would have to make some decisions regarding end strength, modernization, and all of the other programs that are bleeding today.

Now if the Senator from South Carolina wants that money to come out of the MOX, mixed oxide, fuel facility in South Carolina, \$368 million is authorized in this bill, maybe he feels strongly enough about it he would like to do that, or the waste incidental to reprocessing the WIR program, \$350 million. These programs I am sure are worth-

while, but the money has to come from somewhere.

My fear is it will come out of the modernization account, and right now I think we all know some of our potential enemies and adversaries out in the field are better equipped than we are. We have to correct this thing. So the money has to come out of somewhere. It is going to have to come out of some of the Defense accounts.

I feel sorry for our chairman, Senator WARNER, who is going to have to lead us in making some decisions on where to make cuts if this amendment passes. It is very serious.

Again, there is no stronger supporter of the Guard and Reserve than I am, but this is something that is more money spent and not directed properly and it has to come out of some place where we have a very serious problem. There is nothing free in this bill. I do not know of any Guard and Reserve members from my State of Oklahoma who have talked to me about this and have offered places it should come out of or even called me up to support it.

It is an amendment that is going to have to be defeated. We need to save all the money we can in order to keep our current authorization program. There is nothing we can cut, that I can think of right now, that would be appropriate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask the distinguished chairman if I might have 30 seconds.

Mr. WARNER. First, I thank my distinguished colleague from Oklahoma, as well as those we have just spoken. These are individuals who, like me, have first and foremost in their hearts the welfare of the men and women of the Armed Forces in every possible way, but we must also bear in mind the fiscal realities with which we are confronted, the equities between the balance of benefits to the Active Duty and Reserve and the Guard and the need at this time.

It is available should anyone want it, but it has to be on a shared-cost basis with the taxpayers of the United States.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, there are 7 minutes remaining under the control of the proponents of the amendment. Who yields time?

Mr. WARNER. I suggest the distinguished Senator from Vermont be given such time as he may consume.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM of South Carolina. I would like a couple of minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. I will be very brief so the Senator from South Carolina can speak.

Mr. President, I agree with the distinguished chairman of the Armed

Services Committee. As he knows, I came from the funeral of a Guard member in Vermont, and I might say to my distinguished friend, the senior Senator from Virginia, the widow of this Guard member was very touched by a message the distinguished Senator from Virginia had expressed to her via me, and I appreciate that. It was his typical generosity of spirit to do so. It tells me in the war on terror, our Guard and Reserves are a 21st century fighting force, but they have a 20th century health insurance, and this partnership with Senator GRAHAM of Florida, Senator DASCHLE, Senator CLINTON, and others has been very good. I hope it will help.

For the past 2 years, we have worked to expand the availability of health insurance to members of the 800,000-person National Guard and Reserve. It is squarely and strongly in our national interest, as well as in the interests of our Guard and Reserve soldiers and their families, to ensure that this force is strong, that our citizen-soldiers are healthy, and that these proud men and women know that there is an extensive benefit network to reward them for their sacrifice.

Two years ago, a GAO study found that almost 20 percent of the reserves, more than 150,000 citizen-soldiers, do not have access to adequate health insurance when they are on drilling status. The bulk of the uninsured reside in the lower ranks, and the study reported that almost 40 percent of the enlisted force in uninsured. In other words, many of the men and women who are prepared to leave their full-time jobs and their families at a moment's notice have no assurance of having access to basic health insurance.

Our Guard and the Reserves are doing more for us than ever before, both at home and abroad. In fairness to them and their families, and in the interest of military readiness, these health care upgrades should be a high priority.

Last year, I was pleased to be part of a bipartisan coalition that worked and succeeded in enacting a strong program to allow members of the Guard and Reserve, who are unemployed or do not have access to health insurance through their employers, to be able to buy into the military's TRICARE program on a cost-share basis. This program guaranteed that every member of the Guard and Reserve would have insurance access from some source, whether from their employers or through the military.

It was surprising and disappointing to me that the administration opposed this program last year, going so far as to threaten a veto of the Defense bill. I am even more disappointed that the Department of Defense has still yet to put the TRICARE buy-in program for reservists in place. That sends a terrible signal to the members of the Guard and Reserve who comprise a substantial portion of our forces deployed abroad and who stand ready to face

other national emergencies as they arise. We need to get this program going and to expand it even further, and without needless delay.

This amendment will open up the TRICARE cost-share program to every member of the National Guard and Reserve, providing an affordable source of insurance to every reservist. The amendment also allows the families of activated reservists to maintain their civilian health insurance, which will reduce some of the invariable turbulence from deployments.

This amendment mirrors almost exactly what passed out of the Senate 87 to 10 last year. Since then, the Guard and Reserve have been tapped even more heavily to carry out the military occupations in Iraq and Afghanistan.

I urge the Senate to vote in favor of this critical readiness initiative.

I yield the floor.

Mr. WARNER. Mr. President, I wonder if I might be allowed one-quarter minute to reply to my colleague from Vermont?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. My colleague very kindly referred to our conversation earlier today when he, as every Member of this Chamber, has taken time to attend funerals in their respective States for those who lost their lives in the conflicts now ongoing, principally in Afghanistan and Iraq.

I mentioned to him a soldier's grave at the Battle of Normandy. It was a British soldier, and he was killed in the invasion. As custom in the British military, the families may put a brief inscription on the tombstones. On this tombstone is the phrase:

To the world he was known but as one. To his family he was known as the world.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the proponents of the amendment have 4½ minutes remaining. The Senator from South Carolina.

Mr. GRAHAM of South Carolina. Mr. President, following those eloquent words of the chairman, this is not about who cares about our military; we all do. This is about priorities and what we are going to do when we say we care.

The law of the country is such that, if you are a part-time Federal employee working 16 hours, you are eligible for Federal Government health care. If you are a part-time citizen soldier training to defend your country, answering calls for hurricanes and natural disasters in your State and providing homeland security, you get zero. We need to fix that.

The committee bill puts a proposal on the table that goes as follows: The guardsmen and reservists pay some; the employer pays the other 72 percent. Your Government doesn't contribute 1 penny to the health care needs of the Guard and Reserve community. Mr. President, 25 percent of the Guard and

Reserve called to go on active duty can't go because of their lack of health care. We need to invest in their health care because they are keeping us free.

Medicare has a \$400 billion prescription drug benefit that has just been passed. I voted no because I am worried about the explosive cost to the future and our grandchildren not being able to afford it. I got outvoted. It is a program that is in existence. You can sign up for a discount card today. You ought to look into it.

We gave \$20 billion to the Iraqi people who are sitting on \$1 trillion worth of oil and we are not asking for 1 penny back in payment. We are going to build schools, roads, highways; we are going to spend \$25 billion—more, probably, before the day is over—supporting our troops to support Iraq.

Our bill allows Guard and Reserve families and Guard and Reserve members to be part of the military health care system year round. When they are not called to active duty they have to pay a premium of \$1,800 a year for their family, just like a part-time Federal employee. People in Iraq are not paying anything back. It is a total gift.

Mr. President, \$400 billion to provide discounts for every senior in America—\$400 billion. This costs \$1 billion a year for 300,000 families. There are bills in this Senate and this House where one bridge costs more than the health care program needs of 300,000 families.

I will take a backseat to no one about trying to save taxpayer dollars. I would argue, if the taxpayers could be here today and if they could vote to spend this \$1 billion to make sure the citizen soldier is treated as every other part-time Federal employee, they would say: Here is my wallet, take what you need. This idea we can't afford it is bogus.

Mr. NICKLES. Will the Senator yield?

Mr. GRAHAM of South Carolina. Absolutely.

Mr. NICKLES. Is there any job in the Federal Government where an individual would work 2 days a month and receive \$7,000 or \$5,000 worth of benefits in health care?

Mr. GRAHAM of South Carolina. The way the program works, you can be a temporary employee working 16 hours, work a year, then get health care, and you pay a premium. If you work 16 hours a week, you can get full-time health care benefits paying a premium. What a Guard member does, he works 2 days a month, 2 weeks a year, and 40 percent of the people in Afghanistan and Iraq come out of that pool. Now they are getting killed. It is not an average, everyday part-time job. The people who are left behind, the families, take a pay cut. The average Guard and Reserve member, when they get called to active duty their pay goes down, but they don't complain. They go, I say with all due respect.

Mr. NICKLES. Will the Senator yield for additional question?

Mr. GRAHAM of South Carolina. Yes.

Mr. NICKLES. If somebody is activated and they go to Afghanistan or Iraq, don't they receive full health care costs without paying the 28 percent?

Mr. GRAHAM of South Carolina. They do, and when they come back home because of what we did last year they get health care for 6 months. But after that 6 months, 25 percent of them go back into the civilian world where they have no health care, zero. That is not right. That is not like every other Federal employee who is part-time. That is not right and we cannot afford to let that continue to happen because we are going to be needing these men and women more than ever. Their families are stressed. This is a chance to spend a little bit of money on people who are giving everything, including their lives and their limbs.

Mr. STEVENS. Mr. President, I rise today to discuss the Daschle amendment which would provide TRICARE benefits for reservists and their family members while in a non-active status, and direct the DoD to pay private insurance premiums for reservists when ordered to active duty. Under the Graham/Daschle proposal, if enrolled in TRICARE, Reserve members would pay 28 percent of the annual premium and the Department of Defense would pay the remaining 72 percent.

The benefit is cost prohibitive. CBO recently estimated the benefit would cost \$700 million in fiscal year 2005, \$5.7 billion over 5 years; and \$14.2 billion over 10 years.

The Department of Defense estimates are much higher, at \$1.9 billion in fiscal year 2005 and \$11.6 billion over 5 years.—About \$2 billion a year.

In future years, this enhanced benefit will carve out essential funding that DoD needs to maintain readiness, meet procurement needs, transform the Armed Forces and continue the Global War on Terrorism.

The Senate is already making significant investment in our Guard and Reserve forces. In the fiscal year 2004 Defense Appropriation bill, we provided: \$15.1 billion for pay and allowances, \$14.3 billion in Operation and Maintenance funding for training, education and support, and about \$2.5 billion for National Guard and Reserve Equipment—in total, an investment of about \$31.9 billion for the Guard and Reserve.

A substantial portion of this investment is within the active component accounts for equipment and weapons that go directly to our Guard and Reserve forces. These items include: HUMMWVs, LITENING Targeting Pods for Aircraft, Construction Equipment, Heavy Trucks, and Large Aircraft Infrared Countermeasures to defeat shoulder fired missiles—LAIRCM.

If the proposed amendment is adopted, there should be great concern that this enhanced entitlement program will come at the expense of other Guard and Reserve requirements for training and equipping the force.

The chairman's bill already offers several permanent provisions to en-

hance the medical readiness and ensure continuity of care for reserve members and their families, including a provision that provides the opportunity for Reserve members and their employers to participate in TRICARE while the member is in a non-active duty status—a cost shared by the Reserve member and his or her employer.

The chairman's bill also provides for a demonstration program to determine the need for, and feasibility of providing TRICARE benefits to members of the Ready Reserve who are eligible for unemployment compensation or ineligible for employer-provided health care coverage.

In a September 2003 report, GAO found that DoD data does not identify a need to offer TRICARE to reservists and their families when members are not on active duty. Many of the unknown factors include: the effect on recruiting and retention, the impact on active duty personnel, the impact on the TRICARE system and the military treatment facilities, and the number of reservists that might participate.

The proposed demonstration program and enhanced benefits included in the chairman's bill will clearly enhance the medical readiness and ensure continuity of care for reserve members and their families.

The Department of Defense and Congress should take the time to further study the appropriate level of health care benefits for our Guard and Reserve, and allow the enhanced benefits included in the chairman's bill to be implemented and studied before we commit to spending billions of dollars on a new entitlement program.

The Department is in the process of appointing an advisory committee on military compensation to review these types of issues. I believe it is prudent to conduct these studies before Congress acts on this legislation.

Due to the high cost of the proposal and because of the enhanced benefits already contained in the chairman's bill, I must urge my colleagues to oppose the amendment.

The PRESIDING OFFICER. Under the previous order, all time for debate has expired.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM of South Carolina. I ask unanimous consent to add the following cosponsors: Senators ALLEN, MURKOWSKI, LOTT, COLEMAN, DEWINE, LEAHY, CLINTON, LINCOLN, CORZINE, DORGAN, BINGAMAN, MURRAY, and LANDRIEU.

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

Under the previous order, the vote will occur on the amendment of the Senator from South Carolina for which the yeas and nays have been ordered.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

The result was announced—yeas 70, nays 25, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—70

Akaka	Dodd	Lieberman
Alexander	Dorgan	Lincoln
Allen	Durbin	Lugar
Bayh	Ensign	McCain
Bennett	Feingold	Mikulski
Biden	Feinstein	Murkowski
Bingaman	Fitzgerald	Murray
Boxer	Graham (FL)	Nelson (FL)
Breaux	Graham (SC)	Nelson (NE)
Byrd	Gregg	Pryor
Cantwell	Hagel	Reed
Carper	Harkin	Reid
Chafee	Hatch	Rockefeller
Chambliss	Hollings	Sarbanes
Clinton	Hutchison	Schumer
Coleman	Inouye	Shelby
Collins	Jeffords	Smith
Conrad	Johnson	Specter
Corzine	Kennedy	Stabenow
Craig	Kohl	Talent
Crapo	Landrieu	Voinovich
Daschle	Lautenberg	Wyden
Dayton	Leahy	
DeWine	Levin	

NAYS—25

Allard	Frist	Santorum
Bond	Grassley	Sessions
Brownback	Inhofe	Snowe
Bunning	Kyl	Stevens
Burns	Lott	Sununu
Cochran	McConnell	Thomas
Cornyn	Miller	Warner
Dole	Nickles	
Enzi	Roberts	

NOT VOTING—5

Baucus	Domenici	Kerry
Campbell	Edwards	

The amendment (No. 3258) was agreed to.

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that the vote in relation to the pending Warner-Levin-Stevens amendment occur at 6:30 tonight, with no second degrees in order to the amendment prior to the vote.

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

MORNING BUSINESS

Mr. WARNER. Mr. President, would the Chair advise the Senate with regard to the standing order.

The PRESIDING OFFICER. There will now be 1 hour of debate evenly divided in morning business.