

are not put in place hastily or unwisely.

I voted for the amendment because I agree with its underlying sentiment, which is that the United States should prepare defenses against foreseeable threats. What I fear, however, is that the votes in favor of this amendment will become fodder for attempts to further increase funding for missile defense programs that are already more than adequately funded and which history has shown us time and again are technologically challenging and cannot be rushed. Over the years, I have seen this tactic used time and again for missile defense programs. It does not matter how much more money is thrown at them, the technology cannot be rushed. Given the demands for funding for troops in harm's way now from mortar rounds, bullets, and IEDs, we must be cautious of attempts to further bloat a program intended to confront a far-off threat that may never materialize. My vote in favor of a policy of adequately preparing for a long term threat over the long term should not be interpreted as support for excessive spending on missile defense development and deployment. Further, it must not be interpreted as a vote suggesting that the situation at this time justifies the President to use military force in Iran.

Ms. MIKULSKI. Mr. President, I am proud to cosponsor the Dignity for our Wounded Warriors Act, which has just been approved as an amendment to the fiscal year 2008 Department of Defense authorization bill. Under the leadership of Senators CARL LEVIN, PATTY MURRAY, and DANIEL AKAKA, we have drafted this comprehensive response to the failures of the Bush administration to properly care for our wounded servicemembers and veterans.

We were all shocked and awed by the sorry state of outpatient care at Walter Reed. More than 22,000 Purple Hearts have been awarded in Iraq. We know now that our troops have been twice wounded—once on the battlefield and again battling a bureaucracy at home.

We know that acute care for our injured troops has been astounding. Our military medical doctors and nurses are performing heroically, giving our troops historic rates of survival against devastating new weapons of war. We owe a debt of gratitude to these military medical professionals and to the medics on the battlefield. But while we have saved their lives, we are failing to give them their life back. Outpatient care, facilities, social work, case workers, disability benefits—the whole system seems dysfunctional.

In March, I visited Walter Reed and met with outpatients at Mologne House. I am so proud of their service and sacrifice for our Nation and so embarrassed by the treatment they have received. We know this problem isn't limited to Walter Reed. It is part of the reckless incompetence of this administration. They took us into this war without a plan for winning it or caring

for those we ask to fight it. That is why the Senate has today taken this important step to provide the care our troops, veterans, and their families have earned.

This is a comprehensive bill to address the treatment and care of injured veterans and servicemembers. To ensure that what happened in Building 18 at Walter Reed never happens again, the bill establishes minimum standards of repair and maintenance for military treatment facilities and outpatient housing. It authorizes at least \$73 million in additional funding to enhance care for traumatic brain injury, TBI, and post-traumatic stress disorder, PTSD, including \$3 million for pilot projects to monitor TBI; \$10 million for Centers of Excellence for TBI; and \$50 million for additional TBI and PTSD research. This is in addition to the \$900 million in funding for TBI and PTSD programs added by Congress to the fiscal year 2007 Emergency Supplemental Appropriations Act.

To support a smooth transition for injured troops from military medical care to the Veterans' Administration, this bill also authorizes \$10 million for a joint DOD/VA office for electronic health records and establishes comprehensive readjustment studies for Iraq and Afghanistan veterans by the Defense Department, the Veterans' Administration, and the National Academy of Sciences.

To develop a better understanding of the signature wounds of the wars in Iraq and Afghanistan, the amendment directs DOD to establish Centers of Excellence for TBI and PTSD and to report to Congress on their progress. It requires comprehensive plans for prevention, diagnosis, and treatment of TBI and PTSD as well as long-term studies, clinical trials, and research about mental health, TBI, and PTSD.

Our amendment also addresses the unique needs of female servicemembers by requiring DOD and the VA to take into account the needs of women servicemembers and women veterans in every aspect of patient and veterans care. Every report required by the amendment must include a description of how it specifically addresses the needs of our women warriors. It requires DOD and the VA to review the need for mental health treatment tailored to meet the needs of female servicemembers and veterans and requires the two agencies to develop a joint policy for the treatment and care of mental health, TBI, and PTSD for female servicemembers and veterans.

To cut through the health care bureaucracy, our bill entitles any servicemember or former servicemember with "severe injury or illness" to treatment in any DOD or VA approved medical facility, whatever is closest or most convenient for the patient. It also authorizes military and VA facilities to provide counseling and medical care for families and caregivers who are supporting servicemembers—this is important support for those who have to

travel to a treatment facility in order to support their injured loved one.

To help injured servicemembers transition from DOD health care to the VA system, the amendment requires improved information sharing between agencies and establishes common processes, procedures, and standards between the two agencies. It also institutes a 3-year overlap of healthcare service between DOD and VA for severely injured servicemembers, so no injured servicemember is allowed to fall between the cracks.

This amendment also takes several important steps to improve the quality of care in the VA health care system. It requires the VA to create rehabilitation and reintegration plans for veterans suffering from TBI and to provide nursing home care to veterans with severe cases of TBI. The amendment also extends the window of time during which veterans can seek combat-related medical care, from 2 years to 5 years. This will especially help veterans suffering from PTSD, which can take several years to develop and diagnose.

Mr. President, our Nation has a sacred commitment to honor the promises we make to troops and their families when they answer the Nation's call to duty. I am proud to fight each year to make sure these promises made are promises kept. This amendment honors our Nation's service men and women.

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#### MORNING BUSINESS

Mr. LEVIN. Mr. President, while the Senator from Virginia is on the floor, I ask unanimous consent that we proceed to a period of morning business, with Senators recognized for up to 10 minutes each.

Mr. WARNER. No objection.

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

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

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

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#### TOBACCO

Mr. DURBIN. Mr. President, there is hardly a family in America that hasn't had an experience with tobacco and cancer. My family is no exception. When I was 14 years old, my 53-year-old father died of lung cancer. He smoked two packs of Camels a day. He was hopelessly addicted to tobacco, and we lost him at what I now view as a very early age. I can recall, as a student in high school, being in his hospital room when he drew his last, labored breath and the sadness that fell over me on

November 13, 1959. I didn't walk out of that hospital room vowing I would get even with tobacco companies, but I never escaped the memory of that family experience. Many other families have a similar story to tell.

The day came many years later when I had an opportunity, as a new Member of the House of Representatives, to do something. There is another story leading up to that experience. It involves the customary race of Members of Congress for airplanes. We spend most of our life racing through airports. In this particular instance I was in Phoenix, AZ trying to fly to Chicago, long before there were transportation security agencies and people taking off their shoes and X-ray machines. I got to the airport 20 minutes before the plane was about to take off. I raced to the United Airlines counter. A young woman was there and I gave her my ticket.

She said: I will get your boarding pass, but you will have to run to the gate. She gave me a boarding pass. This was 20 years ago. She handed to it me. I looked, and it was a middle seat in the smoking section of the airplane. I knew this was a long flight. I said: I know I have to get down to the gate, but can't you give me a different seat in the nonsmoking section? She said: No, it is the last seat. There is nothing I can do about it. Then she looked down at my ticket and my title and she said: But, Congressman, there is something you can do about it.

I got on the airplane. I sat between two what I now characterize as chain-smoking sumo wrestlers and spent several hours in misery breathing in their secondhand smoke. I looked around the airplane and thought to myself, what about that elderly lady who is up there in the smoking section two rows away; what about that woman with the little baby? This can't be healthy.

I came back to Washington and said to my staff: I want to introduce a bill banning smoking on airplanes. There was silence in the room. Then they said: You are crazy. Nobody beats the tobacco lobby. The entire leadership of the House of Representatives, Democrats and Republicans, doesn't want any tobacco amendments for a lot of political reasons.

Naive and undaunted, I went forward with my quest to ban smoking on airplanes. I had a lot of help along the way. Congressman BILL YOUNG of Florida, who still serves, had been one of the early pioneers in dealing with tobacco and smoking. He courageously stepped forward and said: I will make it a bipartisan amendment, but we don't have a chance. We were both on the Appropriations Committee. I managed to at least create an opportunity for a vote on the floor of the House.

I reached the floor of the House because of another great Congressman, now deceased, Claude Pepper. Claude Pepper served in this Chamber as a Senator. He was defeated and went over and served in the House of Representatives. Claude Pepper was chair-

man of the Rules Committee. He came to my rescue when I was about to lose in the Rules Committee. I never appreciated why he did that, why he gave me a chance to get a vote on this issue, until later when somebody told me that as a Senator in the 1930s, Claude Pepper of Florida had pushed for the creation of the National Cancer Institute. He didn't talk much about tobacco, being a southerner, but it meant a lot to him personally. He more than anyone gave me my chance to bring this amendment to the floor.

So on July 13, 1987, 20 years ago today, I got my chance to offer the amendment to ban smoking on flights of 2 hours or less. In the galleries of the House were seated uniformed flight attendants from major airlines. They were on my side. They were sick and tired of breathing in all the smoke on the airplanes. We came to the floor expecting to lose. I didn't realize at the time that the House of Representatives, and you can add the Senate into the equation, was the largest frequent flier club in America. We spend more time on airplanes than most people. As the amendment was debated, Congressmen started coming forward to speak on behalf of the amendment—some of the most liberal, some of the most conservatives, Republicans, Democrats from all over the country. I could feel the momentum building. The debate went on for a long time, and the vote was finally taken. The vote was 198 to 193. My amendment passed.

After it passed, I called over to the Senate and contacted the man who was chairman of the Senate Appropriations Committee on Transportation, FRANK LAUTENBERG of New Jersey. I said to FRANK LAUTENBERG: Would you consider offering this same amendment in the Senate? He said he would, and he did, successfully.

That amendment changed America. I didn't know it at the time and I don't want to take more credit than is due, but at the end of the debate to ban smoking on airplanes, people started asking obvious questions. If secondhand smoke is dangerous on an airplane, why isn't it dangerous in a train, on a bus, in a hospital, in a school, at a Head Start center, in an office building?

We know what has happened 20 years later. It has now become customary for people not to smoke and unusual to see anyone smoking in an enclosed space that is not their own home. That is a dramatic change. I think it is a change for the better. As a result of that law, which was a challenge to me, America is a healthier place. Our attitude toward tobacco and smoking is much different today than it was.

Last year in my home State of Illinois, a record-breaking 36 cities and counties enacted smokefree laws, more than any other State in the Nation. I am very proud of that. This was a milestone for another reason. We learned the mighty tobacco lobby is not invincible. We proved it on the floor of the

House and the Senate 20 years ago. We are proving it now in city councils and State legislatures across America. This was one of the first times the tobacco industry had ever lost an important rollcall vote on the floor of the House. It showed that Congress could stand up against special interest groups, the wealthy and the powerful, those financing campaigns, and instead vote for the health of all Americans. Twenty years later, smoking is banned on almost all commercial flights worldwide.

I had a funny experience a few years after we passed our law. My wife and I were flying to Portugal through London. We changed planes in London to Air Portugal. The British travelers got on the plane and I was shocked to find they had a smoking section on the airplane. I couldn't believe it. It turned out it was a sign that was put on a seat that said "smoking allowed behind this sign." A group of British tourists got on and saw this sign and couldn't believe it and said to the flight attendant: What is this all about? She answered: If you want to be in a non-smoking section, you sit on this side of the sign; smoking section is on the other side of the sign. One of the ladies said: This will never do. She grabbed the sign and went to the last seat in the plane and put it on that seat.

My wife turned to me and said: Look what you got started.

I don't want to take credit for getting that started, but I am kind of proud of being part of it. I congratulate a number of pioneers in this area. Air Canada was way ahead of us on this issue. Northwest Airlines was one of the first in the Nation to move toward smokefree flights—they deserve special recognition—even before a Federal law was passed.

We need to remind ourselves from time to time about tobacco and cancer and heart disease. We have been lulled into the feeling that this problem is under control. Tobacco-related disease is the No. 1 preventable cause of death in America today. It still is an issue. There are still too many children who take up smoking, I mean literally children. Tobacco companies know that the way to ensnare someone into tobacco addiction is to get them started as kids. Kids, rebellious and curious, turn to tobacco, developing an addiction they don't even understand, finding it hard to quit. They become early, lifelong smokers, and chances are one in three will die because of that habit.

This is still an issue. It is an issue we are going to face soon here in the Senate, because the Finance Committee is considering increasing the tobacco tax on America. I am sure there will be screams that that is unfair to smokers. But I have reached the point now where I have to tell them that there is a great expense associated with their addiction. We also know that increased cost of product reduces the likelihood that kids will use tobacco products. So there is a positive that will come out of it.

We know when it comes to cancer, heart disease, diseases that affect virtually every organ in the human body and, most importantly, impact the life of virtually every family, tobacco is a negative factor.

In 2006, the Surgeon General's report entitled "Health Consequences of Involuntary Exposure to Tobacco Smoke," reaffirmed previous findings. Secondhand smoke causes heart disease, cancer, respiratory problems, and even death. What was once considered impossible is now industry practice. What was once unknown is now conventional wisdom. It is time for us to take the next big step.

Next week my colleagues, as members of the HELP Committee, led by my friend Senator TED KENNEDY, will debate giving the Food and Drug Administration the authority to regulate tobacco.

Most Americans do not know that tobacco has a curious place in the law. It is not considered a food or a drug. If it were a food or a drug, it would be regulated. Those who make the product would have to disclose its contents and would have to put meaningful warning labels on the product. Tobacco has had carved out for it a niche in the law so that requirement does not apply. Nearly every other industry in America that puts public health at risk is regulated by some Federal agency, but not tobacco.

If we are going to continue the fight against big tobacco, and the death and disease which this product creates, if we are going to secure the ability of all Americans to breathe the air that is free from secondhand smoke, if we are to affirm the right of all of us to lead healthy and productive lives, we have to take this next step and allow the Food and Drug Administration to regulate this product. We must allow the FDA to regulate an industry that continues to cost us the lives of more than 43,000 Americans and over \$100 billion in health care costs and lost productivity every single year.

Today, there will not be any cakes or parties, but we celebrate the 20th anniversary of a vote in the House of Representatives which has been an important part of my legislative career. This vote, to ban smoking on airplanes, 20 years ago, played an important role in launching the smokefree movement in America. I urge my colleagues to move us closer to finishing the work we have started. We stood up to the tobacco industry then, and we can do it again now.

#### DREAM ACT

Mr. DURBIN. Mr. President, last month we had a controversial and spirited debate over immigration. It went on for several weeks on the floor of the Senate, and many Members of the Senate thought about it and voted one way or the other.

The net result is that nothing happened. That is unfortunate. Everybody

concedes our immigration laws have broken down. About 600,000 illegal people come into the United States each year and stay. Over 20 years, we now have 12 million people. The number continues to grow.

The lure of the United States is overwhelming. It is a lure which brought my grandparents and my mother to this country as immigrants. They wanted to be part of America. They were willing to leave their village in Lithuania and the comfort there for an opportunity. They came here, struggled and sacrificed, as immigrants do. They became Americans, and I think in a small way our family has made a difference in this country.

Now, repeat that story millions of times, and that is who we are as a nation. We are people who were unhappy, dissatisfied with what we had, saw America as a better chance, and came here.

People continue to come here. Our borders cannot hold them back at this moment. So we debated about making those borders stronger, having more enforcement in the workplace. We debated about: How many workers do we need each year to pick our crops and do our work, in addition to the American workforce? And what will we do with the 12 million who are here?

It was a big bill. The debate went on for 3 weeks, which is a long time by Senate standards. At the end of the debate, we could not pass it. We did not have the 60 votes. We were not even close. We had 46 votes cast in favor of comprehensive immigration reform.

There were aspects of that bill, though, that we should not abandon. There were parts of it we have to return to. I think we need to return to enforcement so our borders are safer, so there are fewer undocumented immigrants crossing into the United States. I think we need enforcement in the workplace to make sure employers meet their responsibilities.

But there are several other parts of the bill which we cannot ignore either. Senator DIANNE FEINSTEIN of California has been a leader on the issue of agricultural workers. In her bountiful State, the fruits and vegetables will, frankly, spoil in the fields if they do not bring in workers to pick them and harvest them. Americans are not lining up for these jobs. They are hard, dirty, sweaty, tough jobs. Immigrants will come and do it. They have done it before. She is trying to permit the ag workers, under the law, come and do this work. Otherwise, we are going to lose a lot of our agriculture in America.

There is another aspect of the law which is near and dear to me. Consider someone undocumented or illegal who comes to the United States and brings a child. It happens. That child may come at a very early age, maybe a baby in arms, or 1 or 2 years old, and that child will be raised in the United States, go through school, and reach a point in their life where they do not

know any other place but America. They did not choose this country. Their parents chose it. They did not come here because of any thought about being illegal. They came here with their families.

What I tried to do several years ago was to write a law to take into consideration these young people. It is called the DREAM Act. The DREAM Act was a part of this comprehensive immigration reform bill. Here is what it says: If you came to the United States before the age of 16, if you have lived in this country for at least 5 years, if you graduate from high school, and then if you will complete either 2 years of college or 2 years of service in the military, we will give you an opportunity for legal status in America.

I have met these kids—young men and women. What a waste it would be to turn them away. Currently, that is all our law can do—to say to them: If your parents were undocumented and illegal, you have no place in America. At a time when we are importing talent and labor from other places, why would we turn these young people away?

First, they beat the odds. Only half, for example, of undocumented kids graduate from high school. These kids have to graduate from high school to even have a chance to become legal.

Second, they are going to do more with their lives. That is why I wanted to raise the issue very briefly this morning.

On the floor of the Senate, when we return next week, we will resume consideration of the Defense authorization bill. It turns out that many in the Department of Defense believe, as I do, that the DREAM Act is an important part of making certain we have talented young men and women ready to serve in our military. I have spoken to people at the Department of Defense who support the idea of the DREAM Act. I think we ought to include it in the Defense authorization bill. I hope to have that opportunity.

For the tens of thousands of young people across America who want a chance to be part of America, to contribute to America, the DREAM Act is their opportunity. They have to work their way into it. They have to prove themselves or they will not have a chance.

The nice thing about this amendment is both sides of the aisle agree on it. We have strong bipartisan sponsorship of this amendment. Senator CHUCK HAGEL, Republican of Nebraska; and Senator DICK LUGAR, Republican of Indiana; are cosponsors. They agree with me that this is a good move forward and encourage Congress to consider it.

I hope when we return to the Defense authorization bill we can make the DREAM Act part of that bill. Certainly, it is going to help our defense and help our military. I think it is going to help America even beyond that.

Those young men and women, given a chance to serve in the military, will be