

This legislation represents a balanced benefits package that together with phased-in tax cuts can provide and ensure the financial integrity of the Railroad Trust fund. This bill introduces sound investment techniques into the effort to make better use of resources built up by railway employees many who live in my home State of Oregon.

The legislation relies upon a number of features to ensure the fund will meet its benefit obligations to retirees:

Fund Reserves. The legislation maintains four to six years worth of benefits in reserve as a safety margin.

Automatic Tax Adjustment. Tax rates on employers and employees will be adjusted automatically in an effort to maintain a fund balance sufficient to pay between four and six years of benefits.

Asset Management. Assets will be managed much like private pension funds, providing the opportunity to earn higher rates of return than the current 6 percent rate of return. Higher returns will provide additional funds for benefit payments and reduce the need for high payroll taxes.

I have been particularly worried about the plight of widows and widowers of retired railroad employees. Under current law, their monthly checks actually decline by two-thirds when a spouse dies. I believe this trust fund can do better by these widows and widowers and am happy that this legislation calls for the surviving spouse to receive 100 percent of what the retired employee was entitled to. Almost 50,000 retirees will be affected by this provision.

Further, this legislation allows the industry to reduce the burdensome payroll tax it now carries to provide benefits. A three percentage point drop in payroll taxes is phased in over three years. The payroll tax was a very real disincentive to hiring employees or replacing retirees and it frees up capital for other expenditures.

I am sure that the relatively swift passage of this reform legislation is welcome by those in the Railroad industry and urge all my colleagues, including the 75 cosponsors of this bill in the Senate, to continue to give it strong backing to ensure these needed improvements are enacted and beneficiaries see these desperately-needed changes.

#### CONGRATULATING SENATOR STROM THURMOND ON HIS BIRTHDAY

Mr. DASCHLE. Mr. President, this is a historic day in the Senate's history. Our colleague, the senior Senator from South Carolina, is celebrating his 99th birthday today. Bob Dole used to say that he followed STROM THURMOND very carefully; whatever he ate Bob Dole would eat. I have taken on that practice myself.

I congratulate Senator THURMOND on his 99th birthday today and wish him well. We are delighted to serve with him and honored that he is here with us today. We congratulate him on a

very special occasion, not only in his life but in the life of the Senate as well.

(Applause, Senators rising.)

Mr. THURMOND. I love all of you men, but you women even more.

Mr. LOTT. Mr. President, I observe Senator THURMOND's microphone was not on at that moment. I do want to observe also on this very happy 99th birthday, he is looking rather dapper today. He asked if perhaps the tie was a little too bright, and I said, no, it was befitting of him on this special occasion.

We all extend our birthday wishes and very best wishes for the future to Senator THURMOND. He has been an example and an inspiration to all of us. He has been a tremendous servant for the people of South Carolina. I have known very few people in my life more dedicated to their job and to the people they represent. We are just so very proud of Senator THURMOND and extend him our very best wishes. Thank you, sir.

(Applause, Senators rising.)

Mr. THURMOND. Thank you very much. I want to thank all of you. I appreciate every one of you, especially you ladies. You're all good looking. God bless you.

(Applause, Senators rising.)

#### COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 2001—Continued

The PRESIDING OFFICER. The cloture motion is vitiated and the clerk will read the bill for the third time.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. Under the previous order, the bill having been read the third time, the question is, Shall the bill pass?

Mr. BAUCUS. Mr. President I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent attending a funeral.

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

The result was announced—yeas 90, nays 9, as follows:

[Rollcall Vote No. 351 Leg.]

YEAS—90

Akaka	Bunning	Collins
Allen	Burns	Conrad
Baucus	Byrd	Corzine
Bayh	Campbell	Craig
Bennett	Cantwell	Crapo
Biden	Carnahan	Daschle
Bingaman	Carper	Dayton
Bond	Chafee	DeWine
Boxer	Cleland	Dodd
Breaux	Clinton	Domenici
Brownback	Cochran	Dorgan

Durbin	Johnson	Roberts
Edwards	Kennedy	Rockefeller
Ensign	Kerry	Santorum
Enzi	Kohl	Sarbanes
Feingold	Landrieu	Schumer
Feinstein	Leahy	Sessions
Fitzgerald	Levin	Shelby
Frist	Lincoln	Smith (OR)
Graham	Lugar	Snowe
Grassley	McCain	Specter
Hagel	McConnell	Stabenow
Harkin	Mikulski	Stevens
Hatch	Miller	Thompson
Hollings	Murkowski	Thurmond
Hutchinson	Murray	Torricelli
Hutchison	Nelson (FL)	Voivovich
Inhofe	Nelson (NE)	Warner
Inouye	Reed	Wellstone
Jeffords	Reid	Wyden

NAYS—9

Allard	Helms	Nickles
Gramm	Kyl	Smith (NH)
Gregg	Lott	Thomas

NOT VOTING—1

Lieberman

The bill (H.R. 10) was passed.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the title amendment be agreed to and the motion to reconsider be laid upon the table.

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

The title amendment was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank all those who worked so assiduously, thoughtfully, and carefully on this bill. There are lots of people I could commend. Two people I particularly commend are on my staff: Tom Klouda and Alan Cohen, who are sitting at my left. They know this issue inside and out and have been of invaluable service to me personally. I just want them to know how much I appreciate their very fine work. They have done a great job.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent to address the Chamber as in morning business.

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

#### UNANIMOUS CONSENT REQUEST— H.R. 1291

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 194, S. 1088; further, that the Rockefeller-Specter substitute amendment at the desk be agreed to, the committee-reported substitute amendment be agreed to, as amended, the bill be read a third time, that the Veterans Affairs Committee be discharged from further consideration of H.R. 1291, the Senate proceed to its immediate consideration, that all after the enacting clause be stricken, the text of S. 1088, as amended, be

inserted in lieu thereof, the bill be read a third time and passed, the title amendment be agreed to, S. 1088 be returned to the calendar, and any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ROCKEFELLER. Mr. President, I must say that I am mystified as to why there would be an objection to proceeding to consideration of this bill. I realize that the objecting Senator is not the one holding up passage of this important piece of veterans legislation. But as the hold is anonymous, I would ask whichever one of the Senators across the aisle is holding the bill to please come and speak to me to let me know the nature of the objection. As far as I know, the Committee's Ranking Member also has no idea who has objected to the bill. This bill was voted unanimously out of Committee and is completely lacking in controversy.

More specifically this bill makes significant enhancements to educational benefits for veterans and their families. The original GI Bill allowed a generation of soldiers returning from World War II to create the booming post-war economy, and, in fact, the prosperity that we enjoy today. Today's Montgomery GI Bill, MGIB, modeled after the original GI Bill, provides a valuable recruitment and retention tool for the Armed Services and begins to repay veterans for the service they have given to our Nation. As a transition benefit, it allows veterans to gain the skills they need to adjust productively to civilian life.

I am very pleased that the legislation would increase the MGIB basic monthly benefit by \$50 per month this year, \$100 in 2002, and \$150 in 2003. I am even more proud that this bill also takes the next evolutionary step to keep pace with the careers and education that today's veterans require. As our colleagues know, many servicemembers leave the military with skills that place them in demand for careers in the technology sector. But even these veterans may require coursework to convert their military skills to civilian careers. The bill would allow veterans to use their Montgomery GI Bill educational benefits to pay for short-term, high technology courses that would allow veterans to earn the credentials they need to gain entry to today's civilian-sector careers.

Currently, the MGIB provides a basic monthly benefit of \$672 for 36 months of education. This payment structure is designed to assist veterans pursuing traditional four-year degrees at universities. However, in today's fast paced, high-tech economy, traditional degrees may not always be the best option. Many veterans are pursuing forms of nontraditional training, such as short-term courses that lead to certification

in a technical field. In certain fields, these certifications are a prerequisite to employment.

These courses often last just a few weeks or months, and can cost many thousands of dollars. The way MGIB is paid out in monthly disbursements is not suited to this course structure. For example, MGIB would pay only \$1,344 for a two-month course that could cost as much as \$10,000.

The percentage of veterans who actually use the MGIB benefits they have earned and paid for is startlingly low—45% of eligible veterans, according to VA's Program Evaluation of the Montgomery GI Bill published in April 2000—despite almost full enrollment in the program by servicemembers. By increasing the flexibility of the MGIB program, we will permit more veterans to take advantage of these benefits. We should give veterans the right to choose whatever kind of educational program will be best for them.

This legislation would modify the payment method to accommodate the compressed schedule of the courses. Specifically, it would allow veterans to receive an accelerated payment equal to 60 percent of the cost of the program. This is comparable to VA's MGIB benefit for flight training, for which VA reimburses 60 percent of the costs. The dollar value of the accelerated payment would then be deducted from the veteran's remaining entitlement. This provision would also allow courses offered by these providers to be covered by MGIB.

A provision that is extremely important right now would preserve educational benefits for those that must leave their studies to serve on active duty in support of the National Emergency declared in response to the events of September 11th. This provision would restore educational entitlements for recipients of the Montgomery GI Bill, Veterans Educational Assistance Program, VEAP, and Dependent's Educational Allowance, DEA, for regular servicemembers and reservists who are called up for active duty and who are forced to relocate or take on extra work because of their participation in support of the National Emergency. Their ability to complete their education should not be compromised because they were called up in our fight against terrorism.

The bill would also increase the Dependent's Educational Allowance for dependents and eligible spouses of veterans to \$690 from \$588. This program primarily provides for the children whose education would be impeded because of the disability or death of a parent due to a service-related condition. In addition, unremarried surviving spouses of veterans are generally eligible for the educational allowance in order to assist them in preparing to support themselves and their families at the standard-of-living level that the veteran could have been expected to provide for his or her family but for the service-connected disability

or death. As we send troops into harm's way, it is entirely appropriate that we ensure that their families' futures are secure.

The bill also enhances home loan programs. VA provides a guaranty to mortgage lenders rather than a direct home loan to servicemembers and veterans. A VA guaranty allows a veteran to buy a home valued at up to four times the guaranty amount. The price of homes in major metropolitan areas has increased significantly in the last several years, yet the VA guaranty amount has not been increased since 1994.

This bill would increase the home loan guaranty amount to support a loan of up to \$252,700, keeping pace with FHA loan guaranties. It would also extend for 4 years the authority for housing loan guaranties for members of the Selected Reserve, currently set to expire in 2007. Reservists must serve 6 years in order to become eligible for a VA-guaranteed loan. In order for the home loan to be used as a recruiting incentive now, the benefit must be authorized beyond 6 years.

Another provision of the bill would correct an unintended exclusion of certain Gulf War veterans from eligibility for service-connected benefits. Our efforts to explain symptoms reported by many troops returning from the 1991 Gulf War have been frustrated by inconclusive scientific data and by poor military record keeping during the conflict. In 1994, Congress passed the Persian Gulf War Veterans' Benefits Act to provide compensation to certain Gulf War veterans disabled by "undiagnosed illnesses" for which no other causes could be identified.

Since then, changes in medical terminology have led many Gulf War veterans to receive diagnoses for chronic conditions without known cause—such as chronic fatigue syndrome and fibromyalgia—which VA has interpreted as precluding them from eligibility for benefits. Section 202 of the Committee bill would correct this unintended exclusion by expanding service connection to "poorly defined chronic multisymptom illnesses of unknown etiology, regardless of diagnosis," characterized by the symptoms already listed in VA regulations.

Because scientific research has still determined neither the cause of veterans' symptoms nor the long-term health consequences of Gulf War-era exposures, and because the Department of Defense recently expanded its estimates of who might have been exposed to nerve agents, this section also extends the presumptive period for benefits for Gulf War veterans for 10 more years.

This bill would also remove the arbitrary 30-year limit for manifestation of Agent Orange-related respiratory cancers in Vietnam veterans. Current law only provides a presumption in Vietnam veterans for respiratory cancer if the disease manifested within 30 years of their service in Vietnam. The most

recent National Academy of Sciences report confirmed that there is no scientific basis for assuming that cancers linked to dioxin exposure would occur with a specific window of time. This provision would eliminate the 30-year limit and allow future claims for Vietnam veterans' respiratory cancers, irrespective of the date of manifestation of the disease.

As you can tell, these are important provisions. But they are also not opposed by anyone, as far as I can see. So why would someone block their passage? What further adds to my confusion is that a very similar scenario played out just a few weeks ago, with the very delayed passage of legislation to improve programs to homeless veterans. As America honored its veterans on Veterans Day, a member of the Senate was blocking legislation to help those who have put their lives on the line defending this country but who have fallen on hard times.

How is it, at a time when our Nation is at war and the resounding call of patriotism rings in our ears a Senator or Senators is playing penny ante partisan politics with legislation to help veterans, servicemembers and their dependents? Everyone is now flying the American flag. It is time that we act to honor those who carried it into battle.

Again, I request that whomever has placed a hold on this bill please come to speak to me I look forward to working with this colleague to resolve whatever impediments there are to Senate passage of this bill.

UNANIMOUS CONSENT REQUEST—  
H.R. 2716

Mr. WELLSTONE. Mr. President, I thank my colleague, Senator ROCKEFELLER, who is chair of the Veterans' Committee for his work. As a member of the committee, I am very proud to support his request.

I say to the Senator from West Virginia, he has outlined, in this legislation passed out of the committee, a set of benefits that are so important to veterans. Yet it is being blocked by an anonymous hold.

I also now ask unanimous consent—this is another piece of legislation that I worked on together with Senator ROCKEFELLER—that the Senate proceed to the immediate consideration of Calendar No. 201, H.R. 2716; that the Rockefeller-Specter substitute amendment be agreed to; the act, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Is there an objection?

Mr. BURNS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, this is legislation that didn't just come up yesterday. It is something any number of us have worked on for the last

year and a half, 2 years—LANE EVANS and CHRIS SMITH from the House, Senators ROCKEFELLER, SPECTER, myself. This is a passion for me, focusing on homeless veterans. I think about a third of the adult males of this country who are homeless are veterans.

It is a scandal what we do with this legislation, which passed out of our committee 21 to 0 or thereabouts, a unanimous vote. It may have been a voice vote but a unanimous vote by the committee. What this amendment does is it provides services for veterans who are struggling with PTSD, addiction. Many of these veterans are Vietnam veterans. I used to spend a lot of time organizing the street people. This was long before I ran for the Senate. Many of them were veterans. Many of them were Vietnam veterans.

This legislation provides job training assistance. It also enables veterans to try one-stop shop places where veterans can get the help they need and tries to move people into affordable housing.

There is an anonymous hold. I went through this on this veterans homeless bill four or five times before Thanksgiving. I know the Senator from Montana himself is not the one who objects. This is an anonymous hold.

My hold is not anonymous. I announced yesterday, I have a hold on every single piece of legislation, every resolution that is nonemergency. We do a lot by unanimous consent in the Senate. We have unlimited debate. I love the Senate for that reason. We have unlimited amendments. I love the Senate for that reason.

One of the ways we get a lot done is we work this through committees. We massage it. We get everybody together and get consensus and we pass bills by unanimous consent.

Since this is an anonymous hold, my hold is not anonymous. I have a public hold on every piece of legislation now from the other side until this passes. I had to do that before Thanksgiving. I have to do it again.

This did not come up just yesterday. We have been working on this matter for the last couple of years. Anybody who objects can come out here and object. We can debate it. I will say to my colleagues that this is truly reprehensible.

It is not just the playing games. I use my leverage to fight for what I believe. In this particular case I am going to fight for veterans. I am proud to do so. It has been among the most meaningful work I have ever done as a Senator.

I am not a veteran. I was very involved in the war against the Vietnam war. When I was elected to the Senate, I had some contact with veterans but not much. I was a college teacher in Northfield, MN. I knew some of the veterans but not well.

I especially didn't understand a lot of the World War II veterans. I didn't know them. The best thing that has ever happened to me—I am not being melodramatic—as a Senator is that I

have learned a lot. I have grown as a person. I have had to be with a lot of people who don't see the world the same way I do, which is good. Veterans have been my teachers. There are so many issues I have worked with for veterans. This one I feel especially strongly about. It goes back to my community organizing days when a lot of poor people were homeless and many of them were veterans.

I know a lot of these veterans. They come to our office in Minnesota. You will be at a meeting with some of the veterans and guys who are struggling with PTSD. They can't sit that long. They will get up every 10 minutes. They will leave, and then they will come back. They are really struggling. So are a lot of other veterans.

Don't you think it is a scandal that so many homeless people today in our country are veterans and many of them Vietnam vets? Don't you think it is a scandal that there is an anonymous hold on its consideration on the floor of the Senate?

I was asked yesterday by a journalist whether or not the Senate's former majority leader, TRENT LOTT, violated his word. Absolutely not. We went through this before Thanksgiving. Everybody wanted to get this bill through dealing with the Internet and taxes or not taxes. The agreement was that the bill I had would go through and so then I took the hold off other legislation.

Now we have something that has come back from the House, we pre-conferred it, and Representatives CHRIS SMITH and LANE EVANS worked hard on that. It is a better version. I love working with other people. Now we have this anonymous hold.

There are three issues here. No. 1, I thought we were doing some reform here on anonymous holds. I don't know what in the world is happening. Something has broken down because, obviously, people continue to do it. That is No. 1.

Second is the substance. I don't really know what the objection can be to this legislation. I don't know why a Senator would be opposed to getting more resources and providing more help to veterans who are homeless. I don't understand it, but I would like to see somebody come out and debate it.

Third, I was asked about the motivation. One more time, I have no idea what the motivation is. I don't know what is going on here politically. But I will say this. I can promise my colleagues that no other legislation is going to move unless it is an emergency. My hold is not anonymous. No resolutions, no other legislation. Pretty soon, I might even get to nominations in a day or two. That is what I will do until this passes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I ask unanimous consent to speak for no more than 5 minutes on the subject of a column I will talk about.