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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Forever God, Lord of the beginning and the end, thank You for being our creator and sustainer. Uphold our Senators as they go forth today to do Your work.

Lord, keep them from the detours that prevent them from making real progress and provide for all their needs. Save them from perplexity and fear as You remind them that everything will pass away, but You are eternal. Help them to avoid every sin and to forsake every source of evil.

Give our lawmakers and all of us who work with them Your strength to endure and Your courage to triumph in things great and small that we attempt for the good of all.

We pray in Your majestic Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 13, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, there will be 60 minutes of morning business today, with the time equally divided between the Republicans and Democrats. Following morning business, the Senate will resume consideration of S. 4, and the managers will be here ready to proceed with amendments, which I understand do not require rollcall votes, and also to clear some managers' amendments.

There will be debate on two Coburn amendments until 11:45 this morning, and the Senate will conduct two roll-call votes.

ORDER OF PROCEDURE

I ask unanimous consent that no second-degree amendments be in order to either Coburn amendment.

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

Mr. REID. Mr. President, at conclusion of the second vote, the Senate will recess for the regular Tuesday party conferences and then return at 2:15 to continue debate on the remaining amendments to S. 4. Other rollcall votes will occur this afternoon.

RECOGNITION OF THE REPUBLICAN LEADER

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

U.S. ATTORNEYS

Mr. McCONNELL. Mr. President, let me add to the majority leader's observation that with regard to the U.S. attorneys bill this morning, we have copies of a couple of amendments that will be offered to that bill. That should allow us to go forward with the unanimous consent agreement, as I indicated to the majority leader yesterday, which may allow us to vitiate cloture on that measure.

Mr. REID. Mr. President, we agree generally with the amendments. They appear to be reasonable. I think it would be a good way to set this matter aside. We should be able to vitiate cloture. As we speak, the persons interested in the bill are looking at the amendments and, hopefully, the unanimous consent can be done rapidly.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with the time to be equally divided between the leaders or their designees, and with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Washington is recognized.

CONDITIONS AT WALTER REED HOSPITAL

Mrs. MURRAY. Mr. President, by now, most Americans have heard about the appalling conditions at Walter Reed, as exposed by the Washington Post articles. Those stories detailed conditions which not one of us should

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



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have to endure, especially our injured troops who have sacrificed so much for this country.

The Washington Post uncovered rooms with mice infestation, moldy walls, and holes in the ceilings. Their series also showed the administration is failing to provide adequate medical care for our injured troops who face inexcusably long waits for the most basic care. If squalid living conditions and lack of adequate medical care are not bad enough, troops face a daunting maze of paperwork for the simplest things.

One serviceman had to show his Purple Heart to even prove he had served in Iraq. Others told us that when they returned from Iraq, their uniforms were caked in dirt and blood, and they were forced to spend endless hours trying to secure new, clean uniforms. A severe shortage of caseworkers means patients endlessly search for answers to routine questions.

Mr. President, our service men and women are not the only ones facing bureaucratic nightmares. We also learned of problems their families face when they try to visit their loved ones at Walter Reed. From a lack of translators for families of Hispanic soldiers, to complicated and outdated forms for hotel reimbursement, relatives find themselves spending countless hours on paperwork—time which could be spent with their injured sons, daughters, husbands, wives, fathers or mothers.

Despite White House efforts, it was eventually revealed that members of this administration had known for years of the problems that plagued Walter Reed.

The President's response to Walter Reed has been slow and more media strategy than substance. Unfortunately for our troops, the administration has tried for weeks to paper over problems instead of offering us real solutions. Days after the first reports, administration officials repeatedly attempted to play down the problems. They painted walls and held press conferences and told America that the problems were overblown. But the press and the American public didn't buy it; they have been misled too many times by this administration. Stories on the President's failure to care for our injured troops continue to appear.

After 2 weeks of endless news on the horrible conditions at Walter Reed, the administration decided fall guys were needed.

First to go was MG George W. Weightman, the head of the hospital. The second—a bit higher on the food chain—was Army Secretary Francis J. Harvey. Finally, yesterday, the administration fired Lieutenant General Kiley, the Army Surgeon General and former head of Walter Reed.

On top of the fall guys, the administration has created numerous commissions to review the care of our injured troops and veterans.

Mr. President, while firing people who were involved in failures and cre-

ating panels to review problems are usually positive steps in the right direction, in my view, the administration's history, unfortunately, leads me to be fairly skeptical. For one, while Army Secretary Harvey, Lieutenant General Kiley, and Major General Weightman ignored for years the problems at Walter Reed, the buck stops with the President. As the White House spokesperson said a few weeks ago, the administration has been aware of this for some time.

Real accountability is not just finding fall guys; it is publicly owning up to failures and, even more important, changing course. Moreover, it is unlikely the panels are the solutions they seem to be. In the past 7 years, we have seen many recommendations from many commissions—including those from the 9/11 Commission and the Iraq Study Group—simply be ignored by the White House.

What good are fall guys and commissions if they produce no real change?

It is now undeniable that the administration has failed our troops and veterans. What is needed, and what these men and women deserve, are real solutions that will meet the needs from the battlefield to the VA and everywhere in between. Our forces in battle deserve adequate body and humvee armor, communications gear, and equipment to jam IEDs. What they don't need is another day in the field without those items.

Our injured heroes returning from Iraq deserve adequate mental care, treatment for post-traumatic stress disorder and traumatic brain injury, and they deserve less bureaucratic red-tape. What they don't need is another report of the administration's failure to care for them or a White House media strategy to cover those failures.

Our veterans of Iraq deserve benefit checks to be mailed on time so they can provide for their families and are not forced into homelessness. What they don't need is another day without the benefits they deserve.

In the end, what all of our brave men and women need is an end to this administration's excuses. Democrats know what our troops deserve. We know they deserve a Congress that will not hide this administration's mistakes and will, instead, provide solutions. Lastly, Democrats took steps toward that goal.

The HEROES, Honoring and Ensuring Respect for Our Exceptional Soldiers, plan will ensure that our service members no longer fall through the cracks and fail to receive the treatment they deserve. It calls for increased oversight and coordination between the various committees overseeing our troops and our veterans. This effort is especially important because so many of us know the problems at Walter Reed are not unique. Instead, I fear much of the health care system for our troops is broken because we failed to do our job. From poor facilities to long waiting lines to overwhelming redtape, the system is failing our troops.

We need a comprehensive look at this problem and we need comprehensive solutions. Our troops and our families deserve no less.

Mr. President, I was stunned over the weekend to see that some of these brave men and women who have been injured in Iraq are now facing the indignity of being sent back before being cleared for duty.

According to a Salon.com article from March 11, several dozen injured soldiers at Fort Benning, GA, are being sent back to Iraq as part of the President's escalation plan. Those soldiers, the article tells us, have various medical problems that should prevent them from returning to battle. But the President is sending them anyway.

Let me quote directly from the article:

As the military scrambles to pour more soldiers into Iraq, a unit of the Army's 3rd Infantry Division at Fort Benning, GA, is deploying troops with serious injuries and other medical problems, including GIs who doctors have said are medically unfit for battle. Some are too injured to wear their body armor, according to medical records.

On February 15, Master Sgt. Jenkins and 74 other soldiers with medical conditions from the 3rd Division's 3rd Brigade were summoned to a meeting with the division surgeon and brigade surgeon. These are the men responsible for handling each soldier's "physical profile," an Army document that lists for commanders an injured soldier's physical limitations because of medical problems—from being unable to fire a weapon to the inability to move and dive in three-to-five second increments to avoid enemy fire. Jenkins and other soldiers claim that the division and brigade surgeons summarily downgraded soldiers' profiles, without even a medical exam, in order to deploy them to Iraq. It is a claim division officials deny.

Mr. President, that report is very disconcerting. If it is true, it represents a new outrage and yet another example of how the administration's failure to plan for the war is being taken out on our brave women and men. MSG Ronald Jenkins, who is one of the soldiers who told Salon he was ordered to Iraq even though he has a spine problem that doctors say would be damaged by Army protective gear, said:

This is not right. This whole thing is about taking care of soldiers. If you are fit to fight, you are fit to fight. If you are not fit to fight, then you are not fit to fight.

I could not agree with Master Sergeant Jenkins more. This whole thing—the war, the buildup, the aftermath—must be about taking care of our soldiers.

Mr. President, far too frequently, taking care of our soldiers has been little more than an afterthought for this administration. Unfortunately, the list of failures we see goes on and on. Stories emerge every single day and, still, with this war, set to enter on Monday its fifth year, this administration has failed to make caring for our troops a top priority.

There has been more than enough time to address problems facing our troops. Unfortunately, but not surprisingly, the administration has failed our Armed Forces.

Mr. President, the administration and Republicans in Congress owe our troops, their families, and our veterans a lot more.

I am not going to sit idly by and wait for them to act, and I am not going to wait for another commission. I am going to continue to be out here on almost a daily basis to talk about it, to fight for our troops, for our veterans, and their families. They deserve nothing less.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

HOMELAND SECURITY

Mr. THOMAS. Mr. President, I wanted to talk a little bit about the bill that we are on, the State homeland security formula and the security bill. Certainly, I am hopeful that we will be able to complete that soon. I hope that we can continue to move forward at a little faster pace, perhaps, and do some of the things that need to be done. I understand the complication of many of these bills and the importance of them, but I think we do need to consider some of the things that are ahead of us—immigration, for example, and health care, and some of those kinds of issues that are before us.

This morning, I would like to spend a few minutes on one concern I have in the pending bill which has to do with rural America. During last week's debate, the Senate effectively voted a significant cut for rural States. Now, of course, I understand we have to consider the impact of homeland security, but the idea that rural States are not impacted I certainly don't think is completely true. Under the bill, my State stands to receive roughly \$10 million out of \$3 billion—\$10 million in Wyoming. Some people think all we have is cows and sheep and maybe an oil well or two, but the fact is that we do have a base of energy. As a matter of fact, in some ways that may be one of the most susceptible risks to security. So I do think there needs to be a little more discussion in that respect.

For years now, the States of New York and California have used Wyoming as a poster child for wasteful homeland security because Wyoming receives a per capita amount. The per capita amount is relatively high. Why? Because we have a very small population, half a million compared to 30 or 35 million. So the per capita formula is not an indication of the need for the State. It is easy for New York and California to play with the numbers and sort of mislead the audience by leaving out the actual amount of money that

Wyoming generally receives. We also rarely hear mentioned that their States, these large States, receive hundreds of millions of dollars through the same program, the homeland security grant program. But that is not even half the story. These same large States conveniently fail to disclose the fact that their States also qualify for funding from the urban grant program, a program that excludes my State and other rural States.

So this is one of those times when you have to take a look at all the States and realize this idea just of population does not work. As we can see on the floor of the Senate, population is not the only condition for having two Senators here, fortunately. In any event, from fiscal year 2003 through 2006, homeland security funding for California has been \$1.1 billion and New York received \$932 million, compared to Wyoming receiving approximately \$20 million its first year. In 4 years that figure has fallen to \$10 million.

At any rate, as I am suggesting, there is a certain amount of inequity in terms of the funding formula in this bill. When we do receive Federal assistance, that money goes a long way, of course. Unlike many of our urban counterparts, we make the best use of it and always have, but that doesn't mean that rural areas are not at risk. In fact, as I said, in many ways you can say it might be easier to attack the rural areas than some of the others.

Most people don't know that Wyoming is the largest net exporter of energy in the United States. Our energy powers the Nation and is critical to maintaining our strong national security. So rail lines and transmission lines and refineries are very important not only to our State but to the Nation.

There is no question that the economy favors dense areas. We have debated this, as a system, and I suppose we will continue to do that. As a matter of fact, we had a vote where I think we lost by only one in terms of increasing the basic amount States would receive. Hopefully, we can take another look at this as we go about working with the House.

I would like to also comment on a pending amendment which is inconsistent with the majority's will to prohibit nongermane amendments. I don't recall the 9/11 Commission making this recommendation, but we have an amendment pending that would reroute hazardous materials through our Nation's small towns instead of through big cities. I don't in any way want to infer that it is the intention of this amendment to put small towns in harm's way. Unfortunately, the amendment has been filed and, indeed, will put individuals in rural areas at more risk than those in urban areas.

There is no question that we need to secure the rails. Coming from a State where the economy relies to a large extent on railroads, I know all too well that security is critical to this infra-

structure. It certainly is important to us, and we are making significant progress in that regard. The Federal Government and the railroads have agreements targeted at reducing the risk of hazardous materials that are in high-threat urban areas around the Nation, and these arguments didn't happen overnight. I understand that, and that is proper. They are well thought out, with the input from security and industry professionals and all of the experts in Congress. Mandatory rerouting would not eliminate the risks. Instead, it shifts them from one population to another.

Forced rerouting could also foreclose routes that are top performers in terms of overall safety and security and result in increased risk in exposure and reduced safety and security. If we force these trains to reroute, imagine the cost of the goods that will be passed along to the consumer. Railroads are required by the Federal Government to transport hazardous materials. They cannot pick up and abandon a line that is not profitable.

Under this measure, railroads are going to have to build a new track and acquire a lot of land that bypasses major metropolitan areas. Imagine the demand for the use of eminent domain, which is one of the difficulties that we have, of course, and is necessary when you talk about this kind of infrastructure.

Finally, I would like to respond a little bit to some of the arguments that the other side has made with respect to keeping this bill clear of extraneous and nongermane amendments.

Last week, the minority leader requested that the Senate vote on a package of security-related amendments. The majority declined and decided to filibuster the package instead and block consideration. Instead of having these honest debates on amendments to improve the bill, the majority sent out a conflicting message. On the one hand, they argued the amendment to strengthen the security of the country was nongermane and partisan. On the other hand, they argued that a union-backed elective bargaining provision was relevant to our Nation's security and wasn't partisan.

Mr. President, I am very troubled by the inconsistency, particularly on this bill. I know many Members feel the same way. In fact, I would like to reference the comments made on the floor of the Senate last week by the Senator from Michigan, who came to the floor expressing frustration with the lack of progress on the bill. The Senator was concerned about amendments being offered by the Republicans that would strengthen our national security but were not relevant to the 9/11 Commission recommendations. It was stated, and I quote:

I find myself needing to express concern about the place in which we find ourselves at this point—unable to move forward with the final bill and the relevant 9/11 Commission amendments that have been offered because