

Mr. CORNYN. I thank the Chair.

#### RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:26 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

#### FLAG DESECRATION AMENDMENT—Continued

The PRESIDING OFFICER. The Senator from Maine—Vermont.

Mr. LEAHY. Mr. President, both are beautiful States. Maine is the largest land area, the largest State in New England. Most people are surprised to know that Vermont is the second largest. We beat out New Hampshire by about 90 square miles—larger than Massachusetts, larger than Connecticut, larger than Rhode Island. Smallest in population, but we take a back seat to no one in our independence.

I am glad to see my friend, the Presiding Officer, the distinguished Senator, and distinguished former Governor.

I commend the senior Senator from Connecticut for his outstanding statement last night and the senior Senator from Illinois, our Assistant Democratic leader, for his cogent observations on this matter. The statement this morning by the Senator from Vermont, a veteran, a man of principle and courage, made me proud to serve with him in representing the people of our great State. I thank the Senator from Wisconsin, the ranking Democrat on the Constitution Subcommittee for his statement, and the Senator from Delaware, another veteran, for his well-chosen words, as well.

This morning we awoke to read the latest example of this administration's incompetence. Because of bureaucratic bungling, widows of those who have served this Nation and sacrificed for all of us have been denied the survivors' benefits to which they should be entitled. A leader of the Gold Star Wives of America, a group of 10,000 military widows, was quoted as saying:

It is shameful that the government and Congress do not deliver the survivor benefits equally to all our widows with the same compassion and precision the military presents the folded flag at the grave.

Eddie Smith is right and we should be ashamed.

This news follows other recent public reports that posttraumatic stress disorders among our veterans are on the rise. Instead of seeking to turn the flag into a partisan political weapon and the Constitution into a billboard for political slogans, for partisan gain, we should be working to fulfill the pressing needs of our veterans and their families. I wish the Senate would use its time to discuss and solve the real

problems that real Americans are facing right now, instead of trying to stir public passions for political ends.

The Republican leadership so rushed this amendment to the floor that there was not a single Senate hearing on it in this Congress. It was marked up in a side room off the Senate Chamber rather than in the regular public hearing room for the Judiciary Committee with very little debate, and it was reported without a committee report. This is the second time in a month that this Senate is rushing to debate a constitutional amendment without following the procedures that ensure thoughtfulness in such an important debate on a proposal to change our fundamental charter and, in this instance, cut back on the Bill of Rights for the first time in our history.

It was noted today in one of the newspapers that the U.S. Senate—the conscience of the country—is expected to spend 4 days debating this amendment—for each incident of flag burning that purportedly occurred this year in a Nation of 300 million people. I respectfully suggest that in the less than 10 weeks left to us in session this year, the Senate's resources would be better spent working to improve veterans' health care services, survivors' benefits and protecting veterans' and Americans' privacy. We have just witnessed the largest theft of private information from the Government ever, the loss of information on more than 26.5 million American veterans, including more than 2 million who are in active service, nearly 80 percent of our active-duty force and a large percentage of our National Guard and the Reserve. Why? Because this administration was so incompetent they did not think to lock the door.

This same administration says we need a constitutional amendment to ban flag burning in order to protect our veterans. We are not going to do anything to protect their credit records; we are not going to do anything to protect their privacy. We will leave the door open on that. But we have to watch out for the flag.

Let me quote what a spokeswoman for the American Legion said recently:

Our armed forces personnel have enough on their plates with fighting the global war on terror, let alone having to worry about identity theft while deployed overseas. A spokesman for the VFW said: This confirms the VFW's worst fear from day one—that the loss of data encompasses every single person who did wear the uniform and does wear the uniform today.

What does the Bush-Cheney administration say? If you are over there fighting in Ramallah and your identity has been stolen, don't worry. We have an 800-number you can call and maybe buy some insurance or something to protect your credit. Well, call once you are not getting shot at.

Because of the Bush-Cheney administration's recklessness, our veterans and our active-duty servicemembers are now worried whether their personal information is being sold on the black

market or available to foreign intelligence services or terrorists. That adds up to a heckuva bad job for America's veterans and our men and women in uniform.

Compounding the incompetence was the misguided impulse of the administration to keep everything secret for as long as they could. Three weeks after the theft, it was finally disclosed. Three weeks after that, the administration finally announced that it would do what it should have done from day 1 by making credit reporting available to those affected. And the administration is still fighting paying for its mistakes. It is resisting the efforts by Senators BYRD and MURRAY to provide the money needed to pay for credit monitoring and proposing to take the money from veterans health care or other programs. That is wrong.

Such incompetence at the Bush-Cheney Department of Veterans Affairs is worse than anything I have seen in the six Presidential administrations I have served with. At some point, this administration better stop appointing and hiring cronies, and at some point it might really take responsibility. Then we could have some real accountability for their incompetence. The American people suffer, the veterans are at risk, but those in responsibility get medals and promotions and the Republican Congress never gets to the bottom of what happened to make sure it will not happen again.

Rather than work on our privacy and identity theft legislation, rather than proceed on a bill protecting veterans, such as Senator AKAKA's or Senator KERRY's, we are being directed to another divisive debate on a proposed constitutional amendment. The White House calls the tune, and this Republican-led Congress is quick to dance to it. This is a White House that does not even list "veterans" as an issue on its Web site.

The Nation's veterans—who have been willing to make the ultimate sacrifice for their country—deserve better. In his second inaugural, while the Nation was fighting the Civil War, President Lincoln concluded with words that became the motto of the Veterans Administration and remains on metal plaques around the Vermont Avenue doors of the VA office here in Washington:

To care for him who shall have borne the battle and for his widow, and his orphan.

In this fundamental mission, this administration has lost its way.

What the Bush administration's budget says is that honoring veterans is not a priority, especially when it comes to medical care. The President's budget requests consistently fall short of the levels needed to provide necessary services and care. Secretary Nicholson had to admit a billion dollar shortfall last year after first issuing inaccurate and unfounded denials of his mismanagement. Secretary Principi before him had testified that the Veterans Department asked the White

House for an additional \$1.2 billion but that it was denied.

Veterans groups and families know that even these budget requests are inadequate—nearly \$3 billion less than what veterans groups like the American Legion, the Veterans of Foreign Wars, and the Paralyzed Veterans of America recommend in the Independent Budget. These organizations know what it will take to meet veterans' health care needs.

And when Democratic Senators, such as Senators MURRAY, AKAKA, or NELSON, offer amendments to fund veterans programs, Republicans refuse to support those amendments to bring funding up to the levels recommended by the independent budget and just plain common sense.

We heard in March 2004 from the chairman of the Citizens Flag Alliance, Major General Patrick Brady, that "we have never fully met the needs of our veterans." This echoed General Brady's frank admission following our April 1999 hearing that "the most pressing issues facing our veterans" were not flag burnings but rather "broken promises, especially health care." Sadly, it appears that playing politics with veterans' emotions rather than sustaining their health care is nothing new.

During the past 5 years, Congress has had to add billions of dollars more to the President's budget request just to fill gaps in basic services. If we had done as the President asked year after year, veterans' medical care would be in even worse shape. Unfortunately, this year the Congress is not off to an encouraging start. The most recent supplemental spending bill excluded almost \$400 million in additional spending for the veterans' health care. Again, the administration said it did not need the additional funding—but our veterans need it.

The Bush-Cheney administration's budget for veterans does not account for the increase in demand for VA services during the Iraq war. With nearly 20 percent of those returning from Iraq reporting mental health problems and 35 percent of Iraq war veterans needing health care services, we are cutting the money. Consider the cost of inflation and the increased costs for medicine and services and you can understand why the American Legion projects that more than \$1 billion is needed in further funding just to meet annual payroll and medical inflation costs.

Most disturbing is the move to make veterans contribute a larger share to provide their own health care. The Bush-Cheney administration continues efforts to impose onerous fees and co-payments on our Nation's veterans. This parallels the demands on families to buy armor, helmets, and other supplies for their family members serving overseas in our Armed Forces. It is the first time since the Revolution that we have sent our forces out there having to buy their own equipment when they went to war.

The Bush administration plans to increase by almost \$800 million this year

the fees and collections from third parties for veterans' health care. They plan on imposing an annual enrollment fee and doubling prescription drug co-payments for certain veterans. Veterans are being forced to subsidize their government health care. So much for the words on the veterans building in Washington.

I could go on and on describing the claims backlog, the longer waits, and the cuts in service. To add insult to injury, the GAO reported recently that hundreds of battle-wounded soldiers are being pursued for collection of military debts incurred through no fault of their own, due to long-recognized problems with military computer systems. The bottom line is that the administration's rhetoric toward veterans simply does not match its real priorities.

We seem headed back to the time after World War I when veterans had to come to Washington and live in tent cities to demand that the Government honor the words of President Lincoln and care for them and those others had left behind.

Instead of debating polarizing issues that we have talked about in election years, we should be acting to provide real resources for our men and women who served this country with honor and sacrifice.

I will ask to have printed in the RECORD a collection of recent newspaper articles on veterans needs.

I have stated my position on this flag-burning amendment before. I have stated before that Vermont, the 14th State to join the Union, joined the same year that the Bill of Rights was ratified, then joined by the 15th State. And that became the flag that we had for many years in this country, with 15 stars and 15 stripes. But we Vermonters want to make sure that our rights are being protected.

We amend the Constitution according to the Constitution when there is an urgent need to do so. We have never amended the Bill of Rights—never, ever. Since World War II, since the Civil War, no matter what the threat, we have never amended the Bill of Rights. Now we are being asked for the first time to amend the first amendment.

We are told there is an urgent need. My God, what is the urgent need? Especially since 9/11, more Americans fly the flag probably than any time in my lifetime. I fly the flag outside of my home in Vermont whenever I am there. I flew it for my son when he joined the Marines. I flew it when he finished his time in the Marines.

My flag is protected. If anyone were to steal it, destroy it, desecrate it, they could be prosecuted.

I fly my flag because I want to, and I protect it because I want to. I do not need a law to tell me to do so.

Mr. President, I ask unanimous consent that the aforementioned articles be printed in the RECORD.

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

#### MILITARY FAILS SOME WIDOWS OVER BENEFITS

(By Lizette Alvarez)

JUNE 27, 2006.—As Holly Wren coped with her 6-month-old son and the sorrow of losing her husband in Iraq last November, she assumed that the military's sense of structure and order would apply in death as it had in life.

Instead she encountered numerous hurdles in trying to collect survivor benefits. She received only half the amount owed her for housing because her husband, one of the highest ranking soldiers to die in Iraq, was listed as single, childless and living in Florida—wrong on every count. Lt. Col. Thomas Wren was married, with five children, and living in Northern Virginia.

She waited months for her husband's retirement money and more than two weeks for his death benefit, meant to arrive within days. And then Mrs. Wren went to court to become her son's legal guardian because no one had told her husband that a minor cannot be a beneficiary. "You are a number, and your husband is a number" said Mrs. Wren, who ultimately asked her congressman for help. "They need to understand that we are more than that."

For military widows, many of them young, stay-at-home mothers, the shock of losing a husband is often followed by the confounding task of untangling a collection of benefits from assorted bureaucracies.

While the process runs smoothly for many widows, for others it is characterized by lost files, long delays, an avalanche of paperwork, misinformation and gaps in the patchwork of laws governing survivor benefits.

Sometimes it is simply the Pentagon's massive bureaucracy that poses the problem. In other cases, laws exclude widows whose husbands died too early in the war or were killed in training rather than in combat. The result is that scores of families—it is impossible to know how many—lose out on money and benefits that they expected to receive or believed they were owed, say widows, advocates and legislators.

"Why do we want to draw arbitrary and capricious lines that exclude widows?" asked Senator Mike DeWine, an Ohio Republican, who has sponsored legislation to close some of the legal loopholes that penalize widows. "It seems to me we ought to err on the side of compassion for families."

Mr. DeWine said Congress sometimes passes these loopholes without considering the ramifications. But money also plays a large factor, and Congress is sometimes compelled to keep down costs associated with the war. "That's what you hear behind the scenes," Senator DeWine said.

The Army is also trying to address the problem, for example, with new call centers intended to help survivors navigate the bewildering bureaucracy. "As we always have, we constantly re-evaluate how we conduct our business to see if we can improve," said Col. Mary Torgersen, director of the Army casualty affairs operations center.

But legislators and advocates working with widows say the problems are often systemic, involving payouts by the mammoth Department of Defense accounting office and the Department of Veterans Affairs.

A few widows simply fall through the cracks altogether. The consequences are hard felt: they run up credit card bills, move in with relatives to save money, pull their children from private schools, spend money on lawyers or dedicate countless frustrating hours to unraveling the mix-ups.

"We have had more of these cases than I wish to know," said Ann G. Knowles, president of the National Association of County Veterans Service Officers, which helps veterans and widows with their claims.

The Department of Defense offers widows a range of benefits, including retirement security money, health care, life insurance payouts and a \$100,000 death gratuity. The Department of Veterans Affairs allocates a minimum \$1,033 monthly stipend and temporary transition assistance, among other things.

Widows also receive money from the Social Security Administration.

But a benefit is only as valuable as a widow's ability to claim it. Just days after her husband was killed in Iraq by a roadside bomb, Laura Youngblood, who was pregnant with their second child, got another piece of sobering news from the Navy: Her mother-in-law, who had been estranged from the family for several years, would be receiving half of her husband's \$400,000 life insurance payment.

Nearly a year later, Mrs. Youngblood, 27, is still trying to persuade the Navy that the military's accounting department lost her husband's 2004 insurance form naming her and her son as co-beneficiaries, along with the rest of his predeployment paperwork. The only forms the Navy can find are from 2003, listing an old address for her husband, Travis, an incorrect rank and no dependents.

The military paperwork was in such disarray, Mrs. Youngblood said, that her husband went months without combat pay and family separation pay because the defense accounting service did not realize he was in Iraq, where he was detached to a Marine Corps unit.

When the Navy said there was nothing it could do, the Marine Inspector General's office stepped in to investigate, forwarding findings to the Navy Inspector General's office. "These were my husband's dying wishes: to take care of his children," said Mrs. Youngblood, who has hired a lawyer to help her. "You honor his wishes. That's his blood money."

Congress has won plaudits in the past two years for increasing the payment after a soldier's death from \$12,420 to \$100,000 and upping the life insurance payout from \$250,000 to \$400,000. It made available to some recent widows a retirement income benefit for free. Congress has also paved the way for more generous health and housing benefits. Adding to that, numerous states have recently introduced free college tuition and property tax savings.

"Since 9/11, the demands on survivors are greater and they are getting much more in benefits," said Brad Snyder, the president of Armed Forces Services Corporation, which helps survivors with benefits. "The expectations of what we had in Vietnam were much lower."

But to the widows, some of whom adapted their lives to conform to the military, following their husbands from place to place, the complications can sting.

Jennifer McCollum, 32, who was raised on bases and whose husband, Capt. Dan McCollum, a Marine Corps pilot, died in 2002 when his plane crashed in Pakistan, has been busy lobbying Congress to reverse gaps in the law that penalize some widows financially simply because of when their husbands died.

"The president, whom I support, said in the State of the Union address that he would not forget the families of the fallen," she said. "Why have I had to go to D.C. five times this year?"

#### GAPS IN THE LAWS

Hundreds of widows are denied thousands of dollars in benefits because of arbitrary cut-off dates in the law. The family of a soldier who was killed in October 2003 receives less money than the family of a soldier who was killed in October 2005. "It is shameful that the government and Congress do not de-

liver the survivor benefits equally to all our widows with the same compassion and precision the military presents the folded flag at the grave," said Edie Smith, a leader of the Gold Star Wives of America, a group of 10,000 military widows that lobbies Congress and the Pentagon.

Shauna Moore was tending to her newborn, Hannah, on Feb. 21, 2003, when she learned that her husband, Sgt. Benjamin Moore, 25, had been shot during a rifle training exercise at Fort Hood, Tex. Months later, after her grief began to subside, she noticed that she was not entitled to the same retirement benefits as more recent widows with children.

Congress allowed certain widows to sign over to their children their husband's retirement benefit, sidestepping a steep so-called military widow's tax. But the law applies only to the widows of service members who died after Nov. 23, 2003. Mrs. Moore is one of an estimated 430 spouses with children who are ineligible.

If that option were available to Mrs. Moore, she would collect an extra \$10,000 a year until Hannah became an adult.

"It makes a difference, if you are a single mom," she said.

Last week, the Senate approved Senator DeWine's measure that would extend the benefit to widows whose husbands died as far back as Oct. 7, 2001, the start of the war in Afghanistan. The House did not approve a similar measure, which is tucked into the Senate Defense Authorization bill, so now the issue must be resolved in negotiations.

Hundreds of widows also fail to qualify for a monthly payment of \$250 in transition assistance, from the Department of Veterans Affairs, paid to help children for two years after their father's death. It applies only to those spouses whose husbands died after Feb. 1, 2005. Those who lost husbands before February 2003 received nothing because their transition is presumably over, and those who were widowed from 2003 to 2005 received a smaller amount.

Congress has closed some glaring gaps in laws, including one that excluded many families from the \$100,000 death benefit and the \$400,000 insurance payout because the soldiers' deaths were not combat-related. The outcry forced Congress last year to include all active-duty deaths since Oct. 7, 2001, in those benefits.

#### THE LONG WAIT

Even good intentions demand patience. A much-upgraded health care benefit to help the children of service members who died on active duty has yet to be implemented after 18 months because the new regulations have not been written.

Because Champus/Tricare, the federal insurer for military families, does not recognize the law, widows are still paying out more money for health care, which some can ill afford.

The January 2005 law will greatly improve health care for all children. But Nichole Haycock's severely disabled son, Colten, 13, may not be among them.

Her husband, Sgt. First Class Jeffrey Haycock, 38, died in April 2002 after a run; Army doctors had failed to tell him about a heart condition they had discovered two months before. But because her husband did not die in a combat-related situation, her son was denied admission to a program for the disabled.

As she teeters on the brink of exhaustion, her two other children get short shrift. "It's been very difficult to care for a child that is this severe by myself," Mrs. Haycock said. "I would love to see my daughter and son in school events. But I can't do those things."

Tricare officials cannot say for sure whether her son will be covered by the 2005 law

when the regulations are written. Francine Forestell, the chief of its customer communications division, said federal regulators plan to interpret it as broadly as possible, "but we can't promise anything," she said.

#### A LOST LIFE BUT NO INSURANCE

Few cases are as heartbreaking as the widow who winds up with little or no life insurance money after her husband's death. In many instances, the husband simply neglected to change the beneficiary. Little, if anything, can be done to recoup the money in such a case after it has been paid out, and advocates emphasize that couples must do a better job of educating themselves about benefits at pre-deployment family meetings.

But in some cases, widows said that they had done their jobs, had double-checked the paperwork and something still went wrong.

Staff Sgt. Dexter Kimble, 30, a marine, was killed Jan. 26, 2005, when his chopper crashed in an Iraqi sandstorm. It was his third deployment. Before he left, he redid all his deployment paperwork, after consulting with his wife, Dawanna. She noticed that the life insurance form on file still had designated his mother as a co-beneficiary.

"I said, 'What is this? Because I just had baby number four,'" Mrs. Kimble said. "He had not added baby number four to the paperwork, either. He said, 'Don't worry. I'm switching that and making you the sole beneficiary.'"

After his funeral, Mrs. Kimble said her casualty assistance officer informed her that her husband's paperwork had not been filed on time. The system had processed the 2001 form, and her mother-in-law had received half the \$400,000. Her casualty officer offered to call her mother-in-law and explain what had happened.

"I assumed it wouldn't be a question of if," Mrs. Kimble said about the money, "but when."

Mrs. Kimble, who lives in Southern California, did not get any money from her mother-in-law. She received \$300,000—the death benefit and half of the insurance money—but used a chunk to help pay her extended family's way to the burial and to pay off the car and other debts. Maj. Jason Johnston, a public affairs officer for the Marine Corps Air Station Miramar, said the corps processed what it had. "I'm not saying the system is infallible," he said. "Anything is possible."

"If the Marine tells the spouse one thing and does another," he added, "that is very unfortunate. But we have to go by what the marine puts in the system."

Mrs. Kimble has taken a dead-end job in San Diego and is worried about the future. To get to work, she gets up at 4 a.m. She pulled one child out of private school. She left her home and is living with her children in a friend's empty house. She is also paying for child care for four children.

Lawrence Kelly, a lawyer who is representing Mrs. Youngblood and Mrs. Kimble, said the problem is not unlike that confronted by thousands of soldiers who have recently faced mistakes in their pay made by the military's mammoth accounting office. "Same system, same bureaucracy, same results," he said.

Responding to concerns from widows, Congress last year passed a law stating that if there is a change in the beneficiary or in the amount of the insurance, a spouse must be notified. But the law left a major loophole: If a service member makes no change in his beneficiary after he marries—if his mother or father were originally named and he did not change it—his wife does not have to be notified.

"It has left me frustrated and very bitter," Mrs. Kimble said. "We have already sacrificed our husbands. Our children are fatherless. For them to struggle financially is another blow."

[From the Washington Post, April 27, 2006]  
**GAO SAYS GOVERNMENT PESTERS WOUNDED SOLDIERS OVER DEBTS**  
 (By Donna St. George)

Nearly 900 soldiers wounded in Iraq and Afghanistan have been saddled with government debts as they have recovered from war, according to a report that describes collection notices going out to veterans with brain damage, paralysis, lost limbs and shrapnel wounds.

The report from the Government Accountability Office, to be released at a hearing today, details how long-recognized problems with military computer systems led to the soldiers being dunned for an array of debts related to everything from errors in paychecks to equipment left behind on the battlefield.

The problem came to light last year, as soldiers' complaints began to surface and several lawmakers became involved. The GAO had been investigating other pay problems caused by the defense accounting system and was asked by Congress to investigate debts among the battle-wounded.

The new report shows a problem more widespread than previously known.

"We found that hundreds of separated battle-injured soldiers were pursued for collection of military debts incurred through no fault of their own," the report said.

Last fall, the Army said 331 soldiers had been hit with military debt after being wounded at war. The latest figures show that a larger group of 900 battle-wounded troops has been tagged with debts.

"It's unconscionable," said Ryan Kelly, 25, a retired staff sergeant who lost a leg to a roadside bomb and then spent more than a year trying to fend off a debt of \$2,231. "It's sad that we'd let that happen."

Kelly recalled the day in 2004 when, months after learning to walk on a prosthesis, he opened his mailbox to find a letter saying he was in debt to the government—and in jeopardy of referral to a collection agency. "It hits you in the gut," he said. "It's like, 'Thanks for your service, and now you owe us.'"

The underlying problem is an antiquated computer system for paying and tracking members of the military. Pay records are not integrated with personnel records, creating numerous errors. When soldiers leave the battlefield, for example, they lose a pay differential, but the system can take time to lower their pay.

The government then tries to recoup overpayments, docking pay for active-duty troops and sending debt notices to those who have left the military. Eventually, the government sends private agencies to collect debts and notifies credit bureaus.

The computer system is so broken that 400 soldiers killed in action were listed as owing money to the government, although no debt notices were sent, the report said.

A total of \$1.5 million in debts has been linked to the 400 fallen soldiers and 900 wounded troops. Of the total, \$124,000 has been repaid. The government has waived \$959,000, and the remainder of \$420,000 is still owed.

Michael Hurst, a former Army finance officer in Arlington who has studied the issue, said the military should have taken action years ago to prevent the debts from being created.

"It's a complete leadership failure," he said. "We can't expect the soldiers to notice

mistakes in their pay that the paid professionals have failed to notice and correct."

Although the GAO report focuses on battle-wounded soldiers who have separated from the military, there are probably others who were still on active duty when their debts caught up with them, Hurst said. Factoring those in, "I would say thousands" are affected by the problem, he said.

The GAO report said that 73 percent of the debts were caused by pay problems, including overpayments, calculation errors and mistakes in leave. Other debts were created when soldiers were billed for enlistment bonuses, medical services, travel and lost equipment.

House Government Reform Committee Chairman Thomas M. Davis III (R-Va.), who is holding the hearing, has called the phenomenon "financial friendly fire." Yesterday, his spokesman, Robert White, reacted to the report, saying: "Literally adding insult to injury, the systems that are supposed to nurture and support returning warriors too often inflict additional wounds to their financial health."

In one case cited in the GAO report, the debts meant that a soldier's family had no money to pay bills and had to send an 11-year-old daughter to live out of state.

At today's hearing, Army and Defense Department officials are expected to testify about what is being done to correct the problem. A database of soldiers wounded in action has been created, but the GAO suggested that more needs to be done, including congressional action to forgive more soldiers' debts and provide refunds in certain cases.

Previously the GAO had issued 80 recommendations for improving the Army payroll processes. Army officials have said they are at work on those recommendations. An Army spokesman did not return calls yesterday requesting comment.

[From the Washington Post, May 24, 2006]  
**VETERANS ANGERED BY FILE SCANDAL—VA HAS CONSISTENTLY SCORED POORLY ON INFORMATION SECURITY**

By Christopher Lee

Veterans brimmed with shock and anger yesterday at the loss of their personal data by the Department of Veterans Affairs, but in many ways the information security breach should not have come as a surprise.

The department has consistently ranked near the bottom among federal agencies in an annual congressional scorecard of computer security. For five years, the VA inspector general has identified information security as a material weakness and faulted officials for slow progress in tackling the problem.

As many as 26.5 million veterans were put at risk of identity theft May 3 when an intruder stole an electronic data file from the Aspen Hill home of a VA data analyst, who was not authorized to remove the data from his office. The electronic file contained names, birth dates and Social Security numbers of veterans discharged since 1975, as well as veterans who were discharged earlier and filed for VA benefits.

VA officials waited two weeks to call in the FBI to investigate the theft, the Associated Press reported, citing two law enforcement sources.

"To the best of my knowledge, the loss of 26 million records by VA is the largest by a federal agency to date," said Rep. Thomas M. Davis III (R-Va.), chairman of the House Government Reform Committee. "Perhaps if the department improved its compliance with the existing information protection laws, this breach would not have happened. There seem to be two problems here: a de-

partment that's inadequately protected, and an employee who acted incredibly irresponsibly."

In 2005, Veterans Affairs earned an F on the annual federal computer security report card compiled by Davis's committee, the same grade it has received every year but one since the scorecard began in 2001. (It got a C in 2003.) The government-wide average for 2005 was a D-plus, but there were wide variations—the Social Security Administration got an A-plus, while the departments of Defense and Homeland Security earned F's.

The report card measures compliance with the 2002 Federal Information Security Management Act, which requires agencies to test their systems, develop cyber-security plans and report on their progress.

"We continue to get a number of wake-up calls from these breaches that shows that we still have a ways to go before we have a truly robust information security posture nationally," said Greg Garcia, vice president for information security at the trade group Information Technology Association of America.

Veterans groups reported mounting anger and frustration.

Steve Kennebeck, 46, an Army sergeant who retired from the military in 1997 after 20 years, said he called a special VA toll-free number but was unable to learn whether he was among affected veterans. His father and two brothers, veterans all, are wondering, too.

"We've probably all been compromised," said Kennebeck, who lives in Washington. "I'm angry. . . . If we had done something like that in the military, we'd be punished by courts-martial. We protect America, and do they protect our personal information? No. It's galling. Somebody's head should roll."

VA officials did not return two telephone calls seeking comment yesterday. VA Secretary Jim Nicholson said Monday that the employee has been placed on administrative leave pending investigations by the FBI, the VA inspector general and local police. Nicholson said he has directed all VA employees to complete a computer security training course by the end of June.

Advocates called on the federal government to, at a minimum, pay to help veterans increase monitoring of their credit. "The VFW feels strongly that the government must accept responsibility for any consequences of this inexcusable breach of trust with America's veteran community," Robert E. Wallace, executive director of Veterans of Foreign Wars, wrote Sen. Larry E. Craig (R-Idaho), chairman of the Veterans Affairs Committee. Craig has indicated he will hold hearings. The House Veterans Affairs Committee has scheduled a hearing for 9 a.m. tomorrow.

The Veterans Affairs Department provides millions of veterans with health care, home loans, disability compensation and a burial plot. In doing so, it collects Social Security numbers, service histories and medical records.

But the sprawling bureaucracy, with 220,000 employees nationwide, has not always been the best steward of sensitive data. In more than a dozen reports, audits and reviews since 2001, the VA inspector general has repeatedly cited the department for security problems in the handling of personal information.

In 2003, tests by IG staff showed that a hacker could gain access to veterans' protected medical information from outside the VA network.

In 2005, reviews found that access controls were not consistently applied at dozens of data centers, medical centers and regional offices. Recommendations included ensuring that background checks are performed on

VA and contract workers, restricting off-duty workers' access to sensitive information and providing annual security awareness training for employees.

In a report last November, acting Inspector General Jon A. Wooditch wrote that many of the security concerns the IG had reported on for years remained unresolved. He cited a March 2005 report, saying 16 recommendations still had not been implemented eight months later.

"We identified significant information security vulnerabilities that place VA at considerable risk of . . . disruption of mission-critical systems, fraudulent benefits payments, fraudulent receipt of health care benefits, unauthorized access to sensitive data and improper disclosure of sensitive data," he wrote. "The magnitude of these risks is impeding VA from carrying out its mission of providing health care and delivering benefits to our nation's veterans."

[From the Washington Post, June 20, 2006]  
IRAQ WAR MAY ADD STRESS FOR PAST VETS—  
TRAUMA DISORDER CLAIMS AT NEW HIGH  
(By Donna St. George)

More than 30 years after their war ended, thousands of Vietnam veterans are seeking help for post-traumatic stress disorder, and experts say one reason appears to be harrowing images of combat in Iraq.

Figures from the Department of Veterans Affairs show that PTSD disability-compensation cases have nearly doubled since 2000, to an all-time high of more than 260,000. The biggest bulge has come since 2003, when war started in Iraq.

Experts say that, although several factors may be at work in the burgeoning caseload, many veterans of past wars reexperience their own trauma as they watch televised images of U.S. troops in combat and read each new accounting of the dead.

"It so directly parallels what happened to Vietnam veterans," said Raymond M. Scurfield of the University of Southern Mississippi's Gulf Coast campus, who worked with the disorder at VA for more than 20 years and has written two books on the subject. "The war has to be triggering their issues. They're almost the same issues."

At VA, officials said the Iraq war is probably a contributing factor in the rise in cases, although they said they have conducted no formal studies.

PTSD researcher John P. Wilson, who oversaw a small recent survey of 70 veterans—nearly all from Vietnam—at Cleveland State University, said 57 percent reported flashbacks after watching reports about the war on television, and almost 46 percent said their sleep was disrupted. Nearly 44 percent said they had fallen into a depression since the war began, and nearly 30 percent said they had sought counseling since combat started in Iraq.

"Clearly the current Iraq war, and their exposure to it, created significantly increased distress for them," said Wilson, who has done extensive research on Vietnam veterans since the 1970s. "We found very high levels of intensification of their symptoms. . . . It's like a fever that has gone from 99 to 104."

Vietnam veterans are the vast majority of VA's PTSD disability cases—more than 73 percent. Veterans of more recent wars—Iraq, Afghanistan and the 1991 Persian Gulf War—together made up less than 8 percent in 2005.

VA officials said other reasons for the surge in cases may include a lessening of the stigma associated with PTSD and the aging of the Vietnam generation—explanations that veterans groups also suggest.

PTSD is better understood than it once was, said Paul Sullivan, director of programs for the group Veterans for America. "The veterans are more willing to accept a diag-

nosis of PTSD," he said, "and the VA is more willing to make it."

In addition, as Vietnam veterans near retirement age, "they have more time to think, instead of focusing on making a living all the time, and for some this is not necessarily a good thing," said Rick Weidman, executive director for policy and government affairs at Vietnam Veterans of America.

Max Cleland, a former U.S. senator from Georgia and onetime head of the VA who was left a triple amputee by the Vietnam War, said the convergence of age and the Iraq war has created problems for many of his fellow veterans—as well as for himself.

"As we Vietnam veterans get older, we are more vulnerable," he said. When the war started in 2003, he said, "it was like going back in time—it was like 1968 again."

Now he goes for therapy at Walter Reed Army Medical Center and is wary of news from Iraq. "I don't read a newspaper," he said. "I don't watch television. It's all a trigger. . . . This war has triggered me, and it has triggered Vietnam veterans all over America."

PTSD has become a volatile topic lately, with some skeptics questioning whether the rise in claims is driven by over diagnosis or by financial motives. A report last week from the Institute of Medicine, part of the National Academies, concluded that "PTSD is a well characterized medical disorder" for which "all veterans deployed to a war zone are at risk."

VA's growing PTSD caseload became an issue last August, when the agency announced a new review of 72,000 PTSD compensation cases, expressing concerns about errors and a lack of evidence. That probe was dropped after a sample of 2,100 cases turned up no instances of fraud.

Still, some experts are not convinced that the Iraq war has driven up the caseload. "I'm skeptical that it accounts for a broad swath of this phenomenon," said psychiatrist Sally Satel, a resident scholar at the American Enterprise Institute. "These men have had deaths in their families, they had all kinds of tragedies over 30 years that surely affected them emotionally but they coped with."

Although a small percentage of veterans might be deeply affected, she said, she doubts "they have become chronically disabled because of it."

Around the country, many veterans dwell on the similarities between the wars in Vietnam and Iraq: guerrilla tactics, deadly explosives, fallen comrades, divisive politics. The way they see it, "Iraq is Vietnam without water," Weidman said.

"We have people who have symptoms that they haven't had in a long time," said Randy Barnes, 65, who works in the Kansas City offices of Vietnam Veterans of America. For some, "the nightmares and flashbacks have been very hard to deal with," he said. Group therapy sessions are "much more crowded," he said, "with Vietnam veterans particularly, but now also with the Iraq and Afghanistan veterans."

Barnes served as a combat medic in Vietnam from 1968 to 1969 and went into treatment only in the late 1990s. By the time the Iraq war started, he said, he felt steadier—but then his symptoms ramped up again.

"Depending on what I saw or heard that day or read, I would have night problems—nightmares, night sweats," he said. Sometimes, he said, he would roll out of bed and wake up crawling on the floor, "seeking safety, I guess."

A study published in February by VA experts showed that veterans under VA care experienced notable mental distress after the war started and as it intensified. While younger veterans, ages 18 to 44, showed the greatest reactions to the war, "Vietnam era VA patients reported particularly high lev-

els" of distress consistently, the study reported.

Powerful images of war have revived combat trauma in the past. "Traumatized people overreact to things that remind them of their original trauma," said Scurfield, the PTSD expert in Mississippi.

When the movie "Saving Private Ryan" was released, World War II sought mental health help in great numbers, said Wilson of Cleveland State. "It rekindled it all," he said.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, earlier today I was given the opportunity to speak on the Senate floor about the constitutional amendment that is before us. Time ran out before I was able to conclude my remarks. I would like to do that at this time.

One of the heroes of the Vietnam war in which I served was a former POW named Jim Warner. I would like to close my comments today with his words. It is an extensive quote, but I want to quote all of his letter.

Here is what he said:

In March of 1973, when we were released from a prisoner of war camp in North Vietnam, we were flown to Clark Air Force base in the Philippines. As I stepped out of the aircraft, I looked up and saw the flag. I caught my breath, then, as tears filled my eyes. I saluted it. I never loved my country more than at that moment. Although I have received the Silver Star Medal and two Purple Hearts, they were nothing compared with the gratitude I felt then for having been allowed to serve the cause of freedom.

Because the mere sight of the flag meant so much to me when I saw it for the first time, after five and one-half years, it hurts me to see other Americans willfully desecrate it. But I have been in a Communist prison where I looked into the pit of hell. I cannot compromise with those who want to punish the flag burners. Let me explain myself.

Early in the imprisonment, the Communists told us that we did not have to stay there. If we would only admit that we were wrong, if we would only apologize, we could be released early. If we did not, we would be punished. A handful accepted. Most did not. In our minds, early release under those conditions would amount to a betrayal of our comrades, of our country, and of our flag.

Because we would not say the words they wanted us to say, they made our lives wretched. Most of us were tortured and some of my comrades died. I was tortured for most of the summer of 1969. I developed beriberi from malnutrition. I had long bouts of dysentery. I was infested with intestinal parasites. I spent 13 months in solitary confinement. Was our cause worth all of this? Yes, it was worth all this and more.

I remember one interrogation where I was shown a photograph of some Americans protesting the war by burning a flag. 'There,' the officer said. 'People in your country protest against your cause. That proves you are wrong.'

'No,' I said. 'That proves I am right. In my country, we are not afraid of freedom, even if it means that people disagree with us.' The officer was on his feet in an instant, his face purple with rage. He smashed his fist onto the table and screamed at me to shut up. While he was ranting, I was astonished to see pain, compounded by fear, in his eyes. I have never forgotten that look, nor have I forgotten the satisfaction I felt at using his tool, the picture of the burning flag, against him.

We don't need to amend the Constitution in order to punish those who burn our flag. They burn the flag because they hate America and they are afraid of freedom. What better way to hurt them than with the subversive idea of freedom? Spread freedom. . . . Don't be afraid of freedom.

Those, my friends, are the words of former POW Jim Warner.

There are many issues in the Senate that need our attention today—a path forward in Iraq, our large and growing dependence on foreign oil, the threat of global warming, the skyrocketing cost of health care, just to name a few. These are pressing issues which demand action not just from the Congress but from the President, too—not in the next administration, not next year, now. Instead, we are spending this week debating a constitutional amendment—however well intentioned—that is truly, in my judgment, not needed in America today.

Later this week, Senator BENNETT and others will offer legislation that would criminalize flag desecration under specific circumstances without having to amend our Constitution. That measure would prohibit burning or destroying the flag with the intent to incite or produce imminent violence or a breach of the peace or damaging a flag that belongs to the United States or another person on U.S. lands.

Senator DURBIN will seek to add to that legislation an amendment that would prohibit groups from demonstrating or protesting near a funeral of someone who died serving in our Armed Forces. This is in response to an extremist group that has been traveling the country—it came to Delaware—and disrupting funeral services for our fallen soldiers, making outrageous claims about our country. Their behavior is reprehensible. It desecrates our flag and everything it stands for. By God, it should be illegal—that kind of behavior—and the Durbin amendment will make it illegal.

We could take up both of these measures today and pass them, I believe, without objection. We could penalize flag desecration to the fullest extent possible without jeopardizing the values inherent in our Constitution. In my view, this approach is a balanced one in that it allows us to maintain our reverence both for our flag that we love and for the Constitution we revere.

As I said earlier in my remarks this morning, I still get a lump in my throat when I sing our national anthem or say the Pledge of Allegiance to our flag and take a moment to truly consider what our flag stands for and the sacrifices made in its honor. It is a symbol of America. I love it now more than I ever have. But behind that symbol is our Constitution. It is the foundation on which our country has been built and endures today. It is what guarantees us the freedoms and the liberties that make this country of ours great. We should not amend that living document lightly, and we should not change it when we can find another way.

My friends, let's find that other way this week. Let's maintain our reverence for the flag and for our Constitution.

Mr. President, I yield back my time. I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator please hold?

Mr. CARPER. Yes.

#### COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate having received a message from the House that the House agrees to S. Con. Res. 103, and having received the conference report on H.R. 889 from the House, the conference report is agreed to, and the motion to reconsider is laid on the table.

(The conference report is printed in the House proceedings of the RECORD on April 6, 2006.)

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### FLAG DESECRATION AMENDMENT—Continued

Mr. INOUE. Mr. President, I ask that I be permitted to use 6 minutes of my party's time.

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

Mr. INOUE. Mr. President, I rise to speak against the proposed constitutional amendment.

Since World War II, I have been involved directly or indirectly in 13 wars and conflicts: Korea, Vietnam, the Dominican Republic, Desert One, Grenada, Lebanon, Panama, the Persian Gulf war, Somalia, Haiti, Yugoslavia, Afghanistan, and now Iraq.

In all these wars and conflicts, there are several things in common. First, American lives were lost and many young Americans were wounded and will bear scars for the rest of their lives, and we must not dishonor their memories by abandoning the freedoms for which they sacrificed.

Second, in every war, great speeches are made and delivered energizing our citizens to defend our unique American freedoms contained within the Bill of Rights. I can still hear some of those stirring words.

During the Second World War, very close friends of mine were lost. Much blood was shed to preserve every American's constitutional freedoms.

To be clear, I have no patience with those who defile our flag. It is unpatriotic and deeply offensive to those who

serve or who have served in uniform. It angers me to see symbols of our country set on fire. This objectionable expression is obscene, it is painful, it is unpatriotic, but I believe Americans gave their lives in many wars to make certain that all Americans have a right to express themselves, even those who harbor hateful thoughts.

Our country is unique because our dissidents have a voice. Protecting this freedom of expression, even when it hurts the most, is a true test of our dedication to democracy.

As a commissioned military officer and as a U.S. Senator, I took an oath to uphold and defend the Constitution. As a Senator, I have become accustomed to being insulted and condemned by people who disagree with me. I have been castigated for having cast votes that some call unpatriotic or un-American. I believe that my actions were patriotic and American, but those who criticize me have a right to disagree and express their disagreement.

It is not always easy to serve the country with a Bill of Rights that defends the rights of those who would defile our national symbol. While I take offense at disrespect to the flag, I nonetheless believe it is my continued duty as a veteran, as an American citizen, and as a United States Senator to defend the constitutional right of protesters to use the flag in nonviolent speech.

For over 200 years, our Bill of Rights has endured. It proclaims the Government of the United States is limited in its powers, and this sacred document continues to instruct and inspire people throughout the world. And for the last 200 years, despite repeated efforts to tamper with this document, we have always found the strength necessary to live within these limits.

So today we must look inside ourselves once again and find the strength to affirm our commitment to the precious liberties enshrined in the Bill of Rights.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I have great respect for the Senator from Hawaii, for his service as a veteran, as well as his service in this body, but I couldn't disagree more.

Our Founders used the word "speech." They didn't say "expression" or "expressive behavior." They used the word "speech" very critically. It was discussed in the documents: What word will we use in the Bill of Rights in this first amendment?

They chose the word "speech" because they meant speech. They didn't mean behavior. They meant speech.

I think it is real important for the American people to understand what this debate is all about. It is not about burning the flag. It is about restoring the balance of the three branches of Government, and that when one of the three becomes imbalanced, that we have the right to restore that balance. Our Founders were wise in that regard