seq.) (and in subsection (e)(3) of section 706 of such Act (42 U.S.C. 2000e–5), applied to claims of discrimination in compensation)''.

(2) CIVIL RIGHTS ACT OF 1964.—Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) is amended by adding at the end the following:

''(f) Section 706(e)(3) shall apply to complaints of discrimination in compensation under this section.''.

(3) AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.—Section 15(f) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(f)) is amended by striking ''of section'' and inserting ''of sections 7(d)(3) and''.

SEC. 6. EFFECTIVE DATE.

This Act, and the amendments made by this Act, take effect as if enacted on May 28, 2007 and apply to all claims of discrimination in compensation under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), title I and section 503 of the Americans with Disabilities Act of 1990, and sections 501 and 504 of the Rehabilitation Act of 1973, that are pending on or after that date.

Mrs. MURRAY. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, today is a great day in the Senate. We have now overwhelmingly passed a bipartisan bill to correct an injustice that has been prevailing among people—women, minorities, and people with disabilities—in the area of wage discrimination.

What is so great about today is not only our overwhelming legislative victory, but we showed, No. 1, that we can change the tone. I thank Leader REID for the leadership he provided in creating the legislative framework where we can move ahead with open debate.

Notice that we did this bill in a well-measured, well-modulated, well-paced way. There was no need for cloture motions. There was no need for parliamentary quagmires. What it showed, though, is there is a need for civility and cooperation. We, as Americans, have to know, given this economic situation, that we are all in it together. When we work together, we now know each and every one of us makes a difference. But when we truly work together, we can make change.

Today we changed the law, we changed direction, we change history, and I thank all my colleagues and all the staff who have made this possible.

I also wish to say a special thanks to Senator TED KENNEDY. I hope he is watching tonight because, TED, we miss you. We know you are not on the floor; you are with us in spirit. There is more to be done. We cannot wait for you to be back. Let's go and get the job done.

America is counting on us to do the kinds of things we have done today and act the way we did, the way we got the business done.

VOTE EXPLANATION

Mr. HARKIN. Mr. President, while I was necessarily absent for rollcall vote No. 7 on amendment No. 25, had I been present I would have voted ''nay.''

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 301 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. GRASSLEY. I thank the Chair for the time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

ALASKA TERRITORIAL GUARD

Ms. MURKOWSKI. Mr. President, sometime this week letters will be mailed from the U.S. Army Human Resources Command in St. Louis, MO, to 25 elderly Alaskans. Those letters will tell these 25 elderly Alaskans that the Army has changed its mind—it has changed its mind—about whether their service in the Alaska Territorial Guard during World War II counts toward military retirement. The effect of this abrupt reversal in position is to reduce the monthly retirement payments to each of these 25 elderly Alaskans. These retirement payments will be reduced by an average of $386 a month. Six will lose more than $500 a month in retirement pay. These reductions will take effect on February 1.

So in less than 10 days, these individuals who have been receiving these payments—these elderly Alaskans who served us during World War II—will be receiving a letter, maybe before their benefits are cut off, but they will be receiving a letter saying: Sorry, your service doesn't count toward military retirement.

Mr. President, I state again: None of these 25 elderly Alaskans knows this is coming. It will come as a complete surprise to them, possibly, when they receive that letter. Whether they are tuning in to C–SPAN and hear my comments tonight, we don't know.

It is going to take a while for these letters coming out of St. Louis, MO, to reach their destinations because these letters are being sent to some of the remotest parts of our State, of rural Alaska. Four of these letters are destined for the village of Noatak. This is an Inupiat Eskimo village of 489 people in northwest Alaska. I would suggest, Mr. President, that outside of you and I, there is probably nobody in Washington, DC, who could identify Noatak on a map. Four of these letters are destined for the village of Kwigillingok. We call it Kwig because it is so difficult to pronounce. This is a Yupik Eskimo community of 361 people.

All told, these letters are being sent to elders in 15 Alaska Native communities in interior and western Alaska. The poster board that I have behind me indicates some of the elderly gentlemen who may be receiving these letters in the next several weeks.

This decision is tragic. It is tragic because it affects veterans who defended Alaska and who defended the United States from the Japanese during World War II. It is a tragedy because these people were led to believe they would be compensated for their service to our Nation. It is a tragedy because most of the people I am talking about, most of these gentlemen, are Eskimos—among the first people of the United States, members of a class of people to whom the United States Government has broken its promises time and time again. It is a tragedy because they were misled into believing their retirement pay was increasing. It is a further tragedy because this bad news is going to be communicated in a letter signed by a branch chief in the Army Human Resources Command. These people deserve an apology from the Secretary of Defense. They do not need to be receiving this news about this error from a branch chief in the Army Human Resources Command.

It is also a tragedy because some of these people in the Department of Defense chose to implement this decision in the dead of an Alaska winter, when we know that our Native elders in rural Alaska are most vulnerable. Right now, in the village of Kwig and in Noatak and in the other communities, it is dark, it is cold, and resources are scarce. The increase in retirement pay, which was implemented just this last June, was very welcome news to those who were receiving it. It came at a time when the cost of fuel was rising to levels in our rural communities that people simply could not pay.

If you will recall, back home in June and July, in the cities, we were paying $4.50, $5 a gallon for our fuel. But out in the villages they were paying $7, $8 a gallon, and in some areas even higher than that. Throughout the State, but particularly in rural Alaska last summer, folks were anxious about whether they were going to be able to afford to heat their homes this winter.

Last week, in the Indian Affairs Committee, the Presiding Officer had an opportunity to join us, and I was able to put on the record the plight of some of the Native people in the community of Emmonak who have literally had to choose between buying stove oil to heat their homes or whether they should buy food for their families.

I guess some of the good news we have learned is that none of these letters informing these elders that they will see a reduction in benefits is going to the village of Emmonak, but I would suspect many of the villages to which these letters are going are no better off. You just have to ask the question: How can our government be so insensitive—taking money, taking retirement benefits out of the pockets of our elders, of our seniors, at a time of the year when they are absolutely the most vulnerable?

I hope I have gained the attention of some, and with the indulgence of my colleagues, I would like to fill in a little bit of the background. I will not be

talking too long—I know one of our Senators is waiting—but it is an interesting story, and I think he will appreciate it.

The Alaska Territorial Guard was created in June of 1942 in response to increasing Japanese activity and attacks on and around Alaska. At the time, the U.S. Army was reassigning our Alaska National Guard soldiers away from the State, and so there were no ground troops left to protect Alaska. So Earnest Gruening, who was the territorial governor at the time, called for volunteers to defend our great land up there in the north. Some 6,389 Alaskans answered the call. These volunteers came to be known as the Eskimo Scouts, but they were representative of all of Alaska. They were Inupiat Eskimos, Yupik Eskimos, Aleut people, Athabascan and Tlingit Indians, and there were Caucasians.

With no pay and very little equipment, these volunteers—these Eskimo Scouts—patrolled 5,400 miles of coastline to fend off a possible Japanese invasion. They shot down Japanese air balloons carrying bombs and eavesdropping radios. They rescued downed airmen, they transported equipment and supplies, they constructed airstrips and support facilities, they manned the field hospital outpost, and they engaged the enemy in combat.

You see the picture behind me of the Eskimo Scout in his snowshoes standing guard, standing ready. These men answered the call of our country and they defended our homeland. The Territorial Guard stood as the first line of defense for the terrain around the Lend-Lease area, the route from America to Russia, and it was this vital lifeline that allowed the United States to supply our Russian ally with essential military aircraft and proved essentially crucial to Russia's defense against Hitler's Germany.

In March of 1947, the Eskimo Scouts were disbanded, but many of them went on to continue to serve our Nation in the Army and the Alaska National Guard. For more than half a century after the Territorial Guard was disbanded, these brave and truly dedicated volunteers received not one ounce of recognition from our Federal Government for the service they had performed. It wasn't until the year 2000 that Senator Stevens succeeded in adding language to the Defense appropriations bill to recognize the Territorial Guard, and that legislation required the Secretary of Defense to treat the Alaska Territorial Guard just like any other soldiers and to require them to issue discharge certificates to those who remain alive.

I was privileged to be at a couple of ceremonies where some of these elders received their official discharge certificates, and it was incredibly moving to be with them when, after decades, their Government finally recognized their service. The Secretary of Veterans Affairs was also directed to treat these people as any other veteran of the Armed Forces of the United States.

I do understand and we are told that the Department of Defense was slow to implement the mandate of this legislation. I can tell you from my own experience in dealing with many of the veterans and their families, the efforts to get these discharge certificates in a timely fashion has been very frustrating—frustrating for the families, frustrating for those who have served, most certainly, and frustrating for those of us who have been trying to make it happen. Some former members of the Territorial Guard are still waiting to get their discharge certificates. We have been assisted by a wonderful volunteer, Bob Goodman, who lives in Anchorage. He helps the former members of the Territorial Guard document their service, and he tells me that unless we can get this turned around, unless we can kind of move through this roadblock, we are going to see more of these fine Americans who will pass on before they get their long-awaited recognition.

I just don't understand. I can't understand why it took nearly 8 years—8 years—for the Defense Department to recognize the Alaska Territorial Guard's service for military retirement benefits. But, as I mentioned, back in June of 2008, they did it. Apparently, that decision did not please some at the Defense Department. Between Thanksgiving and Christmas, we learned they made a case that the members of the Territorial Guard are not eligible for retirement benefits. This was all happening over there at the Department under the radar of Secretary Geren here in Washington. The Secretary says there is nothing we can do at this point in time; the retirement benefits have been reduced on the computers of the Defense Finance and Accounting Service and the payments are going to go down effective February 1.

I am not going to stand here and blame the lawyers for telling their clients that the policy of crediting Alaska Territorial Guard service toward retirement pay doesn't comport with the law. But at the same time, the Defense Department hasn't released that legal opinion, so I can't judge—the presiding officer can't judge—whether this conclusion is really compelled by the law. If the conclusion was compelled by the law, I suppose we can't call out the lawyers for saying so. But I do fault their clients, the leaders who knew this was coming. They knew it was coming, but they didn't bother to tell any of the members of the Alaska Congressional Delegation.

I was not notified; you were not notified, Mr. President; our Member in the House of Representatives—nobody came to us late last year and said: Hey, we have a problem. We have a problem, and it requires a legislative fix. Can we work together, can we do something either at the end of the 110th Congress or immediately at the outset of this new Congress?

The senior leaders in the Army and DOD didn't even acknowledge that there was a problem until you and I contacted the Secretary of the Army and asked: Is there a problem? We hear there is stuff floating around. What is going on?

As far as I was concerned, the reason we suspected there was a problem was because the adjutant general of Alaska, after trying to work through this problem at his level and through the chain of command, told us something was coming and it was going to be coming imminently.

Then just last week, Army Secretary Geren confirmed those fears, the fear that it will be real, that the retirement pay will be cut effective February 1. He says there is nothing he can do about it.

This afternoon, the members of the Alaska Congressional Delegation are writing to the administration, asking that he intervene to ensure that those Native elders who are affected by this tragic series of events do not lose this safety net.

Senator BEGICH and I are also preparing legislation that clarifies that service in the Alaska Territorial Guard is to be regarded as Active-Duty service for purposes of calculating retirement pay. We need to clear up that vagueness in the statutes.

I would just say, as I am able to speak here on the floor of the Senate, to Secretary Gates, if you are within the sound of my voice, I believe you owe an apology to these people. It was just a month ago that the Army Chief of Staff sent a letter of apology to 7,000 surviving families of the global war on terror who received letters addressed to John Doe. The blunder I speak of today affects far fewer people, but it is certainly no less of a blunder. I think we recognize we have just gone through a transition, moving from one administration to the other. Things happen during a transition period—things just happen. Sometimes policy blunders can occur. These things do happen, and then it falls upon Congress and the administration to come back and fix things.

I pledge to the Alaskans, and I know the Presiding Officer and our colleague in the House, Representative YOUNG—I think we all make the commitment to do everything we can to clean up what we are dealing with here. But I am left to wonder, what kind of a government, what kind of a Cruella, could cut retirement benefits to a group of Eskimos in their eighties, in the dead of an Alaskan winter, and say: Sorry, there is nothing we can do.

It is time for some soul searching at the Pentagon. I am looking for answers. I know you are looking for answers. We are looking for solutions, and there is really very little time left.

I thank the Presiding Officer. Know that we will find positive solutions for those who have served us honorably.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. CORKER. Mr. President, after listening to the Senator from Alaska, I

certainly would love to have her advocating on my behalf, and I know you two will make a great team in advocating on behalf of the people in Alaska, certainly seeing that they have been sent an injustice. I thank you for the opportunity to listen to that. Again, it is great to be here with the two Senators from Alaska.

FAMILY PLANNING

Mr. DURBIN. Mr. President, today many of our constituents are in town for the annual March for Life. They are expressing their strong concerns about an issue that has divided our Nation for decades: abortion.

This issue divides legislatures. It divides churches and communities. It even divides families. Parents often disagree with their children. Two sisters or two brothers may see the issue differently. Even husbands and wives may not see eye to eye.

And yet, the American people look to their elected leaders to come together and address the issue.

My position on the fundamental issue is clear: abortion should be safe and legal, consistent with Roe v. Wade. A decision this personal is best left to a woman, her family, her doctor, and her conscience.

But I don't think the issue ends there. We may never reach a consensus on abortion itself, but we can go beyond the divisions, acknowledge that women have a right to an abortion in America, and still work together to reduce the number of abortions.

So I would like to take a step back and talk about some of the things we can do to prevent unwanted pregnancies, which is a goal I think all of us in this chamber share.

Nearly half of all pregnancies in the United States are unplanned that is almost 3 million times a year that a woman and a man are confronted with the news that, contrary to their intentions, the woman is pregnant.

We can make a greater effort to ensure that couples have access to the information and services they need to prevent unwanted pregnancies.

First, we need to invest in comprehensive evidence-based teen pregnancy prevention programs. Nearly 1 million teen girls become pregnant each year, and it's time we focus on helping them prevent those pregnancies.

Next, we need to ensure that women can afford contraception by expanding funding for the Title X family planning program, which provides a critical safety net that both improves women's health and saves taxpayers money.

Low-income women are four times more likely to have unintended pregnancies than their higher-income peers. Democrats have proposed that women who are entitled to Medicaid-funded labor and delivery also be given access to family planning services through the Medicaid program. If we will cover the childbirth, why would we not cover the prevention services that would help avoid the unintended pregnancy?

And for women with private health insurance, we must ensure that FDA-approved prescription contraceptives are covered to the same extent as other prescription drugs and devices. If we want women and men to take the responsible steps to avoid unintended pregnancies, we must give them access to the family planning options that will empower them to do so. Ensuring that contraceptive coverage is a covered service in our health plans is a commonsense way to address that issue.

It is also time to restore common sense in other areas.

Women must have timely and medically accurate information about another alternative: emergency contraception.

This product is FDA approved, and can prevent pregnancy and thus the need for abortion. Greater awareness of it could substantially reduce the staggering number of unintended pregnancies.

The facts are also on the side of lifting the so-called ''Mexico City'' policy that controls how family planning organizations in other countries may use their own funds. The global gag rule requires that, as a condition for receipt of U.S. funding, private and international organizations must agree not to use their own non-American funds to perform abortions, provide abortion counseling, or even lobby to make or keep abortion legal in their countries.

By law, Federal funds cannot be used for abortions. Audits have demonstrated that, in the years when the Mexico City policy has been lifted, Federal funds have not been used for abortions. So this is not about abortion.

This is about whether international family planning programs will be allowed the same rights of freedom of speech and action that domestic programs have. We should not be dictating what groups do with their own independent funds as a condition of receiving U.S. family planning funding.

So often, the battle over abortion has been extended into unnecessary battles over contraception. But there are other policy areas where people who disagree over abortion should be able to come together.

First, we need to support pregnant women when they find themselves in a difficult situation.

We must work to ensure that they have access to health care both before and after the child is born; parenting programs; income support; nutrition assistance; and caring adoption alternatives.

Finally, we must look beyond the immediate crises and work to address the underlying conditions that can affect a couple's response to an unplanned pregnancy. Affordable health care, secure jobs with good wages, expanded child care options, and improved educational assistance can make it easier for a couple to welcome a child into the family. These, again, are areas where we should be able to come together and make progress.

TRIBUTE TO SENATORS

HILLARY RODHAM CLINTON

Mr. HATCH. Mr. President, I rise to speak today regarding the departure of my esteemed colleague from New York, Senator Hillary Rodham Clinton. I have known Senator Clinton for many years now, and I have worked closely with her since the time she served as First Lady of the United States and then as she so aptly served the people of New York in the Senate. Today, I am sure that I am joined by many of my colleagues in saying that her compassion, her skill, and her example in this institution will be missed.

As a former First Lady of the United States, I was very impressed with the work Senator Clinton did to increase the level of care for women and children from around the world. You may recall that her service in this capacity knew no boundaries or borders as millions of lives were touched both here in the United States and abroad by her care, by her understanding, and by her tenacity in helping people receive the level of care and attention they so justly deserved. Indeed, Senator Clinton reminded us all that women's rights are not to be separated from human rights and that through this empowerment we have the potential to improve relations, eradicate violence, and increase prosperity. This is the vision and compassion that served her so well as a former First Lady of the United States, and this is the same compassion that continued to highlight her time here in the Senate.

Although her time in this legislative body has been relatively brief, the accomplishments of Senator Clinton have been many. If I may, let me highlight just two contrasting examples. The first example comes from 2007 when I worked closely with Senator Clinton on the Biologics Price and Protection Innovation Act. It was through these tough negotiations, numerous committee meetings, and candid discussions that I again was privileged to witness Senator Clinton's skill in bringing large groups of affected parties together in the spirit of compromise. With so many competing interests and so much attention being drawn to this legislation, I was appreciative of Senator Clinton's skills in negotiation, in understanding competing interests, and in listening to all of the parties involved in passing this important legislation out of the Senate.

The second example I would like to mention comes from 2008 with little fanfare. It is a simple resolution and one that probably did not receive much attention, but it was a resolution that meant something to me and it meant something to Senator Clinton. I speak