

Fulton Street in Brooklyn, New York, shall be known and designated as the "Congresswoman Shirley A. Chisholm Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Congresswoman Shirley A. Chisholm Post Office Building.

#### BOONE PICKENS POST OFFICE

The bill (S. 775) to designate the facility of the United States Postal Service located at 123 W. 7th Street in Holdenville, Oklahoma, shall be known and designated as the "Boone Pickens Post Office" was read the third time and passed, as follows:

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

#### SECTION 1. BOONE PICKENS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 123 W. 7th Street in Holdenville, Oklahoma, shall be known and designated as the "Boone Pickens Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Boone Pickens Post Office".

#### BRIAN P. PARRELLO POST OFFICE BUILDING

The bill (S. 904) to designate the facility of the United States Postal Service located at 1560 Union Valley Road in West Milford, New Jersey, as the "Brian P. Parrello Post Office Building" was read the third time and passed, as follows:

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

#### SECTION 1. BRIAN P. PARRELLO POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1560 Union Valley Road in West Milford, New Jersey, shall be known and designated as the "Brian P. Parrello Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Brian P. Parrello Post Office Building".

#### DALIP SINGH SAUND POST OFFICE BUILDING

The bill (H.R. 120) to designate the facility of the United States Postal Service located at 30777 Rancho California Road in Temecula, California, as the "Dalip Singh Saund Post Office Building" was read the third time and passed.

#### SERGEANT FIRST CLASS JOHN MARSHALL POST OFFICE BUILDING

The bill (H.R. 289) to designate the facility of the United States Postal Service located at 8200 South Vermont

Avenue in Los Angeles, California, as the "Sergeant First Class John Marshall Post Office Building" was read the third time and passed.

"Armstrong Memorial Post Office" was read the third time and passed.

#### ARTHUR STACEY MASTRAPA POST OFFICE BUILDING

The bill (H.R. 324) to designate the facility of the United States Postal Service located at 321 Montgomery Road in Altamonte Springs, Florida, as the "Arthur Stacey Mastrapa Post Office Building" was read the third time and passed.

#### RAY CHARLES POST OFFICE BUILDING

The bill (H.R. 504) to designate the facility of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California, as the "Ray Charles Post Office Building" was read the third time and passed.

#### LINDA WHITE EPPS POST OFFICE

The bill (H.R. 627) to designate the facility of the United States Postal Service located at 40 Putnam Avenue in Hamden, Connecticut, as the "Linda White-Epps Post Office" was read the third time and passed.

#### SERGEANT BYRON W. NORWOOD POST OFFICE BUILDING

The bill (H.R. 1001) to designate the facility of the United States Postal Service located at 301 South Heatherwilde Boulevard in Pflugerville, Texas, as the "Sergeant Byron W. Norwood Post Office Building" was read the third time and passed.

#### JUDGE EMILIO VARGAS POST OFFICE BUILDING

The bill (H.R. 1072) to designate the facility of the United States Postal Service located at 151 West End Street in Goliad, Texas, as the "Judge Emilio Vargas Post Office Building" was read the third time and passed.

#### FRANCIS C. GOODPASTER POST OFFICE BUILDING

The bill (H.R. 1082) to designate the facility of the United States Postal Service located at 120 East Illinois Avenue in Vinita, Oklahoma, as the "Francis C. Goodpaster Post Office Building" was read the third time and passed.

#### MAYOR TONY ARMSTRONG MEMORIAL POST OFFICE

The bill (H.R. 1236) to designate the facility of the United States Postal Service located at 750 4th Street in Sparks, Nevada, as the "Mayor Tony

#### CAPTAIN MARK STUBENHOFER POST OFFICE BUILDING

The bill (H.R. 1460) to designate the facility of the United States Postal Service located at 6200 Rolling Road in Springfield, Virginia, as the "Captain Mark Stubenhofer Post Office Building" was read the third time and passed.

#### ED EILERT POST OFFICE BUILDING

The bill (H.R. 1524) to designate the facility of the United States Postal Service located at 12433 Antioch Road in Overland Park, Kansas, as the "Ed Eilert Post Office Building" was read the third time and passed.

#### HONORABLE JUDGE GEORGE N. LEIGHTON POST OFFICE BUILDING

The bill (H.R. 1542) to designate the facility of the United States Postal Service located at 695 Pleasant Street in New Bedford, Massachusetts, as the "Honorable Judge George N. Leighton Post Office Building" was read the third time and passed.

#### FLOYD LUPTON POST OFFICE

The bill (H.R. 2326) to designate the facility of the United States Postal Service located at 614 West Old County Road in Belhaven, North Carolina, as the "Floyd Lupton Post Office" was read the third time and passed.

#### MEASURES PLACED ON CALENDAR—S. 590, S. 867, S. 892, S. 1206, AND S. 1207

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of S. 590, S. 867, S. 892, S. 1206, and S. 1207 en bloc, and these bills placed on the calendar.

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

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. I ask for the regular order.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2361, which the clerk will report.

The journal clerk read as follows:

A bill (H.R. 2361) making appropriations for the Department of the Interior, Environment, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

Mr. BURNS. Mr. President, I ask unanimous consent that we proceed to the regular order.

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

AMENDMENT NO. 1023

Under the regular order, the Boxer amendment is now pending. The Senator from California.

Mrs. BOXER. Mr. President, what is the order? As I understand it, Senator BURNS will be offering an amendment, or has an amendment, and there will be a vote on my amendment and his side by side. First, mine; is my understanding correct?

Mr. BURNS. That is correct.

Mrs. BOXER. And then his.

The PRESIDING OFFICER. The vote will be on the Burns amendment first, followed by the Boxer amendment.

Mrs. BOXER. The time is equally divided an hour a side to debate both amendments; is that correct?

The PRESIDING OFFICER. That is correct.

Mrs. BOXER. Mr. President, I ask unanimous consent that any quorum calls when placed be divided evenly.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair notes that the Senator from Montana has not yet called up his amendment.

Mrs. BOXER. I defer to him. I yield the floor.

Mr. BURNS. Mr. President, we do not have it yet.

The PRESIDING OFFICER. The Chair believes that the amendment is not at the desk yet.

Mr. BURNS. Mr. President, I assure the Senator from California, I know we have it somewhere, and I will find it.

Mrs. BOXER. That is reassuring.

Mr. BURNS. That is reassuring; isn't it? Everybody gets to read it—that is different in the Senate. We have it.

AMENDMENT NO. 1068

Mr. BURNS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The journal clerk read as follows:

The Senator from Montana [Mr. BURNS], for himself, Mr. CHAMBLISS, and Mr. INHOFE, proposes an amendment numbered 1068.

Mr. BURNS. Mr. President, 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 direct the Administrator of the Environmental Protection Agency to conduct a review of all third-party intentional human dosing studies to identify or quantify toxic effects)

On page 200, after line 2, add the following:

SEC. . . (a) The Administrator of the Environmental Protection Agency shall conduct a thorough review of all third-party intentional human dosing studies to identify

or quantify toxic effects currently submitted to the Agency under FIFRA to ensure that they:

(1) address a clearly defined regulatory objective;

(2) address a critical regulatory endpoint by enhancing the Agency's scientific data bases;

(3) were designed and being conducted in a manner that ensured the study was adequate scientifically to answer the question and ensured the safety of volunteers;

(4) was designed to produce societal benefits that outweigh any anticipated risks to participants;

(5) adhered to all recognized ethical standards and procedures in place at the time the study was conducted; and

(6) are consistent with section 12(a)(2)(P) of the Federal Insecticide, Fungicide, and Rodenticide Act and all other applicable laws.

(b) The Administrator shall, within 60 days of the enactment of this Act, report to the House and Senate Committees on Appropriations; the Senate Committee on Agriculture, Nutrition and Forestry; and the House Committee on Agriculture on the results of the review required under subsection (a) and any actions taken pursuant to the review.

(c) Within 180 days of the enactment of this Act, the Administrator shall issue a final rule that addresses applying ethical standards to third party studies involving intentional human dosing to identify or quantify toxic effects.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be set aside and that the Senator from California be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from California.

AMENDMENT NO. 1023

Mrs. BOXER. Mr. President, is it necessary to now call up amendment No. 1023?

The PRESIDING OFFICER. That amendment is currently pending.

Mrs. BOXER. Mr. President, I think we are about to have a very important debate about a very moral subject which deals with intentional dosing of human beings, including children, with dangerous pesticides. I say this is a moral issue. As a matter of fact, I believe I can call my amendment a faith-based amendment because every major religious organization in this country supports my amendment.

My amendment passed the House without a single dissenting vote. It was by unanimous consent. I am shocked and stunned that we even have opposition to this very simple amendment.

The amendment that was offered by my good friend, the Senator from Montana, in my opinion and in the opinion of people who know about ethics and science and pesticide testing, it is actually a very dangerous amendment. It is offered as, I call it a CY amendment, cover yourself amendment. You can vote for his amendment and then against mine. If you look at his amendment, it is a step back to what is happening currently. It is a dangerous amendment because we will push through a new regulation that already has been condemned by, as I say, every

major religious organization in this country.

We will debate this for the next couple of hours, but I wanted to make a statement in reaction to the President's speech last night.

PRESIDENT BUSH'S SPEECH

Mr. President, the President had every opportunity last night to lay out his plan for success in Iraq. I had given a number of interviews where I urged him to do that, and colleagues on both sides urged him to do that. Instead, what we got was a defense of the status quo and absolutely no mention of the need to be ready when our troops come back, 13,000 plus, with horrific injuries, physical and mental—an opportunity to say our troops will have everything they need when they come home and every bit of equipment they need on the field in Iraq was blown last night. And then there was no plan of how we are going to get out of this thing, and a continuation of the myth that the war in Iraq had something to do with 9/11, which it did not.

I looked back yesterday at the Department of State as they looked at where al-Qaida was on September 11. Not one al-Qaida cell was in Iraq on September 11. There were more al-Qaida cells in my home State of California.

I am very sorry to see we are on that status quo and the daily news continues with the disastrous effects of a policy that is not geared toward success.

AMENDMENT NO. 1023

Mr. President, I am now going to talk about my amendment. I see the Senator from Florida is here. At an appropriate moment, I will yield to him. I want to lay out the general aspects of my amendment.

The amendment that I offer will simply say we need to take a timeout in terms of the environmental protections action on accepting for review and, in essence, condoning pesticide testing on human beings. We need a timeout. Christy Todd Whitman thought we needed a moratorium. She put one in place. Carol Browner, under President Clinton, put a moratorium in place. But now the moratorium has lapsed and, shockingly, EPA is considering and encouraging intentional dosing of human beings with dangerous pesticides. This is not rhetoric. I am going to show the charts and show the experiments.

What my friend and colleague is offering is a figleaf cover amendment: Don't vote for Boxer, it actually does something; vote for the Burns amendment which—listen to what it does—speeds up a regulation that is already going through EPA that is downright dangerous and involves testing of human beings, including newborn babies—very ill newborn babies—pregnant women, and fetuses. That is why every major religious organization in America has entered on the side of the Boxer amendment and opposed to the Burns amendment.

I am going to show the actual language of the Boxer amendment. It is exactly the language of the House-passed amendment:

None of the funds made available in this Act may be used by the Administrator of the Environmental Protection Agency to

(1) accept, consider, or rely on third-party intentional dosing human studies for pesticides; or

(2) to conduct intentional dosing human studies for pesticides.

It is simply a straightforward timeout so that we can look at the ethical, moral, and health issues surrounding the current policy at the EPA.

As I said, Carol Browner, a Democrat, put that moratorium in place; Christy Todd Whitman, a Republican, put that moratorium in place. But now it has been allowed to lapse.

I recently released a staff report with Congressman WAXMAN that reviewed 22 of the studies that EPA is currently looking at. I want to tell you what we found after reviewing these studies.

We found that human testing of pesticide moratorium was allowed to lapse by the EPA; that over 20 human dosing studies are currently being reviewed by the EPA; and that the studies—and this is the most important point, Mr. President—the studies routinely violate ethical and scientific standards laid out in the Nuremberg Code, the Declaration of Helsinki, the “Common Rule,” and the National Academy of Sciences recommendations on human testing. In other words, we have nothing in place that would guide these experiments.

I am going to show you one of these experiments that is being reviewed by the EPA. So let's go to the UC San Diego study.

I care a lot about this because this happened in my State.

This is a study on chloropicrin. What is chloropicrin? It is a fumigant. It is an active ingredient in tear gas, and it was a chemical warfare agent in World War I.

I told you about chloropicrin. In the material safety data sheet which is put out by the manufacturer, this is what it says about chloropicrin which was given to UC San Diego students, and I will talk about the dose they received.

Warning statements and warning properties, this is what it says:

Danger. May be fatal if inhaled or swallowed. Severe burn follows liquid contact with eyes or skin. May cause severe respiratory tract irritation. Causes eye and skin irritation. Lachrymator—

This means it is the tear gas property—

poison may cause lung damage.

Chloropicrin was categorized as a category 1, which is the most toxic due to acute lethality and severe irritation.

Let's look at how the students got these doses. They were paid \$15 an hour. They were told that this was not dangerous. They signed liability waivers. This is all unethical, and nothing in the Burns amendment will stop any of this and nothing in the Burns amendment addresses these issues.

Here we can see the students receiving this dangerous fumigant through this hose and breathing it in. This is right from the study:

Figure 10. Showing subjects sampling from two cones through yokes that directed flow from the right cone into the right nostril and from the left cone into the left nostril. The subjects needed to decide whether they felt the chloropicrin on the right or the left.

Do you want your daughter breathing in this dangerous chemical at doses that are very large, which I will explain?

This is a picture of a young woman taking part in an experiment where the chloropicrin dose was up to 1.2 parts per million. I want you to remember 1.2 parts per million because this is the point. The workplace safety standard for chloropicrin is .1 parts per million. This experiment dosed these kids with 12 times higher than the average level allowed in the workplace.

Let me repeat that. This experiment dosed these students with 12 times the level that is considered safe. And this is a recent experiment. It ended in December of 2004.

I am going to show you what OSHA says you should wear when you are exposed to chloropicrin at levels higher than .1, 12 times lower than these students were dosed with. It requires a full-face plate respirator or powered air purifying respirator with organic cartridge to protect from the chemical, according to the manufacturer.

I have to say, what more of a moral issue can we be facing than allowing these students to have chloropicrin pumped through their nostrils at a rate 12 times higher than the safety level that OSHA, our Federal Government, says is safe? What right do we have to allow that to go on? Yet the Burns amendment will allow it to go on.

The only way to stop it is with the Boxer amendment, which is the identical amendment to the House amendment where not even TOM DELAY, who comes from the pesticide industry, registered a “no” vote.

How can we in the Senate, the most deliberative body in the land, walk away from a simple moratorium on this kind of situation?

Let us look at the next chart. This next chart shows the 20 studies under review since the moratorium was allowed to lapse. I could not even pronounce all of these properly, but I will give a few of them. Carbofuran, ethephon, amitraz, methomyl, oxamyl, malathion, and chloropicrin was the top one.

It also shows the dates. These are all studies similar to this one. Actually, in one study did they not have to swallow pesticide pills for breakfast? That is a fact.

Because I am a member of the Environment and Public Works Committee, as a result of that membership we demanded to see all of these studies. They were being kept from the public and we now know these things are going on.

In some studies subjects were harmed—for example, experiencing heart arrhythmias; that is, an uneven heartbeat, a racing heart, and we now know it was a result of that chemical that was being used. Many of the studies had very misleading consent forms. Some described the pesticide as a drug. In some studies adverse outcomes were dismissed. They said, oh, they went to the hospital because they did not feel good, but it had nothing to do with the dosing of the pesticide. Hard to believe.

Most of the studies had no long-term monitoring reviews and few were large enough to be statistically valid. The deficiencies are significant and widespread and that is why we need this moratorium on this timeout to allow a set of standards to be developed that governs the use of these studies. The development of sound standards is critical, if the problems with human pesticide testing are to be addressed.

At this point, I yield 8 minutes to the Senator from Florida.

THE PRESIDING OFFICER. The Senator from Florida.

MR. NELSON of Florida. Mr. President, I am delighted to join my colleague from California. We have fought these battles before. We fought one of these battles when unbelievably the EPA wanted to conduct an experiment. They called it a study. It was a 2-year study they were going to perform on infants in my State in Jacksonville, FL. This 2-year study was going to expose those infants to pesticides. It was going to be done with the inducement by getting the parents of the infants to sign a contract of which over a 2-year period they were going to be paid \$970, were going to be given a T-shirt, were going to be given other kinds of trinkets, and a certificate of appreciation in return for children over that 2-year period being exposed to pesticides that were going to be placed in the home.

Oh, by the way, guess which part of town this was going to occur in. You guessed it. It was going to occur in the lower income and minority sections of Jacksonville.

SENATOR BOXER and I got wind of it. Well, she got wind of it because she was sitting on the committee having to do with the confirmation of the head of EPA and she announced that, in fact, she was not going to let the EPA nominee go through. Then she came to me and pointed out that, in fact, this was occurring in Florida.

This was one of the brochures, if my colleagues can believe it, that EPA was going to send out. As a matter of fact, they had already sent it out in Jacksonville. They had gotten some 30 parents to already sign up for this program. It states: You're a parent. Learn more about your child's potential pesticide exposure. Am I eligible to participate? Only 60 participants will be selected. To be selected, you must be a parent of a child less than 3 months old or one between the ages of 9 and 12 months old.

Get this, in order to be eligible, one has to spray or have pesticides sprayed inside their home routinely.

The ad states: Will I be compensated? Oh, of course. You will receive up to \$970 over the 2-year period. Your family will receive an official framed certificate of appreciation, a CHEERS bib for your baby, a T-shirt, a calendar, and a study newsletter. You will be allowed to keep the video camcorder they are going to give to you to record this study over the 2 years. You will be allowed to keep the video camcorder at the end of the study provided you have completed all of the study activities.

Can anyone believe this is going on in the United States of America in the year 2005?

Well, we put a stop to it because Senator BOXER put a hold on the nominee. I put a hold on the nominee. I had a conversation with the nominee and I told the nominee I had no objection to the nominee. As a matter of fact, I had heard awfully good things about the nominee. But as a Senator from Florida, I certainly was not going to let that sort of thing go on in my State and it should not be going on in any State. All I wanted the nominee to do was to cancel that study.

What they did not tell the local Jacksonville Health Department was that of the \$9 million the study was going to cost, \$2 million of the \$9 million was being supplied by the pesticide industry. Needless to say, the Duval County Health Department did not like it when they found that out.

This is the kind of stuff we have had to go through with regard to human testing and it just should not be. So it is time to put it in this bill. This is unlike pharmaceutical studies on humans that offer the possibility that a human subject may benefit from the experiment. The human testing of pesticides offers no therapeutic benefit, and under this proposed rule EPA would be allowed to test on humans, children, pregnant women, newborns, and infants.

This senior Senator from Florida has had a bellyful of this kind of stuff to come in on the citizens of the State of Florida, and I want it stopped. Any exposure of an infant child or a pregnant woman to a toxin basically should be prohibited, even in doses that are not expected to do any harm.

With the experience I have had in Jacksonville, it was simply irresponsible for the EPA, whose very mission is to protect human health and the environment, to have proposed such a study. The last time I checked, I thought EPA stood for Environmental Protection Agency. Well, then it needs to fulfill its challenge. It needs to fulfill the goal of its name.

The happy ending to the story in Jacksonville was that we stopped it because the nominee for the head of the EPA cancelled the study. Senator BOXER and I lifted our hold and we send our great wishes to the new administrator of the EPA for a successful administration.

We need to help the administrator of EPA have a successful administration and we can do this with the Boxer-Nelson amendment.

I yield the floor.

Mrs. BOXER. Would the Senator please yield back his extra time to me?

Mr. NELSON of Florida. I certainly will.

Mrs. BOXER. I thank the Senator from Florida. He is a protector of children, families, and the vulnerable of his State. His help on that CHEERS program and getting that stopped was an enormous contribution. Many times we do big things around here that deal with huge issues and we do not know the impact of our work for a long time. When one works for clean air, clean water, it takes a while.

I say to my friend from Florida, this is something he can be proud of because we together, as a team, with the help of some of our colleagues on the Environment and Public Works Committee, were able to use the leverage each Senator has to force a cancellation of a program that was intentionally dosing little children with pesticides, paying off their parents who tended to be poor, giving the parents a video camera, and subjecting these children to dangerous chemicals. So I think we have to be proud that we saved some kids from this.

I want to say why my amendment is so crucial and why the Burns amendment is so bad if one cares about protecting children and families. The amendment I have offered with my colleague from Florida—and, by the way, I ask unanimous consent that the following Senators be added as cosponsors to this amendment: Senators SNOWE, COLLINS, NELSON of Florida, CLINTON, SCHUMER, OBAMA, JEFFORDS, KERRY, LAUTENBERG, REID, and LEVIN.

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

Mrs. BOXER. I think my colleagues can see this is a bipartisan amendment. We want to protect our children. This has nothing to do with politics. We want to protect our families.

Here is what is happening. The Burns substitute, which he is going to try to tell everyone is better than the moratorium, essentially encourages the EPA to continue with their rule-making. It says, go on, hurry, finish it up, and it does nothing to stop any of the testing that is going on right now. So it is a step back. It is a dangerous step back.

Now, why do I say that? I will tell my colleagues about the EPA rule that is coming at us if we do not stop this. This is straight from the EPA. We are fortunate enough to have this information today.

The Agency has decided not to include any proposed requirements relating to a Human Studies Review Board as suggested in the National Academy of Sciences recommendation 6-2.

The National Academy of Sciences—we looked for it so that we have ethical guidelines. The EPA has rejected the

guidelines of the National Academy of Sciences and the Burns amendment says, oh, go right ahead, EPA, finish your regulations, and the Burns amendment makes no reference to the NAS. This is more from the EPA:

The promulgation of rules prescribing such details [establishment of the Human Studies Review Board] would unnecessarily confine EPA's discretion . . .

So, in other words, they are admitting they are turning away the guidelines of the National Academy of Sciences because they do not want to be confined in doing what they do.

What do they want to do? When you find that out you will be rather shocked. Are you ready for this? I say to my friend from Montana, if this doesn't shake his confidence in his amendment, nothing will. This is a bombshell that I am about to tell you.

The EPA is considering continuing a limited number of scientific studies involving pregnant women—meaning they will be dosed with pesticides, fetuses—meaning fetuses will be dosed with pesticides, neonates of uncertain viability—and just for those of you who do not know, neonates are newborn babies—of uncertain viability—meaning they are ill; sick babies will be in these experiments, or nonviable neonates—meaning newborns who may not make it. They are going to dose them as well.

If we can't take a stand to protect the sickest of the newborn babies, then we don't deserve to be here. If we are going to stand with the pesticide companies against ill, very ill newborn babies, what are we doing here? We don't belong here.

Let's see what some of the religious groups are saying. For those people who want to have faith-based legislation, you are on the faith-based legislation when you support the Boxer-Snowe-Nelson-Clinton-Collins, et cetera amendment. This is the statement of the Leadership of Diverse Faith Groups on human testing. It is signed by the National Council of Churches and the Coalition on the Environment and Jewish Life.

Our faiths teach us to protect the vulnerable among us and to do so we need a moratorium on the use of human testing data in the registration of pesticides, not another study or report.

The Burns alternative is another study. But worse than that, the Burns amendment encourages and orders the EPA to get their regulations in place, regulations that, as I told you, allow testing on newborn babies and fetuses and pregnant women and desperately ill newborns. Why are we having a debate? Why aren't we all supporting a moratorium, a timeout, just as Christie Todd Whitman did, just as Carol Browner did? This is a bipartisan effort.

Unfortunately, we have to choose. Instead of walking down this aisle together and saying we will not allow testing on pregnant women—can you imagine testing pesticides on desperately ill newborn babies and testing

pesticides on fetuses? I just can't imagine that that is what we are going to do today by voting on the Burns amendment and telling EPA to hurry up with their regulations instead of taking a timeout.

Let's look at some of the churches that are involved in supporting the Boxer amendment. Let's take a look at the list of these churches and these religious organizations. I will just read some of them: The African Methodist Episcopal Church; the Alliance of Baptists; Archdiocese of America; the Diocese of the Armenian Church; Christian Church (Disciple of Christ); the Church of the Brethren; the Coptic Church; the Evangelical Lutheran Church; Friends United Meeting; Greek Orthodox Archdiocese of America; International Council of Community Churches; Korean Presbyterian Church; Moravian Church in America, Northern Province and Southern Province; National Baptist Convention of America; National Baptist Convention, USA; Orthodox Church in America; Polish National Catholic Church of America; Progressive National Baptist Convention; Syrian Orthodox Church of Antioch; Ukrainian Orthodox Church of the United States of America; United Church of Christ; The United Methodist Church.

It goes on.

The reason I am reading this is this is very unusual to see a faith-based amendment that deals with morality, to have so many of our religious leaders supporting us and opposing the Burns amendment. Why do we even have a debate? Certain things are right and certain things are wrong. Yes, it is an issue of social justice. Who is going to step up to the plate and offer up their newborn baby?

Let's take a look at that again, the statement about testing on newborns. I think Senator DURBIN is interested in this and said he wanted to ask a question about it. The fact is, all of the religious organizations have stepped up to the plate, in part, because of this. This is EPA's own words.

EPA thinks it likely that it will continue a limited number of scientific studies involving pregnant women, fetuses, neonates [meaning newborns] of uncertain viability, or non-viable neonates [in other words, desperately ill babies] in the future.

It is hard to imagine how anyone in the Senate could vote for an alternative which encourages the EPA to hurry up and produce their regulation, when we can all come together as everyone did in the House of Representatives and say: Time out, EPA. This is a moral issue.

Mr. DURBIN. Will the Senator from California yield for a question?

Mrs. BOXER. I will.

Mr. DURBIN. I direct the question through the Chair. Those tuning in to this debate and starting to listen may not grasp what is at issue. The way you described it to us yesterday in the Senate Democratic caucus luncheon was that the Environmental Protection

Agency is testing the toxicity, or poisonous nature, of pesticides on human beings here in the United States. Since this came to the attention of the House of Representatives, they have said this is wrong; we don't want to endanger anyone's life by testing them with pesticides, particularly children, pregnant women, others—for that matter, any person. So they decided to suspend, as I understand it, the authority of the EPA to go forward with this testing.

An argument is being made on the floor today, by those opposing your amendment, that we should go ahead and continue the testing? Is that what is at issue?

Mrs. BOXER. That is the essence. You can put lipstick on it but essentially the opposition is saying no to the Boxer amendment, and let's just tell the EPA to look at ethical guidelines and consider them and hurry up and issue a regulation.

Does it make any reference to the National Academy of Sciences, which has very strict regulations? It doesn't make any reference to any of the guidelines that are internationally recognized. So, in essence, the Burns amendment is the status quo with a kicker that we continue these studies and that, in essence, we say to the EPA: Hurry up with your regulation.

Mr. DURBIN. If the Senator will further yield for a question through the Chair, the photograph she displayed is the same one she brought before us yesterday. It depicts two young people, a man and woman, who are involved in some testing where they are inhaling pesticides to determine what the physical impact would be if they have a certain amount of pesticide in their system. Are you saying the Federal Government is paying for this research, and is paying these people to come forward and submit to this testing?

Mrs. BOXER. This test is being paid for by the pesticide maker, who wants to say that they should be allowed to use more chloropicrin in their pesticide. They have paid the University of San Diego to do this.

The EPA accepted that study. In other words, they are saying fine, we are going to look at the results of that study.

It was Ronald Reagan who put a stop to looking at the tests that came out of World War II. Because after World War II, we saw what was going on with medical studies. Ronald Reagan was the one who said we are going to stop this. We are not going to even look at these studies because they are immoral.

What we are saying today is, it is immoral to take a young woman like this—and tell her, by the way, she is not going to be harmed—make her sign a waiver of liability so she cannot really recover if she is sick, pay her \$15 an hour because she is a student and probably needs the money desperately, and not tell her what this other picture shows, the man in the mask, that she is breathing chloropicrin at a rate 12

times the rate that our Federal Government, our OSHA says is dangerous.

If you were to have a concentration of this chemical 12 times less than what these kids are getting into their nostrils, into their lungs, you need to wear this type of full-face plate respirator or powered air purifying respirator with organic cartridge to protect from the chemicals.

Mr. DURBIN. How long has this been going on?

Mrs. BOXER. That is the interesting question. Under Bill Clinton's administration, in the late 1990s, Carol Browner, the Administrator of EPA, stopped this kind of acceptance of these tests by the EPA.

Christie Todd Whitman agreed with her and stopped all of this and said EPA is not going to look at these. It is immoral. It is wrong.

It is only recently that this moratorium was allowed to lapse and the current Administrator—it is Leavitt, I think—started to accept these studies. So it is very recent.

Remember, we had two EPA Administrators who had said no to this. Now, suddenly we are back in the game of utilizing these studies and sending a signal out to the scientific world: Go ahead and do these dosing studies.

Mr. DURBIN. If the Senator will further yield for a question?

Mrs. BOXER. Yes.

Mr. DURBIN. We have people stationed at the borders between the United States and Mexico who are testing fruits and vegetables that come into our country. The Food and Drug Administration does this. The U.S. Department of Agriculture is involved in this testing to determine whether there is pesticide residue on apples and tomatoes, vegetables and fruits that come in. And if there is just the slightest residue of certain pesticides, we confiscate the shipment, stop the shipment from coming into the United States for fear that just the slightest residue of the pesticide or the fruits and vegetables may be a danger to public health in America.

That is why it is so difficult for many of us who listen to this debate to understand that at the same time another agency of our Government, with the cooperation of a special interest group, the pesticide industry, is actually testing concentrations of these same pesticides on innocent people in America.

I think the Senator has gone on to say it is not just college students standing and being paid \$15. The testing reaches a level where they are testing on fetuses and on neonates of uncertain viability?

Mrs. BOXER. Yes. Let me take back my time because the Senator from New York is on schedule. I want to make sure she has time to speak. But let me tell you this. The EPA's own words are that, in fact, they will consider testing on these neonates and the rest.

Yes. This is immoral. I would like to tell you, the U.S. Conference of Catholic Bishops, on their Web site, in 2005, say this:

We are very concerned about using humans for the direct testing of pesticides under any conditions, particularly when they will not receive any direct or immediate health benefit but in fact may be harmed.

So we are not here testing pharmaceutical products that may help a baby. We are here looking at harming a baby, harming a pregnant woman.

So the Boxer moratorium vote is very important.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. GRAHAM). The Senator has 18 minutes.

Mrs. BOXER. I will yield 8 minutes to my colleague from New York, with an additional 2 minutes should she require it.

Mrs. CLINTON. Mr. President, I rise in strong, overwhelming support for the Boxer amendment. I agree with my friend and colleague from California that there should not be a single vote against this amendment. As was done in the House, this amendment should pass unanimously, and I hope at the end of this debate, led by the able Senator from California, that will be the conclusion of all of our colleagues, on both sides of the aisle.

This debate is not about whether pesticides can be useful. Pesticide use has improved crop yields, has helped to control insect and other pests. We can all agree on that.

I am sympathetic to the farmers that raised with me the concern they have about how our current system works for testing pesticides. The fact is, we ask our domestic farmers to comply with detailed pesticide requirements. We have no similar controls on overseas farmers. That is not fair. It does not keep our food as safe as it should be. That should be addressed at a later time.

Let's put that aside. What we are talking about is pesticide testing. Pesticides are inherently toxic. They have been linked to a broad range of human health problems, including cancer, damage to the central nervous system, interference with neural development, and the endocrine system. Children are particularly vulnerable to the toxic effects of pesticides.

This debate is about ensuring we protect our children and ourselves from the adverse effects of pesticides that could be administered through these testing programs. We need to ensure that any studies that Congress sanctions are conducted in a safe and ethical manner.

The reason we are debating this, as amazing as it is to many who might be watching, the administration is taking actions that undermine the protection we should be able to count on against misuse of pesticides and pursuing a path that leads to using testing regimens which are ill thought out, poorly conceived, and immoral.

At the urging of the pesticide industry, the EPA has reversed a moratorium on the consideration of studies in which humans are intentionally dosed

with pesticides. In addition, the administration will soon propose a regulation that will greatly expand the funding and use of such studies.

This amendment, which I am proud to cosponsor, simply says we need to stop and take a much closer look at this issue before we continue down this dangerous path. At the present time, the EPA is reviewing more than 20 human pesticide studies. Many of them violate widely accepted ethical standards for research involving human subjects.

Specifically, there were instances where those who conducted the studies failed to obtain informed consent, inflicted harm on the human subjects, dismissed adverse outcomes or failed to conduct long-term monitoring.

That is not just my opinion. That is the conclusion of the National Academy of Sciences, in a report issued in 2004, which found that the EPA pesticide studies were in gross violation of ethical standards set out in the Nuremberg Code, the Declaration of Helsinki, and the common rule that guides medical research in our country.

In addition, the NAS concluded that pesticide manufacturers have submitted to EPA intentional oral dosing studies involving humans in order to justify the reduction or elimination of safety factors for the regulation of certain pesticides in food residues.

To begin with, it is clear the EPA should not be using these flawed studies in any way. That is one part of what our amendment would do: Prohibit the EPA from using or relying on third-party human pesticide studies. The amendment would also prohibit the EPA from funding such studies.

The reason it is so important is in plain view in yesterday's news report. According to them, the EPA is on the verge of issuing draft regulations that open the floodgate for new EPA, Government-sponsored studies involving human pesticide testing. These draft regulations are in direct contradiction to the key recommendations made by the National Academy of Sciences. For example, as my colleague from California has pointed out, the draft rule reportedly legitimizes pesticide testing on children, pregnant women, and newborns. It ignores recommendations for the establishment of an independent ethics review board to evaluate proposed studies on a case-by-case basis.

I don't see how any Member cannot be concerned about this regulation. We are going to be monitoring it very closely. It is clear that in addition to preventing the EPA from looking at human studies, we need to prohibit the EPA from conducting and sanctioning human studies.

I point out that this issue goes much further than even what we are discussing in the Senate. It has broad implications for how we protect our children. Pesticide manufacturers want to push for human testing because it may result in less stringent exposure stand-

ards. That concerns me. The Food Quality Protection Act of 1996 tightened the regulation of pesticide residues in food and specifically added more stringent safety factors to account for the increased sensitivity of infants and children. It also includes safety factors that apply to animal tests but not to human tests.

The EPA is clearly headed in the wrong direction. We should work diligently to make sure we pass the Boxer amendment. It is so important to take a stand on this. We do not need another study. We know the EPA has studied. They have looked at the National Academy of Sciences' recommendations. It is clear we need to pass this immediately to send a signal, joining with the House which passed such a prohibition, a moratorium by unanimous consent, that this cannot go forward.

I urge my colleagues to reject the second-degree amendment, to pass the Boxer amendment, and to take a stand against this kind of reckless, immoral testing and sanctioning of testing on children, on infants, and on all human subjects.

I thank my colleague for yielding me that time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, before the Senator leaves, I thank the Senator from New York who has always been such a credible voice for our children and our families and for their health and well-being.

As she said, this should be what the younger generations calls a "no brainer." We need a timeout. We do not need to have the Burns amendment passed, which will speed up the EPA regulation which allows the testing of pesticides on newborn babies who are ill. It specifically says "ill newborn babies or near-death newborn babies." If we stand for something, we should stand with all the religious organizations in this country that support the Boxer amendment and oppose the Burns amendment.

I ask unanimous consent to be able to reserve the balance of my time until the conclusion of Senator BURNS's remarks and that the quorum call not be counted against my side.

If I could explain to the Senator from Alaska, I only have about 5 minutes remaining, and I want to retain that time for when Senator BURNS concludes. He knows this. I don't think he has a problem with it.

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

Mrs. BOXER. I yield the floor, retain my remaining 9 minutes, and wait for the conclusion of the debate.

Mr. BURNS. Mr. President, we better open up this morning and characterize what the Burns-Chambliss-Inhofe amendment does compared to what is being advocated by my friend from California.

Our amendment directs the administrator of EPA to conduct a thorough

review of all third-party intentional human dosage studies based on six principles listed at the National Academy of Sciences in their February 2004 report. The National Academy report found that, in certain cases, the societal benefits of such studies outweigh the risks.

This amendment also directs the administrator to issue a final rule that addresses applying ethical standards to third-party studies involving intentional human dosing to identify or quantify toxic effects within 180 days of enactment of this act. In other words, they have an open end now where they drag their feet as far as offering reports to Congress.

By the way, I ask unanimous consent Senator BROWNBACK of Kansas be added as a cosponsor.

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

Mr. BURNS. Mr. President, we know we can use very emotional examples to draw our attention to this issue. My first thought, I don't think there is a chemical engineer or a scientist in this Senate. I can't say that for sure, without having a degree in chemical engineering. Nonetheless, we have to rely on reports. We also have to rely on reports that are peer reviewed from many different sources.

What the Senator from California has brought to the Senate this morning has a few flaws. First of all, they are quoting from a staff draft of a study, and we do not know what the outcome will be. We do not know what the final rule will look like. The administrator has not even seen it, let alone made any recommendations to be agreed to. That is No. 1.

Basically, the Senator's amendment prohibits the EPA from conducting or accepting research involving intentional dosing of human subjects. She referred to the CHEERS study. What is the CHEERS study? In the CHEERS study, the agency proposed to monitor children's exposure to pesticide in a specific population. That is what it is was for. The proposed CHEERS study, developed by the Office of Research and Development at EPA, was an observational and biomonitoring study and not a dosing study. As a result, her amendment does not impact CHEERS or any other similar type of study. I want that in the RECORD. We should be very clear about that.

We are not chemists or chemical engineers. We are not scientists. All of the warnings and all of the charts we have seen this morning are a result of studies, be they EPA, through peer review or third-party studies with peer review. We would not know this information had there not been studies, third party or by the EPA. Her amendment is very clear. It just says we stop testing.

So I ask my colleagues, on this issue: How do we know? How can we find out? Because we need this information. Do we allow chemists or chemical engineers to do this, with no backup, work-

ing for a private corporation in the business of selling pesticides, fumigants, herbicides, detergents, car washes, carpets, the padding on our chairs? Everything we touch or we live with has a so-called chemical element to it. Do we just take their word for it, those who are in the business of selling these products? Unless there are third-party studies, with peer review and EPA studies with the same standards of peer review, that would be the case.

This is not like the testing of prescription drugs. Having no test on chemicals, no information on chemicals that we use in the production of food and fiber and shelter in this country is not a very good idea. It is not a good idea. As I said, would we know about the warnings that were used today had it not been for testing?

Senator BOXER's amendment is so far reaching that between 60 and 70 chemicals and 1,300 tolerances, or the allowable pesticide residue on foods, would be affected. It would mean taking those reports, putting them away, and never referring to them again. That does not make a lot of sense. Not only is there the time, money, and effort involved, but also some of the results we know of today we would not have known this morning in order to make this debate.

For example, I have a letter from the American Mosquito Control Association, which opposes this amendment offered by my good friend from California. By the way, they support our amendment. I am going to offer this letter in its entirety for the RECORD, but I want to read one little paragraph that I think speaks to the essence of this debate. I quote:

The emergence and spread of West Nile Virus in the United States has re-emphasized the need for safe and effective mosquito control strategies that reduce the risk of acquiring this devastating disease. Personal protective measures such as repellents figure prominently in these strategies—as do federally-registered public health pesticides, when indicated. This amendment, as written, will effectively cease future research on alternatives to DEET and curtail sound, ethical studies on the toxicology of public health pesticides. The AMCA considers the availability of scientifically sound and ethically-obtained toxicology data to be essential in determining levels of risk from both disease and the means used to control it.

Mr. President, I ask unanimous consent that the entire letter be printed in the RECORD.

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

AMERICAN MOSQUITO  
CONTROL ASSOCIATION,

North Brunswick, NJ, June 24, 2005.

DEAR SENATOR: I am writing on behalf of the membership of the American Mosquito Control Association (AMCA) to express our deep concern over the amendment Senator Barbara Boxer (D-CA) recently introduced to the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006. As currently written, the amendment would prohibit research studies having a profound effect on establishing safety and toxicity profiles for a number of public health insect repellents, which are listed as

pesticides. In addition, it would preclude the use of sound, ethically-derived data in the registration of several pesticides utilized in protecting public health. These studies are critical in evaluating exposure levels and risk assessment. Without them, extrapolations of risk could be unreliable, placing the public at undue risk.

The sole testing procedure currently accepted by the U.S. EPA (See: Product Performance Test Guidelines OPPTS §810.3700. Insect Repellents for Human Skin and Outdoor Premises, Public Draft, United States Environmental Protection Agency. EPA 712-C-99-369, December 1999) requires repellents be applied to humans to demonstrate efficacy. Furthermore, the National Academy of Sciences (NAS), in a report entitled, Intentional Human Dosing Studies for EPA Regulatory Purposes: Scientific and Ethical Issues published in February 2004 stated that such studies "contribute significant and useful knowledge for regulatory standard setting and other forms of public protection." Indeed, the NAS stated, "[i]n some cases, intentional dosing of humans may be the only way to obtain data needed to set regulatory standards and protect public health".

The emergence and spread of West Nile Virus in the United States has re-emphasized the need for safe and effective mosquito control strategies that reduce the risk of acquiring this devastating disease. Personal protective measures such as repellents figure prominently in these strategies—as do federally-registered public health pesticides, when indicated. This amendment, as written, will effectively cease future research on alternatives to DEET and curtail sound, ethical studies on the toxicology of public health pesticides. The AMCA considers the availability of scientifically sound and ethically-obtained toxicology data to be essential in determining levels of risk from both disease and the means used to control it.

Furthermore, members of the United States Armed Forces rely extensively upon repellents and public health pesticides to reduce risk to the various exotic vector-borne diseases to which they are regularly exposed. Development of new repellents is urgently needed to obviate the need for broadcast pesticides to provide protection both here and abroad. To the extent that repellent use is curtailed because of acceptability issues, pesticide applications will have to be increased to afford the same level of protection.

Any reduction of human/mosquito contact commensurately reduces the risk of disease transmission. Newer, more acceptable and effective mosquito repellents would both protect humans while reducing environmental pesticide load. Research on these critical control adjuncts requires human subjects in order to assess their efficacy and safety. Establishment of safety exposure parameters to these and other chemicals that might contact human skin during their approved application can only be reliably obtained through research fully vetted through rigorous institutional review boards specifically organized for those purposes. These are already in place and are fully compliant with current laws and regulations.

Protection of the health of the American public and the environment is a core value of the AMCA. The provisions of this amendment in a very real way conflict with this important value. Indeed, the amendment neither promotes public health and safety nor provides greater protection for your constituents in any foreseeable tangible manner. Therefore, the American Mosquito Control Association strongly urges you to oppose the Boxer Amendment when the Senate considers the FY06 Interior Appropriations bill in the near future. Thank you for your

consideration and attention to this critical matter.

Sincerely,

JOSEPH M. CONLON,  
Technical Advisor, American Mosquito  
Control Association.

Mr. BURNS. Studies of this kind on safety must move forward or we will have a public health situation being created by the unintended consequence of not performing those studies.

Now, if I have not convinced you to vote with me yet, I also have an extensive list of pesticides that rely on human studies to determine safe exposure levels for more than 50 crops grown in our States. In fact, these pesticides, cited by Senator BOXER's and Representative WAXMAN's June 25 study, have critical uses in 39 States. A few of these States include: Arkansas, California, Florida, Georgia, Kansas, Louisiana, Maine, Nebraska, Ohio, and West Virginia. I say to the Presiding Officer, I am sorry, they did not mention South Carolina. But these pesticides, for every State listed, are used in the production of food and fiber for this country.

Now, I realize there are a lot of folks who do not really understand agriculture maybe that much, but you have to understand the second thing we do in this country every day—after we get up—is eat. For the first thing we do, we have a lot of options. But the second thing we do is eat.

The largest industry probably contributing to the GDP of California is agriculture. If it is not the largest industry, I would be surprised. Think about your brussel sprouts, strawberries, apples, dry beans. Look at all your almond production, beets, peppers, celery, cauliflower, pistachios. The list goes on and on of these chemicals, these pesticides, these fumigants, these herbicides, all used in the production of food and fiber for this country. It is pretty amazing.

Senator CHAMBLISS and I are offering a reasonable alternative from the amendment offered by the Senator from California. Our amendment is plum simple. It directs the Administrator of the EPA to "conduct a thorough review of all third-party intentional"—"intentional"—"human dosing studies" based on the National Academy of Sciences February 2004 report.

I think it is found in this book offered as a guideline. I will give you the headings: "The Four-Step Process of Human Health Risk Assessment." Step one: "Hazard Identification," "Dose Response Assessment," "Exposure Assessment," and "Risk Characterization." That is the guideline. Pretty simple—a little book. Anyone can order it. Send me your check and \$5 for handling for mail, and I will get it out to you. But that is what it says.

We are directing the EPA to "issue a final rule that addresses applying ethical standards to third-party studies involving intentional human dosing" "within 180 days of the enactment of this Act."

We are putting them on a time line. We want to know. The public has a right to know. Everyone involved wants to know. People who work on allergies, many things that are normal in our everyday lives, want to know: Quit dragging your feet. Let's have it. Let's get the report because we think it is pretty important.

There are ethical standards established. They are already in place. Let's get the final rule. That is what we are telling this Director. That is what we are telling this agency—that we want to know—because as policymakers, we do not want to get caught in this idea of an unintentional consequence.

None of these warnings that we have on the label of our shirt or on our detergent when we wash our dishes at night—none of those warnings would be there had there not been extensive work in risk assessment and public health at heart if those tests had not been carried out.

Since that standard is set, what we are saying now is not to proceed just blindly down a path using no guidelines, but to write the rule that allows policymakers to move forward with adopting the public's attitude toward this issue.

And we can make a mistake. We usually base all our decisions on history. As to the history of this, we study this without going blindly off a cliff. We usually use history. If we monkey with it, if we take part of it out, and that is not available to us either, or to the EPA, or anybody else who is making a decision as to the reliability or the safety of that particular product, then we have done an injustice to the people who make the decisions. That seems pretty logical to this nonscientist, non-chemist from the State of Montana.

Let's take the emotion out of it, and let's look at things as they really are in the world around us. We do not touch anything, folks—we do not leave the garage, we do not even get up in the morning, we do not do anything in this environment around us where there are no chemicals. Some of them are even added by man. But we live in that kind of a world, with our relationship even with the Sun, the soil, and the water. We live in a chemically reactive world. The more we know about it, the more we know about our own environment and those steps we have to take in order to protect it.

So what I and my colleagues are proposing in this Burns amendment is that we proceed with standards and direct the EPA to make their rule final and publish it in the Federal record for all to see—and all to either uphold or criticize. That is all we are doing. It is pretty straightforward. But we cannot just say: Stop, stop the clock. We cannot do that. That is not fair to the American people. It is not fair to the American consumer, and it is not fair to the folks who are involved in producing food, fiber, and shelter for this country.

If you want more of your food to come from offshore, where there are no

tests, there is no way to regulate, then you just stop the process because that is where it will be coming from, even with our tremendous ability to produce for a society that we think is probably the healthiest in the world.

I reserve the remainder of my time. I yield the floor.

Mr. OBAMA. Mr. President, I rise today to speak in favor of the amendment offered by Senator BOXER regarding the testing of pesticides on humans. I am pleased to be a cosponsor of this amendment.

Unbeknownst to most of us, the Bush administration has quietly rescinded a ban on the human testing of pesticides even though the EPA is still developing guidelines for such testing. Instead of needlessly exposing people to dangerous pesticides, the 1-year moratorium proposed in this amendment is a reasonable solution until these guidelines are completed.

Let us be clear. We are not talking about the testing of life-saving medications. By definition, pesticides are designed to kill. They are potential carcinogens and neurotoxins. We need guidelines to ensure that human testing of these dangerous chemicals is limited and monitored and that the subjects fully understand the risks they are taking.

Who are the people being exposed to these chemicals? Typically they are young, poor and minorities. Let me give you two examples:

In Florida, an EPA study offered low-income families \$970 over 2 years if they let their babies be tested after their homes were sprayed with pesticides. One can easily imagine a young mother trying to make ends meet, trying to pay the rent and put food on the table, reading that she can collect almost \$1,000 if she allows her child to be tested.

In another study last year, 127 young adults, mostly Asian and Latino college students, agreed to be exposed to a suspected neurotoxicant for \$15 an hour. Some were exposed in a chamber for 1 hour for 4 consecutive days, while others had the chemical shot into their eyes and nostrils at amounts 12 times the OSHA recommended levels. This chemical, chloropicrin, has a history: It was used as a chemical warfare agent in World War I. Yet the consent form for the 2004 study did not disclose that fact; it simply said, "We expect the discomfort to be short-lived."

All across America, there are college students working long hours so they can stay in school and get a shot at the American dream. How tempting it must be to pick up a handful of cash for letting a scientist expose you to some chemical. You are healthy, you need the cash, and you are probably not as wise as your parents would like you to be, so you borrow a chance against your future health and sign up for exposure. That is not the kind of government policy we want to be encouraging.

All told, the EPA is considering data from 24 studies that tested pesticides

on humans. Many of these studies are flawed, so the risks these people undertook did not even contribute to a scientifically valid experiment. Many of these studies failed to take the health complaints of the subjects seriously, many failed to disclose the risk to the subjects, and many failed to conduct long-term monitoring of the health effects of the pesticides. All of these deficiencies should be addressed and prevented from occurring again.

Sadly, we do not need to do this human testing. For years, the EPA has worked with pesticide manufacturers and members of the science community without relying on human testing. For years, the agency has accomplished its goals through animal testing.

No one doubts that actual human health data, if properly collected from a sufficient sample size, would be advantageous to know. But sensible guidelines are needed to ensure that the benefits of any study far outweigh the potential risks to the study participants.

The commonsense approach is to temporarily stop this testing, wait for EPA to issue its guidelines, and safeguard the health of the human subjects.

I thank the Senator from California for her commitment to this issue, and I yield the floor.

I reserve the balance of my time and yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from California.

Mrs. BOXER. Mr. President, I yield myself 7 minutes and retain 2 minutes, if I may.

The PRESIDING OFFICER. The Senator is recognized for 7 minutes.

Mrs. BOXER. The Senator from Montana has, as he usually does, made a very good presentation for his side. The only problem is he made a very bad presentation about the amendment I had written. In criticizing it, he is criticizing the Republican-run House of Representatives which passed this same amendment without dissent, including the one and only Congressman I know of who was an exterminator, Tom DeLay. So for all the eloquence about pesticides, the one person who was involved in the pesticide over there did not object.

And with all due respect to my colleague, I don't have to be lectured about agriculture. I have been elected three times from my State. Agriculture is an enormous source of pride to our State. I visited thousands of acres of farmland. I want the Senator from Montana to understand something about my State and my farmers. Not one of them called and said: Oh, Senator BOXER, we want to dose babies and infants and pregnant women and fetuses with pesticides. Not one. So let's set the record straight. Maybe he heard from some of his farmers. Not one called me.

Why? Because this is all scare tactics. They know we are testing pes-

ticides on animals. They know we are using computer modeling. They know that research moves forward. I am one of the biggest proponents of developing new pesticides.

Then he uses the scare tactics. My God, if we have this moratorium—which, by the way, was put in place by Republican and Democratic administrations in the past—we won't be able to fight West Nile virus. Baloney. We are already using DEET. We know what to do. There are continuing studies and modeling going on. So let's get rid of the scare tactics.

I am offering a bipartisan amendment today that is the exact amendment that passed the House without a dissenting vote. The only people who don't like it are the pesticide makers. We have a chance to take a stand for the health of our kids or with the pesticide makers. That is just clear. We have a chance to take a stand with every major religious organization in this country. I have the list of those. The National Council of Churches, Jewish organizations, evangelical Lutherans, the Catholic bishops, all weighed in. My amendment is a faith-based amendment.

Then my colleague says: Let's not get emotional. Are we supposed to walk in here and lose all of our feelings? Are we not supposed to have emotion if we lose, for example, a constituent in the Iraqi war? If we visit Walter Reed Hospital, as many of us have done, are we supposed to check our emotions at the door when we are elected to the Senate? Let me tell you how I feel when I read about the kind of testing they are going to do which my colleague is endorsing with his amendment because he is saying the EPA should hurry up and bring out their regulation. By the way, he is wrong when he tells you it is a draft. It is a final draft, and we have the proof that this regulation was about to go for comment next week. So let's set the record straight.

Here is what my colleague supports. He supports an EPA regulation that says there will be a limited number of scientific studies involving pregnant women, fetuses, newborn babies of uncertain viability or nonviable newborns. Imagine, dosing a fetus with pesticides. Dosing a newborn baby. You want me to check my emotions at the door? Sorry. I will not be here and allow a rule to go into effect without doing everything in my power to stop it that is going to dose a dying newborn baby with pesticides because some poor mother is convinced to take \$1,000 for it. This is just wrong. Why do you think we have all of these churches opposing the Burns amendment and supporting our amendment: We are appalled by the effort to go forward with yet another report—that is the Burns amendment—that does nothing to guarantee the well-being of the children and other vulnerable groups who are being subjected to pesticides by the chemical industry. We need a moratorium.

This moratorium was voted for without a dissenting vote in the House. Now my colleague calls for a thorough review based on the National Academy of Sciences standard.

There is not one mention of the National Academy of Sciences in his entire amendment. Not only is there not one mention there, there is not one mention of the Helsinki Accords. There is not one mention of any protocol that has ever been recognized nationally or internationally in his amendment. It is a general amendment. It is exactly what the EPA wants because they have told us, they don't want to be hemmed in. They don't want to have their options limited. They want to be able to dose or accept studies that dose people with chemicals whenever they want to and whoever these people are.

Here is what the EPA says they want: The promulgation of rules prescribing such details would unnecessarily confine EPA's discretion. Wonderful. My opponent is giving them that discretion by not referring to any acceptable scientific guidelines.

Then my opponent defends the CHEERS program. I have never heard anyone defend the CHEERS program. The CHEERS program was going to be done on these babies. Pay their parents in poor areas, give them a cam camera, tell them to continue dosing their homes with pesticides and study the reaction of the children, when we already know it is dangerous for kids to be exposed to pesticides. My esteemed friend—and he is my friend—actually gets up and defends this program which no one else in America has done. But it speaks to the purpose of his amendment which is to move forward with a rule that would allow all of this.

My opponent says I am stopping all testing. False. The testing will continue—animal testing, computer modeling. Do you know what Stephen Johnson of the EPA has said about human testing? I think it is important that Members know. He certainly doesn't agree with Senator BURNS because this is his quote:

We believe that we have a more than sufficient database, through use of animal studies, to make licensing decisions that meet the standard—to protect the health of the public—without using human studies.

So my friend is contradicting Stephen Johnson, head of the EPA.

The PRESIDING OFFICER. The Senator has used 7 minutes.

Mrs. BOXER. I yield myself 1 more minute.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. BOXER. The fact is the attack Senator BURNS has made on my amendment is false in every way. It is the same amendment as his Republican friends supported over in the House without a dissenting voice. It is the same policy that was put in place by Republicans and Democrats. And then my friend says: Wouldn't it be a waste to throw away studies, even if they did intentionally dose human beings? Ronald Reagan was faced with that same

issue. His head of the EPA said there are certain times when you don't accept studies because there is moral right and there is moral wrong. That is why the Boxer amendment—supported by Senators SNOWE and COLLINS, Senators CLINTON and OBAMA and NELSON and others—is so important.

I ask unanimous consent to add Senator CORZINE as a cosponsor of my amendment.

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

Mrs. BOXER. To quote President Reagan's EPA, they said they would not accept human dosing type of experiments from World War II because they were "morally repugnant."

I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks time? The Senator from Montana.

Mr. BURNS. Mr. President, my amendment, to answer the National Academy of Sciences point, the six quantifying objectives, as mentioned, come from the book "Intentional Human Dosage Studies for the EPA, Respiratory Purposes, Scientific, and Ethical Issues." They were taken from that book. The National Academy is found in the amendment.

Again, we can characterize it any way we would like. I would just say that we still base our decisions on history. This amendment is paramount. And I understand, nobody likes the idea of human dosing. If we could get around it, if there was any sure way we could get around it, we would. I don't like it either. But nonetheless, as we talk about this, we are holding up testing on the world around us. We cannot afford to lose any time or information. We owe that to the American people, to the consumer. We also owe it to the people who produce food and fiber.

How much time is remaining on the other side?

The PRESIDING OFFICER. The Senator from California has 52 seconds remaining.

Mr. BURNS. Mr. President, we have a vote coming up, and we probably can get to that in the next 5 or 10 minutes, if that is OK with the Senator from California.

Mrs. BOXER. Absolutely.

Mr. BURNS. If you want to close, I will make a short statement. Then we will go to the vote.

Mrs. BOXER. Sure.

Mr. BURNS. I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, this debate is a tough debate because when it comes to protecting the people of our country, there are going to be feelings on either side. This is what it is about. The quote of James Childress of the National Academy of Sciences, chairman of the panel, who said: A lot of us were troubled by the dosing studies. And personally my view is that the House amendment—that is what my amendment is—was within the range of ethically justifiable responses.

The fact is, there is no mention directly of the National Academy of Sciences in my colleague's amendment. My colleague's amendment is just a "cover yourself" amendment. I call it a "CY" amendment.

People can think they are doing something, but here is what I need to tell my colleagues: If they vote for the Burns amendment, they are taking us back. They are telling the EPA to hurry up with their regulations, regulations that we know will test pregnant women and babies. Every major religious organization views this as a faith-based debate, and the Boxer amendment is on the right side of that debate. I hope Members will vote for the Boxer amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I will recap. Our approach is a commonsense approach. It just makes sense and logic that the information we need is only found in the work that we do on the safety of pesticides, fungicides, herbicides, all of that. It becomes very important to the agricultural producers, but also it is more important to the safety of our consuming public.

It has been a good debate. I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Is my friend going to ask for the yeas and nays on both his and my amendment, his first and then mine second?

Mr. BURNS. That is correct.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mrs. BOXER. I ask for the yeas and nays on the Burns amendment and the Boxer amendment.

The PRESIDING OFFICER. Without objection, the yeas and nays may be requested on both amendments.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BURNS. Mr. President, I ask unanimous consent that there be 2 minutes of debate equally divided prior to the vote in relation to the Boxer amendment.

Mr. BURNS. The Senator has 1 minute prior to the vote on her amendment.

Mrs. BOXER. That is very good.

Mr. BURNS. I ask unanimous consent for that.

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

Mr. BURNS. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Utah (Mr. BENNETT) and the Senator from Indiana (Mr. LUGAR).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to death in family.

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

The result was announced—yeas 57, nays 40, as follows:

[Rollcall Vote No. 161 Leg.]

YEAS—57

Alexander	DeWine	Martinez
Allard	Dole	McCain
Allen	Domenici	McConnell
Baucus	Dorgan	Murkowski
Bond	Ensign	Nelson (NE)
Brownback	Enzi	Pryor
Bunning	Frist	Roberts
Burns	Graham	Santorum
Burr	Grassley	Sessions
Byrd	Gregg	Shelby
Chambliss	Hagel	Smith
Coburn	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Talent
Conrad	Isakson	Thomas
Cornyn	Kyl	Thune
Craig	Landrieu	Vitter
Crapo	Lincoln	Voinovich
DeMint	Lott	Warner

NAYS—40

Akaka	Feingold	Nelson (FL)
Bayh	Feinstein	Obama
Biden	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Jeffords	Rockefeller
Cantwell	Johnson	Salazar
Carper	Kennedy	Sarbanes
Chafee	Kerry	Schumer
Clinton	Kohl	Snowe
Collins	Lautenberg	Specter
Corzine	Leahy	Stabenow
Dayton	Levin	Wyden
Dodd	Mikulski	
Durbin	Murray	

NOT VOTING—3

Bennett Lieberman Lugar

The amendment (No. 1068) was agreed to.

Mr. BURNS. Mr. President, I move to reconsider the vote, and move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1023

The PRESIDING OFFICER. There are now 2 minutes of debate equally divided on the Boxer amendment.

Mr. BURNS. I yield to the Senator from California on her amendment. She has 1 minute.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, if I could have Members' attention just for one moment, I hope they will vote for this. The EPA is about to utilize studies that will actually intentionally dose babies with pesticides, pregnant women with pesticides, newborns with pesticides, newborns of uncertain viability, meaning they might die, non-viable newborns. We are talking about a policy that has won the condemnation of every religious organization in this country who backed the Boxer amendment.

The Boxer amendment passed without a single dissenting vote in the House. If Members voted for Burns they can vote for Boxer. All we are saying is we need a timeout to look at this immoral policy. That is why we have

the Catholic bishops telling us that the intentional dosing of kids is immoral and they are very concerned about it. That is why we have the support of the National Council of Churches. If my colleagues ever wanted to vote for a faith-based amendment, this is the amendment. Stand on the side of the innocent, vulnerable kids and vote for the Boxer amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, it just makes sense that we do not suspend testing at all, as this amendment would do. It is bad logic to throw aside almost over 20 reports that give us the history and the institutional knowledge to complete the work for the safety of the consumer and also the people who produce food, fiber, and shelter in this country. I urge a "no" vote on this amendment.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1023. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Utah (Mr. BENNETT), and the Senator from Indiana (Mr. LUGAR).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to death in family.

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

The result was announced—yeas 60, nays 37, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—60

Akaka	Ensign	Murkowski
Baucus	Feingold	Murray
Bayh	Feinstein	Nelson (FL)
Biden	Graham	Nelson (NE)
Bingaman	Harkin	Obama
Boxer	Hutchison	Pryor
Byrd	Inouye	Reed
Cantwell	Isakson	Reid
Carper	Jeffords	Rockefeller
Chafee	Johnson	Salazar
Clinton	Kennedy	Sarbanes
Coburn	Kerry	Schumer
Collins	Kohl	Smith
Conrad	Landrieu	Snowe
Corzine	Lautenberg	Specter
Dayton	Leahy	Stabenow
DeWine	Levin	Talent
Dodd	Lincoln	Thune
Dorgan	McCain	Warner
Durbin	Mikulski	Wyden

NAYS—37

Alexander	Crapo	Martinez
Allard	DeMint	McConnell
Allen	Dole	Roberts
Bond	Domenici	Santorum
Brownback	Enzi	Sessions
Bunning	Frist	Shelby
Burns	Grassley	Stevens
Burr	Gregg	Sununu
Chambliss	Hagel	Thomas
Cochran	Hatch	Vitter
Coleman	Inhofe	Voinovich
Cornyn	Kyl	
Craig	Lott	

NOT VOTING—3

Bennett	Lieberman	Lugar
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The amendment (No. 1023) was agreed to.

Mr. DORGAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1025

Mr. BURNS. Mr. President, by previous order, we move to the Dorgan amendment No. 1025.

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Mr. President, I ask for the regular order to consider amendment numbered 1025.

The PRESIDING OFFICER. The amendment is pending.

Mr. DORGAN. Mr. President, let me describe the amendment. This amendment is very simple. It does not require an elaborate explanation. It provides additional resources, desperately needed resources to particularly the Indian Health Service.

We have had a lot of discussion in the Senate in the last several years about the Indian Health Service. We have a responsibility for the health of Indians under trust responsibilities to the Federal Government. The Federal Government also has a responsibility for health care for Federal prisoners. It is interesting to note that the Federal Government spends almost twice as much per person for health care for Federal prisoners as it does to meet its trust responsibility per person for American Indians.

If you travel to Indian reservations in this country, there is a bona fide crisis in health care on reservations and in other areas as well. Go to a reservation, and you will find a dentist practicing out of a trailer house, a small trailer, for 5,000 people. That is the dentistry. Go to a reservation and find half a dozen kids have committed suicide recently. You will discover there is virtually no mental health treatment available for those kids who end up taking their lives.

There is such a desperate need to satisfy the obligation here for health care for American Indians. We are so short of funding, it is unbelievable. This amendment adds \$1 billion to funding particularly for Indian Health Service but also to the BIA to provide the other services that are necessary on the reservations.

I have indicated we have a bona fide crisis in health care, housing, and education on Indian reservations. Let me tell a story I have told previously about a young girl named Tamara Demaris. Tamara was a 3-year-old. I read about Tamra in a newspaper. I met with her and her granddad. She was 3 years old and placed in foster care by a person who was handling welfare cases and so on. The woman who was handling the case was handling 150 cases. So this was a case of a 3-year-old child who was put in a foster care situation. But the person did not check out the home to which she was assigning the 3-year-old child. She was working on 150 cases. So Tamara Demaris goes

to this home. There is in this home a drunken brawl and party. The aftermath of that drunken brawl and party was this 3-year-old girl named Tamara had a broken nose, a broken arm, and her hair pulled out at the roots.

This is a 3-year-old child. That was our responsibility. We did not provide sufficient funds for available resources to check the foster home in which they would put this little kid. The result is this little kid is scarred for life.

I helped fix it on that particular reservation so that will not happen now. But why did it happen? They do not have the resources. One person handles 150 cases? That is unbelievable. A child gets injured, badly. It is going on all across this country on Indian reservations.

Again, I have told my colleagues about a hearing I held in which a young woman who had just assumed the job on an Indian reservation—this was for child welfare—said on the floor of her office was a stack of folders with allegations of child abuse, including sexual abuse of children. She said they have not even been investigated. Those folders sit there without an investigation because they do not have the resources.

She broke down at the hearing and began to sob, began to cry. She said: I have to beg and borrow to try to get a car to take a kid to a clinic or take a kid to see a psychologist or get mental health treatment. I don't have a vehicle, let alone the money to investigate the cases in the files on the floor.

I could go on at great length about diabetes, about all of the issues faced on these reservations.

My late colleague, Mickey Leland, with whom I traveled to many areas of the world, was a great humanitarian. He died when his plane crashed into a mountain in Ethiopia. He was a Congressman who worked with me and others on hunger issues. Mickey Leland came to the three affiliated tribes in North Dakota to hold a hearing.

This is what we discovered that day in the testimony about diabetes. They do not have double, triple or quadruple the rate of diabetes of the rest of the population; theirs was 10, 12 times the rate of the rest of the population. It is a devastating situation on Indian reservations. It means people are losing their legs, losing their good health, losing their lives, sitting through dialysis in a crowded room.

We have so many challenges to meet, and we are so far from meeting them with the necessary resources. These are the first Americans. I am talking about American Indians. They are the ones who greeted Christopher Columbus. These books that say Columbus discovered America—I am sorry, he was greeted by the American Indians, the first Americans. Yet we are not meeting our trust responsibility.

I suggest now is the time simply to take the step and say, if we care about health care, if we care about funding for these needs on Indian reservations

in this country, let's do it. We have Third World conditions in some of these areas. Sarah Swift talked about a grandmother who goes to bed, lies down on a cot, and freezes to death. She freezes to death in this country. This was a Native-American grandmother, an American-Indian grandmother who at 35 below zero in the middle of the winter was living in a house that had only plastic sheeting on the window. She froze to death. One would think, if you read in the paper, it was a Third World country. No, that wasn't. That was South Dakota. We have to do better. That is the purpose of my amendment.

This amendment is paid for with \$1 billion we take from the Federal Reserve surplus funding. Most of my colleagues—perhaps none of my colleagues know—in the Federal Reserve Board, there is an \$11 billion—yes, I said it right—an \$11 billion surplus fund. I call it the rainy-day fund. They should not have it, first of all. The Federal Reserve Board was created in the nineteen teens. We have a rainy-day fund so that if they run out of money, they have some money—\$11 billion. How do you run out of money when you actually create money, for God's sake? The Federal Reserve Board does not need \$11 billion.

Senator REID and I had the GAO do an investigation of this back in the 1990s. That was at a time when they had \$4 billion to \$5 billion. Now they have \$11 billion squirreled away. I say take less than one-tenth of that and invest it in the health of America's first citizens, citizens who now all too often are living in Third World conditions.

I will not describe at greater length the health challenges. I have done it before in speeches in the Senate. I want one person to tell me it does not matter that a young kid is lying in bed today on an Indian reservation thinking of committing suicide, and tomorrow or the next day they may find that young child hanging from the closet as they found Avis Littlewind hanging from her closet after missing 90 days of school. Her sister, by the way, committed suicide 2 years before. The mental health services on that reservation did not exist to help these kids.

The question is, Do we want to help these kids? Do we want to meet our responsibility? Do we want to keep our promise and tell people this matters? It does to me.

My hope is, with this amendment, my colleagues will finally decide to do what is right and do what is necessary to invest in the things in which we need to invest to say to the Native Americans: Your health matters, too. Your education matters, too. Housing matters for you as well. That is our obligation.

I recognize I have to make a motion to waive the applicable sections of the Budget Act. The reason is because people with very small glasses and very narrow breadth of thought have decided that \$11 billion sitting in a

squirreled-away bank account as a rainy-day fund for the Federal Reserve Board, a board full of people wearing gray suits, living in a concrete building, squirreling away \$11 billion—there are some people with these tiny glasses who decided this \$1 billion cannot be used for this because it would violate the Budget Act.

I might observe, however, that on previous occasions in the Senate other Members of the Senate have found a way to use a portion of this in the normal process. So I suggest perhaps there is not a greater need than doing what we should do for the children I have just described and for those who are suffering, those who are living in poverty, those who through no fault of their own are having a tough time. This would be a great way to reach out our hand and say to them: You are not alone. Let us help you up and out of this situation. Let us help improve your lives.

When my colleague rises, I am sure in aggressive support of my amendment, I will ask for a proper waiver of the Congressional Budget Act.

I ask unanimous consent Senators BINGAMAN and JOHNSON be added as co-sponsors of my amendment.

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

Mr. BURNS. Mr. President, we have increased Indian Health Service this year quite a lot at \$135 million. I agree with my colleague from North Dakota—it does not cover all the bases. It is one of the places we have increased the funds in this year's budget and this year's appropriation. Committees also provided \$82 million over the administration request for the Bureau of Indian Affairs.

The increase comes at a time when all other agency budgets in the bill are not growing. In fact, many are declining. The EPA is reduced by \$144 million below their current year level. The Forest Service is \$648 million below theirs. The National Park Service is \$51 million below theirs. I mention these reductions saying we have done everything this committee could do to channel more money into the places needed. We did that with regard to the Indian Health Service.

There are seven reservations in my State. We are very much aware of the shortcomings. We have one reservation we are trying to work awfully hard with right now because there is a shortfall in health services. Of course, we are trying to take care of that, protect the integrity of the tribe and also their budgets and their expenditures. We are trying to do that now. We have a real job on our hands as to how we balance the act.

Right now, the offset the Senator from North Dakota has proposed is not correct as CBO will not score that. This \$1 billion, of course, comes under another category.

Mr. DORGAN. Will the Senator yield?

Mr. BURNS. I will yield.

Mr. DORGAN. The Senator uses the acronym CBO; some call it the Confused Budget Office. Is that the Congressional Budget Office or, on this amendment, the Confused Budget Office?

Mr. BURNS. We will try the Congressional Budget Office.

Of course, there are other things that have entered into this. I have often wondered why they always call it OMB, Office of Management and Budget. I think maybe they call it OB. Nonetheless, we can kick that around.

It does not score with the Congressional Budget Office.

The pending amendment, 1025, offered by the Senator from North Dakota, increases the discretionary spending in excess of the 302(b) allocation to the Subcommittee on Interior and Related Agencies of the Committee on Appropriations. Therefore, I raise a point of order against the amendment pursuant to section 302(f) of the budget.

Mr. DORGAN. Mr. President, pursuant to section 904 of the Budget Act of 1974, I move to waive the applicable sections of the act for the purpose of the pending amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BURNS. I ask unanimous consent this vote be set aside and we have this vote immediately after the debate as to 1026, which is the amendment of Senator SUNUNU to this act.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BURNS. Mr. President, I guess I have some time remaining. I yield back that time.

We are awaiting the arrival of the manager of the Sununu amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

AMENDMENT NO. 1026

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

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

Mr. SUNUNU. Mr. President, is my amendment the pending business?

The PRESIDING OFFICER. The Senator is correct. His amendment is the pending business.

Mr. SUNUNU. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, there is 30 minutes evenly divided.

Mr. SUNUNU. Mr. President, we are preparing to vote on an amendment that I think does justice to the taxpayers. It doesn't make any sense to have a timber program that costs the taxpayers nearly \$49 million but yields less than \$1 million in revenue. Unfortunately, that is the situation we have in the Tongass. A significant portion of funding goes to building roads that support the efforts of private timber companies. I don't think it is too much to ask to simply require that those companies pay the expense of the road building themselves and not ask the taxpayers to provide that subsidy.

This is a straightforward amendment. It doesn't change any designation on land. It doesn't create any new wilderness area. It doesn't create any new roadless areas. It simply says for timber operations to continue, the private timber firms must put up the money to build the roads.

I am a strong supporter and will remain a strong supporter of a multiuse concept for the national forests. It makes sense because they are important places. They are places that should be able to be enjoyed for recreation hunting or fishing or snowmobiling—and they have economic uses as well. Where the taxpayers are concerned, where Federal funds are concerned, we need to be a little bit more cautious, especially in a time when we have \$300 or \$350 billion deficits. Spending nearly \$49 million, which was the tally in fiscal year 2004, for a program that yields revenues of \$800,000 doesn't make any sense.

I urge my colleagues to support the amendment, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, it is interesting to stand before the Senate this afternoon to discuss this amendment in the context of fiscal responsibility. The amendment that is proposed by my colleague from New Hampshire is about eliminating a subsidy for the timber industry. But when we look to it, it is very specific. It is not the elimination of subsidies for assistance throughout our National Forest System. It is just specific as to one national forest, and that is the Tongass, located in the State of Alaska. If, in fact, what we are focusing on today is looking at cost cutting, looking at efficiencies, looking at elimination of Federal funding in areas where it doesn't make sense, should we not be looking at this amendment and its application across the country? Wouldn't the supporters want to hold timber programs in all national forests to the same standards to eliminate subsidies and financial waste?

When we look at a list of our national forests, we have some 111 national forests spread across the country. Mr. President, 105 of the 111 national forests spend more on their timber programs than they collect in their

receipts. This is not just focusing on the Tongass because it is way out of whack in terms of the costs that are expended on the Tongass; 105 out of 111 of the national forests spend more on their timber programs than they collect in receipts. What we have today is an amendment that singles out the Tongass National Forest and no other national forest in the country.

Let's continue with the fiscal argument and how this doesn't work as it relates to the Tongass. According to the Forest Service, in fiscal year 2004, it cost \$6.05 per acre to manage the Tongass National Forest, which is very comparable, if not more efficient, than most of these other national forests for which we have the analysis.

Looking to the White Mountain National Forest in the State of New Hampshire, to manage that forest on a per acre basis is \$19.39. Again, the Tongass cost per acre, in terms of management, is \$6.05. Why aren't we looking at what is happening in the White Mountain National Forest in New Hampshire?

The Forest Service has in place in the Tongass a program that is designed to produce 150 million board feet a year. Yet 238 million board feet is on hold because of appeals and litigation. That is about a year and a half of product that can't get to market because of litigation. Seventy five percent of the costs associated with the timber program in the Tongass are the result of NEPA appeals and litigation. It is estimated that without these costs, the Tongass timber program could produce on average of about a 13-percent profit margin. So we recognize that we have some issues going on in the State of Alaska, particularly in the Tongass, that we are not seeing outside. We understand that the rate of litigation or the incidence of litigation in the Tongass is four times that of litigation that goes on with sales in any of the other national forests.

The economic argument, I contend, doesn't hold up. You can't separate the economic argument from the frivolous lawsuit argument. The reason the costs are so high is because of the lawsuits. You solve the lawsuit problem and you solve some of the economic problem.

It is interesting. The same organizations that are all about this amendment in trying to shut down any road activity in the Tongass are the same people filing the lawsuits. The reality is that the Tongass National Forest is singled out because it has been on the hit list of environmental groups who really oppose all logging, specifically in the Tongass.

I know my colleague's intention is not to change the status to wilderness. It is not to shut down the timber industry. But, in fact, that is what the impact of this amendment would be, to effectively shut down the industry in the Tongass. It would put hundreds of Alaskans in small rural communities out of work, communities that are dependent on the timber industry for their sur-

vival. It would work to eliminate the timber receipts that we receive in our schools that help educate our kids. It would devastate the economy in southeast Alaska, an economy that has already been so hard hit. We are looking at unemployment rates so far above the national average and, in the Southeast, an average that is absolutely unacceptable, 9 percent, 10 percent.

I understand it is not the intention of the Senator from New Hampshire and the Senator from New Mexico to shut down the Tongass, but that is what it is going to do.

If, in fact, we are going to talk about the fiscal side, if we are going to look to the elimination of subsidies, it should not just be about the Tongass. Let's take a look. Maybe we need to have hearings in the Energy Committee's Subcommittee on Public Lands and Forests and bring everybody together, put them at the table—the timber industry, the communities, the taxpayer advocate groups, environmental groups. Let's hear about it.

We have several colleagues who would like to speak on the amendment this afternoon. Before I sit, it is important to correct the record. Supporters of this amendment have said that the Tongass spent \$49 million on its logging program in 2004. In fact, the correct amount that was spent on the Tongass program in 2004 was \$22.5 million. They also say that the revenue on the Tongass in this same time period was \$800,000. In fact, it was \$2 million. I want to make sure we have the numbers straight as we are looking at this and where they are being spent.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator reserves the remainder of her time. Who yields time?

Mr. SUNUNU. Mr. President, the issue here isn't the cost to manage a national forest because we recognize national forests are special places. We want to manage them. We want to operate them. We want to run them for the enjoyment of people, and different forests are going to have different requirements and different costs associated with that management. Whether it is \$1 an acre or \$1,000 an acre, we want them to be run in an efficient way. It is not about the cost of management. It is not about the profitability of a timber program. As was pointed out, most of the timber programs technically lose money on a profit-and-loss basis. What it is really about is, in looking at those timber programs, should the taxpayers pay for the costs of building the roads, or is that a cost that should be borne by the private enterprise?

That is what this debate is about and the answer is no. Certainly, in the case of the Tongass, that is an area where more money is being spent to build more roads to benefit private companies with the least return imaginable.

I yield 4 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague for yielding the time.

I want to speak briefly in support of the Sununu amendment. This amendment is simple. It is narrow. It is clear. It provides that none of the funds appropriated in the bill can be used to plan or construct new logging roads for private logging companies in the Tongass. Some would say: Why single out the Tongass? How does that relate to my State or the area of the country I represent?

I think we have to have a little context for this amendment. We are debating an extremely tight budget for the Forest Service, one that simply does not come close to meeting the needs of the National Forest System. That is the reality that is being brought on by the growing deficits and the resulting cuts in spending.

Let me give a few examples of the cuts that are found elsewhere in this bill. This bill cuts the State and Private Forestry account by \$87 million. That includes a 45-percent cut in critical funding to protect communities from wildfires, leaving volunteer fire departments and other responders underfunded and leading to greater risk to life and property. This is made worse by a \$353 million cut in the Federal Wildfire Management account. It also includes a 30-percent cut in the Forest Health Management account.

A program that rehabilitates and restores areas burned by wildfires is cut in this budget by 84 percent. The bill cuts more than \$180 million from the Capital Improvements and Maintenance accounts, which fund the road construction and maintenance in the Tongass and in the rest of the country. That account already is more than \$10 billion in the red. So that gives people some sense of the extreme cuts that are taking place elsewhere in the Forest Service budget.

In stark contrast to that are the accounts used to support logging in the Tongass National Forest. Rejecting the President's proposed cuts in those accounts, this bill would increase funding for logging programs in the Tongass. It takes money from the programs throughout the rest of the country and puts it into the logging program in the Tongass.

That is why it is important that this amendment pass. We need to be sure that taxpayer dollars are going where the most good can be done for the public. It is no wonder that Taxpayers for Common Sense, the National Taxpayers Union, Citizens Against Taxpayer Waste, and many other organizations and businesses have objected to this program and the funding that is being provided.

In February of this year, the Congressional Budget Office joined in and proposed eliminating the Forest Service timber sales in Alaska and elsewhere as a way to save taxpayers \$130 million in 2006.

Mr. President, I believe this is a very meritorious amendment. I hope my colleagues will support Senator SUNUNU and me on this. The Federal deficit clearly is too high. It cuts critical programs in our States too deep. Taxpayer money is too precious for us to spend it in this way. This amendment would help correct that problem.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska is recognized.

Ms. MURKOWSKI. I yield 1 minute to the Senator from Nevada.

Mr. ENSIGN. Mr. President, I rise in opposition to this amendment. I have found myself in similar situations as the Senators from Alaska, with my State of Nevada being singled out and, for this reason, I am very sympathetic to their concerns. I believe that we cannot overemphasize the importance of this road funding to the people in

southeastern Alaska. Local lumber jobs in the Tongass have decreased from 5,000 in 1990 to just a thousand today, putting a strain on the surrounding communities. Furthermore, the price of lumber has skyrocketed in the United States. My State is home to Las Vegas, which is the fastest growing city in America. We have seen the cost of lumber and other products soar.

I believe it is important to preserve funding for these roads so that we can continue to have a reliable supply of lumber across the country. I urge my colleagues to join with the Senators from Alaska in keeping this small part of the Tongass accessible to development.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SUNUNU. Mr. President, it is always frustrating when different people are working with different numbers. The suggestion was made that the program costs about \$22 million. I have here the Forest Service budget submission for the coming fiscal year as well as data on fiscal years 2004 and 2005. For this region's two forests, Chugach and Tongass—there is no forest, paper, or timber program in the Chugach, so we have two line items. One is forest products, \$23.342 million. The other is roads, \$22.325 million. That adds up to more than \$45 million in their budget estimate for fiscal year 2005. If you look at fiscal year 2004, forest products is \$27.379 million and roads is \$21.273 million. That adds up to nearly \$49 million. And if you look at the coming fiscal year, fiscal year 2006, the budget request for forest products is \$21.462 million and for roads it is \$17.306 million. That adds up to almost \$39 million.

I ask unanimous consent this list be printed in the RECORD.

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

**Allocations to Regions, Stations, Area, FY 2004-2005, Estimated FY 2006**  
(\$ in thousands)

	Region 10			Forest Products Lab		
	FY04	FY05	FY06 PB	FY04	FY05	FY06 PB
<b>Forest and Rangeland Research</b>	0	0	0	21,555	20,632	21,532
<b>State &amp; Private Forestry</b>						
Forest Health Management - Federal Lands	2,025	2,133	2,053	0	0	0
Forest Health Management - Cooperative Lands	392	834	200	0	0	0
State Fire Assistance	1,132	823	603	0	0	0
Volunteer Fire Assistance	111	130	130	0	0	0
Forest Stewardship	697	705	840	15	0	0
Forest Legacy Program	478	57	671	0	0	0
Urban and Community Forestry	220	207	191	0	0	0
Economic Action Program	2,075	3,160	0	703	314	0
Forest Resources Information and Analysis	0	0	0	0	0	0
International Forestry	0	0	0	0	0	0
<b>Total, State &amp; Private Forestry</b>	<b>7,130</b>	<b>8,049</b>	<b>4,688</b>	<b>718</b>	<b>314</b>	<b>0</b>
<b>National Forest System</b>						
Land Management Planning	906	1,067	857	0	0	0
NFS Hazardous Fuels	0	0	1,390	0	0	0
Inventory and Monitoring	7,934	8,004	4,837	10	0	0
Recreation, Heritage, and Wilderness	12,483	10,900	11,258	0	0	0
Wildlife and Fisheries Habitat Management	11,113	10,267	9,453	0	0	0
Grazing Management	0	0	0	0	0	0
Forest Products	27,379	23,342	21,462	0	0	0
Vegetation and Watershed Management	6,744	7,617	5,126	0	0	0
Minerals and Geology Management	2,175	2,318	2,535	0	0	0
Landownership Management	5,463	6,024	4,319	0	0	0
Law Enforcement Operations	3,027	0	0	0	0	0
Valles Caldera National Preserve	0	0	0	0	0	0
Centennial of Service	0	1,000	0	0	0	0
<b>Total, National Forest System</b>	<b>77,224</b>	<b>70,539</b>	<b>61,237</b>	<b>10</b>	<b>0</b>	<b>0</b>
<b>Wildland Fire Management</b>						
Fire Preparedness	3,237	3,397	3,394	0	0	0
Fire Operations -- Suppression	0	0	0	0	0	0
Hazardous Fuels	913	1,919	0	152	652	0
Rehabilitation and Restoration	0	0	0	0	0	0
Fire Research and Development	0	0	0	727	708	575
Joint Fire Sciences	0	0	0	0	0	0
Forest Health Management -- Federal Lands (NFP)	153	196	0	0	0	0
Forest Health Management -- Cooperative Lands (NFP)	365	336	0	0	0	0
State Fire Assistance (NFP)	6,237	6,749	842	0	0	0
Volunteer Fire Assistance (NFP)	279	270	270	0	0	0
<b>Total, Wildland Fire Management</b>	<b>11,184</b>	<b>12,867</b>	<b>4,506</b>	<b>879</b>	<b>1,360</b>	<b>575</b>
<b>Capital Improvement &amp; Maintenance</b>						
Facilities	12,810	13,830	8,365	3,283	3,746	10,043
Roads	21,273	22,325	17,306	0	0	0
Trails	6,300	5,522	5,082	0	0	0
Infrastructure Improvement	2,059	758	929	300	162	162
<b>Total, Capital Improvement &amp; Maintenance</b>	<b>42,442</b>	<b>42,435</b>	<b>31,682</b>	<b>3,583</b>	<b>3,908</b>	<b>10,205</b>
<b>Land Acquisition</b>						
Land Acquisition -- Land and Water Conservation Func	39	60	60	0	0	0
Acquisition of Lands for National Forests, Special Acts	0	0	0	0	0	0
Acquisition of Lands to Complete Land Exchanges	0	0	0	0	0	0
<b>Total, Land Acquisition</b>	<b>39</b>	<b>60</b>	<b>60</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Range Betterment Fund</b>	0	0	0	0	0	0
Gifts, Donations, and Bequests for Research	0	0	0	0	40	60
Management of NF Lands for Subsistence Uses	5,467	5,879	5,467	0	0	0
<b>Permanent Working Funds</b>						
Brush Disposal	0	0	0	0	0	0
Timber Salvage Sales	500	2,178	1,500	0	0	0
Other	0	3,222	4,746	0	0	0
<b>Total, Permanent Working Funds</b>	<b>500</b>	<b>5,400</b>	<b>6,246</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Trust Funds Subtotal</b>	<b>1,583</b>	<b>2,113</b>	<b>1,823</b>	<b>0</b>	<b>450</b>	<b>0</b>
<b>TOTAL, Regular FUNDS</b>	<b>145,569</b>	<b>147,342</b>	<b>115,709</b>	<b>26,745</b>	<b>26,704</b>	<b>32,372</b>

Total does not include Payments to States

Amounts do not include Emergency or

Supplemental Funding

Mr. SUNUNU. Mr. President, I yield 4 minutes to the Senator from Arizona.

Mr. McCAIN. Mr. President, I applaud the Senator for his courage in taking on this issue. I have watched the Senator from Alaska, Senator MURKOWSKI, speak in a passionate and advocating fashion, and I admire her knowledge of the facts and her advocacy. Unfortunately, I am supporting the amendment. It offers Members an opportunity to vote for the taxpayers' interests and put a halt to wasting their hard-earned dollars for the construction of new roads in the Tongass National Forest. The word "new" is key here because, according to the U.S. Forest Service, the existing road system already allows loggers access to more timber than the average annual cut in the Tongass for the past 3 years.

Not only do the existing roads—5,000 miles already bought and paid for by taxpayers—offer access to more timber than the timber companies can harvest, the Forest Service can't even sell the harvested timber at rates to recoup the costs of road construction and timber sale preparation.

So this program is a double insult to American taxpayers. Federal funds are first used to construct Tongass roads and prepare the timber sale and then the Forest Service sells that timber for a fraction of the federal investment.

My colleagues from Alaska have argued that this amendment singles out this national forest from all the rest and they are simply seeking equal treatment for Alaska. The reason that this amendment recognizes the Tongass is because it is the most consistently wasteful timber sales program in the entire National Forest System.

While we can't fix the entire broken Forest Service timber sales program today, we can fix this most egregious example of waste and mismanagement of scarce Federal dollars and that is the Tongass.

The Forest Service website indicates that road building in the Tongass is by far the most expensive in the National Forest System, with construction costs of \$150,000 per mile—remarkable. At the same time, the existing Tongass roads already face a \$100 million maintenance backlog.

My colleagues from Alaska have not denied the fact that hundreds of millions of taxpayer dollars have subsidized the unprofitable Tongass timber program, but instead have made the extraordinary argument that "the timber sales program on National Forests is not supposed to be profitable".

When Congress established the Forest Service as stewards of the National Forests one hundred years ago, it was charged with the management of these public lands for commercial, recreational, and other purposes for the benefit of the American public. I'm sure no one conceived of the situation in the Tongass which has been detrimental to public interests for decades. Since 1982, taxpayers have provided

more than \$850 million subsidizing the logging industry in the Tongass National Forest alone. Between 1982 and 2002, cumulative losses for Tongass timber sales reached \$750 million, or an annual average loss of \$37 million.

In 2004, the Forest Service spent more than \$48 million on the Tongass timber program, but took in less than \$800,000 from timber companies. This amounts to a taxpayer subsidy of more than \$160,000 per logging job in the Tongass. Nice industry profit, but it is long past time that we stop this.

Ironically, this program isn't even good for the Alaska economy. While a few hundred loggers are benefiting at taxpayers expense, many more Alaskan jobs that depend on recreation, small-scale logging, and tourism-related industries are harmed by the extensive road building, clear-cutting, and resulting degradation of water and wildlife resources.

Perhaps that is why more than 1000 sporting and gun clubs as well as local businesses have joined with taxpayer and conservation groups in opposition to the construction of new roads in the Tongass and in support of this amendment.

Every once in a while, a State or community has to go through a wrenching change. It is time for a change in the Tongass National Forest. I hope my colleagues will approve this amendment. Over time, I hope it will prove beneficial to the State of Alaska.

The PRESIDING OFFICER. Who yields time?

Ms. MURKOWSKI. I yield a minute and a half to my colleague from Idaho, with the balance of the time to be yielded to my colleague from Alaska.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, yesterday, our friend and colleague from New Hampshire said this amendment is not about being a wild-eyed environmentalist, but that it is about being fiscally responsible. So I am going to take the fiscally responsible side of that argument and say, let us open Pandora's box. I think this amendment does it. This bill includes \$254 million for State and private forestry assistance. I doubt that New Hampshire gets any of that. It also includes \$257 million for recreation, wilderness, and heritage management.

Should we not hold the recreational industry to the same standard we are holding the logging industry—no subsidy and everybody who hikes pay your own way? That is part of the argument. If we are going to hold the Tongass Forest to the standards we would be holding it to in this amendment, to cut the resources—what about the community action programs? The Senator from New Mexico said he made the decision—are we not going to invest in the community forestry program for the State of New Mexico and the communities that benefit from that? Cut them all. If that is the principle we apply here, cut them all. Eighty per-

cent of the timber sales on public lands in this country to supply our fiber needs are now held up in the courts for legal action. Those are the realities, while the timber pours in out of Canada and cuts jobs out from rural America. That is exactly what is going on.

No, not a wild-eyed environmental logic, a fiscal logic; let's take out the programs for recreation and wilderness and trail maintenance and let the public pay their fair share.

Mr. SPECTER. Mr. President, I have sought recognition to discuss my vote on the Sununu-Bingaman amendment No. 1026 to the Interior appropriations bill for fiscal year 2006. I oppose the amendment due to my concerns that it unfairly singled out one national forest in Alaska instead of crafting a policy that may be implemented across the national forest system.

The Sununu-Bingaman amendment would prohibit any funds in the bill from being used to plan, design, study, or construct new forest development roads in the Tongass National Forest for the purpose of harvesting timber by private entities or individuals. I understand that the Federal Government subsidizes timber programs in all 111 national forests, including the Allegheny National Forest in Northwestern Pennsylvania. While the amendment did not prohibit logging in the Tongass, it would have created a special prohibition on new road building for logging operations in that forest when compared to other national forests.

If Congress is to craft rules pertaining to the Federal logging program, it should be done in a more constructive manner than offered today. The issues of road building, maintenance backlogs, and future logging should be dealt with first by each national forest individually, in the context of its management plan. Congressional action should be a last resort. If Congress should reconsider the Federal logging program, I urge the amendment's proponents to submit a plan for consideration.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, if the other side has time left, I will wait.

The PRESIDING OFFICER. The time is controlled by the Senator from New Hampshire and the Senator from Alaska.

Who yields time?

Ms. MURKOWSKI. Mr. President, I think my colleague from Alaska will allow the other side to go next, if that is OK with my colleague.

Mr. SUNUNU. I yield our remaining time to the Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise to express my support for the Sununu-Bingaman Tongass amendment.

I support this amendment for one simple reason: it ends a fruitless subsidy that costs taxpayers millions of dollars a year. Yes, I do want to see the

rare Alaskan Tongass rainforest protected, but that is not what this amendment does. Let me be very clear about this point. This amendment does not place a prohibition on logging. It does, however, place a prohibition on taxpayers footing the bill for logging.

Alaska's Tongass National Forest contains represents the biggest block of intact old-growth forest in Alaska and is the largest intact temperate rainforest in the world. Yet the Tongass is the Forest Service's biggest money-losing timber program. Since 1982, over \$850 million has been lost on Tongass logging as a result of subsidies, uncompetitive bidding practices, and vastly undervalued timber sales.

We hear that this amendment will result in a loss of jobs. This argument concerns me because I recognize the timber industry's role in my home State of Wisconsin. Upon closer examination, though, I understand that this year alone, U.S. taxpayers have spent \$163,000 for every direct timber job created by logging the Tongass. That is roughly four times the average U.S. household income this year—and certainly more than loggers in Wisconsin are getting paid in Federal dollars. Something is wrong with this picture.

I support the Sununu-Bingaman amendment and urge my colleagues who care about fiscal responsibility and care about the environment to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. It is unfortunate that some people don't read numbers correctly. The Tongass land use plan, for instance, cost \$13 million. The Forest Service spends most of its money in Alaska on planning and designing the roads and defending the lawsuits brought by the environmental organizations that encouraged these Senators to bring this amendment. As a practical matter, of the 17 million acres in the Tongass, 676,000 acres—4 percent of the forest—is subject to harvesting.

Some time ago, Congress decided the Forest Service should build the roads in Alaska—not the private industry but the Forest Service—because of fish and wildlife concerns, recreation concerns, and concerns of those people who want access to the islands. There are no roads here. The reason we have this problem is we don't have Federal highway money in this area. The area is almost as big as New England. The only roads built there are for access to timber development. The study for those roads takes more money than building the roads. The defense of the litigation takes more money than both. As a matter of fact, 75 percent of the money spent in the Tongass is spent for environmental concerns and defending the litigation that is brought time and again against any contract to allow people to harvest timber.

Four times as many lawsuits are brought against timber sales in Alaska

than are brought in all the rest of the country.

This amendment does not cut a dime from the budget—not one dime. It is not saving any money. It just says money cannot be spent in Alaska. Where is it going to be spent? It is going to be spent in the other National forests.

Mr. President, I will submit for the record a chart that shows that in the Tongass in fiscal year 2004, only \$3.6 million was actually used in road support.

This is not a case of saving money. As a matter of fact, the Forest Service's planning, designing, and construction of timber roads is for the protection of the wildlife, the fish, and the scenic recreation areas for residents and visitors.

I do believe Alaska's timber roads are more expensive because of the environmental studies that must go on. They plan and design these areas for years before we are allowed access to the timber. We do that, again, to ensure the roads are designed properly.

This was a compromise with the environmental community. In years gone by, the private industry did build the roads. The environmental community did not like it. They said we couldn't do it unless we have a plan and the Forest Service carries out that plan. It designs and plans the roads and does all the environmental work that is not done in the private sector. Actually, only 25 percent of the money is spent for preparation and administration of these areas.

I do believe, unfortunately, that my friends are hiding the fact that they are bringing an environmental amendment. This is not an amendment to cut money. I challenge anyone to show it will save a dime. It will not save one dime because it does not cut money from this budget.

This is not about spending. If it were, it would apply to all forests. If Senators want to bring an amendment to reduce the budget, to cut the money for road building, then that would be another matter. The Tongass has a better monetary rate of return per dollar invested than 13 national forests and the same monetary return as 17 of them.

Mr. President, I ask unanimous consent to print in the RECORD two charts following my remarks.

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

(See exhibit 1)

Mr. STEVENS. Mr. President, this is not a fiscal amendment. This is an amendment to require that no money be spent to plan, design, or construct roads. What for? For timber development. But timber roads are also built for forest management, for fish and wildlife protection, for recreation. The people involved in the administration of fish and wildlife laws use those roads. The hikers and campers use those roads. The roads are built so pedestrians go across the bridges and do

not go across the bottom of the streams, as they used to. In the private sector days, the Caterpillars used to go right through the streams, damage the streams, damage the habitat for fish and wildlife, and we changed that. The Forest Service plans and designs the roads, and we construct bridges over every single little stream. We protect the environment.

Now we are being accused of spending too much money because why? We are protecting the environment and defending the lawsuits against the environmental groups that bring them.

I urge the Senate to reject this amendment. As I say, it does not cut a dime from the budget.

#### EXHIBIT 1

#### FY 2004 TIMBER ROAD COSTS: TONGASS NATIONAL FOREST

CMRD Allocation: \$19.04 million.

Timber Purchase Credit: \$228,000.

Maintenance: \$3 million.

Timber Road Support: \$3.6 million.

The Tongass National Forest's monetary return per dollar invested is 2 percent.

#### THIRTEEN NATIONAL FORESTS THAT HAVE MONETARY RETURNS LESS THAN THE TONGASS'S

State/Forest	Monetary return per \$ invested (percent)
California—Los Padres National Forest	1
California—Mendocino National Forest	1
California—Six Rivers National Forest	1
California—Plumas National Forest	1
California—San Bernardino National Forest	1
Illinois—Shawnee National Forest	0
Indiana—Hoosier National Forest	0
Montana—Bitterroot National Forest	1
Nebraska—Nebraska National Forest	0
New Mexico—Gila National Forest	1
New Mexico—Lincoln National Forest	1
Ohio—Wayne National Forest	1
Tennessee—Land Between the Lakes NF	0

#### SEVENTEEN NATIONAL FORESTS THAT HAVE THE SAME MONETARY RETURN PER DOLLAR INVESTED AS THE TONGASS—2

Forest/state	Monetary return per \$ invested (percent)
Arizona—Apache-Sitgreaves	2
Arizona—Coconino National Forest	2
Arizona—Coronado National Forest	2
Arizona—Prescott National Forest	2
California—Cleveland National Forest	2
California—Modoc National Forest	2
California—Sequoia National Forest	2
Georgia—Cattahoochee-Oconee National Forest	2
Kentucky—Daniel Boone National Forest	2
New Mexico—Carson National Forest	2
New Mexico—Cibola National Forest	2
New Mexico—Santa Fe National Forest	2
New Mexico—Tonto National Forest	2
Nevada—Humboldt-Toiyabe National Forest	2
Oregon—Ochoco National Forest	2
Tennessee—Cherokee National Forest	2
Utah—Manti-La Sal National Forest	2

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SUNUNU. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

#### VOTE ON AMENDMENT NO. 1025

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to waive the Budget Act with respect to amendment

No. 1025. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Utah (Mr. BENNETT).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to death in the family.

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

The yeas and nays resulted—yeas 47, nays 51, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—47

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

NAYS—51

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

NOT VOTING—2

Bennett Lieberman

The PRESIDING OFFICER (Mr. SUNUNU). On this vote, the yeas are 47, the nays are 51. Three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

Mr. STEVENS. Mr. President, 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.

VOTE ON AMENDMENT NO. 1026

The PRESIDING OFFICER (Mr. MARTINEZ). The question now is on agreeing to amendment No. 1026. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Utah (Mr. BENNETT).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to death in family.

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

The result was announced—yeas 39, nays 59, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—39

Bayh	Durbin	Mikulski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Boxer	Harkin	Obama
Cantwell	Jeffords	Reed
Carper	Johnson	Reid
Chafee	Kennedy	Rockefeller
Clinton	Kerry	Salazar
Conrad	Kohl	Sarbanes
Corzine	Lautenberg	Schumer
Dayton	Leahy	Stabenow
Dodd	Levin	Sununu
Dorgan	McCain	Wyden

NAYS—59

Akaka	DeWine	Martinez
Allard	Dole	McConnell
Allen	Domenici	Murkowski
Bond	Ensign	Nelson (NE)
Brownback	Baucus	Enzi
Bunning	Brownback	Frist
Burns	Bunning	Graham
Burr	Burns	Grassley
Chafee	Burr	Santorum
Chambliss	Byrd	Sessions
Coburn	Chambliss	Hagel
Cochran	Coburn	Hatch
Collins	Cochran	Inhofe
Cornyn	Collins	Isakson
Craig	Cornyn	Kyl
Crapo	Craig	Lott
DeMint	Crapo	DeMint

NOT VOTING—2

Bennett Lieberman

The amendment was rejected.

Mr. BURNS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield to Senator SMITH for a brief statement without losing my right to the floor.

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

Mr. SMITH. Mr. President, I thank Senator BYRD. I will be very brief. I ask unanimous consent that I be permitted to speak as if in morning business.

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

(The remarks of Mr. SMITH are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, there is a crisis in the veterans health care system. The VA has belatedly admitted it is desperately short of cash and cannot make ends meet. What are the results? As a result, our veterans are in real danger of being shut off from the medical care they so urgently need and so rightly deserve. They are already suffering the indignity and the physical toll of understaffed medical facilities and dangerous delays in treatment. This is a shabby way to treat America's veterans.

There are some who will say it is premature to add emergency funding for the VA to this bill and that we need to wait for more data to be collected and

more numbers to be crunched. I say we have waited too long already. We have been hearing since the beginning of the year of the difficulties the current budget shortfall has caused the VA hospitals and clinics around the country. Due to budget shortfalls at the regional level, many of our local VA hospitals and clinics are being forced to institute hiring freezes and having to spend money set aside for equipment and maintenance on health care.

Let me give Senators one example. According to information gathered by the Senate Committee on Veterans' Affairs, the Togus Veterans Medical Center in Maine came up against a \$14.2 million shortfall in mid-January for this fiscal year. To reduce the budget gap to \$7 million, the center has diverted funds intended for equipment and left staff vacancies unfilled. The facility has not been able to purchase a needed magnetic resonance imaging, MRI, machine due to the budget shortfall.

That is just one example. The administration's plan to deal with the current shortfall includes postponing \$600 million worth of repairs and equipment such as the MRI machine that the Togus Medical Center cannot afford to provide to its clients. Sophisticated diagnostic and imaging machines that produce MRIs, high-resolution X-rays, Sonograms, and CAT scans are essential to the delivery of first-rate health care.

We cannot have first-class health care in an outdated facility with second-class equipment. I am not willing to postpone fixing the roofs of clinics or purchasing needed equipment, and the VA should not be willing to do so either.

The people at the VA headquarters do not like to talk about these problems. They would like us to believe that everything is just fine. But from the stories many of us—many of us on both sides of the aisle—are hearing from our own States, we know better. The doctors and the nurses and the medical technicians in the field who are working in these understaffed, underequipped facilities, also know better. And our veterans—our veterans, the men and women who have put their lives on the line; our veterans—who are bearing the brunt of the budget shortfall know better, also.

The Department of Veterans Affairs continues to claim that it can work around the budget shortfalls this year, but to do so, they will have to rob Peter to pay Paul. By deferring spending for some items and shuffling money around in other accounts, the VA is just pushing the problem off into next year and compounding the difficulties already facing the VA health care system. Even Secretary Jim Nicholson admits that this is not a one-time problem. According to his testimony yesterday before the Senate Veterans' Affairs Committee, the VA faces a budget shortfall of about \$1.5 billion—\$1.5 billion, with a capital "B"—in fiscal year

2006. Mind you, now, mind you, Mr. President, this is on top—this is on top—of the \$1-billion-plus shortfall the VA is experiencing this year.

Senator PATTY MURRAY warned of this shortfall 2 months ago. She was right. She was right then and she is right now. One does not wait for depth soundings to throw a lifeline to a drowning man, and we should not wait for the administration to keep testing the water before we throw a lifeline to our deserving veterans. The crisis in veterans' health care is now—now—and the time to act is now, today.

The Murray-Byrd-Feinstein amendment addresses the current shortfall. Our amendment provides \$1.42 billion to restore the funding that the VA has had to divert from current requirements to balance the books this year and to provide a much needed shot of supplemental funding to the VA's regional operations.

I understand that our colleague, Senator LARRY CRAIG and others, as a result of his Veterans' Affairs Committee hearing yesterday, intend to offer a second-degree amendment to the Murray-Byrd-Feinstein amendment today that would round up—or round off—the amount of 2005 supplemental funding for the VA from \$1.42 billion to \$1.5 billion. I welcome Senator CRAIG's initiative. I hope we can come to an agreement that the entire Senate can support. And I look forward, to cosponsoring Senator CRAIG's modification.

Make no mistake about it, this amendment addresses only the administration's shortfall for 2005, which is why we are designating these funds as emergency funds. This will not solve the problem in fiscal year 2006 or beyond. To address those problems, we call on the administration—we call on the White House—to send up a 2006 VA budget amendment immediately and to budget responsibly for veterans health care in future budget requests.

But we cannot afford to wait until next year to address the immediate shortfall in the 2005 VA budget. This is not business as usual. This is not business as usual. The ability of the VA to deliver health care to scores and more scores of veterans is at stake. I welcome my Republican colleagues to the table. Come, sit down. Join us. I urge Senators on both sides of the aisle—over to my right and those on my left—to do the right thing for our Nation's veterans. The VA needs this money now. The Senate has both the opportunity and the obligation to provide it now. Let us not delay.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania.

AMENDMENT NO. 1071 TO AMENDMENT NO. 1052

Mr. SANTORUM. Mr. President, I call up a second-degree amendment that is at the desk, the Santorum-Craig-Hutchison-Kyl amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Pennsylvania [Mr. SANTORUM], for himself, Mrs. HUTCHISON, Mr. CRAIG, Mr. KYL, Mr. FRIST, Mr. MCCONNELL, Mr. TAVENT, Mr. THUNE, and Ms. COLLINS, proposes an amendment numbered 1071.

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

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

The amendment is as follows:

On page 1, line 2, strike the word "Sec" through page 1, line 9 and insert the following:

Sec. 429. (a) From the money in the Treasury not otherwise obligated or appropriated, there are appropriated to the Department of Veterans Affairs \$1,500,000,000 for the fiscal year ending September 30, 2005, for medical services provided by the Veterans Health Administration, which shall be available until expended.

Mr. SANTORUM. Mr. President, this is the amendment that was just referred to by my colleague from West Virginia. It is an amendment that takes the level of funding in the underlying amendment up to \$1.5 billion and has that money spread to where the need is the greatest with respect to the problems and the shortages within the Veterans' Administration. It leaves the Secretary the ability to make that decision. We think that is vitally important, when there is a shortfall, that the money goes to where it is most needed.

I would say that I do this on behalf of the Senate Republican leadership. All of us in our meetings this week have been quite dismayed by what was apparently bad management, bad forecasting over in the Department of Veterans Affairs, as well as the problems of communicating that information accurately to the Congress.

So as a member of leadership, we wanted to offer this amendment, in I think very strong terms, to show our concern about the lack of communication, about the problems that were going on in the Veterans' Administration in the health care area. It is vitally important, particularly at a time of war, when we have a lot of our men and women who have been injured in that war moving over from the Department of Defense health care facilities to the Veterans' Administration health care facilities, that we get accurate information as to what the impact of that is and that we can budget for it accordingly.

In fact, in April of this year, as the Senator from West Virginia just alluded to, many of us on this side of the aisle voted against an amendment by Senator MURRAY because of the understanding and assurances by the Veterans' Administration that there was sufficient funding to provide for veterans health care. We were in error. Senator MURRAY was right. And I am not happy that we were put in a position to vote against an amendment that, as we now find out, was needed. But we got bad information.

So this is an attempt to rectify that situation. Let's hope it does not hap-

pen again. It cannot happen again. I hope the fact that members of the Republican leadership are on this amendment, as well as the chairman of the Veterans' Affairs Committee, and the chairman of the subcommittee of jurisdiction, Senator HUTCHISON, on the Appropriations Committee, sends a very loud and clear message to the administration that we like straight dealing when it comes to the issues of providing quality health care to our Nation's veterans.

I congratulate our colleagues over in the House and the chairman of the Veterans Affairs Committee over there, Congressman BUYER, for his work in digging and getting some of this information to the fore.

I was at a VFW State convention a couple weeks ago, on June 17, and was asked some pretty pointed questions about veterans health care and was told that there were real problems in our State of shortages and the shifting of moneys. And so that was a Friday. The following Monday is when this hearing occurred—on June 20. Subsequently, as a result of the input I was getting from veterans in that hearing, I sent a letter to Secretary Nicholson last week expressing my, shall I say, deep concern about this and about this shortfall of funding and about the lack of candor on the part of the administration in telling us what was going on with the funding of our veterans facilities.

Mr. President, I ask unanimous consent that letter dated June 24, 2005 be printed in the RECORD.

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

U.S. SENATE,  
DIRKSEN SENATE OFFICE BUILDING,  
Washington, DC, June 24, 2005.  
Hon. R. JAMES NICHOLSON,  
Secretary of Veterans Affairs, Department of  
Veterans Affairs, Washington, DC.

DEAR SECRETARY NICHOLSON: I WRITE TODAY TO EXPRESS MY GRAVE CONCERN WITH DEPARTMENT OF VETERANS AFFAIRS' FISCAL YEAR 2005 BUDGET SHORTFALL.

News of this shortfall is extremely disturbing in light of your assurances that the Department of Veterans Affairs did not need additional funding in fiscal year 2005 to care for our nation's veterans. It was this assurance that influenced me to oppose emergency supplemental funds for the Department this spring.

Following the Senate's vote to reject these emergency supplemental funds, my staff and I met with veterans concerned about the immediate funding needs of the Department of Veterans Affairs. During these meetings, I learned that medical centers, because of financial constraints, had begun shifting capital funds into health care accounts to maintain health care services for veterans.

I am disappointed that the Department was not more forthcoming about these financial constraints. Had the Department been candid and transparent in its assessment of financial needs during the current fiscal year, the outcome of a recent Senate vote might have been very different.

So that we can be responsive to the health care needs of veterans, I urge you to immediately begin working with the White House, the Office of Management and Budget, and

Congress to address the funding shortfall impacting the Department in fiscal year 2005. With the support of Chairman Craig and Chairman Hutchison of the Senate Appropriations Subcommittee on Military Construction and Veterans Affairs, I am confident the Senate can address this shortfall.

In the future, when providing comment to Congress, I urge you to be candid when asked for your personal views on matters impacting the needs of the Department of Veterans Affairs. There may be instances where you believe that the Administration has erred or provided incomplete information. We look to you to be the person who can inform Congress on the needs of the Department and our nation's veterans.

I appreciate your consideration of this matter and please know of my interest in working with you to address this problem.

Sincerely,

RICK SANTORUM,  
U.S. Senate.

Mr. SANTORUM. I expressed in this letter that I was disappointed the Department was not forthcoming, and I was hopeful they would come forward and let us know what was necessary, how much money was needed, so we could then respond. And as I mentioned in the letter, I was confident the Senate and the House would respond.

I think what you are seeing here today is my prognostication is correct. We are going to respond, and we are going to respond with the money they say they need.

Now, I would suggest that if you look at the analysis that Senator BYRD pro-

vided for us as to where this money is coming from, some of it was unanticipated and, potentially, you could argue was something that could not have been forecasted or budgeted with the number of people who are transferred from the Defense Department over to the VA as a result of the conflict in Iraq and Afghanistan. But a lot of this was simply just poor administration and not accurately forecasting the utilization of the system.

I think we have to do a better job of understanding what the needs are, what the demands are and have a better understanding of what the budget should be and accurately reflect that budget in submissions to the Congress.

So I know the chairman of the Veterans Affairs Committee in the Senate, Senator CRAIG, has had those kinds of candid conversations with the Secretary. I know all of us look forward to working cooperatively with the new Secretary in making sure we can get the information we need to be able to properly provide for the health care needs of the veterans whom we have promised to serve.

Mr. President, I thank my colleagues for joining in putting this amendment forward. I thank the Senator from Washington for her work and for her diligence and early work in this area. I am glad we were able to work together. Hopefully, we will work in a bipartisan

way not just to provide these resources but to make sure we get a better and more accurate accounting of the cost of providing the care that our veterans need here in America.

Mr. President, I yield the floor.

Mr. REID. Mr. President, this Monday all over America there will be celebrations regarding the Fourth of July, our Independence Day. It is a time that we celebrate our independence, but at this time in the history of our country, we certainly must celebrate and salute our veterans. Jim Nicholson is a veteran. I am sorry I didn't acknowledge his service to the U.S. military in addition to his being the chair of the NRC prior to his taking over the job as Secretary of the Department of Veterans Affairs. I thank him personally for his service.

But I will not be lectured to about civility by the junior Senator from Pennsylvania who has repeatedly disrespected veterans. Three times he opposed funding for veterans, votes in committee and here on the Senate floor.

I ask unanimous consent that his voting record be printed in the RECORD.

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

**BUDGET RESOLUTION, 2006**  
 (VETERANS' MEDICAL CARE)
RECORD  
VOTE**55****S. Con. Res. 18****AMENDMENT NO. 149**

Akaka, et al., amendment which increases funding for veterans medical care by \$2.8 billion in FY 2006; provides \$2.8 billion in deficit reduction; and offsets by closing corporate tax loopholes.

**AMENDMENT REJECTED**

YEAS (47)		NAYS (53)		NOT VOTING (0)	
Democrats (45 or 100%)	Republicans (2 or 4%)	Democrats (0 or 0%)	Republicans (53 or 96%)	Democrats (0)	Republicans (0)
Akaka	Kerry	Chafee, L.	Alexander	Hatch	
Baucus	Kohl	Coleman	Allard	Hutchison	
Bayh	Landrieu		Allen	Inhofe	
Biden	Lautenberg		Bennett	Isakson	
Bingaman	Leahy		Bond	Kyl	
Boxer	Levin		Brownback	Lott	
Byrd	Lieberman		Bunning	Lugar	
Cantwell	Lincoln		Burns	Martinez	
Carper	Mikulski		Burr	McCain	
Clinton	Murray		Chambliss	McConnell	
Conrad	Nelson (FL)		Coburn	Murkowski	
Corzine	Nelson (NE)		Cochran	Roberts	
Dayton	Obama		Collins	Santorum	
Dodd	Pryor		Cornyn	Sessions	
Dorgan	Reed		Craig	Shelby	
Durbin	Reid		Crapo	Smith (OR)	
Feingold	Rockefeller		DeMint	Snowe	
Feinstein	Salazar		DeWine	Specter	
Harkin	Sarbanes		Dole	Stevens	
Inouye	Schumer		Domenici	Sununu	
Jeffords (I)	Stabenow		Ensign	Talent	
Johnson	Wyden		Enzi	Thomas	
Kennedy			Frist	Thune	
			Graham (SC)	Vitter	
			Grassley	Voinovich	
			Gregg	Warner	
			Hagel		

**EMERGENCY SUPPLEMENTAL APPROPRIATIONS, 2005**  
 (BUDGET WAIVER—VETERANS MEDICAL CARE)
RECORD  
VOTE**89****H.R. 1268****AMENDMENT NO. 344**

“Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005”

Murray motion to waive section 402 of S. Con. Res. 95 (the FY 2005 Budget Resolution) with respect to the emergency designation provisions of the Murray, et al., modified amendment which provides \$1.9 billion, to remain available until expended, for veterans medical care; designates the funding as emergency spending; and specifies that the funds should be used as follows: \$610 million to address the needs of servicemembers deployed for Operation Iraqi Freedom and Operation Enduring Freedom, \$840 million for the Veterans Integrated Service Network to meet current and pending care treatment requirements, and \$525 million for mental health care and treatment.

**MOTION TO WAIVE BUDGET ACT REJECTED (3/5THS VOTE)**

YEAS (46)		NAYS (54)		NOT VOTING (0)	
Democrats (45 or 100%)	Republicans (1 or 2%)	Democrats (0 or 0%)	Republicans (54 or 98%)	Democrats (0)	Republicans (0)
Akaka	Kerry	Specter	Alexander	Gregg	
Baucus	Kohl		Allard	Hagel	
Bayh	Landrieu		Allen	Hatch	
Biden	Lautenberg		Bennett	Hutchison	
Bingaman	Leahy		Bond	Inhofe	
Boxer	Levin		Brownback	Isakson	
Byrd	Lieberman		Bunning	Kyl	
Cantwell	Lincoln		Burns	Lott	
Carper	Mikulski		Burr	Lugar	
Clinton	Murray		Chafee, L.	Martinez	
Conrad	Nelson (FL)		Chambliss	McCain	
Corzine	Nelson (NE)		Coburn	McConnell	
Dayton	Obama		Cochran	Murkowski	
Dodd	Pryor		Coleman	Roberts	
Dorgan	Reed		Collins	Santorum	
Durbin	Reid		Cornyn	Sessions	
Feingold	Rockefeller		Craig	Shelby	
Feinstein	Salazar		Crapo	Smith (OR)	
Harkin	Sarbanes		DeMint	Snowe	
Inouye	Schumer		DeWine	Stevens	
Jeffords (I)	Stabenow		Dole	Sununu	
Johnson	Wyden		Domenici	Talent	
Kennedy			Ensign	Thomas	
			Enzi	Thune	
			Frist	Vitter	
			Graham (SC)	Voinovich	
			Grassley	Warner	

**EMERGENCY SUPPLEMENTAL APPROPRIATIONS, 2005**  
(BUDGET WAIVER—VETERANS MEDICAL CARE)

RECORD  
VOTE

**90**

**H.R. 1268**

**AMENDMENT NO. 344**

“Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005”

Murray motion to waive section 302 of the Congressional Budget Act of 1974 to permit consideration of the Murray, et al., modified amendment which provides \$1.9 billion, to remain available until expended, for veterans medical care; and specifies that the funds should be used as follows: \$610 million to address the needs of servicemembers deployed for Operation Iraqi Freedom and Operation Enduring Freedom, \$840 million for the Veterans Integrated Service Network to meet current and pending care treatment requirements, and \$525 million for mental health care and treatment.

**MOTION TO WAIVE BUDGET ACT REJECTED (3/5THS VOTE)**

YEAS (46)		NAYS (54)		NOT VOTING (0)	
Democrats (45 or 100%)	Republicans (1 or 2%)	Democrats (0 or 0%)	Republicans (54 or 98%)	Democrats (0)	Republicans (0)
Akaka	Kerry	Specter	Alexander	Gregg	
Baucus	Kohl		Allard	Hagel	
Bayh	Landrieu		Allen	Hatch	
Biden	Lautenberg		Bennett	Hutchison	
Bingaman	Leahy		Bond	Inhofe	
Boxer	Levin		Brownback	Isakson	
Byrd	Lieberman		Bunning	Kyl	
Cantwell	Lincoln		Burns	Lott	
Carper	Mikulski		Burr	Lugar	
Clinton	Murray		Chafee, L.	Martinez	
Conrad	Nelson (FL)		Chambliss	McCain	
Corzine	Nelson (NE)		Coburn	McConnell	
Dayton	Obama		Cochran	Murkowski	
Dodd	Pryor		Coleman	Roberts	
Dorgan	Reed		Collins	Santorum	
Durbin	Reid		Cornyn	Sessions	
Feingold	Rockefeller		Craig	Shelby	
Feinstein	Salazar		Crapo	Smith (OR)	
Harkin	Sarbanes		DeMint	Snowe	
Inouye	Schumer		DeWine	Stevens	
Jeffords (I)	Stabenow		Dole	Sununu	
Johnson	Wyden		Domenici	Talent	
Kennedy			Ensign	Thomas	
			Enzi	Thune	
			Frist	Vitter	
			Graham (SC)	Voinovich	
			Grassley	Warner	

MR. REID. Now, with an election cycle upon us, he supports, under pressure, voting for veterans. Talk about crass politics. The junior Senator from Pennsylvania can't run from his record. He owes the veterans more.

THE PRESIDING OFFICER. The Senator from Washington.

MRS. MURRAY. Mr. President, I have said throughout this debate—as I spoke on the supplemental, as I have been out here on the floor many times and in our committee—veterans are not a Republican issue; they are not a Democratic issue; they are an American issue.

I think what you see happening on the floor this afternoon is exactly to that point. I congratulate the Senator from Pennsylvania, as well as the Senator from Idaho, LARRY CRAIG, and the Senator from Texas, Mrs. HUTCHISON, who have been working diligently with us in a nonpartisan way to address a real need, and that is to take care of the men and women who have served us so nobly in previous wars and in the current conflicts in which we are engaged.

From my side, I thank Senator BYRD, who stood with me valiantly as we have worked to provide the funds for the men and women who are serving us overseas. I thank him for his leadership on this issue. I thank Senator AKAKA, ranking member on the Veterans Committee, who has worked with us to make sure that on our side we are provided with accurate statistics and are moving forward.

At the end of the day who win are the men and women who serve us. It is a real tribute to this Senate that we are now standing here today with the amendment offered by the Senator from Pennsylvania to add \$80 million to our amendment, to now be providing \$1.5 billion for veterans services. We are here because we know when we ask men and women to serve us overseas, we tell them we will be there for them when they come home. What you see on the floor this afternoon is Republicans and Democrats standing together shoulder to shoulder to say in this body, we will be there for our men and women who serve us overseas.

There is going to be a lot of blame to go around. I have been asked: How did you know 2 months ago when no one else did? I started working with our veterans who are returning from Iraq and Afghanistan late last year, beginning in January, and hearing the same stories that Senator SANTORUM just talked about of how our VA facilities were turning vets away, how there wasn't enough care, particularly for post-traumatic stress syndrome.

I think we all know that in the conflict that is before us today in Iraq, it being a 360-degree war where there is no front line to return back from, we are going to see a number of our service men and women increasingly needing that kind of care. We are also seeing that facilities that have not been maintained well were counting on the

appropriations that we had this year. We are talking about veterans from previous wars who are now turning 60 and needing more health care being turned away. I think I began to look realistically at the numbers from the VA and became concerned that their projections were not based on the reality of what was occurring, which is why I offered my amendment to the supplemental.

I especially pay tribute to Senator LARRY CRAIG from Idaho. When Senator AKAKA and I offered the emergency supplemental bill, he was given a letter from the VA that said: We don't need any money. This is not a crisis. Our projections say that we are just fine.

So Senator CRAIG and others from the other side opposed us on that amendment at that time. But Senator CRAIG said to me on the floor, if I am proved wrong, I will stand with you to make sure we provide the dollars for our veterans that are required. Since he was told by the Veterans' Administration last Thursday that there is, indeed, a shortfall of \$1.5 billion or more—I hope it is not more, but at least that much—he said that he would work with me, and he has kept to his word. This is a real tribute to this country that we can come together on an issue such as this, recognize that errors have been made, but it is time to move on, time to provide the dollars.

I see Senator HUTCHISON from Texas who has been working with us as well. I want my colleagues to know we are going to stand shoulder to shoulder to meet this debt in front of us. I want to work with all of you so we have the right projections for next year as Senator HUTCHISON puts her 2006 appropriations bill together so we are not sitting here 6 months from now, a year from now, 2 years from now saying we were wrong again. This has given us a tremendous opportunity to get it right. I can't think of anybody it is more important to get it right for than those who serve our country.

MR. DURBIN. Will the Senator yield for a question?

MRS. MURRAY. I am happy to yield.

MR. DURBIN. I was in my office as I heard the Senator debating. I would like to ask a question through the Chair. I am heartened by the fact that this is such a strong bipartisan effort. I salute Senator CRAIG, in particular, who joined us in the press conference as soon as there was an announcement of this shortfall, and I salute your efforts to bring this issue before the Senate which you have worked on diligently for months.

You made a particular reference to post-traumatic stress disorder, which is a concern I have within the Veterans' Administration. I would like to ask you if you believe these additional funds will allow the Veterans' Administration to put appropriate professional staff at clinics and hospitals to deal with veterans not only from wars in the past but currently coming home

from Iraq and Afghanistan, as well as family therapy for their families, if they are faced with this disorder.

MRS. MURRAY. I assure the Senator from Illinois that it is my understanding that this money in the amendment that has been offered by the Senator from Pennsylvania is specifically for medical services provided by the Veterans Health Administration which does include mental health services and post-traumatic stress syndrome.

MR. DURBIN. I thank the Senator from Washington again. This is something that is growing in intensity and seriousness. It has been overlooked in previous wars. Our veterans have come home with scars that are not visible but which are serious and affect their lives. I am happy to hear the amendment by the Senator from Pennsylvania, as well as the Senator from Washington, is going to address this important challenge. I thank them for their leadership on both sides of the aisle.

MRS. MURRAY. Mr. President, I know there are a number of other Senators who would like to speak. Certainly, I would like to yield to the Senator from West Virginia. Let me say, again, that I appreciate my colleagues on the other side of the aisle for coming together with us right before the Fourth of July recess. I can't think of a better time for all of us to send an American issue forward and to stand up for our vets. I thank them for working with us.

THE PRESIDING OFFICER. The Senator from West Virginia.

MR. BYRD. Mr. President, I compliment the distinguished Senator from Pennsylvania and the other Senators, including Senator CRAIG, for their offering of this amendment. As I indicated earlier, I want to be a cosponsor of the amendment, and I ask the distinguished Senator from Pennsylvania if he would ask that I be included as a cosponsor.

MR. SANTORUM. Mr. President, I ask unanimous consent that the Senator from West Virginia be added as a cosponsor to the amendment.

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

MR. BYRD. I thank the Senator.

MRS. MURRAY. I ask unanimous consent to be added as a cosponsor as well.

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

MR. SANTORUM. I yield to the chairman of the subcommittee of the Appropriations Committee that is responsible for the veterans appropriations, Senator HUTCHISON, such time as she may consume.

THE PRESIDING OFFICER. The Senator from Texas is recognized.

MRS. HUTCHISON. Mr. President, I want to, first of all, read the cosponsors of the amendment in the proper order. They are Senators SANTORUM, HUTCHISON, CRAIG, KYL, FRIST, McCANNELL, TALENT, THUNE, COLLINS, MURRAY, and BYRD. That is the order of everyone coming on board. I so appreciate Senator MURRAY and Senator

BYRD also being cosponsors of this amendment. Frankly, all of us were taken aback last week when we got this information, and we did come together in a bipartisan way to try to address the issue very quickly. That is why we are now trying to put an emergency amendment on the vehicle that is on the floor today. We want to make sure the Veterans' Administration has the money it needs and that it doesn't take from other very essential accounts, such as maintenance or capital. We want to have sound financial management as well as serving veterans needs.

It would be terrible to go into the next fiscal year, starting October 1, in any kind of a deficit situation. My bill, the Veterans' Administration and Military Construction Appropriations bill, was scheduled to be marked up tomorrow. Clearly, when we heard that the Veterans' Administration did have problems with its projections, we decided to put that off until mid-July. I hope—and it is my intention—by mid-July to have better information so that we will know what the \$1.5 billion will cover between now and October 1 and what is going to be necessary for the 2006 budget, if anything, beyond the \$1.5 billion. I will say that through the great cooperation of my ranking member, Senator FEINSTEIN, and the chairman and ranking member of the full committee, which would be Senator COCHRAN and Senator BYRD, we were able to get \$1.3 billion above the allocation that we had originally been given for veterans even before this happened. So because of Senator COCHRAN, Senator BYRD, and Senator STEVENS, we were able to go forward with an extra \$1.3 billion, knowing that the Veterans' Administration has been called on more than any projections would have anticipated. But today we are trying to now pass \$1.5 billion over and above that \$1.3 billion for 2005 purposes so that we are in a sound financial situation.

The President, speaking last night, started reminding people why we are in a war on terrorism and what it means to America and what it means to our security. Part of the war on terrorism, part of any war for freedom, is making sure that those Active-Duty and Reserve units serving right now with boots on the ground know that if they are injured, if they can no longer serve because they are injured, when they leave the service they will be taken care of. That is part of our responsibility as the stewards of our Government and certainly our appropriations process.

As the chairman, along with my ranking member, Senator FEINSTEIN, of the committee that will be doing the appropriations for veterans, this is an amendment that is very important. It is an emergency, and it will take us into fiscal year 2006 so that we will not have any kind of fiscal restraints. But we certainly are going to have to look at fiscal year 2006 as we go down the

road and work with the Veterans' Administration and the OMB and our Democratic colleagues and our House colleagues to make sure that we are not in any way shortchanging the veterans.

I am pleased to work with Senator SANTORUM representing the leadership on our side of the aisle, and Senator MURRAY and Senator BYRD and the leaders on their side of the aisle to come together through the second-degree amendment offered by Senators SANTORUM, HUTCHISON, CRAIG, KYL, FRIST, MCCONNELL, TALENT, THUNE, COLLINS, MURRAY, and BYRD. This second-degree amendment will bring us in line, and it will assure that the Veterans' Administration has the flexibility to put this money where it is needed. That was a very important part of the amendment.

Also, it is important we keep the projects that are in the pipeline. There are veterans hospitals and clinics that are in the process of beginning to be built. We certainly did not want those to be delayed because the administration was having to use money for those purposes instead for the operations of this year.

I am pleased to be a part of this amendment, pleased to work with the Senator from Pennsylvania and the Senator from Washington and the Senator from West Virginia, along with Senator CRAIG, who has done an outstanding job as chairman of the Veterans' Affairs Committee. When we started working on this issue a few days ago, both of us talked to Secretary Nicholson. We talked to Josh Bolton at OMB to try to get the best approach. It is still up in the air exactly where this will come out. But I know we are working in a bipartisan way to do what is right by our veterans, to work with the administration. I know it is our President's clear commitment that we will assure there is no shortfall in the Veterans' Administration. This emergency appropriation will make sure that is the case.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I wish to thank the very distinguished senior Senator from the State of Texas for her leadership, her dedication. She is a member of the Appropriations Committee, a very fine member. I thank her for her leadership, and I thank her for her kind remarks today.

I ask unanimous consent that Senator FEINSTEIN be added as a cosponsor of the amendment that has been offered by the distinguished Senator from Pennsylvania, Mr. SANTORUM.

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

Mrs. HUTCHISON. Mr. President, I am pleased about Senator BYRD's comments and especially to have Senator FEINSTEIN as a cosponsor of this amendment. She has been a part of this process all through the time we have wrestled with it. She has more veterans

in her State than all of us do, so it is quite appropriate for her, as one of the leaders in this area, to be a cosponsor. I thank you.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senators CONRAD and MIKULSKI be added as cosponsors to the original amendment.

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

Mrs. MURRAY. I yield to the ranking member on the Veterans Committee, the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I rise today to laud this bipartisan effort to address the funding crisis in VA health care.

Yesterday, the Veterans Affairs Committee held a hearing on VA's admission that it is more than \$1 billion in the hole this year.

With this announcement, we have the long overdue realization that VA hospitals and clinics are in crisis.

I think one of the lessons we can all take from this is: reach out to VA nurses and doctors and reach out to the veterans service organizations.

So many advocates have been bravely forthcoming about the desperate financial picture in VA over the past 6 months.

I welcome the administration's admission that there is a shortfall. But I caution that VA officials are not the only source of information.

By waiting for this revelation, we forced veterans to wait longer for needed care and providers to go for months with substandard medical equipment.

That said, I am delighted that we now have bipartisan recognition that there truly is a problem at VA. Both sides of the aisle are now working together to improve the quality of care for our Nation's veterans.

We shared with the Budget Committee what was needed for next year. This was based on early warnings from sources out in the field. And we raised the funding issue twice on the Senate floor.

During the budget resolution debate in March, I offered an amendment to increase VA's funding by \$2.8 billion for next year. With the support of my colleagues, I stood before this body and outlined the case for a significant increase for VA.

But we were rejected because the administration claimed VA needed far less.

Then, again, during the war supplemental debate in April—while VA was beginning to see signs of a problem—we were denied in our efforts to secure more funding for this year.

Again, this was due to the administration's failure to acknowledge the plight that VA providers and patients were facing.

I do not believe that this is a scenario my colleagues would like to repeat in the future. Waiting until VA

hits rock bottom and then taking action is simply not rational. We can do better.

Clearly, we have been able to force this issue, and now we do not have to wait for the administration. Let us move to fix the problem and fulfill our obligation to our veterans.

Because at the very least, this crisis will result in deferred maintenance, as VA is raiding capital accounts just to make ends meet. And my colleagues familiar with the military know that deferred maintenance puts troops in danger.

The same is true for veterans in need of health care. The purchase and replacement of equipment directly impacts the quality of care provided.

Raiding money for capital projects means that needed VA clinics are in jeopardy. I remind my colleagues that there are more than 120 new clinics waiting to be opened.

The list of jeopardized clinics includes locations in States where rural access to health care is a serious issue—such as in Maine, North Dakota, Texas, and 11 clinics in Tennessee alone.

In closing, I too appreciate the work that Senators CRAIG and HUTCHISON and our other colleagues have done to tackle this problem. I believe we have found a solution.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, I ask unanimous consent that Senator LINCOLN be added as a cosponsor to the amendment.

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

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, we have a number of colleagues who wanted to come and say a few words about this amendment and about service for veterans. I urge them to come to the floor, because it is clear we are ready to move at any time. If anybody has additional comments, please come.

I have been out on the floor several times over the last several days and I have expressed my anger at the Veterans' Administration for not being up front and honest about the numbers in the projections, even though it was clear to those of us looking at the numbers that we were facing a very severe crisis in the VA. That was the reason I offered an amendment for the Veterans' Administration on the emergency supplemental. It is why I have repeatedly raised this issue throughout the budget process, appropriations process, and throughout the last several months.

I think it is very clear that those of us who have been out on the ground talking to our veterans know this is a crisis. Yesterday, the VA came before the Veterans' Committee. Senator CRAIG had a hearing and had the Sec-

retary before us. He was continuing to say we could fix this problem today by taking money from construction and maintenance projects that we had appropriated and allocated money for for 2005. I think it is very clear that the Senate now shortly will be on record saying we believe those maintenance projects need to go forward, that those construction projects need to go forward, and the medical equipment promised to our VA services needs to be in place. That is so important.

I was in Iraq a couple months ago, and our service men and women from Washington State met with me there. The very first question they asked me was: Is my country going to be there for me when I get home? Will I have health care?

I feel it is important that when we look our soldiers in the eye, we answer them honestly. Today, with the Senate going on record with an emergency supplemental to deal with this, we are going to be able to say we are doing the best we can to make sure the services are there. I urge the Veterans' Administration to do the same. I think it is disheartening and disconcerting to all of us when we rely on the Secretary and his agency to make sure they are honest about what the numbers are and they are incorrect. We need that so we can do our job in providing for our service men and women.

We are doing that with this amendment today. We all know there is work to come, and with the 2006 budget and appropriations bill, we need to have an honest assessment. We cannot continue to project a 2-percent increase for veterans when we already know the number of men and women coming back is much higher than that. We already know that the service men and women, particularly from the Vietnam war, who are reaching the age of 60, are increasingly accessing our veterans facilities. We already know that the maintenance projects out there are critical. We have to do the right thing. We have to make sure the funding is there.

Again, I commend Members on both sides of the aisle. I see the Senator from Idaho, Senator CRAIG, is here. I take this opportunity to thank him. He has been most generous in working with us, as we have moved this issue forward because information given to him that was erroneous at the time. He did give me his word that should things change, he would be there to work with us. He has kept his word in an admirable way, bringing the Secretary before the committee, working on this amendment on the floor, and he is here to speak as well. I tell him how much I appreciate his forthrightness and his willingness to work with us to solve this dilemma.

We will be voting on the Santorum amendment, which adds \$80 million to our amendment that has \$1.42 billion, making sure we have a total of \$1.5 billion to provide for our veterans services for the 2005 budget and make sure

we don't have to go into funds for other projects and put them in a waiting line, which would be a disservice.

I urge our Democratic colleagues who want to speak to this amendment to come to the floor as soon as they can. I thank my colleagues for working with us, the House, and the White House to hopefully have a supplemental in place before the July 4 recess.

I yield the floor.

Mr. SANTORUM. Mr. President, I will yield time to the chairman of the Veterans Affairs Committee. I thank Senator HUTCHISON, whose principal responsibility is the appropriations process. I thank her and her staff tremendously for the work they have done. I thank Senator CRAIG and his staff for the tremendous work they have done, in coming forward and digging and getting the proper language for this amendment so we can provide funding for this year and for next year, as it is needed, to make sure we are providing the quality care our veterans deserve.

With that, I yield such time as he may consume to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho, Mr. CRAIG, is recognized.

Mr. CRAIG. Mr. President, I thank Senator SANTORUM, a member of the Republican leadership, a gentleman who has brought forth this amendment, who recognized the problem that has very rapidly emerged in the last several weeks with veterans health care.

At the outset—and I know a good deal has already been said and we are collectively working on this issue—health care, as you know, is a very dynamic entity. It is subject to a variety of forces that are not as predictable as we would like to have them be in the normal budgeting processes of Government.

The difficulty inside the Veterans' Administration today is health care. That is the area that is consuming these large amounts of dollars at this moment at a very aggressive rate, just like health care is costing more everywhere around the United States, both public and private.

We found in the last several weeks something that we didn't know a month or two ago. It is something I wish we had known. I stood here on the floor telling my colleagues one thing, both in a supplemental and in amendments, as it relates to veterans' needs and, therefore, veterans health care services that at that time was not true. It was a frustration to me and an embarrassment. But that doesn't mean I hunkered down or that anybody else did. It means we solve a problem, because while we are dealing with a dynamic entity known as veterans health care, we are first and foremost concerned about caring for veterans and making sure they have access to the health care system we have promised them, and that they are being provided the best care.

Having said all of that, we were talking about a 2006 budget, feeling we had adequately resourced a 2005 budget. Here is what we didn't know, and probably some have already talked about it; that is, the peculiarity of the budgeting process inside our Government and inside the second largest bureaucracy in Government, known as Veterans' Administration—the difficulty of projecting a reasonable, contemporary budget 18 months out from implementation.

We did not do it well. The Veterans' Administration did not do it well. The actuarial organization that was doing it for the Veterans' Administration and has a great reputation around the country did not have a model that was feeding in all the right indices. So they were looking at 2003 expenditure levels in veterans health care to project a 2005 budget and factored in about a 2.3- or 4-percent growth rate. That is what we thought would work.

It did not work. It did not work for a lot of reasons. It did not work because the model was probably wrong. It did not have all the inflationary costs in that were needed. It did not foresee that in 2003, 2004, and 2005 we would invest nearly 10 percent more on an annualized basis in the veterans health care system and that it would improve it to the extent that it became a health care system of first choice to veterans when to some it had been a health care system of second choice.

You know the old adage: Build it and they will come. We did. We improved it dramatically, and they came. They came in numbers that could not be addressed effectively by the models. That is one part of the problem.

Here is the other part of the problem: The 2003 numbers had no reflection of Iraq, no reflection of Afghanistan, no reflection of active service personnel who would find themselves substantially injured in a way that they would have to seek the services of the veterans health care system. That is something in the 30-plus-percent range of these new figures.

The Veterans' Administration began to see this problem and did not communicate it to us effectively and responsibly. Then they did their midyear review. If you were going to graph this, you would have to graph it as a spike. All of a sudden, they saw their numbers spiking up. So that 2003 model of actuarial soundness of service at 2.3 percent all of a sudden becomes a 5-plus percent, 5.3, 5.4. Some would say, 3 percent in big business is not a bad miss. But 3 percent in a nearly \$80 billion budget is big money.

When it comes to delivery of services, when it comes to the improvement of services, and you have to curtail that to fund other kinds of services, you have a problem. That is where we are today.

The Senator from Washington is absolutely right. Her view of it was different than mine at the time. She saw a different picture and proposed a dif-

ferent level of funding. I opposed her at the time, believing the numbers I had were accurate. I was successful. But I did tell her that if these numbers changed, if there were any indication of change, I would be the first to tell her and we would be back solving this problem. Why? We may disagree on some things, but we do all agree on one thing, and that is that the service to America's veterans should never be jeopardized and that we would stand united and bipartisan in that effort.

Within 4 or 5 hours after I knew these numbers, I was visiting with the Senator from Washington. The Senator from Texas, who has been an active partner and is chairman of the Appropriations Subcommittee for MILCON and Veterans Affairs, was engaged with us immediately, and we began to try to figure out how to solve the problem.

Solving the problem is getting the best numbers we can get in as factual a way as we can get them. I must tell you that all of us were a little suspicious that we had not been told what we needed to be told in a timely fashion. That is why I insisted and Secretary Nicholson responded yesterday to the full committee with a very valuable hearing in which a lot of these issues began to be laid out.

I must also tell you I believe the Secretary was every bit as frustrated as we were. He is new on the job, but he is a very skilled and successful businessman. If there is one thing he believes in, it is getting the numbers right and being able to deal from a position of truthfulness and understanding. You do not work that way in Government. You sure do not work that way in business, and Secretary Nicholson knows it. He was very forthright with us and very clear in what is necessary.

Do we know at this moment exactly what the numbers ought to be? No, we do not. The fair analysis is we do not, but we have a very good idea of where they probably will be and what is most important at this moment. As the agency borrows from one account and uses up another account, we effectively replenish that so services do not go lagging in certain areas.

As important is that the capital expenditure and the reinvestment in equipment and health care-related services to our veterans stays on schedule so the quality of health care to America's veterans does not slip.

While we are figuring all of that out, and they are scrambling at this moment—they, the Veterans' Administration, along with the Office of Management and Budget—while they are scrambling to get the numbers right, we are going to act. You can see by the character of what we are doing now it is going to be bipartisan once again, and we are going to stand united in behalf of America's veterans.

The Republican leadership understands that, the Democratic leadership understands that, I as chairman of the Veterans' Affairs Committee understand that, the ranking member, Sen-

ator AKAKA, who has been on the floor, clearly understands that, and certainly Senator MURRAY, who has been a strong advocate for veterans, understands that.

I see the Senator from West Virginia on the floor, Mr. ROCKEFELLER. He, too, has been the same and, of course, Senator KAY HUTCHISON of Texas, now chairman of the subcommittee that appropriates all this money, understands it. It is why we want to speak in a united voice today on behalf of America's veterans.

While that is going on, we have to figure out the rest of the story, and that we will. It will be accurate, and we will make sure that this—you never say "never"—will not happen again. But I have had conversations with the Secretary, and he is a very frustrated Secretary at this moment to find out on his watch that the numbers are not right and that what he was advocating has now slipped out from under him.

I am confident that he, working with his people, and the system will not only come up with a better way to do the numbers, but we are going to be insistent they come up with a better way to do the numbers. We are going to be insistent they report to us, not on an annual basis, but how about a quarterly basis, how about a quarterly analysis of where the expenditure of this kind of money is, because it is big money serving an awful lot of needy and worthy people, and we want to make sure it sustains itself in the appropriate way.

We also understand the limited nature of the public resource. It is not an endless system of money. We would expect efficiencies at the Veterans' Administration. We would expect responsibility at the Veterans' Administration. And what we do not expect and what we will not have happen again is for them to quietly think they can spend the money out and then, knowing they can come back to us and under the argument of motherhood and responsibility to America's brave men and women, we are going to fork over more money and never look back. This is one chairman who will look back, who is going to demand that systems are accurately accounted for, and that there is a reasonable and responsible quarterly measurement of the resources expended and the resources allocated.

As much as we owe to the veterans, we owe to the American taxpayers, who have agreed to help these veterans, a similar kind of responsibility and dedication to cost. That is not an unmanageable, an unsolvable, or an unmergeable concept. That is what we are about here, to deal with this in a direct way, and that we will. I think we are going to see a very strong vote today in behalf of what we are proposing.

The House is struggling with the numbers now. They may do something differently. But in the end, we will come together.

Our language is specific in one form. It is specific in recognizing that we do not have the exact figures yet. So we say the moneys that this authorizes are to be expended in 2005 and 2006, and then the chairman of the appropriations subcommittee and I and the ranking member—all of us together—will look at the 2006 needs in light of potential carryover that could come out of the appropriation we are talking about here. We will bring those numbers together and, very frankly, we will bring them together in a way that will cause the Veterans' Administration to come forward on a quarterly basis to report to us about their categories of expenditures and where they are in all of this issue.

We have to know the numbers. They have to be accurate. Our cause to serve America's veterans cannot be modified, nor will it be deterred. But it has to be accurate and it needs to be responsible. I support this amendment. I think it is the right thing to do now. It is now our job to make sure the future is one that is clear, understandable to all, and, most importantly, responsible both to the veteran and to America's taxpayers.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senators JOHNSON, KENNEDY, and LINCOLN be listed as cosponsors.

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

Mrs. MURRAY. I yield to the Senator from West Virginia whatever time he may use.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I thank the floor manager, and I thank the chairman of the committee who had a lot to say and who operates the committee in a spirit which is very bipartisan and which is aimed at trying to solve problems. I say that at the beginning of every meeting and I say it here on the Senate floor.

I rise to support the Murray-Byrd amendment. It responds to a VA funding shortfall that is in excess of \$1 billion. I will get into that in a moment.

What I have in my mind right now is about 5 days ago, I spent 2½ hours with 12 veterans, men and women who had come back from Iraq, one from Afghanistan—one several years ago, most of them within the last several months. They had sustained wounds and had healed some of those physical wounds. But what was particularly stunning to me was the degree of the psychological wounds, self-defined by them, after a period of relaxing. It takes time for veterans to open up when somebody with a dark suit and tie walks into their little circle. But they began to talk about their problems. They would not talk about what they had done because veterans do not do that. World War II veterans do not do that, Vietnam veterans do not do that, Operation

Iraqi Freedom veterans do not do that. They talk about what hurts, the uncontrollable violence. They talk about deep depression. They talk about having no sense of the future. They talk about problems with their not being able to communicate with their wives—all kinds of problems.

These were mostly guardsmen and reservists, but there were some regular military. They were assembled at the Beckley, WV, Vet Center. I sort of point that out because one of the secrets of treating veterans in rural areas is you have to have Vet Centers near where veterans are. They can't all be expected to make long journeys to distant major veterans hospitals.

These folks at the Beckley Vet Center and other Vet Centers are about to be overwhelmed. They are going to be more overwhelmed when the other 130,000 soldiers return home whenever they do. And of course some soldiers will be returning to combat.

These soldiers had a very harsh and harrowing series of experiences serving their country. Once discharged, they still faced problems. They talked about difficulties in getting reimbursed. They all talked about VA appointments being put off for a long time.

As I indicated, they were reluctant to talk at all. But when they did talk, they made you very proud when they told you what they felt, not necessarily what they had been through, which they usually decline to do.

When our country called upon these brave West Virginians—and that would apply to each and every State—to serve, they answered the call of duty without question. In the case of Guard and Reserve, of course, they are always ready to do that and have to make enormous sacrifices to do that, often not being able to hold on to their jobs and retain the benefits which they had.

When they come back to West Virginia, they deserve the full care and support they have earned. Yet again, we just learned that our VA health care is well over \$1 billion short on funding this year. This is outrageous, and it is shameful. Our veterans earned their VA health care benefits through their distinguished service.

They should not be delayed or denied care because of mismanagement at VA or OMB over poor budget models. This is where I disagreed a little bit with the distinguished chairman of the committee. This is not just about the Secretary of Veterans Affairs. This is not about the fact that he is new on the job. The Veterans' Administration is second only to the Pentagon in terms of the number of people who work there. If they were using a 2002 model—and at one point the Secretary said they were using the 2002 model, and then at another point he said the 2003 model—nevertheless it is a very old model. In 2002, we had not gone to war.

All of these months have passed. What was the magic that did not happen where VA or OMB management said, "gee, if we are going to go to war

and we are sending all kinds of troops first to one combat zone in one nation and then to another combat zone in another nation, and plus there is the war on terrorism, what is going to happen with our returning veterans?" We have troops deployed all around the world and, yet nobody in VA or OMB of figures there is going to be a surge in the number of veterans we have to take care of so they do not change their model.

Well, I am sorry, I do not care whether the Secretary has been there for 6 years or 6 days, that does not work. It is the VA that has professionals who have worked there for years who should be able to adjust those models. That is no excuse whatsoever.

Yesterday, Secretary Nicholson testified that the VA had to borrow money for current accounts to cover immediate health care needs for this year, this year being 2005. Such borrowing would create at least a \$1.5 billion shortfall for next year, that being fiscal year 2006. But the \$1.5 billion is really at least \$1.9 billion. We are not actually going to vote on either of those numbers. I sort of wish we were because of something which is not brought out but which I am going to bring out. The VA assumes the President's VA budget, which includes at least \$400 million in health fees, will be collected from the veterans—what? Wait a second.

Yes, the VA Secretary is still seeking to double the co-payments for prescription drugs for veterans, and he is still supporting an enrollment fee of at least \$250 for some veterans. So, yes, there is a shortfall, but then there is income VA expects but won't be collected, the shortfall will be larger. I think that requires a very sharp analysis on the part of the Veterans' Affairs Committee.

This Senator opposes such fees. I do not understand how that is done. How does one take somebody who gives up their job potentially, for example a National Guard member who works for the 130th Air Guard wing in Charleston, WV, which has complete control over the evacuation of the National Capital area, and then charge them for being able to get health care after they serve in combat? That is not what Abraham Lincoln wrote over the Veterans' Administration building.

So the VA budget is at least \$1.9 billion short. Let that be understood by my colleagues. Our Members have not been told that amount, but that is because of the \$400 million that VA assumes, but Congress never tries to charge our veterans. We should understand that. It is at least \$1.9 billion if we fully respond to the health needs of returning veterans.

I expect, frankly, it will be more than \$1.9 billion. In fact, I would say to the good Senator from the State of Washington that we discussed higher figures in our Veterans Affairs' Committee meeting.

Experts who I immediately reject, because I reject their theory on this,

suggest that up to 40 percent of our veterans will have psychological wounds such as PTSD, post-traumatic stress disorder. I have yet to meet with a single group of veterans who would put the figure at anything less than 60 or 70 percent, and that is just post-traumatic stress disorder. We are also talking about depression. We are talking about schizophrenia. We are talking about uncontrollable violence. We are talking about rage. We are talking about nightmares. We are talking about people waking up sweating and screaming. This goes all the way back to World War I, the science now proves.

These West Virginia veterans who typify veterans from around the country return from Baghdad and Afghanistan, and they describe the experiences of their colleagues, and I truly fear that VA mental health care is going to cost a whole lot more than the two amendments that we will both be voting on and voting for, I hope, this afternoon. My view is that whatever the needs of our returning veterans are, they must be met, particular right now during a time of war.

Finally, I am personally stunned by the fact that the administration's budget experts and managers use these old models, and did not warn or advise Congress until now. I will go right back to that, their models did not fully estimate the effect of the war on VA health care spending. Again, blaming a poor old model from 2002 or 2003 does not cut it in anybody's book. It is unsustainable as an argument. As I say, the VA is second only to the Pentagon in the number of people it has. A lot of those folks work on budgets. They know what models are. They can come up with new models. They did not come up with new models, and that is the point. Each time this year, VA officials have testified they were confident of sufficient VA funding. That is what they told the committee in February, in March and in April. They were dead wrong. It is stunning. It is sad.

So we asked over and over whether they were prepared for the returning troops, and we were told mission accomplished; they had everything under control. Again, they were wrong. Our soldiers are returning home and expecting the VA health care they were promised. They are not going to be able to get it. The budget shortfall is unconscionable, and our troops deserve better. We must pass this amendment or any other amendments which raise this amendment. It will still not be enough money, and it will only take care of the present situation that we are in. We must ensure that such a significant shortfall never—and I rarely say never—happens again.

I am committed to fighting for our veterans. I believe that is the duty of the Congress.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I want to start by thanking Senator MURRAY and Senator BYRD for working tirelessly with me to try and find a so-

lution to the VA budget crisis that faces our Nation's veterans. I very much appreciate their leadership on this issue.

During the emergency supplemental under Senator MURRAY's leadership we brought this issue before the body and warned of the impending crisis.

As we all know, at that point Secretary Nicholson sent a letter to Chairman HUTCHISON stating that "I can assure you that VA does not need emergency supplemental funds in fiscal year 2005 to continue to provide the timely, quality service that is always our goal."

We now know this is not the case. Yesterday, Secretary Nicholson testified before the Senate Veterans Affairs Committee and acknowledged that in fact the VA is at least \$1 billion short this year in veterans' medical care.

The VA is resorting to shifting funds from capital accounts as well as spending money budgeted as carry over for next year to make up the shortfall. Additionally, the Secretary stated that the VA budget request for next year is short by at least \$1.5 billion.

As I have always stated, the care for our veterans should never get tangled up in partisan gamesmanship. This is why we have been working hard with our Republican colleagues to find a solution to this problem.

I am pleased that the modifying amendment would add an additional \$80 million to help shore up this year's budget problems at the VA, and I commend Senator HUTCHISON, my chairman on the Military Construction and Veterans Affairs Appropriations Subcommittee, for her leadership and commitment to the needs of America's veterans.

However, let us not forget that while the emergency funds that I hope we will pass today helps solve the problem for this year, Secretary Nicholson testified yesterday that the budget request for next year is insufficient as well.

I am hopeful that the administration will take the necessary steps to transmit to the Congress an amended budget which provides an accurate estimate of the VA's needs for fiscal year 2006, and a realistic blueprint for meeting those needs.

I look forward to working with Senator HUTCHISON, Senator COCHRAN, Senator BYRD and my other colleagues on the Appropriations Committee to make sure that we provide sufficient funding in 2006 to keep the VA from being awash in red ink again next year.

Let me close by again thanking Senator MURRAY and Senator BYRD. Their leadership has been instrumental in helping to solve this problem.

I also want to thank Senator HUTCHISON and Senator CRAIG for working hard with us to try and ensure that veterans receive the care they need.

Ms. SNOWE. Mr. President, Less than 3 months ago, Congress was informed that the Department of Vet-

erans Affairs would not require emergency appropriations for the current fiscal year. The Senate acted accordingly in supporting the existing appropriation. In the past week, we have been informed that the VA now faces a budget shortfall of approximately \$1 billion.

Many of my colleagues are today discussing how we got here, and where the fiscal projections went wrong. The failure to consider the needs of returning veterans from Iraq and Afghanistan in forecasting expenditures demonstrates a critical and inexcusable deficit in planning. Some suggest a new means of budgeting the VA. These are vital issues and they will undoubtedly be discussed as in the context of future appropriations. However, what is most critical today is addressing the immediate and pressing needs of our veterans. We simply must maintain our commitment to those who have given so much in their service to our country.

Secretary Nicholson had told us that the current budget shortfall would be made up in two ways. The first would be to use approximately \$600 million from maintenance and capital expenditure accounts, redirecting approximately half of such moneys to operating expenses. According to the Secretary, new construction would not be affected. Yet that leaves undone many pressing projects such as critical repairs and renovations. In many cases, these projects cannot be wisely deferred. The second means of addressing the shortfall would be to use approximately \$400 million from a carryover account. This approach simply depletes resources and digs a deeper hole for the Department in the next fiscal year.

The answer to this problem does not lie in amplifying the shortfall in this fiscal year. We do not undertake emergency appropriations lightly, but we simply cannot deplete resources, and fail to properly budget for the needs of veterans. Those who have served us in the past, and those who continue to serve today, must know that VA services will not be disrupted. Thus I join my colleagues in supporting an emergency appropriation for the Department of Veterans Affairs to ensure that our veterans shall receive the timely services and support which they so deserve.

The Department faces great challenges. As our veterans grow older, their health care needs increase. The VA faces the same challenges in managing health care costs which all of America faces, yet anyone who has met a veteran with a service-connected injury or disability understands the many additional needs which we must meet, especially in light of the service of millions have given this country. Even today, as over 130,000 stand in areas of conflict to promote liberty for others, we must make clear that we will always stand by them, today, and tomorrow.

Mr. KYL. Mr. President, I am pleased to join with Senator HUTCHISON, Senator CRAIG, and others to offer this amendment responding to new information about shortfalls in the fiscal 2005 budget for the Department of Veterans Affairs.

Naturally, every Member of this body is distressed to learn that the Department is in these fiscal straits and that the Department has made the extent of the problem clear at this date late in the fiscal year.

I am pleased that the Appropriations and Veterans Affairs Committees have moved so quickly to pursue the oversight we now urgently need to determine: 1. How this could have occurred, and 2. what Congress and the VA will need to do differently to ensure that we do not confront shortfalls of this nature next year and thereafter.

But today, we will accomplish the even more urgent work of ensuring that the necessary funds—\$1.5 billion—are available on an emergency basis for the current fiscal year so that there is absolutely no deterioration in the quality of services and facilities for our veterans.

I suppose it is inevitable that everything sooner or later becomes the subject of partisan dispute in Washington, DC, but it is disappointing that some have seen fit to make support for our veterans a partisan weapon.

I hope the action we take today will go some distance toward demonstrating that the irresistible temptation some feel to try to take partisan advantage notwithstanding and that Congress stands united in support of those who have served and sacrificed.

Mr. MCCAIN. Mr. President, I will be necessarily absent for the later part of the day as I will be attending the Oath of Office Ceremony at the United States Naval Academy where my son is being sworn in as a midshipman.

I want to express my strong support for the two amendments that will be voted on today to address the unexpected and unacceptable funding shortfall for Veterans Administration medical services. I strongly endorse the two amendments that I am confident will be adopted overwhelmingly. It is incumbent on the Congress and the administration to continue to monitor the VA's funding situation closely and ensure proper medical assistance is readily available to our deserving veterans.

The PRESIDING OFFICER. Who yields time? The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, first I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be sufficient second. The yeas and nays were ordered.

Mr. SANTORUM. Mr. President, I believe we are out of speakers, and we are prepared to yield back time. So I would yield to the Senator from Nevada, who I guess will wrap up debate, and then we can move on.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. How much time do we have remaining on our side?

The PRESIDING OFFICER. The Senator has 15 minutes 29 seconds remaining.

Mrs. MURRAY. I yield to the Senator from Nevada. I believe the Senator from Colorado will be here for a couple of minutes. I will use the last 2, and we will be done on our side.

I yield to the minority leader.

The PRESIDING OFFICER. The minority leader is recognized.

PRESIDENT BUSH'S ADDRESS TO THE NATION

Mr. REID. If the Presiding Officer would alert me when I have used 9 minutes.

The PRESIDING OFFICER. The Chair would be happy to.

Mr. REID. Mr. President, like many Americans, I listened carefully to the President's Iraq speech last night. As I said in a letter to him yesterday prior to his speech, his address to the Nation afforded him an excellent opportunity to present to the American people his plan for success, to discuss the costs and sacrifices that will be required in the days ahead, and to assure our troops, active and retired, that he is committed to doing everything he possibly can to see that they get the services they have earned.

Unfortunately, I believe the President's address fell short on all of those accounts, and I will have more to say in the days and weeks ahead about the speech and the path forward in Iraq. But having said this, there is one part of the President's address that bears directly on my letter and the matters before the Senate right now. At the end of his speech, the President called on Americans to find a way to thank the men and women defending our freedom by flying a flag, sending letters to our troops in the field, helping the military families down the street, or going to the new Defense Department Web site. I think we owe the men and women in uniform—of course we owe them flying flags, mailing letters, and logging on to this new DOD Web site, but we owe them far more than that.

I share and support the sentiment and will continue to make sure we recognize the services and sacrifices of our military personnel and their families. Although the President chose not to mention our veterans in his address last night, as I suggested, I believe we have an equally solemn obligation—I choose that word purposely—to recognize their sacrifices and to thank them for their willingness to defend our freedom. The amendments before us give us the opportunity to do just that.

Just as the obligation is clear, so is the need. At the start of the year, we knew that over 130,000 troops had returned home from Iraq and Afghanistan. Analysts told us to expect that an additional 150,000 soldiers, sailors, and airmen would return in the months ahead. That is why in January and February Democrats, led by Senators

MURRAY and BYRD, warned that the war in Iraq and the war on terror were generating hundreds of thousands of new veterans who would soon swamp the existing capacity of the VA health care system.

The Senator from Washington said this over and over again. She called me during her campaign last October and indicated there was a problem. After the election, she was concerned about the veterans, and we talked several times about veterans. So I applaud and commend the Senator from Washington for being so deliberate, so consistent and persistent in these efforts.

In addition to that, we were warned that many of the soldiers had suffered traumatic injuries that would require extended and intensive care. When I say this, my mind goes back to last Thanksgiving when I went to Bethesda and visited marines who had returned home with missing limbs, some who had been damaged in other ways. But before I left they asked me to go into the intensive care ward, and that is something that I will never, ever forget, the pictures of those men. Thank goodness I did not see any women. It would have been even more traumatic for me, I am sorry to say. I still feel that. I could see my little daughter there, which I did not—but it was very bad, terrible head injuries.

We had all these warnings, Democrats and independent veterans groups, to conclude that the veterans health care system was massively underfunded and unless drastic steps were taken immediately, tens of thousands of veterans, men and women, would be denied access to the health care this Nation owes them. Unfortunately, the Republicans responded by denying a problem existed. The Senate addressed issues that do not make a difference to most Americans. We worked for almost 2 months on something called the nuclear option, which was a way to try to help five people the President wanted to be judges. Other matters were just put to the side. Of course, this administration has wasted day after day, week after week, month after month talking about privatizing Social Security, but a problem does exist, and instead of talking about those issues, we should have been talking about veterans health care.

Keep in mind, the majority defeated Democratic efforts to provide our veterans the health care and resources they so clearly and desperately needed. At a time when hundreds of thousands of veterans were returning home in need of health care, the Bush administration submitted a budget request in February that did not contain a single dollar in additional resources to care for the newest generation of veterans. The administration budget was so out of step with reality that the head of the VFW, Veterans of Foreign Wars, called it shameful. That is a quote, "shameful."

The national commander of AMVETS called it, "woefully inadequate."

What did our Republican colleagues in the Senate do with that woefully inadequate and shameful budget? Did they support Democratic efforts to support veterans benefits, needed additional benefits? No.

Did they support Democratic efforts to increase veterans funding on other legislative vehicles? Did they make veterans a top priority of this session of the Congress?

The answer to every one of those questions, unfortunately, is no, no, no, no. While Senate Republicans found plenty of time to pursue issues that didn't matter, and don't matter, to the American people—I have named a few. We spent quite a lot of time on a matter that I don't think mattered for most Americans, but some of the things we worked on were intervening in the most private and personal decision a family can make—they found no time for tens of thousands of soldiers who they knew were coming home soon to a health care system that lacked resources to meet their needs.

On three separate occasions this year Senator MURRAY and Senate Democrats, led by Senator PATTY MURRAY, asked the Senate to vote on additional resources for the veterans health care system. On each occasion, Senate Republicans, including the lead sponsor of one of the amendments we will soon vote on, voted no: "no" to add additional funding for our veterans, "no" to giving them the quality health care they have earned, "no" to keeping our Nation's commitment to those who have served.

Three strictly party-line "no" votes by the Republicans.

The response of the Bush administration was similar and similarly out of touch. Rather than acknowledge there was a problem and addressing the concerns raised by Democrats and outside groups, the Bush administration initially chose a path of denial that ultimately bordered on outright deceit.

In April, after Senator MURRAY offered an amendment on the emergency supplemental to increase veterans health care funding by \$1.9 billion, VA Secretary Nicholson—by the way, his qualifications are he was chairman of the national Republican Party. He is head of the veterans benefits now—he said:

I can assure you that the VA does not need emergency supplemental funds in fiscal year 2005 to continue to provide the timely, quality service that is always our goal. . . . I do not foresee any challenges. . . .

The PRESIDING OFFICER. The Senator has used 9 minutes.

Mr. REID. I will use leader time now for the rest of my remarks.

Continuing with Mr. Nicholson:

I do not foresee any challenges that are not solvable with our own management decision capability.

The concerns raised by this head-in-the-sand statement were greatly exacerbated yesterday. At a hearing before the Senate Veterans' Affairs Committee, Veterans Affairs officials from

the Bush administration made two astonishing admissions. First, Mr. Nicholson acknowledged that funding for veterans health care programs is short by at least \$2.6 billion because the administration dramatically underestimated the number of military personnel returning from Iraq and Afghanistan. This is the latest example of how poorly the administration planned for and prepared this Nation for what would be required in Iraq and the war on terror.

Second, and even more troubling, VA Under Secretary Perlin testified to Congress that at the same time Secretary Nicholson was assuring Congress no additional resources were needed, the VA was already dipping into reserve funds to meet its operational needs. And Secretary Nicholson admitted that a management decision had been made in early April—that is why I called what he said before "deceitful"—made in early April to also dip into capital funds to keep veterans health care operations going.

What does this mean? Taking away from capital projects, hospitals that need to be renovated and repaired, outpatient clinics that need to be rebuilt. They were dipping into those funds when he was before competent committees of this Congress not telling the truth, misleading us, being deceitful.

Think about this for just a bit. The administration sends hundreds of thousands of men and women, our troops, abroad to fight in Iraq and elsewhere but says it didn't expect they would return home and need health care services? The administration then fails to provide any additional funds to address the health care needs of these soldiers and, when pushed by Democrats, tells Congress no additional funds are needed. And in the final act, the administration acknowledges that the very time it was insisting no additional funds were needed, the VA was tapping into reserve funds, and the VA Secretary had decided to pay for day-to-day health care expenses by dipping into capital funds, which would severely impact medical facilities across our whole country—including, I might say, a major medical center that is needed in the most rapidly growing veterans population of any place in America, in Las Vegas, NV. Quite a performance.

Fortunately, today the Senate has a new day before it. At long last, we have the administration and Senate Republicans acknowledging there is a problem. And at long last, Senate Republicans are now willing to join Senate Democrats to do something about it. Although Republican support for our veterans has been long in coming, I welcome the 11th-hour conversion. While the needs of our veterans were not enough to get the attention of some of our colleagues on the other side of the aisle, apparently the 2006 elections are.

Regardless of their motivation, we welcome their support. I only hope the

administration and Senate Republicans remain willing and eager to join with us in the future to ensure that our troops—active and retired—and their families, receive the respect and recognition they deserve.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Idaho.

Mr. CRAIG. Mr. President, I thought my comments on this issue had concluded, but I feel the statements just made by the Democratic leader deserve some response.

I will work very hard to sustain a calm tone and a bipartisan tone, as has been the character of the debate on this issue up until just a few moments ago when it took a dramatically partisan tone, tuned to the November 2006 elections. To me, that is disappointing, at best, and it is, at best, very misdirected.

To suggest that the Secretary of Veterans Affairs is only a party chairman means that that minority leader has not even read his bio, nor does he care to. So let me suggest that this Secretary of Veterans Affairs is a 1961 graduate of the U.S. Military Academy at West Point, he served 8 years on active duty as a paratrooper and Ranger-qualified Army officer, then 22 years in the Army Reserves. While he was in the Army Reserves, he finished his master's degree at Columbia University in New York City and his law degree at Denver University.

It means that you have to be highly qualified to be "just" a party chairman.

No, I am sorry, Democratic leader. This Secretary is highly qualified to be Secretary.

I am disappointed, at best, and I hope my colleagues will join with me in an overwhelming disappointment at a dramatically partisan statement at a time when this chairman has worked in good faith to be extremely bipartisan to resolve a problem.

The minority leader forgets that every year during the Clinton administration they proposed to underfund the Veterans Affairs and Veterans' Administration and we, in a bipartisan way, said "no." And every year since then, in the Bush administration, they funded it less than the Congress did. And we said "no," because we expected a higher level of service than the budget crunchers down at OMB would admit; Democrats and Republicans, that is the fact that the minority leader has forgotten for the purpose of partisan politics.

Minority Leader REID, I am highly disappointed. I will step back from the level of anger. You have impugned the integrity of a brave American, who is serving as Secretary of our Veterans' Administration, and you have impugned my integrity as a Senator, and I am disappointed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

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

**PRESIDING OFFICER.** Five minutes and fifty seconds.

**Mrs. MURRAY.** The Senator from Colorado is here and would like to make a statement. I ask if he could use 3 minutes, and I can use the remaining time.

**PRESIDING OFFICER.** The Senator from Colorado is recognized for 3 minutes.

**Mr. SALAZAR.** Mr. President, let me at the outset say that the problem we are trying to deal with in the Senate is a matter of great importance to our veterans. Let me also say I believe the Senate Veterans' Affairs Committee has jumped on this problem to try to figure out a way that we can move forward. I think the most important response to this kind of crisis, where we are leaving so many veterans out of the fold in America, given the kind of shortfall we are seeing in health care, is that we acknowledge a problem, first of all; and, second of all, once having acknowledged the problem, that we move to fix the problem; and then, third, that we make sure that the problem does not happen again.

What we are doing with today's amendment sponsored by Senator MURRAY and Senator BYRD is fixing the problem for this year so we are able to provide the health care services to which our veterans are entitled. It is not good enough for us to support our troops in Iraq, as we all should. It is also necessary—mandatory—for us to make sure that when our troops return from Iraq or Afghanistan, we take care of them here at home.

The Veterans' Administration and the budgets that they have proposed have failed to do that because of the chronic underfunding that they have put on the table. If you analyze the underfunding we are looking at today, we potentially could be looking at a cut to veterans health services of somewhere between 10 percent and 15 percent. This is a problem which we need to address as a Congress for the years ahead as well.

This amendment that Senator MURRAY and Senator BYRD have put forward is a step in the right direction because it will help us fix a problem for this year. I am a proud cosponsor of that amendment. I believe both Senator BYRD and Senator MURRAY have done the right thing. I applaud Senator MURRAY's leadership in the committee to raise this issue to the attention of Senator CRAIG and the rest of the members of that committee.

But it is also very important that the Veterans' Administration, through Veterans Health, helps us figure out a way of avoiding this problem in the future. We should not let our soldiers from Iraq and Afghanistan down, and the only way we can do that is if we fix the funding formulas and fix the assumptions that are currently made.

I yield the floor.

**PRESIDING OFFICER.** The Senator from Washington is recognized. She has 2 minutes and 15 seconds.

**Mrs. MURRAY.** Mr. President, as we wind up the debate, it would be easy for me to stand here on the floor of the Senate—after months of saying we need to address this issue, we need an emergency supplemental and we are finally here—to say I told you so. But that is not how I feel right now.

What I am thinking about at this point is my own father, who was a veteran of World War II, one of the first soldiers into Okinawa, who was injured, sent to Hawaii, was in the hospital there for 3 months, and he went back to serve in Okinawa again and then was in a wheelchair for most of my life before he passed away.

I am thinking of the men and women in the veterans' hospital in Seattle WA, back in 1972 when I was a senior in college and I volunteered at the veterans' hospital there during the Vietnam war, working on the psychiatric ward with young men and women my age who were returning from Vietnam and understanding what they were going through, and then going back onto the street and the public not aware of the sacrifice of these soldiers.

I am thinking of the young men and women I recently met in Iraq serving us today, who were asking us: Will my country be there for me?

I can assure you none of those soldiers were saying: Will the Republicans be there for me? Will the Democrats be there for me? They were asking: Will we, as Americans, be there for them? With Democrats and Republicans alike just about to vote for this amendment—that will make the underlying amendment \$1.5 billion with the amendment of the Senator from Pennsylvania—what we can say is that this Senate stands in full support of our soldiers, from previous conflicts as well as the ones who are serving us today. I think that is a powerful message and one of which I am very proud.

Mr. President, I yield the floor.

**PRESIDING OFFICER.** The Senator from Pennsylvania is recognized.

**Mr. SANTORUM.** Mr. President, I thank the Senator from Washington again, as I did earlier, for her work. I thank her also for the tone and for the way she presented her case. I think it would express the concern and frustration on both sides of the aisle about the problems we are confronting and have confronted for many years in providing adequate funding through administration after administration—at least three I am aware of, three administrations I am aware of where the administration has not properly funded veterans' health care in particular. The Congress has always had to come and add more money. This is nothing new. What is new in this case is that we have had to come at a late time and add additional resources. I think it is unfortunate.

As I said earlier, I was very critical of this administration for not being more forthright and felt, as the Senator from Idaho suggested, that when we cast our votes against the Murray

amendment, we did so not with the information we needed. The administration, justifiably, should be criticized for that.

Unfortunately, the tone the Senator from Nevada took, the Democrat leader, was not one of frustration that all were sharing but simply an attempt to launch into a partisan attack which, given the nature and tenor of what we have been working on, was very unfortunate. One of the most unfortunate comments, which I hope the Senator from Nevada will think better of and come back and correct the record, was to suggest that "the only qualifications of the Secretary of Veterans Affairs is that he was chairman of the Republican National Committee" is an insult to the Secretary of Veterans Affairs and his service to this country.

This is a man who is a West Point graduate who served 8 years in active military and served tours in Vietnam. He earned the Bronze Star. He earned the Combat Infantryman Badge, the Meritorious Service Medal, and two Air Medals. This is not a man whose only qualification was he was chairman of the RNC. He went on and served in the Reserves for 20 years, earned additional degrees, ran and started a business, and was ambassador to the Holy See. This man has a lot more qualifications as Secretary of Veterans Affairs than many prior Secretaries. I hope the Senator from Nevada would reconsider his shot at this Secretary.

Do I have concerns about the information provided? Absolutely. Does the Secretary have to come and have an accounting for what he said and what he did in his short term now as Secretary? Absolutely. Has he been called on the carpet in both the House and Senate? Absolutely. Will he be over the next few months? Absolutely. But to take a shot at him personally in such a partisan fashion is beneath the leader of the Democrat Party. I hope the leader of the Democrat Party would show some leadership in civility when it comes to addressing people who have served this country honorably and continue to do their best.

I yield back the remainder of my time and ask the votes on the Santorum and Murray amendments be stacked sequentially at a time so designated by the leaders.

I ask that Senator SNOWE be added as a cosponsor to the Santorum amendment.

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

**Mrs. MURRAY.** I ask that Senator CORZINE be added as a cosponsor to the Murray amendment, as well.

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

**Mrs. MURRAY.** We will shortly vote on the Santorum amendment, then the Murray amendment, as amended. I urge all of my colleagues to support both amendments.

**PRESIDING OFFICER.** Those votes will occur at a time to be ascertained.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1059

Mr. DORGAN. Mr. President, my understanding is the next order of business would be my amendment numbered 1059, and there is 10 minutes per side?

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. Mr. President, I ask to claim as much time as I may consume from the 10 minutes. Perhaps we can move through this rather quickly.

This relates to an issue I have already spoken to the Senate about on two occasions. It relates to a soldier named Carlos Lazo. Carlos Lazo escaped Cuba on a raft. He tried to escape once and was caught and put in prison in Cuba. The second time he escaped on a raft, he got to this country. His wife and children were not able to get out of Cuba. After he got to this country, he subsequently joined the National Guard, and went to Iraq on behalf of this country to fight in Iraq. Sergeant Lazo received the Bronze Star for from his country for courage and bravery in fighting in Iraq. He is now back in the U.S. from his service in Iraq.

He has a son who has been quite ill in Cuba, so he wanted to go see his sick son in Cuba. His Government, the U.S. Government, the Government that he served by going to fight for freedom in Iraq, said: No, you are not free to travel to Cuba to see your son. Why is that the case? Because the President of the United States has created a new regulation, and the regulation says you can only travel to Cuba once every 3 years.

So this soldier, the soldier that wins the Bronze Star fighting for this country in Iraq, is told he can't go to see his sick son because he does not have the freedom to do that. He visited me and asked me about it. I called Condoleezza Rice. She didn't call back, Bob Zoellick her deputy did. I called the Secretary of the Treasury, Secretary Snow. He did not call back. One of his underlings did. I called Karl Rove at the White House. He called back, and later the Chief of Staff's office called me and said that relative to Karl Rove's call, Bob Zoellick in the State Department would handle it. And I have not heard back from him. We talked once. He said he would call back, and I have not had the call.

The question is this, Is there a humanitarian relief exception to the travel ban for someone with a sick kid in Cuba, for a soldier to go see his sick kid? The answer, according to the head of the Office of Foreign Assets Control at Treasury, which runs this is, no, there is no humanitarian relief. He said: We get calls from people who say

my mother is going to die in a few days, and we can't give them the opportunity to go to Cuba to see them if they have traveled once before in the 3-year period.

He said: I understand what you are saying, Mr. Senator, but we turn them all down because we must.

I said: But you created the regulation. What on Earth are you thinking about?

This soldier's story—and I have told the story about the woman that distributed free Bibles in Cuba, who gets fined by her Government, the U.S. Government, for doing it—this soldier's story begs out and screams for attention by this Congress. So I have offered an amendment that will provide for humanitarian circumstances under which Americans can travel to Cuba to visit or care for a member of the person's family who is seriously ill, injured, or dying; make funeral or burial arrangements for a member of the individual's family.

I am just wondering who in this Chamber is going to stand up for this soldier and this soldier's right. It is not just him, it is the others who are applying who say their mother or father or child is dying and now they are now being turned down by the Federal Government because there is no humanitarian exception.

This is unforgivable. There ought to be a humanitarian exception. I hope my colleagues will stand up for this soldier's rights. He fought for freedom in Iraq and now doesn't have the freedom to see his sick son? What can we be thinking about? Why do I need to go further?

I have spoken about this issue previously, but Sergeant Lazo obviously comes to us because he has a selfish interest. It is in seeing his sick son. That is a pretty good selfish interest as far as I am concerned. Others have come to me. Joan Slote, who is in her midseventies, took a bicycle trip in Cuba and got fined by her Government. It is unbelievable what is going on.

I come to the Senate today only because I am persuaded from last week's visit with Sergeant Lazo that this ought to stop. This Congress ought to have the courage to stand up and do what is right. If we don't have the courage to do this, we don't have the courage to object to anything the White House does. This came from the White House. This is all about politics. This rule that says Americans visit their family in Cuba only once in three years is all about Florida politics. Everybody in this Chamber knows it.

This amendment does not overturn the travel rule with Cuba. I happen to think people ought to be able to travel to Cuba. I know Fidel Castro pokes his finger in America's eye. The quicker we get rid of that Government, the better. But the fact is, we will do that, it seems to me, by allowing trade and allowing travel, just as we do with Communist China and Communist Vietnam. But that is not the way this coun-

try deals with Cuba because of Florida politics. We have decided that Sergeant Lazo shall not be allowed to go see his sick child.

The question is, Will the Senate, will the men and women in the Senate, have the courage and the good sense to cast the right vote and say to Sergeant Lazo and others, If you have a member of your family who is seriously ill, injured, or dying, you have a right to go see them? We will give you the license to do that.

We have had vote after vote on these issues. The question today is will we have enough Senators to decide to use a little common sense? If you care about families—a lot of people are talking about profamily these days—if you care about family, if you are profamily, cast the right vote. Cast the right vote on this amendment.

My understanding is the Senator from Montana will have some time, as well.

I reserve my remaining 3 minutes 50 seconds.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, the Senator from North Dakota brings up a good point on humanitarian needs. I don't know what the specifics are in the case of the sergeant. I have a strong feeling toward the sergeant. If he has family, and with the service to his country, I am prone to find out why his permission to travel to that country under these circumstances was denied. There must be something out there that we do not know.

We have been reluctant in our dealings with Mr. Castro and Cuba. Embargos and this type thing only hurt the people who are the average citizens of a country. I have a feeling for this. However, there is an objection to it. We will have a vote on it. I appreciate the Senator from North Dakota bringing up this circumstance. We should look into it and find out what the circumstance is behind it. There are some more maybe pending that we do not know anything about. Nonetheless, we will vote on this amendment.

Mr. President, I have no more comments on this. I reserve the remainder of my time. There was a speaker to come to the floor, and he has not arrived yet, so I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER (Mr. COURN). Who yields time?

The Senator from North Dakota.

Mr. DORGAN. Well, Mr. President, if we are going to use the other time for someone who opposes the amendment, I would like to use my several minutes to close the debate on this amendment. So I ask unanimous consent to reserve my time.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ENSIGN. Mr. President, I rise to oppose Senator DORGAN's attempt to waive the rules of the Senate. All of us operate under the constraints of the rules. The rules create a level playing field, provide stability, and bind the Senate together. According to CRS, similar attempts to waive the rules to legislate on appropriations bills have been tried twice since 1989, and failed both times. There is a good reason why the rules have not been successfully waived in recent Congresses. If waiving the rules becomes the practice of the Senate, just another tool for Senators, there will be chaos.

Many of my colleagues were Senators during times when authorizing on appropriations was routine. Do we want to potentially go down this path again? I think not.

Is my colleague seeking to waive the rules for a national emergency, an emergency in his State, relief from a terrorist attack, or a wartime emergency? No. He is seeking to waive the rules of the Senate to overturn regulations on travel to Cuba.

The regulations targeted by Senator DORGAN's amendment do not eliminate family travel. They simply limit the amount of times you can travel to Cuba for family visits—once every 3 years; in case of necessity—and limit it to visiting actual direct relatives. There used to be a tremendous abuse of people vacationing in Cuba claiming to visit their third uncle on their grandmother's side.

According to the State Department, the new regulations, which went into effect in July 2004, have cost the Castro dictatorship up to \$375 million in lost revenue. I believe this is a good thing. Most of the money from travel, dollar stores, and hotels go directly to Cuba's military.

Recently, great media attention has been given to the case of SGT Carlos Lazo of Spokane, WA, who has two sons in Cuba. It is for cases of this nature that U.S. law allows his sons to visit him in the United States on a visitor's visa or to immigrate to the United States.

The proper statement for the Senate at this time is to go on record to demand that Castro let these boys go so they can see their father. I, for one, will do everything possible to see that his sons get here and have been assured that our State Department will work to facilitate this. The proper statement for the Senate is not to waive the rules of the Senate to create chaos in this Chamber and let more money go to subsidize Castro's repressive regime.

Mr. President, I yield the floor and yield back the remainder of our time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, it will be unbelievable to me if the Senate

buys this line that somehow waiving the rules creates chaos in the Senate. That must be confusing appealing the ruling of the Chair with waiving the rules. Waiving the rules does not create any chaos. It simply says in this circumstance, with this set of facts, this Senate says that soldier, who fought in Iraq and won a Bronze Star, ought to have the right to see his sick kid. If this Senate cannot find that common sense, then there is something wrong, something dreadfully wrong.

So we are told: Well, why don't you have the kids come to the United States. Did you forget the word "sick"? We have a sick kid here, among other things. But this is not about common sense; it is about politics. It is about Florida politics. That is why a new regulation went into effect that replaced the old one. And, by the way, the old regulation did have a humanitarian exception. It did have a circumstance where this soldier would have been able to go to Cuba to see his sick son.

But when the President made it a new rule, a new regulation—only one visit every 3 years—they eliminated all exemptions. It does not matter. Your mother is dying on Saturday? Tough luck. A real "profamily" stand, as far as I am concerned. It seems to me there ought to be a humanitarian exception.

Look, if I were doing what I wanted here, I would lift the travel limitations completely. I am not doing that. I am providing a humanitarian exemption to say that if a member of your immediate family is seriously ill, injured, or dying, you ought to be able to get a license to go see them 90 miles off the coast of Florida.

So if you want to come to the floor and decide we should not do this, then, please, if you don't mind, call Sergeant Lazo tonight—I will give you his telephone number—and tell him why you don't think he has the freedom to see his sick kid. A guy who put on the uniform and traveled halfway around the world to fight for this country does not have the freedom to go see his sick child. There is something fundamentally bankrupt with that thought process.

If this Senate does not have the backbone to stand up to the White House on this—and, yes, it is the White House; that is who formed the rule, a rule with no exemption at all, no humanitarian exemption—if we do not have the backbone to stand up on this, I probably will not come with another story like this, because if you cannot do it for this soldier, you cannot do it for anybody. But it ought not just be this soldier, it ought to be anybody who has a sick or a dying relative who ought to have the right to go see them 90 miles off the coast of Florida.

This is not rocket science. For all the times that people stand up and talk about being compassionate, caring about the individual, talking about freedom, for all of those occasions they

talk about being profamily, let's see it. Let's see it manifested on this vote, at this time. Do not vote against this and say: Oh, it had something to do with suspension, it had something to do with this, that, or the other thing.

This is simple. You cannot misunderstand this vote: Do you believe this guy ought to have the right to see his sick kid or not? Do you believe the American people ought to have the right to travel in circumstances where one of their relatives is sick, injured, or dying? If you do not, then vote against my amendment. But if you believe in some common sense here, then, please, support this amendment. Send the right message.

This does not eliminate the travel ban. It does provide the humanitarian exemption that used to always exist and should exist again.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BURNS. Mr. President, we have another speaker coming on our side who is on his way.

In the meantime, Mr. President, I ask unanimous consent that I yield time to Senator KYL for the purpose of withdrawing his amendment.

Mr. DORGAN. Mr. President, I will support that request, but I want to mention to my colleague from Montana that prior to going to the final vote, I believe Senator REID wishes time to speak. So I want to make sure that is preserved prior to final passage.

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

The Senator from Arizona.

Mr. KYL. Mr. President, I thank the Senator from Montana.

#### AMENDMENT NO. 1050 WITHDRAWN

Mr. President, I first ask unanimous consent to withdraw amendment No. 1050.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KYL. Mr. President, let me explain briefly what the amendment is, and why I filed it, and why we need to deal with that subject matter in the future.

I have spoken with Senator BURNS about this and have his agreement that he will try to work with us to find a way around the problem that the amendment was designed to resolve. I appreciate his cooperation in that regard.

Actually, for several years I have discussed this on the floor. We have had agreements in the past that the authorizing committees would work with us to change the formula for the Clean Water Act. We have not been able to get that done yet. So I am, once again, noting the fact that under the EPA-funded study to determine the needs of the States—a similar study which is used under the Clean Water Act—Arizona ranks 10th in terms of needs in the country, 10th out of all of the States.

In terms of the funding provided by the formula under this act, Arizona

ranks 51st among the 50 States. Now, you may say: 51st? There are only 50 States. That is right. Actually, Arizona ranks behind Guam and Puerto Rico. So here we have one of the fastest growing States, with some of the greatest needs—according to the EPA, 10th in the country in needs—and the formula puts Arizona worse than any other State in the Union. That has to be fixed.

I believe my colleagues will understand if I say that in Arizona we cannot allow this situation to continue any longer. So if my colleagues do not like the formula we have put forward that would resolve this issue, then I invite them to come forward with some other kind of formula that would resolve the issue. But we are not going to very long abide by a situation which has been going on now for years that continues to put Arizona at the very bottom when our needs rank very close to the top.

Again, I appreciate the commitments that have been made by the distinguished chairman, the Senator from Montana, to try to work with us to find a way around this. I do appreciate that this is primarily an authorizing problem, so we will be talking to the authorizing chairmen as well. My colleagues will hear more about this in the future. In the meantime I have withdrawn the amendment that would fix this. But I hope my colleagues will work with us in the future.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I thank the Senator from Arizona. There is a larger problem on the Arizona River. We are all aware of it. It is going to take a lot of us working together to deal with that river because of population growth, especially in the wintertime, from Lake Mead and going south. Arizona is only a little piece of that. But, nonetheless, the Senator is very much interested in what happens all the way down, for the simple reason that with Nevada, Arizona, and California, it will take a lot of people working together to deal with that problem. I appreciate the Senator's interest in that, and I do pledge to work with the Senator on authorization.

Mr. President, I yield the floor to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

AMENDMENT NO. 1059

Mr. MARTINEZ. Mr. President, I rise to speak against amendment No. 1059 which would attempt to change foreign policy toward Cuba in an appropriations bill, which I think procedurally, as well as substantively, is the wrong thing to do. I urge my fellow Senators to vote "no" on this amendment.

The amendment would seek to unconditionally grant a concession to the repressive Castro regime. This is a government and a country that currently suppresses the human rights of its people. It has been on the list of states that assist terrorism, consistently

right there with North Korea and other countries that are not particularly helpful to our global war on terror.

Aside from that, this policy of travel consists as one leg or one part of a more comprehensive travel policy toward Cuba that the United States put in place under the leadership of our President about a year and a half ago. It created some restrictions on travel. It limited travel even among Cuban families.

I know this community well. I know it is a policy that is largely supported by that community. I also would tell you that there is, in my own life, the knowledge that the denial of family reunification is something that for over 40 years the Cuban system has utilized as part of their endeavor in order to control people.

I had lived in this country for 4 years, and during those 4 years of separation from my mother and father—between the ages of 15 and 19—my family was not able to travel here to visit me. They were not allowed by the Cuban Government to at any point leave Cuba to visit.

The case of this brave soldier, whom I greatly respect and honor, Mr. Lazo, who has served his country bravely in Iraq, has been brought up. Let me say, specifically, on that case, this young man, who has sons in Cuba, wishes to go to Cuba to visit his sons. It is understandable. He has been there in the past 3 years. He wants to go again. His sons are 16 and 19.

We have asked Mr. Lazo if he would allow us to bring his children here so they could visit here. One of them has had some illness. Currently, he is not under medical care, but he has been recently. He could certainly seek medical care here when he came, under his father's auspices.

In addition to that, I believe it would be a nice thing for these children to have an opportunity to visit in a free society and a free country. That request, that offer, has been refused. For family reasons or other reasons, he doesn't care to pursue that. He wants to go there. I understand that. But I don't believe we can change the foreign policy of the United States to suit one individual situation.

I am sympathetic to family travel. I am sympathetic to humanitarian problems that may arise from time to time in people's families. I have lived those in my own family and my own life. However, I believe the policy of the United States, the law of the United States, ought to be followed and that it would be wrong for us in this instance at this time to change what is established foreign policy of our country, established in terms of our relationship with Cuba, simply to take care of this individual situation. I would like to think of how we might work on a humanitarian travel policy that might even include Cuba making concessions but that it would not be a unilateral concession to this tyrannical government.

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

Mr. BURNS. Mr. President, all time has expired.

The PRESIDING OFFICER. The Senator is correct.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1046

Mr. BURNS. Mr. President, we have accepted amendment No. 1046 on both sides. I ask unanimous consent that amendment be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1046) was agreed to.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I ask unanimous consent that the Senator from Tennessee, Mr. ALEXANDER, the Senator from Delaware, Mr. CARPER, and the Senator from Pennsylvania, Mr. SANTORUM, be added as cosponsors to amendment No. 1046.

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

Mr. SARBANES. Mr. President, I express my appreciation to the managers of the legislation for accepting this amendment. The amendment provides for a study of the feasibility of designating the Captain John Smith Chesapeake National Historic Watertrail as a national historic trail. I was joined in this by my able colleague, Senator MIKULSKI, and by the two Virginia Senators, Mr. WARNER and Mr. ALLEN.

The year 2007—less than 2 years from now—marks the 400th Anniversary of the Founding of Jamestown, the first permanent English settlement in America.

The critical role that Captain John Smith played in the founding of Jamestown and in exploring the Chesapeake Bay region during the years 1607 to 1609 was a defining period in the history of our Nation. His contemporaries and historians alike, credit Smith's strong leadership with ensuring the survival of the fledgling colony and laying the foundation for the future establishment of our Nation.

With a dozen men in a 30-foot open boat, Smith's expeditions in search of food for the new colony and the fabled Northwest Passage took him nearly 3,000 miles around the Chesapeake Bay and its tributaries from the Virginia capes to the mouth of the Susquehanna. On his voyages and as President of the Jamestown Colony, Captain Smith became the first point of contact for scores of Native American leaders from around the Bay region. His relationship with Pocahontas is now an important part of American

folklore. Smith's notes describing the indigenous people he met and the Chesapeake Bay ecosystem are still widely studied by historians, environmental scientists, and anthropologists.

The remarkably accurate maps and charts that Smith made of his voyages into the Chesapeake Bay and its tributaries served as the definitive map of the region for nearly a century. His voyages, as chronicled in his journals, ignited the imagination of the Old World, and helped launch an era of adventure and discovery in the New World. Hundreds, and then thousands of people aspired to settle in what Smith described as one of ". . . the most pleasant places known, for large and pleasant navigable rivers, heaven and earth never agreed better to frame a place for man's habitation." Even today, his vivid descriptions of the Bay's abundance still serve as a benchmark for the health and productivity of the Bay.

With the 400th anniversary of the founding of Jamestown quickly approaching, the designation of this route as a national historic trail would be a tremendous way to celebrate an important part of our Nation's story and serve as a reminder of John Smith's role in establishing the colony and opening the way for later settlements in the New World. It would also give recognition to the Native American settlements, culture and natural history of the 17th-century Chesapeake. Similar in historic importance to the Lewis and Clark National Trail, this new historic watertrail will inspire generations of Americans and visitors to follow Smith's journeys, to learn about the roots of our nation and to better understand the contributions of the Native Americans who lived within the Bay region.

Equally important, the Captain John Smith Chesapeake National Watertrail can serve as a national outdoor resource by providing rich opportunities for education, recreation, and heritage tourism not only for more than 16 millions Americans living in the Bay's watershed, but for visitors to this area. The water trail would be the first National Watertrail established in the United States and would allow voyagers in small boats, cruising boats, kayaks and canoes to travel from the distant headwaters to the open Bay—an accomplishment that would inspire today's explorers and would generate national and international attention and participation. The Trail would complement the Chesapeake Bay Gateways and Watertrails Initiative and help highlight the Bay's remarkable maritime history, its unique watermen and their culture, the diversity of its peoples, its historical settlements and our current efforts to restore and sustain the world's most productive estuary.

This proposed trail enjoys bipartisan support in the Congress and in the States through which the trail passes. The proposed trail has been endorsed

by the Governors of Virginia, Pennsylvania, Delaware and Maryland. The measure is also strongly supported by The Conservation Fund, Izaak Walton League, the Chesapeake Bay Foundation and the Chesapeake Bay Commission.

But designating a new National Historic Trail is essentially a two-step process. First, Congress must authorize the Department of Interior to undertake a study of the national historic significance of the proposed trail and the feasibility of designating such a trail. National Historic Trails must meet 3 criteria: they must be nationally significant; have a documented route through maps or journals; and provide for recreational opportunities. Once the study is complete—usually a 3-year process that involves public hearings and input—a recommendation is submitted to the Secretary of Interior to designate the trail and Congress must enact legislation to authorize the trail.

We hope to make up some of the time by the work that is already underway by public and private sector organizations to document the history of Jamestown and John Smith's travels.

However, unless we can get this provision enacted shortly, the Park Service will be unable to complete the study and make recommendations on the proposed trail in conjunction with that anniversary.

Mr. President, we hope to get this study done before the Jamestown celebrations. In 2007, they are scheduled for celebrations at Jamestown. It will be a big national event. The Captain John Smith Watertrail is obviously very much connected to the Jamestown settlement. It involves, of course, the Chesapeake Bay. We are very hopeful this study will prove the feasibility of designating this water trail. I am pleased to join with my colleagues in putting this idea forward. Again, I thank the managers of the legislation for accepting the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, may I commend my distinguished colleague from Maryland and Senator MIKULSKI and others. The two Virginians and the two Marylanders have joined together, and it is a very important step to be taken in connection with a national commitment to the recognition of the Jamestown period.

I wish we could in some way reduce this for the record, but we simply can't do it. There is an excellent review in the National Geographic of June of this year, on the whole area. It is something that I think an inordinate number of Americans will be interested in reading about because it goes to the very roots of the foundation of this great Nation.

I thank the distinguished managers of the bill.

Come 2007, we will celebrate the 400th Anniversary of the founding of James-

town, the first permanent English settlement in the New World, as well as the heroics of its first leader, Captain John Smith.

Lasting from 1607–1609, John Smith's historic 3,000-mile exploration of the Chesapeake's main stem and tributaries made him the first ambassador to the native peoples of the Chesapeake, allowing for the exchange of cultural customs and material goods.

Along his journey, Smith noted the incredible bounty of the Bay, writing that "oysters lay thick as stones" and fish were so prevalent you could catch them "with frying pans."

What would this trail accomplish? It would allow Americans to retrace the paddle strokes and footsteps of Captain Smith, to gain a better understanding of the perils he and his fellow settlers faced during the voyages they took to better understand the New World.

Ultimately, this proposed trail seeks to celebrate Captain Smith's foresight, the founding steps of America, and the bounty of the Chesapeake Bay. I urge my colleagues to join me in supporting this feasibility study for the Captain John Smith Chesapeake National Historic Watertrail.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, we are ready to move. I would call for the regular order under the previous order.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Parliamentary inquiry: Was the amendment agreed to?

The PRESIDING OFFICER. The amendment was agreed to.

Mr. SARBANES. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to a series of stacked votes in relation to the amendments in the order they were offered, to be followed by third reading and a vote on passage of the bill as provided under the previous order. I also ask unanimous consent that there be 2 minutes between each vote.

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

VOTE ON AMENDMENT NO. 1071

The PRESIDING OFFICER. The question is on agreeing to the Santorum amendment to the Murray amendment.

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Florida (Mr. MARTINEZ), and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to death in the family.

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 165 Leg.]  
YEAS—96

Akaka	Dodd	Lugar
Alexander	Dole	McConnell
Allard	Domenici	Mikulski
Allen	Dorgan	Murkowski
Baucus	Durbin	Murray
Bayh	Ensign	Nelson (FL)
Biden	Enzi	Nelson (NE)
Bingaman	Feingold	Obama
Bond	Feinstein	Pryor
Boxer	Frist	Reed
Brownback	Graham	Reid
Bunning	Grassley	Roberts
Burns	Gregg	Rockefeller
Burr	Hagel	Salazar
Byrd	Harkin	Santorum
Cantwell	Hatch	Sarbanes
Carper	Hutchison	Schumer
Chafee	Inhofe	Sessions
Chambliss	Inouye	Shelby
Clinton	Isakson	Smith
Coburn	Jeffords	Snowe
Cochran	Johnson	Specter
Coleman	Kennedy	Stabenow
Collins	Kerry	Stevens
Conrad	Kohl	Sununu
Cornyn	Kyl	Talent
Corzine	Landrieu	Thomas
Craig	Lautenberg	Thune
Crapo	Leahy	Vitter
Dayton	Levin	Voinovich
DeMint	Lincoln	Warner
DeWine	Lott	Wyden

NOT VOTING—4

Bennett	Martinez
Lieberman	McCain

The amendment (No. 1071) was agreed to.

Mr. BURNS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1052, AS AMENDED

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided on the Murray amendment.

The Senator from Washington.

Mrs. MURRAY. Mr. President, we are about to vote on the Murray amendment, as amended. I remind all of our colleagues, this has been a long road in coming to get to the point today where we stand as a united body to make sure we provide the funds for our veterans that are needed in this coming fiscal year.

As I said when we ended this debate, this is not a Republican issue; this is not a Democratic issue; this is an American issue. It is the right thing to do as we head into the Fourth of July recess to know that we are providing the funds in an emergency supplemental to make sure none of our members in the service from prior conflicts or the wars today who are coming home will be denied the services they have been promised.

This is a proud moment for the Senate. I want to work with my colleagues now to make sure the House and the White House work with us to expeditiously get these funds in place for our veterans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, this is, in a sense, the identical vote we just cast. This is the Murray amendment, as amended by the Santorum-Hutchison-Craig amendment. I encourage my colleagues to vote for this amendment.

I again thank the Senator from Washington. As we said during the debate, she was right and we got bad information. The Senator from Idaho, the Senator from Texas, as well as cooperation on the other side of the aisle, have gotten to the bottom of this. We have a lot more work to do. This is a good first step, and I encourage an “aye” vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1052, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Florida (Mr. MARTINEZ), and the Senator from Arizona (Mr. McCAIN).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to death in family.

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 166 Leg.]

YEAS—96

Akaka	Dodd	Lugar
Alexander	Dole	McConnell
Allard	Domenici	Mikulski
Allen	Dorgan	Murkowski
Baucus	Durbin	Murray
Bayh	Ensign	Nelson (FL)
Biden	Enzi	Nelson (NE)
Bingaman	Feingold	Obama
Bond	Feinstein	Pryor
Boxer	Frist	Reed
Brownback	Graham	Reid
Bunning	Grassley	Roberts
Burns	Gregg	Rockefeller
Burr	Hagel	Salazar
Byrd	Harkin	Santorum
Cantwell	Hatch	Sarbanes
Carper	Hutchison	Schumer
Chafee	Inhofe	Sessions
Chambliss	Inouye	Shelby
Clinton	Isakson	Smith
Coburn	Jeffords	Snowe
Cochran	Johnson	Specter
Coleman	Kennedy	Stabenow
Collins	Kerry	Stevens
Conrad	Kohl	Sununu
Cornyn	Kyl	Talent
Corzine	Landrieu	Thomas
Craig	Lautenberg	Thune
Crapo	Leahy	Vitter
Dayton	Levin	Voinovich
DeMint	Lincoln	Warner
DeWine	Lott	Wyden

NOT VOTING—4

Bennett	Martinez
Lieberman	McCain

The amendment (No. 1052), as amended, was agreed to.

AMENDMENT NO. 1059—MOTION TO SUSPEND

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided on the motion of the Senator from North Dakota, Mr. DORGAN, to suspend paragraph 4 of rule XVI to consider his amendment No. 1059.

Mr. DORGAN. Mr. President, I am not going to belabor the discussion. I

think all Members understand what this is. This vote will be on whether we decide to provide a humanitarian relief piece in the legislation that otherwise does not allow a soldier—who went to Iraq to fight for America’s freedom in Iraq, won the Bronze Star, and comes back here to have the freedom—to go see a sick child in Cuba. Why? Because there is no humanitarian relief in the regulation that was passed by the President.

I am not going to go on at great length. I have spoken about this three times. It is not just about this soldier but about others. When I called down to the Treasury Department, they said: No, there is no opportunity for this soldier to go see a sick child. In fact, we have people calling here saying, My mother is going to die on Sunday according to the doctor, and we say, Sorry you can’t go. That is the regulation. The new regulation says you get one visit in 3 years. If you had that visit, no matter what is happening to your family in Cuba, you can’t go. Period. So this young man goes to Iraq, fights for his country, wins the Bronze Star, and doesn’t have the freedom to go see his sick child in Cuba. That is wrong, and everybody in this Chamber ought to know it.

Mr. NELSON of Florida. Mr. President, I rise to oppose suspending the rules to take up the Dorgan amendment to revise rules on family travel to Cuba.

I have always supported a strong economic embargo against Cuba, as well as a ban on tourist travel to the island. I believe it is in our national interest to keep the pressure on the Cuban dictatorship, and not give Fidel Castro access to resources that make it easier for him to oppress the Cuban people.

At the same time, how we treat Cuban-Americans during their moments of family tragedy reflects on our character as a Nation. We should ensure that our policy demonstrates compassion for these fellow citizens in their moments of grief. I have many constituents who have faced such wrenching circumstances in their lives.

Unfortunately, my colleague from North Dakota is proposing a fairly significant change in U.S. foreign policy as part of an unrelated appropriations bill. In order for us to take up the amendment, the Senate would have to vote to suspend its own rules that ban legislating on an appropriations bill.

I am not opposed to a debate about whether our current policies on Cuban-Americans’ ability to travel to see their relatives may be too restrictive and whether they are in need of adjustments. But if we are to have such a debate, my colleagues in the Senate deserve enough time to consider fully such a major change in U.S. foreign policy. I would be willing to work with my colleagues to try to fashion a proposal that could gain broad support

and would go through the proper legislative process. But for now, for the reasons I have stated, I must vote not to suspend the rules.

Mr. BURNS. Nobody can sum this argument better than the Senator from Florida and the Senator from Nevada. I would say this: This is a change in policy and regulation, and we should consider that.

I yield the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. COBURN). Mr. President, on this vote, the Senator from Florida, Mr. MARTINEZ, is absent and would have voted nay. If I were permitted to vote, I would vote yea. Therefore, I withhold my vote.

#### RECESS

The PRESIDING OFFICER. The Senate stands in recess subject to the call of the Chair. Standby for further instructions from Capitol Police.

Thereupon, the Senate, at 6:26 p.m., recessed until 7 p.m. and reassembled when called to order by the Presiding Officer (Mr. COBURN).

The PRESIDING OFFICER. The clerk will resume the rollcall.

The assistant legislative clerk continued with the call of the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. MCCAIN), and the Senator from Florida (Mr. MARTINEZ).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to death in family.

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

The yeas and nays resulted—yeas 60, nays 35, as follows:

[Rollcall Vote No. 167 Leg.]

#### YEAS—60

Akaka	Dodd	Lugar
Baucus	Dorgan	Mikulski
Bayh	Durbin	Murray
Biden	Enzi	Nelson (NE)
Bingaman	Feingold	Obama
Bond	Feinstein	Pryor
Boxer	Hagel	Reed
Burr	Harkin	Roberts
Byrd	Hutchison	Rockefeller
Cantwell	Inouye	Salazar
Carper	Jeffords	Sarbanes
Chafee	Johnson	Schumer
Clinton	Kennedy	Stabenow
Collins	Kerry	Sununu
Conrad	Kohl	Talent
Craig	Kyl	Thomas
Crapo	Landrieu	Thune
Dayton	Leahy	Voinovich
DeMint	Levin	Warner
DeWine	Lincoln	Wyden

NAYS—35		
Alexander	Domenici	Murkowski
Allard	Ensign	Nelson (FL)
Allen	Frist	Reid
Brownback	Graham	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Chambliss	Hatch	Smith
Cochran	Inhofe	Snowe
Coleman	Isakson	Specter
Cornyn	Lautenberg	Stevens
Corzine	Lott	Vitter
Dole	McConnell	

#### PRESENT AND GIVING A LIVE PAIR—1

Coburn

#### NOT VOTING—4

Bennett	Martinez
Lieberman	McCain

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 35. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, this about winds up our work.

Mr. President, I raise a point of order on the pending amendment.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

#### GRANTS MANAGEMENT

Mr. INHOFE. Mr. President, amendment number 1051 concerns the manner in which the Environmental Protection Agency awards direct assistance grants. Over the past 10 years, regardless of Presidential administration, the U.S. Government Accountability Office and EPA Inspector General have been extremely critical of the way EPA awards and administers grants programs. As chairman of the Senate Environment and Public Works Committee, I have made oversight of EPA grants management a Committee priority. Each year, the EPA awards half its budget in grants amounting to over \$4 billion. This amount is comprised of non-discretionary grants awarded pursuant to regulatory or statutory formula for expenditures such as capitalization funding for State and local programs and comprised of discretionary grants awarded to a variety of recipients. In a hearing before the Environment and Public Works Committee early last year, the Government Accountability Office and EPA inspector general offered testimony critical of the lack of competition in awarding discretionary funds, the lack of measurable environmental results, and an overall lack of accountability of EPA personnel and grant recipients. More specifically, the GAO testified that due to a lack of competition in grants, EPA can't ensure the most qualified applicants receive grant awards. The EPA inspector general even testified that due to a lack of competition, there is

an appearance of preferential treatment in grant awards. On March 31, 2005, the inspector general released an audit concluding that EPA needs to compete more grants and recommended that EPA eliminate non-competitive justifications for national organizations that represent the interests of State, tribal, and local governments. My amendment reflects the inspector general's recommendation and would simply require open competition to ensure the value of those awards. However, the EPA inspector general's recommendation may be too broad of an approach. Perhaps the most important question that can be raised concerning EPA grants is the question, "What is the benefit to the environment?" The EPA has an obligation to ensure taxpayers that it is accomplishing its mission of protecting human health and the environment with the funds it awards each year. My interest is ensuring that EPA direct assistance grants demonstrate environmental value and EPA enacts necessary measures to reach that aim. Can I get the commitment from the chairman of the Interior Appropriations subcommittee to work with me to sufficiently address this issue?

Mr. BURNS. I appreciate the concerns raised by the chairman of the Environment and Public Works Committee and commit to working with him to address this issue of importance to him and the Environment and Public Works Committee.

Mr. INHOFE. I thank the Senator from Montana and chairman of the Interior Appropriations subcommittee for his commitment to work with me on this matter of great importance to me, and I congratulate him on a job well done with respect to this appropriations bill. With his commitment I will withdraw my amendment 1051 to H.R. 2361.

#### TRIBAL ASSISTANCE GRANTS

Mr. SMITH. Mr. President, in the Senate Report for the FY 2006 Interior and Related Agencies Appropriations bill, S. Rpt. 109-80, under State and Tribal Assistance Grants programs within the Environmental Protection Agency accounts, one of the line items gives a grant to a town in Oregon called Winchester. It is my understanding that the intended town which is seeking the grant of Federal assistance for water improvements is actually Winchester Bay, OR.

Mr. WYDEN. I concur with my colleague and ask through the chair that the managers of this bill fix this small but important typographical error in conference on this bill with the House of Representatives.

Mr. BURNS. Yes, we will certainly do that.

Mr. DORGAN. I concur with my colleague that we will indeed try to fix this conference.

#### REPLACEMENT OF THE FILENE CENTER MAIN GATE

Mr. WARNER. I would like to engage the chairman in a colloquy on the facility needs at Wolf Trap National