

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. PRYOR. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ASSIGNMENTS

Mr. BYRD. Mr. President, I ask unanimous consent that the attached list of subcommittee assignments for the Committee on Appropriations be printed in the RECORD, to supplant the list printed in the RECORD on November 2, 2007.

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

SUBCOMMITTEES

Senator Byrd as chairman of the Committee, and Senator COCHRAN, as ranking minority member of the Committee, are ex officio members of all subcommittees of which they are not regular members.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

Senators Kohl,¹ Harkin, Dorgan, Feinstein, Durbin, Johnson, Nelson, Reed, Bennett,² Cochran, Specter, Bond, McConnell, Craig, Brownback. (8-7)

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

Senators Mikulski,¹ Inouye, Leahy, Kohl, Harkin, Dorgan, Feinstein, Reed, Lautenberg, Shelby,² Gregg, Stevens, Domenici, McConnell, Hutchison, Brownback, Alexander. (9-8)

DEPARTMENT OF DEFENSE

Senators Inouye,¹ Byrd, Leahy, Harkin, Dorgan, Durbin, Feinstein, Mikulski, Kohl, Murray, Cochran,² Stevens, Specter, Domenici, Bond, McConnell, Shelby, Gregg, Hutchison. (10-9)

ENERGY AND WATER DEVELOPMENT

Senators Dorgan,¹ Byrd, Murray, Feinstein, Johnson, Landrieu, Inouye, Reed, Lautenberg, Domenici,² Cochran, McConnell, Bennett, Craig, Bond, Hutchison, Allard. (9-8)

FINANCIAL SERVICES AND GENERAL GOVERNMENT

Senators Durbin,¹ Murray, Landrieu, Lautenberg, Nelson, Brownback,² Bond, Shelby, Allard. (5-4)

DEPARTMENT OF HOMELAND SECURITY

Senators Byrd,¹ Inouye, Leahy, Mikulski, Kohl, Murray, Landrieu, Lautenberg, Nelson, Cochran,² Gregg, Stevens, Specter, Domenici, Shelby, Craig, Alexander. (9-8)

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

Senators Feinstein,¹ Byrd, Leahy, Dorgan, Mikulski, Kohl, Johnson, Reed, Nelson, Allard,² Craig, Stevens, Cochran, Domenici, Bennett, Gregg, Alexander. (9-8)

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

Senators Harkin,¹ Inouye, Kohl, Murray, Landrieu, Durbin, Reed, Lautenberg, Spec-

ter,² Cochran, Gregg, Craig, Hutchison, Stevens, Shelby. (8-7)

LEGISLATIVE BRANCH

Senators Landrieu,¹ Durbin, Nelson, Alexander,² Allard. (3-2)

MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES

Senators Johnson,¹ Inouye, Landrieu, Byrd, Murray, Reed, Nelson, Hutchison,² Craig, Brownback, Allard, McConnell, Bennett. (7-6)

STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

Senators Leahy,¹ Inouye, Harkin, Mikulski, Durbin, Johnson, Landrieu, Reed, Gregg,² McConnell, Specter, Bennett, Bond, Brownback, Alexander. (8-7)

TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

Senators Murray,¹ Byrd, Mikulski, Kohl, Durbin, Dorgan, Leahy, Harkin, Feinstein, Johnson, Lautenberg, Bond,² Shelby, Specter, Bennett, Hutchison, Brownback, Stevens, Domenici, Alexander, Allard. (11-10)

¹ Subcommittee chairman.

² Ranking minority member.

TRIBUTE TO KENTUCKY'S KOREAN WAR VETERANS

Mr. MCCONNELL. Mr. President, I rise today to honor the service and sacrifice of the hundreds of Korean war veterans living in the Commonwealth of Kentucky. This July 27 marked the 55th anniversary of the cease-fire that ended that conflict.

After 3 years of battle which nearly forced American and South Korean troops from the peninsula, the determination and bravery of our servicemen prevailed. Our heroes in uniform ensured that the people of South Korea would remain free.

Recently, nearly 300 Kentuckian Korean war veterans were recognized for their service by retired Korean Major General Seung-Woo Choi. Major General Choi was a child during the Korean war, but he wanted to say thank you to the brave Americans who fought to protect his and his family's freedom. So he traveled from South Korea to my hometown of Louisville, KY, to honor them.

I ask unanimous consent that the full newspaper article describing this ceremony be printed in the RECORD. I know the entire U.S. Senate stands with me to recognize the tremendous valor of our veterans, and to honor the sacrifice of those who did not return.

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

[From the Louisville Courier-Journal, July 25, 2008]

KOREAN WAR VETS HONORED: S. KOREAN GENERAL PRESENTS MEDALLIONS

(By J.D. Williams)

Looking back, Joseph Scott said he is thankful to be a veteran of the Korean War. In 1950, Scott joined his two brothers, James and Talmadge, and enlisted in the Army.

Yesterday, the 77-year-old and nearly 300 other Korean War veterans from Kentucky were honored at the Kentucky Exposition Center for their service.

"I'm thankful I was there," Scott said of the war. "It was quite an experience."

The veterans were given a medallion designed by retired Korean Maj. Gen. Seung-Woo Choi, who came to Louisville from South Korea to honor them. Choi was a child during the Korean War, but has made it a priority to offer his thanks to veterans of the war that ensured South Korea's freedom.

Since 2002, Choi has presented over 5,000 medallions to veterans across the nation.

People from various veterans' organizations spoke at the event, and the Kentucky Korean Women's Choir performed.

"The sacrifice you made for the Korean people has not been forgotten . . . you saved our freedom," said Charles Park, a native of Korea who is with the Korea Foundation of Kentucky.

Marilyn Mullins, 67, the widow of Edward Mullins, said her husband would have loved to be there. He died in April 2007 of complications from diabetes.

"I wish he could have been here to accept it himself," Mullins said of receiving the medallion. "He would have been glad to meet the general."

She said the medallion is the only award her late husband has been presented. She said he was supposed to receive the National Defense Service Medal, the Korean Service Medal and the United Nations Service Medal, but they never reached him.

James Hall, 76, of Bowling Green, said he was glad to be with fellow Korean War vets.

Hall, who was 18 when he was deployed to Korea, was in the battle at Chosin Reservoir, which he called a "horrible place at a horrible time."

He said the severe cold with snow and without heat and warm food was nearly unbearable, but soldiers endured to ensure South Korea's freedom.

"I had tried to put a lot of things about Korea out of my mind, but it was wonderful to be with the veterans I served with," Hall said. "It reminded me of how important it was for us to be there so South Korea could be free."

AMERICANS WITH DISABILITIES ACT RESTORATION ACT

Mr. LEAHY. Mr. President, this past weekend marked the 19th anniversary of the passage of the Americans with Disabilities Act, ADA, one of the Nation's most critical and effective civil rights laws. It is fitting that as we celebrate its passage, we reflect on the progress we have made in expanding possibilities for Americans with disabilities and the challenges that still remain.

We passed the ADA in recognition that the bedrock principles of human dignity and equal opportunity require all Americans to be judged on their individual merits and not on the prejudices of others. This law promised generations of Americans the opportunity to leave their mark on a country that had only years before denied them full participation. I, like many of my colleagues, supported this historic act. I hoped it would serve as a vital tool against the barriers that had long excluded persons with disabilities from fully participating in society.

By any reasonable measure, the ADA has been a success. Today, persons with disabilities enjoy rights many of us have long taken for granted. Now they

have access to public transportation built to accommodate people in wheelchairs. They have the ability to stay in hotels, travel, and enter schools and places of entertainment equipped for their needs. Indeed, almost every office building in America is fully accessible to them. Thus, the enactment of the ADA transformed our country and we are a better Nation because of it.

Despite these significant advances, recent decisions from the Supreme Court and lower courts attempt to erode the ADA's protections and threaten to turn back the clock on our progress. I am particularly disturbed by rulings that have narrowed the ADA in ways we never intended. Rather than broadly interpreting the ADA's mandate, as we intended, courts have repeatedly interpreted that law to embody a "strict and demanding" standard for determining who qualifies as an individual with a disability. These narrow rulings ensure that the persons we intended to shield, including those with severe illnesses, like epilepsy and multiple sclerosis, are no longer protected. As a consequence, millions of Americans who suffer discrimination are now excluded from ADA protection.

A few years ago, a Federal judge in Vermont's neighboring State of New Hampshire ruled that a woman with breast cancer was not sufficiently disabled to be protected by the ADA. Court rulings contrary to Congress's intent for the ADA are not limited to the New England States. Last year, a panel of judges on the U.S. Court of Appeals for the Eleventh Circuit unanimously ruled that even mental retardation did not constitute a sufficient disability under the ADA.

The message sent by these rulings is as unfortunate as it is undeniable: the courts no longer consider certain persons "disabled enough" to be protected. That means an employer could fire or refuse to hire a qualified worker on the basis of his or her disability, and defend that action in court on the grounds that the worker was not "disabled enough" to be protected under law.

In addition, the legislative history is crystal clear. Congress intended the ADA to protect all persons without regard to mitigating circumstances. Indeed, the Senate committee report on the ADA expressly stated "[w]hether a person has a disability should be assessed without regard to the availability of mitigating measures, such as reasonable accommodations or auxiliary aids." Despite this clear intent, courts have ruled that people with disabilities who take medication or use assistive devices should not be considered disabled.

I am particularly concerned that these rulings will undermine the rights of thousands of veterans with disabilities who, upon returning from the war, will enter the civilian workforce to support their families. Many of these veterans have disabilities, including post-traumatic stress syndrome, that

may be controlled with medication. If any of them suffer job discrimination, we must make sure they will have a remedy.

Equally disturbing is that many of these cases can lead all Americans into what Senator HARKIN has aptly described as a legal catch-22:

People with serious health conditions [] who are fortunate to find treatments that make them more capable and independent and, thus, more able to work may find that they are no longer protected by the ADA On the other hand, if they stop their medication or stop using an assistive device, they will be considered a person with a disability under the ADA but they won't be qualified for the job.

We must act to remedy these erroneous court decisions. Last month, the House overwhelmingly passed the Americans with Disabilities Act Restoration Act. Now it is the Senate's turn to respond. This legislation would reverse these flawed decisions and restore the original congressional intent of the ADA. First, the bill would clarify Congress's purpose to reinstate a broad scope of protection for a range of persons with disabilities under the ADA. Second, the legislation would modify findings in the ADA that have been used by courts to narrowly interpret what constitutes a "disability." Third, the bill would lower the burden of proving that one is "disabled enough" to qualify for coverage.

This long overdue legislation has ample support from both disability groups and business interests. I hope this bipartisan bill does not fall victim to the petty partisan obstruction that has prevented passage of other civil rights measures in this Congress that had broad bipartisan support, like the Lilly Ledbetter Fair Pay Act. While unprecedented obstruction tactics have led Senate Republicans to stall one bill after another on the Senate floor, it is well past time for us to turn the page on partisan tactics designed to thwart critical civil rights bills.

Indeed, our heritage of freedom and our continued march towards perfecting our Union, should remind us all that civil rights legislation holds a unique place in this institution. These bills bring us closer to fulfilling the promises engrained in our founding charters of establishing freedom and equality for all Americans. Thus, they should be held to a higher standard than other bills.

Time has shown the ADA to have been one of our Nation's most effective tools in combating discrimination. Its continued effectiveness is important to ensure that the great progress we have made in widening the doors of opportunity for all Americans continues in the future.

We have before us a historic opportunity to restore the ADA's original intent and reclaim the basic rights it extended to persons with disabilities. I was proud to support the ADA in the 101st Congress, and I am pleased to support this year's bill as it moves forward. I hope this bill will be promptly

passed by the Senate and signed into law by the President.

THE WAR POWERS CONSULTATION ACT OF 2009

Mr. WARNER. Mr. President, today I recognize the members of the National War Powers Commission, particularly the cochairs and my dear friends—former Secretaries of State James A. Baker and Warren Christopher—for their distinguished and valuable work in bringing forward this critical legislation to address this important issue to our Nation.

Few would dispute that the most important, and perhaps the most fateful, decisions our leaders make involve the decision of whether to go to war. Yet after more than 200 years of constitutional history, the extent of the powers the respective branches of government possess in making such decisions is still heavily debated.

Let me first outline some points regarding the legislative history of the War Powers Resolution. On November 7, 1973, Congress passed the War Powers Resolution over President Nixon's veto, by a vote of 284 to 135 in the House, and a vote of 75 to 18 in the Senate. The legislation was passed purportedly to restore a congressional role in authorizing the use of force that was thought by many to have been lost in the Cold War and Vietnam war. The War Powers Resolution was intended to provide a mechanism for Congress and the President to participate in decisions to send members of the U.S. Armed Forces into hostilities.

Less than 2 years after its passage by Congress in 1973, legislative proposals were introduced to amend the War Powers Resolution. The War Powers Resolution continued to raise concerns among the executive and legislative branches of government throughout the next decade as the Nation faced such situations as in El Salvador, Lebanon, and Libya.

Several legislative proposals were introduced in Congress to modify or repeal the War Powers Resolution. These legislative proposals were referred to the appropriate committee on the House or Senate side, but none were ever passed by Congress.

The War Powers Resolution again became an issue regarding activities in the Persian Gulf after an Iraqi aircraft fired a missile on the USS Stark on May 17, 1987, killing 37 sailors. Shortly afterwards, the United States began to reflag Kuwaiti oil tankers and provide a U.S. naval escort for Kuwaiti oil tankers through the Persian Gulf. As military escalation also continued to increase in the Persian Gulf region as a result of the Iran-Iraq War, the Congress became concerned that U.S. forces could be committed to the region without consultation between the executive and legislative branch.

Consequently, 20 years ago, on May 19, 1988, I, along with two of our former colleagues—Senators Mitchell and