Mr. President, pursuant to the terms of the said resolution, the managers on the part of the Senate, by direction of the Republican leader, respectfully request the Senate to discontinue the proceedings now pending against Samuel B. Kent, former Judge of the United States District Court for the Southern District of Texas.

The PRESIDING OFFICER. The majority leader of the Senate.

Mr. REID. Mr. President, as the Sergeant at Arms advised the Senate prior to the July 4 recess, following the service of the summons on Judge Kent by the Secretary of the Senate on June 24, 2009, Judge Kent tendered his resignation as a United States District Judge, effective June 30, 2009. At the direction of the Senate, the Secretary delivered Judge Kent’s original statement of resignation to the President. On June 29, 2009, counsel to the President accepted Judge Kent’s resignation on behalf of the President. The House of Representatives has now moved that the Senate dismiss the Articles of Impeachment.

Mr. President, I have conferred with the distinguished Republican Senator, Mr. McCaskill, and with the distinguished Chairman and Vice Chairman of the Impeachment Trial Committee on the Articles Against Judge Samuel B. Kent appointed by the Senate, the Senator from Missouri, Mrs. Martinez, and the Senator from Florida, Mr. Burr.

All are in agreement that, with the resignation of Judge Kent, the purposes of the House’s prosecution of the Articles of Impeachment against Judge Kent have been achieved. Judge Kent is no longer serving on the Federal bench, and he has ceased drawing his judicial salary. It is agreed that no useful purpose would now be accomplished by proceeding further with the impeachment proceedings against Judge Kent.

Accordingly, I now move that the Senate order that the Articles of Impeachment against former Judge Samuel B. Kent be dismissed and that the Secretary be directed to notify the House of Representatives of this order.

The PRESIDING OFFICER. The motion is on agreeing to the motion to dismiss the Articles of Impeachment.

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I wish to thank, on behalf of the entire Senate and the House of Representatives, the Chairman and Vice Chairman and all of the members of the Impeachment Trial Committee for their willingness to undertake this task. I ask unanimous consent that the Impeachment Trial Committee for the Articles Against Judge Samuel B. Kent be terminated.

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

Mr. REID. That concludes the proceedings on the trial of the impeachment of Judge Samuel B. Kent. As such, the Articles of Impeachment stand adjourned sine die.

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

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the roll call be recessed.

The Acting President pro tempore. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask unanimous consent to proceed as in morning business.

The Acting President pro tempore. Without objection, it is so ordered.

The Acting President pro tempore. The Republican leader is recognized.

The remarks of Mr. McCONNELL pertaining to the introduction of S. 1493 are located in today’s Record under “Statements on Introduced Bills and Joint Resolutions.”

The Acting President pro tempore. The Senator from Illinois is recognized.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010—Continued

Mr. BURRIS. Mr. President, I rise to speak on the National Defense Authorization Act, S. 1390.

Mr. President, as a member of the Armed Services and Veterans Affairs committees, I have addressed this Chamber many times about the need to keep our Nation’s commitment to the brave men and women who fight for this country.

It is a commitment that begins on the day they volunteer for military service, and it extends through the day they retire and beyond.

But just as we work to uphold our obligation to servicemembers who are in harm’s way, we need to offer strong support to those who they leave here at home.

Military families bear a burden that must not be forgotten. They, too, deserve our utmost gratitude.

Mr. President, that is why we must increase funding for impact aid, a program which, in part, provides assistance to school districts that serve military families.

Throughout my career in public service, I have been a strong believer in education as a powerful force to shape lives—to give people the tools they need and the inspiration that will help them succeed.

When we see an improvement in scholastic performance at the national level, certain groups of students continue to fall further and further behind.

Many children of Federal employees, including military personnel, fall into one of these groups.

Military installations—and other Federal facilities—occupy land that might otherwise be zoned for commercial use.

Because of this, local school districts suffer from a reduced tax base to fund their expenses.

This limits the amount that can be spent in the classroom and leaves students without a disadvantage compared with children in neighboring towns.

In North Chicago, Illinois—the home of the Great Lakes Naval Training Center—only half of the 4,000 students meet or exceed State standards.

Even with some Federal assistance, North Chicago’s School District 187 is able to spend just under $7,000 per student, per year.

But nearby District 125 has the resources to spend nearly twice as much per pupil, and the school performs among the best in the State.

An increase in impact aid funding would help to level this playing field, ensuring that the children of our soldiers, sailors, airmen and marines are not at a disadvantage because of their parents’ service.

Impact aid funds are delivered directly to the school districts in need, so they do not incur administrative costs at the State level.

This makes it one of the most efficient—and effective—Federal education programs.

Scott Air Force Base is located near Mascoutah, Illinois—a community whose schools receive impact aid funding.

The local school district is able to spend only $6,000 per child each year, but 90 percent of the students meet or exceed State standards.

If these are the results that some students can achieve with only $6,000 per year, imagine how well Mascoutah’s schools might perform with even a small increase in available funds.

It is impressive that school districts like North Chicago and Mascoutah are able to operate as effectively as they do, especially when compared to the national per-pupil expenditure of $9,700 per student.

Mr. President, it is vital that we target Federal assistance to those who need it most.

That is why I am proud to be a member of the Senate impact aid coalition, a group of 35 Senators devoted to protecting this important program.

And that is why I believe that the $50 million we have set aside for schools...
that are heavily impacted by military students is a step in the right direction in our commitment to military families.

It is time to make sure all children have access to a quality education, regardless of who they are or where they are from.

I applaud Chairman Levin and Ranking Member McCain for their support of this funding in the past—and for including funding in the fiscal year 2010 Defense authorization bill.

This funding will be significant to military children across the country.

To students in North Chicago, Mascoutah, O'Fallon, and Rockford, and hundreds of communities in Illinois and over 260,000 students in 103 school districts across the United States.

We owe them the same support we continue to show to their parents in uniform.

And it is time to step up our efforts to meet that commitment.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I ask unanimous consent to speak for 10 minutes without objection.

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

HEALTH CARE REFORM

Mr. DEMINT. Mr. President, I will return to the subject of health care reform in America, reform of our health care system, and how we help Americans find the health insurance that is affordable to every family.

It is important, as we talk about this, that we get the facts out on the table. I am glad to see this has become an issue that is front and center. I know the President called for a press conference tonight to talk about his vision of health care. I want to set the record straight on a number of things.

What about who loses their health care plan? What about who is protected? What special interests are being represented? Who is representing the big insurance companies? Who is representing small businesses? Who is representing the big insurance companies and against the Democrats?

Republicans are not standing with special interests. They are standing with health care companies and against the Democrats. They are standing with the President and the Democrats. The Lewin Group has looked at the proposals that have been put on the table in the House and Senate by the Democrats, which the President will be advocating when he speaks tonight. Let's see what party is representing special interests.

First of all, the abortion industry. Planned Parenthood, and other organizations that make their money performing abortions—their interests are clearly represented in this bill. This proposal the President is advocating would allow health insurance plans to cover elective abortions in this country, which means taxpayers who are morally opposed to abortion will be forced to subsidize insurance plans that pay for abortion.

I ask my colleagues, who is representing special interests? Who is representing the abortion industry in this debate?

What about who loses their health care coverage in these new plans that are being proposed? All twenty members of the Senate Democratic caucus in the House and Senate, and they concluded that 80 million Americans who have health insurance that they now like will lose it under this current proposal.

But who is protected? Who would lose their health insurance? It is union members who are protected. We think that has anything to do with policies—that the average American will lose their health insurance but the unions that support the Democratic Party are protected. Who is standing up for special interests in this health care debate?

Let's talk about the plaintiffs' attorneys. One of the biggest problems in health care today is what doctors call defensive medicine—running all kinds of unnecessary tests so they avoid all these expensive lawsuits. We have talked about reforming the health care system to eliminate these wasteful, frivolous lawsuits that cost so much money, and every doctor and hospital has to have huge liability policies for the cost of the lawsuits that come every year. You would think a health care reform proposal would have some lawsuit abuse reform in it. But who is protected? What special interests are protected in this health care proposal? The plaintiffs' attorneys. There is absolutely no tort reform, no relief for abusive lawsuits in this plan.

So I ask my colleagues: Who is representing the special interests here—the big insurance companies, the abortion industry, the unions, the plaintiffs' attorney? All of those are represented and protected in this so-called health reform legislation that does nothing to help individuals access affordable personal policies for themselves.

When the President was in the Senate, I personally every year proposed major health care reform. I proposed that individuals who do not get their insurance at work at least get to deduct the cost of that insurance from their taxes, as we let businesses do. Barack Obama voted against that, and so did my Democratic colleagues.

I proposed that individuals be allowed to buy health insurance anywhere in the country so that it would be more affordable, more competitive. Barack Obama voted against that, and so did my Democratic colleagues.

Republicans proposed small businesses come together and buy health care less expensively so they could provide health insurance to their employees. Barack Obama voted against that, and so did my Democratic colleagues.

I ask you: Which party is standing for the status quo of trying to keep the same? Because the same health care reform has been proposed in the Senate many times by Republicans. But the truth is, the Democrats do not want individual Americans to have access to affordable health insurance. What they are doing is preventing any reform of health care. The President has made that clear by his own voting record.

As he holds his press conference tonight, I am sure the crowd will be loaded with friendly reporters, but there are a few questions I would like him to answer.

If the major provisions in this health care bill he is promoting do not take effect until 2013, which they don't, why this mad rush to pass a bill that is over 1,000 pages that no one in this chamber can read? Why has the mad rush to pass it before we go home for the August break?

I can answer it for him. Because if Americans find out what is in it, they are not going to support it.

I have a second question: You said your health care bill will cut costs and not increase the deficit. But the independent analysis of the nonpartisan Congressional Budget Office contradicts those claims, saying it will increase costs and raise the deficit by $240 billion. The policy does not support the promise.

A third question: The President has repeatedly said that the health care bill will allow Americans who like their current plans to keep them. But as I said, an independent expert group, the Lewin Group, has analyzed this legislation and concluded that it will force over 80 million Americans to lose the health insurance they have today.

Question No. 4: The President said the other day when he was speaking at Children's Hospital that opponents of the plan are content to perpetuate the status quo. How does that compare
on your record. Mr. President, when you were in the Senate? What health reform did you propose? Why did you vote against every health reform proposal that could have increased access to affordable health insurance for all Americans?

And just a yes-or-no question: Will you guarantee that pro-life Americans under your plan will not be forced to subsidize elective abortions?

I hope the President will answer some of the questions for the American people because I am convinced that if Americans know the truth about this legislation, they will conclude this is not about getting them affordable health insurance or access to quality health care. This is a continuation of this power grab that is going on in Washington.

This spending spree, this proposal for more and more taxes, is a power grab for the government to take over yet another industry, the health care industry.

Health care is the most personal and private service we have for ourselves and our families. Why would we want to turn that over to government to make the decisions for us?

The ACTING PRESIDENT pro tempore. The Senator has used 10 minutes.

Mr. DeMINT. Mr. President, I thank you for your indulgence. I encourage my colleagues to read any bill we vote on before the August break.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I wish to address the Senate as in morning business.

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

Mr. President, I ask unanimous consent that after the Republican have a chance to speak, the next to speak be Senator KAUFMAN.

Mrs. BOXER. Mr. President, we just heard the Senator from South Carolina urging Members to vote against the health care bill. He talks about the truth about the health care bill. We don’t have a health care bill before the Senate because we have two committees that are working on it. One already has a bill, the Senate Health, Education, Labor, and Pensions Committee, which stresses prevention, because we all know that if you look at the major costs to our families, they all encompass—70 percent of them—five major diseases. I think we know what they are. They are heart issues, pulmonary issues, cancer issues, stroke issues. We know what they are. Putting prevention first, which is not something we have ever done, is going to save money, is going to make our people healthier, is going to work. There are many of the biggest bits of the health bill that are very good for our people.

I have to say, when the Senator from South Carolina comes to the floor and starts attacking Democrats, I think people have to understand that very Senator was quoted in the press as saying that essentially we can break Barack Obama if we destroy his push for health care. He said it will be his Waterloo.

I support my colleagues’ right to say what they want. They will be judged by what is in their heart. They will be judged on how they act. But we are here for the American people, not to bring down a President or raise up a President. Our job is to represent the people who sent us here. It is not to break a President. It is not to play politics with one of the most important issues facing our country. And good for this President for having the courage to step forward and point out that the current status quo on health care is disastrous, and, yes, we are going to address it and we are going to make sure that the people in this country, if they like their health care, can keep what they have, keep their insurance. If they don’t, they have a chance to buy into other options. That will be their choice. We will stress prevention now. We will have healthier families.

I want to point out that there has been a recent study that says if we do nothing, if we bring down this opportunity we have to do something to better the health care system in this country, if we turn away from that and do nothing, California and Massachusetts will have to spend 41.2 percent of their income on health insurance. I want you to think about that. And that is not the worst. In Pennsylvania, Senator CASEY told me, it would be over 50 percent of people’s incomes. How are we going to sustain that? Who can sustain spending 40 percent of their income on premiums? Fifty percent? It isn’t going to happen. People will have to walk away. People will get sicker.

We do not want this status quo. That is why I have this chart here that says: No equals the status quo. It is no, no, no. Let’s not do this. No, let’s not help our President. No, let’s not address this issue. Scare tactics, throwing around words, “government-run health care.”

I say to my friend from South Carolina—unfortunately, he is not here—government-run health care, does he want to bring down the veterans health care? He says it. We don’t see a public plan in this health care bill. That is a government-run health care system. Veterans get free health care. Does he want to bring down the health care that our military gets every single day run by this government? Of course not. They are getting the best care in the world on the battlefield, and it is done because taxpayers pay the freight. That is a government-run health care.

Does my friend want to bring down Medicaid that helps the poor people get their health care? Because if that would be tens of thousands of people in his State, including many children. How about SCHIP? That is a government-run health care system that helps our poor kids. Does he want to bring it down? Why doesn’t he try to do that? See where the votes are. And last but not least, Medicare. Medicare is a single-payer system, government run, how other seniors love Medicare. Does my friend want to bring down that government health care system?

This is ridiculous. There is no plan that is moving forward that is a government takeover. Yes, we want veterans health care going and military health care going. Yes, we keep SCHIP for the kids going. Yes, Medicaid. Yes, veterans. But we don’t expand that except to say as we go out to the American people to tell them we are going to save them from enormous premium increases, that there will be an option, a choice they can make to buy into a public plan or a public interest plan. Some say it could be a co-op. We don’t know the details. But to have my friend from South Carolina come to the floor and tell us: Vote no on this health care when we don’t even have a plan before us means he is for the great big red stop sign because no equals the status quo. And no action is in itself a health plan.

Employer-sponsored health care premiums have more than doubled in the last 9 years. Two-thirds of all personal bankruptcies are linked to medical expenses. Let me say that again. Two-thirds of all personal bankruptcies are linked to medical expenses. And how about this: The United States spends more than twice as much on health care per person than most industrial nations, and it ranks last in preventable mortality. It ranks last in preventable mortality, and we spend twice as much as any other nation. Status quo is no. No change.

Is that what we want to see continued—continued increases in premiums for health care, for businesses, for families? We are getting to a point where it is 40, 50 percent of a family’s income? That is not sustainable. Where do they get the money for food, for clothing, for shelter?

The other problem we have is 46 million Americans have no health insurance, including one in five working adults. What does that mean? It means that the people without health insurance are waiting for a crisis to occur. They don’t take any preventive steps. They wait until they have a problem, and the process in an emergency room. It means that we are picking up the bills because when people go to an emergency room and they cannot pay, who is picking up the tab? Those of us who have insurance. That is how it goes.

I am hoping that the American people weigh in on this debate, as they have begun to do. I was told ever since I was a young person that you need to try hard when there is a problem. Try hard. Be constructive. Don’t call other people names. Don’t make them be not the right people. Because it would be tens of thousands of people in his State, including many children.

How about SCHIP? That is a government-run health care system that helps our poor kids. Does he want to bring it down? Why doesn’t he try to do that? See where the votes are. And last but not least, Medicare. Medicare is a single-payer system, government run, how other seniors love Medicare. Does my friend want to bring down that government health care system?
alternative. I have looked at the course of history, and history says to people who do nothing that they haven’t contributed very much. In this case, because the status quo is unsustainable, they are hurting our people. They are hurting our people. More than half of all Americans live with one or more chronic conditions. The cost of caring for an individual with a chronic disease accounts for 75 percent of the amount we spend on health care. I have those five chronic diseases in front of me. They are: cancer, chronic obstructive pulmonary disease, and diabetes. Those five are responsible for more than two-thirds of the deaths in the USA. That is information that is important because, when you look at this, many of these can be prevented and treated in a way so that they do not wind up costing so much and hurting our families.

We have an extraordinary opportunity before us, and I think you are going to see the parties showing who they represent. Do they represent the forces of the status quo that are going to scare people or do they represent the forces of change—positive change? I think history will show that those who step up here and who are constructive are going to be the ones about whom people say: She tried. He tried. He fixed a lot of problems. Not all of them, but they started moving in the right direction.

Our families deserve change here. Our families cannot sit back and absorb the kind of increases in health care premiums they have seen in the past. We know how to fix it. If we work together, we will be able to fix it.

I wish to take a minute to thank the Republicans who are working so constructively with our Democrats. You don’t hear them speaking much on the floor, as you did the Senator from South Carolina, who, as I say, was quoted as saying he wants to change the health care President Obama’s Waterloo. He wants to break him on this. The Republicans whom you do not see on the floor talking like that are the ones who are sitting with the Democrats, working day after day, night after night, to solve this problem.

I hope people will remember, when you hear these scare tactics—government-run health care—that we don’t even have a bill yet, and they are saying it is government-run health care, not one bill that I have seen is government-run health care, not one. But I challenge my friends. If they do not like Medicare—It is government run—why not try to repeal it and see how many senior citizens come to your office. If my Republican friends don’t like government-run health care, take away the health care from the veterans because it is government run. Take away health care from the military. Privatize that. Take away Medicaid. Take away the health care from our kids.

They are not going to do that because they know these programs work. Are they perfect? Of course, they are not perfect. Do we have to continue to make them better? Yes, we do. But we need to come together. We need to find that sweet spot that we look for in legislation. I wish to, again, thank those Republicans who are meeting with the Democrats. Be courageous. Stick with us. Don’t try to bring down this young President. Try to work with him. Don’t threaten that this is going to be a Waterloo. Don’t talk about government-run systems when that is not in the bill. Don’t frighten people. Eighty percent of people, and many of them the day of the day, this is our moment if we work together.

I certainly reach out my hand and compliment those who are willing to work across party lines because we cannot sustain the health care system as it is. We can make it better, we can make it affordable, we can keep choice in there, we can turn to prevention, and that is what I hope we will do. We will work hard, but I think we can do it with the help of some courageous folks on the other side of the aisle.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak as in morning business and ask the Chair to please let me know when I have finished 9 minutes.

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

Mr. ALEXANDER. Mr. President, I was listening to the Senator from California, and with respect to her comments let me state the position of the Republican Senators on health care reform. Our leader, Mitch McConnell, the Senator from Kentucky, stated yesterday to the news media: This isn’t about winning or losing. This is about getting it right. Health care is very personal to every one of us, to every one of our families, and to all the American people. Our goal, on the Republican side, and I am sure for many Democrats as well, is to start with cost and make sure we can say to the American people they can afford their health care policy; and when we have finished fixing health care, they can afford their government. So far, that has not been the case.

We have offered plans which we believe best to give to our constituents. Just to give my own example: Last year, I joined with Senator WYDEN, a Democrat; Senator BENNETT, a Republican, in endorsing their plan. It is not perfect, but it is a very good plan, and it has a completely different approach than the bill that came out of the Senate HELP Committee or that is coming through the House. I believe it is a better approach.

The point is there are 14 Senators on that plan today—4 Democrats and 6 Republicans. Why isn’t it being considered? It doesn’t have a government-run program in it. Why shouldn’t we talk about not having a government-run program? Medicaid, the largest government-run program we have today, is used to cover low-income Americans and forces them to take their health care in a system that 40 percent of America’s doctors won’t serve because, in general, they are paid about half as much for their services as they are if they serve the 177 million of us who have private health insurance.

The Wyden-Bennett bill is constructed along the idea of rearranging the subsidies we already give to the American people, so that it gives it to everyone in a way that will permit them—all the American people—to afford a health insurance plan that is about the same as a plan that congressional employees have. Literally, we would say to low-income Americans: Here, take this money and buy a private insurance plan of your own, like the rest of us do. This is a much better idea than dumping 20 million more people into a failed government program which is not only not serving those low-income people but bankrupting States.

What is wrong with that idea, 14 of us think it ought to be considered? Yet it has not been given the time of day. Senator COUNihan, Senator BURR have proposals that I have endorsed. Senator GREGG has a proposal. Senator HATCH has a proposal. None of them have been given the time of day. We have had very friendly discussions, but they do not qualify as bipartisan discussions. I give the Senate Finance Committee members great credit for trying to work in a bipartisan way, but they are working in a bipartisan way that is still going in the wrong direction, which is expanding an existing government plan that has failed—Medicaid—they are working on creating a new government plan for people who lose their health care under the theories that have been proposed. Don’t think they are not.

I would hope the President would see what is happening and say: Wha, let’s slow down. I have stated what I want. I have put my neck out. I have said to the American people, if they have a health care plan they like, they can keep it. Unfortunately, under the plans we see today, they are going to lose their health care. They have a very good risk of losing their health care and ending up, if they are poor, with their only option being a failed government program that we would join, if we could possibly avoid it.

Why would we stuff 20 million people into a program we don’t want to be in, when we could give them the opportunity to be in a program similar to the one we are in? That is what we should be doing. On the Republican side, we are saying to our Democratic colleagues: We know you have the majority. We know you have the Presidency. But we have some ideas we think the American people would benefit from.

We only have one chance to pass this, to change this big system we have, and
we better make sure we do it right. If you don’t want to take our advice, we would say, respectfully: Why don’t you listen to some others? There is the Mayo Clinic. The Senator from California asked: Why are they talking about government programs? Because the Federal government says you must do X, and the States have to figure out a revenue stream that means they wouldn’t be serving Medicare patients.

So why would we do that? I think we should take our time and get it right. If the Mayo Clinic is saying we are heading in the wrong direction, if the Governors are saying that, if the Congressional Budget Office is saying we are adding to the cost and adding to the debt, wouldn’t the wise thing be to say: Well, maybe they have a point.

Gov. Phil Bredesen of Tennessee, a Democrat from my State, knows a lot about health care—Medicaid—and he says Congress is about to bestow “the mother of all unfunded mandates.” Governor Bredesen, a former health care executive, continued:

Medicaid is a poor vehicle for expanding coverage. It is a 45-year-old system originally designed for poor women and children. It is not health care reform to dump more money into Medicaid.

Bredesen is the Governor of Washington, a Democrat. As a governor, my concern is if we try to cost-shift to the States we’re not going to be in a position to pick up the tab.

Gov. Bill Richardson of New Mexico, a Democrat, said:

I’m personally very concerned about the cost issue, particularly the $1 trillion figures being bandied around.

Gov. Bill Ritter of Colorado, a Democrat.

There’s a concern about whether they have fully figured out a revenue stream that would cover the costs, and that if they don’t have all the dollars accounted for it will fall on the States.

So said Gov. Jim Douglas of Vermont. And Gov. Brian Schweitzer of Montana said:

The governors are concerned about unfunded mandates, another situation where the Federal government says you must do X and you must pay for it. Well, if they want to reform health care, they should figure out what the rules are and how they are going to pay for it.

So instead of standing on the other side and saying the Republicans are saying no, I am saying the Republicans are standing yes. We support the bipartisan Wyden-Bennett bill. We have offered the Burr-Coburn bill. We have offered the Gregg bill. We have the Hatch bill. Take our proposals and consider the ideas because they do not involve government-run programs, they do not dump low-income people into Medicaid, where you would not be able to see a doctor. That is akin to giving someone a bus ticket to a route with no buses.

We are already serving 40 million people, so why should we do it with 80 million people, which is the suggestion we have.

We want to work with the President and with our friends on the Democratic side to come up with health care reform this year. We want to be able to say to the American people: We want a plan you can afford for yourself. And when we’re finished fixing it, we want a government you can afford. If the Mayo Clinic and the Democratic Governors and the Congressional Budget Office are all saying we are headed in the wrong direction, then why don’t we start over and work together and try to get a result we can live with for the next 30 or 40 years?

We can only do this once, and we need to do it right.

I thank the President.

The ACTING PRESIDENT pro tempore. The Senator has used 9 minutes. Mr. DURBIN. Will the Senator yield for a question?

Mr. ALEXANDER. On the Senator’s time, I will be happy to.

Mr. DURBIN. I don’t know that we are in controlled time; are we, Mr. President?

The ACTING PRESIDENT pro tempore. We are not in controlled time, but the next speaker to be recognized, the Senator from Delaware, is in controlled time. Mr. President.

Mr. DURBIN. Will the Senator yield for a question?

The PRESIDING OFFICER. The Senator has used 9 minutes.

Mr. KAUFMAN. Mr. President, I have often spoken about the need to invest in technology and innovation. We cannot put our eggs in this area after leading the world in science research and discovery for half a century. Since I began coming to the floor to talk about great Federal employees, I have honored individuals who have made significant contributions in the areas of engineering, medicine, defense, housing assistance, land conservation, and international aid. The list of fields benefiting from the work of our Federal employees is lengthy.

Another speaks, physics. At a time when our planet faces resource scarcity and higher energy costs, the work of physicists at Federal research institutions remains an important investment in our future security and prosperity.

Dr. Deborah Jin is one of these outstanding Federal employees pioneering advances in the field of physics. She serves as a research team-leader at the JILA—National Institute of Standards and Technology joint institute in Boulder, CO.

Deborah’s team created a new form of matter, a major discovery in the race toward superconductivity. Superconductivity, or using extremely low temperatures to move electrons through a magnetic field, can potentially lead to breakthroughs in energy efficiency and computing. Her work will likely improve the lives of hundreds of millions of people.

This achievement was far from easy. To create a new form of matter, Deborah and her team needed to get particles called fermions to join together in pairs. Unfortunately, fermions have a strong tendency to repel one another.

Deborah discovered that fermions will pair up when exposed to certain gases at more than 450 degrees below zero.

This exciting advance takes us one giant step closer to understanding superconductivity. The uses of this technology could include faster computers and cell phones, smaller microchips and more efficient home appliances. Potentially, superconductivity could enable a ten percent of energy lost in transfer from power plants to homes and businesses.

Deborah and her colleagues exemplify the spirit of ingenuity and determination that has always characterized Americans who do scientific research. They had been racing against six other teams from laboratories around the world, and they were the first to reach this milestone.

It is unlikely that we will be able to appreciate the full extent of this breakthrough for many years, and future generations may not remember those who worked so hard to achieve it.

But, like all of those who work in public service, Deborah knows that she and her team have made a difference—that the impact of their findings will be felt in every subsequent discovery on the path to making superconductors a reality.

I call on my fellow Senators and on all Americans to join me in honoring the service of Dr. Deborah Jin, her colleagues at the joint institute in Boulder, and all Federal employees working on scientific research. They are the unsung heroes of America’s global leadership in science and technology.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I want to speak briefly about a very important amendment, Senate Amendment 1725, which I think will help us restore the franchise, the vote, to our deployed military overseas. This is a bipartisan amendment. The lead sponsors are Senator CHUKCH SCHUMER and Senator BOB BENNETT, the chairman and ranking member of the Rules Committee, but this builds on the work Senator BEGICH and I, Senator CHAMBLISS, and others have put into this effort to address what can only be described as a national disgrace.

Our military service members put their lives on the line to protect our rights and our freedoms. Yet many of them still face substantial roadblocks.
when it comes to something as simple as casting their ballots and participating in our national elections. Sadly, this is not a new problem. President Obama urged Congress to address obstacles to voting faced by troops serving in Korea. Yet, to this day, troops deployed in Afghanistan and Iraq face many of the same problems.

In 2006, less than half of the military voters who requested absentee ballots were successful in casting them, according to the U.S. Election Assistance Commission.

In 2008, those problems continued. More than a quarter of the ballots requested by uniformed and overseas voters were either uncollected or uncounted, according to a recent survey of seven States with high military voting populations.

In a soon to be released study of the 2008 cycle which looked at 20 States with large military populations, the Heritage Foundation has concluded that more than a quarter of our troops and their family members were "disenfranchised by their inability to request an absentee ballot" and that as many as one-third of the ballots that were requested never reached the appropriate election officials to be counted.

Voting has remained a challenge for our troops and their families for many reasons. First, our election laws are complex and multiple levels of government are involved. Election challenges and other unforeseen events can delay the finalization of ballots. The high tempo of military operations often requires frequent deployments for our troops and their families.

Let me describe what this amendment, which I hope we will adopt later today, does.

Our legislation addresses several of the biggest roadblocks our troops and their families face when attempting to vote. This legislation will provide voter assistance services to every service member and family member upon transfer to a new military installation. As part of each installation’s in-processing, every service member will now be offered an opportunity to fill out a simple form the Department of Defense will return to the appropriate election officials. That form will update the address on file with election officials and request absentee ballots for the next election. These voter assistance services will give our military personnel some of the support that civilians now enjoy through motor voter laws.

Second, this legislation reduces the reliance on snail mail for correspondence between troops and their election officials. Under current election laws, many troops must mail a request for an absentee ballot, then wait for the election officials to mail them the blank ballot, and then return the completed ballot in time to be counted. This legislation requires election officials to create electronic blank ballots and to post them online. Election officials must also accept faxes and e-mails to expedite correspondence with our troops.

Together, these reforms will reduce dependence on snail mail until the service member is ready to return the completed ballot.

Third, this legislation will expedite the return of the completed ballot to election officials. Under current law, each servicemember is responsible for making sure his or her ballot is postmarked and returned on time. This legislation requires the Department of Defense to take possession of completed ballots and ensure that they get to election officials on time by using Express Mail, if necessary.

This legislation also requires election officials to give our troops 45 days, at least, to return their ballots.

This important amendment contains many other commonsense reforms suggested by other Senators and will help end the effective disenfranchisement of our troops and their families. Our goal has been to balance responsibilities between elections officials and the Department of Defense, and I believe this amendment accomplishes that goal.

As I said, this amendment would not be in its current form without the leadership of Senator SCHUMER and Senator BENNETT. And I appreciate them working to include two pieces of legislation I introduced earlier this year, something called the Military Voting Protection Act, which, just this weekend was unanimously endorsed by the National Association of Secretaries of State, and a second piece of legislation called the Military Voters’ Equal Access to Registration Act. These two pieces of legislation have received broad bipartisan support from the beginning, including Senators BEGICH, INHOFE, WYDEN, VITTER, and HUTCHISON. We have also worked closely with leaders in the House of Representatives, Representatives KEVIN MCCARTHY and DUNCAN HUNTER.

All of our work was not done in Washington. We relied on support and technical assistance from the Texas Secretary of State’s Office, especially our Director of Elections, Ann McGeehan, dozens of military support organizations, and many other citizens and patriots who want our troops to enjoy their right to vote—that it be protected, particularly for those who defend all of us.

I urge all of our colleagues to support this amendment when it comes to the Senate floor, I hope, later on today, and to give this important amendment our unanimous consent.

I yield.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

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

HEALTH CARE REFORM

Mr. DURBIN. Mr. President, once every 20 years we take up critical issues like health care reform. Many of us believe this particular moment in history is perhaps the only opportunity in our public career to tackle an issue of this magnitude. We know overwhelmingly the people of America want to do this.

Many people like their health insurance policies, particularly if they don’t use them. But most people understand the health care system we have in this country is broken. We have to fix what is wrong, and we have to preserve those things that are good about the current system.

I have heard a lot of speeches from the other side of the aisle about the situation we currently face. The debate that is underway. I think what recently happened in the Senate HELP Committee is a good indicator of a good-faith effort by the Democratic majority and Senator Dodd to try to come up with a bipartisan Republican-Democratic approach.

Over the course of over 60 days of hearings the Senate HELP Committee had filed over 800 amendments, considered over 400 amendments, adopted 160 Republican amendments in the course of 61 hours of straight hearing, and at the end of the day when the rollcall was taken, not a single Republican Senator would support the bill. I think Senator Dodd made a good-faith effort, and I think we should continue to do this.

Now the Finance Committee is taking up the same bill. It will be a lot better bill if it is a bipartisan effort and if compromises are reached, if we take down this road in a good-faith way. But if it becomes a standoff where there are no Republican votes in support of it or where they will not negotiate, where they all vote against it, then I am afraid it will not be in the best interests of what the American people want to see.

Yesterday on the front page of the Washington Post they had headlines about some of the comments being made by some of my colleagues on the other side of the aisle. We should read, “GOP Focuses Effort To Kill Health Bills.” Not to modify, not to improve, but to kill health bills.

From a perspective of Republican leadership, that is what our health care debate is about. Many of them just want to stop health care reform. It has been 15 years since we made our last effort to provide quality, affordable health care coverage to every American. The Republican National Committee chairman, Michael Steele, today suggested that the President should take another 8 to 10 months to formulate a plan.

It has already been 8 months since Barack Obama won the 2008 election on a platform of reforming health care. It has been 6 months since he took office. Yet on the other side of the aisle, their chairmen say let’s wait 8 to 10 months more.

It may fit in perfectly with a strategy to delay this debate as long as possible, but it doesn’t fit in with a strategy of solving the problem. Tonight,
President Obama will be speaking to the American people, answering questions from the press on health care. Tomorrow, in a trip to Cleveland, he will be visiting the Cleveland Clinic and some other facilities to talk about health care reform. We are just a couple of weeks away from an August recess. We will come back in September and by then I hope we can roll up our sleeves and get to work. The American people want us to. They understand the problem.

Health care spending per person has increased rapidly over the past 10 years, rising over 40 percent. The people of the United States spend over $2 trillion on health care each year. That is more than twice as much per person as any other country on Earth, and our health results do not show that money is being well spent.

Many countries, spending a lot less, get better results. We are wasting a lot of money. It is money that is being taken away from profit that could be used for anything. It is money that does not make us feel any healthier. It is just money that we have to pay, many times from paycheck to paycheck. It is a struggle to pay it.

The average annual premium was $5,000. The average annual premium went from $600 a month to over $1,000 a month.

The employer's share rose by 72 percent, and the portion rose by 78 percent. I might tell you in the same period of time, workers' wages were not going up, just the cost of health care. People know this. They sense it is not going up, just the cost of health care.

Clearly, two-thirds of all the personal bankruptcies filed in America, two-thirds of them, are related to medical expenses. Over 46 million Americans have no health insurance, and 14,000 Americans lose their health insurance every year.

If you hear about the 47, 48 million Americans without health insurance, and say: It is a darned shame, but the poor will always be with us, and we cannot solve every problem, Senator, sadly, some of your neighbors, maybe some of the members of your family may find themselves in that predicament soon if we do not address health reform.

Those of us who are lucky enough to have health insurance—for the record. Members of Congress have the same health insurance plan as Federal employees, 8 million of us; Federal employees and their families, Members of Congress and staff, are in the same basic health care plan. There is a lot of bad information out there about our health insurance. It is a good plan, do not get me wrong, but it is the same one Federal employees are entitled to. I think that is a fair way to approach it.

But even those of us paying for health insurance are paying a hidden tax. We pay up to $1,000, $1,100 per year per family to subsidize those who are uninsured, who show up at the hospital and still get treated. They get treated, they cannot pay for it, their expenses are shifted to others who do pay. That includes those of us under health insurance, about $1,100 a year.

At this point, we have 2.3 million more uninsured health insurance every year across America. It is something that should concern us. But let's get down to specifics. Because I think if my friends on the other side of the aisle will join us on this side of the aisle, business leaders and American families, about what they are going through, we would get a better understanding of why this is so important and why we cannot wait 8 months, 10 months, a year or more, we have to move on this and do it decisively.

There is a fellow in my district who lives in Libertyville, IL. His name is Rene Apack. He has been an insurance broker for 11 years. He knows that business. He sells all kinds of insurance. Mr. Apack will sell private health insurance to close friends and family members, but he shies away from it when it comes to the general public because he says it is too complicated to explain, there are too many underwriting tricks and traps in those insurance policies.

Mr. Apack does not want to get into the business of trying to defend those policies to his clients. If his clients are denied coverage for health care based on some fine print they do not understand, he feels bad about it. He feels bad about it. So he discourages the sale of private health insurance to his clients.

Medicare, he said, is the opposite. We have heard people come to the floor day after day on the other side of the aisle criticizing government health insurance. But I have yet to hear the first Republican Senator call for eliminating Medicare. Medicare covers 45 million Americans, seniors and disabled, with affordable health insurance. It is a government-administered program. I have yet to hear the first Republican Senator say we should do away with it.

It is a program which saves a lot of people, some of whom retire before the age of 65 and run into medical problems and pray they can be eligible for Medicare and not lose their life savings. It happened to a member of my family, my brother.

Luckily for him, Medicare kicked in at the right moment, saved his life savings. It might have saved his life. He is 77 now, so for 12 years Medicare has been helping to pay his bills. Mr. Apack says:

My mom, my mother-in-law, my uncle—they have Medicare supplement insurance and everything works like clockwork. I have never had one Medicare supplement claim denied.

It is not just his clients who have problems with health insurance. Mr. Apack has had a high deductible, $7,000 a year is his deductible on his health insurance for his family coverage, himself, his wife, and his 12-year-old son. Last year his wife was told she needed a routine mammogram, basic preventive care. But they did not know how much it would cost. So they did what conscientious consumers would do since they knew they had to pay the first $7,000 deductible before the health insurance paid anything.

They called and they said: Give us a ballpark estimate of how much it will cost for a mammogram. Is it $200 or $2,000? No one would tell them the price.

Mr. Apack, an insurance broker, said: It is like walking into a restaurant and ordering a meal and hoping you can afford it. In the end, Mr. Apack decided it was too risky to go in for this test and not know how much it would cost. She did not do it. That is not a good outcome.

Preventive care could save her life and avoid more serious and expensive medical care. A while back, after his premiums increased 38 percent over 2 years, Mr. Apack reapplied with the same insurer. He wanted to see if he could lower his premiums by switching to a higher deductible. He answered every question on the application form. Remember, this man is an insurance broker.

When he got a letter from his insurer, and the letter asked him: Are you sure about all the answers you gave us? Do you want to stand by all the answers?

Then he got a phone call from the insurance company and the caller asked: Are you sure there is not something you failed to tell us? And he named a date 8 years earlier. The person from the insurance company said: Is it not true that you had a prescription in your name filled that day 8 years ago?

Well, finally he remembered. Mr. Apack remembered he had been in a car accident that day. He was not hurt badly, but he was a little sore. His doctor said: Here is a prescription for pain medication, take it if you need it. He filled the prescription. Eight years later that prescription apparently gave his insurer pause about keeping him as a customer.

We talk about unknown costs in the current system. To think they could go in your past and find a prescription you filled 8 years ago and call you back and say: Are you sure you have not failed to disclose something here? That is what this is, a health insurance system full of tricks and traps. Those on the other side of the aisle who say we do not need to change it, one Senator from South Carolina said let the market work, which means basically hands off. Mr. Steele, who heads the Republican National Committee, said: Let's wait 8 to 10 more months before we get into that.

Do they not understand what families are facing? What an everyday basis? Mr. Apack knows he is probably luckier than some who live around him. One of his neighbors pays $15,000 a year for health coverage for herself,
her husband, and child—more than they pay on their family mortgage.

He met with a client recently, a real estate company with about 50 employees. Last year, the employees all decided to switch to part time so no one would pay insurance. Their incomes are down at least 50 percent from a year ago. Their health insurance premiums went up 5 percent.

In the professional opinion of this Illinois insurance broker, we need a better safety net, one that is affordable, simple, and fair. That is the challenge we face in the Senate. It is a challenge we cannot ignore.

The Finance Committee now is trying to work out a reasonable way to deal with this challenge. We know the providers have to be in on this conversation. If we are spending more than twice as much as any nation on Earth for health care, then we obviously need to ask if there can be savings.

The Health Care reported their earnings, if you followed that in the business pages of the paper, another big recordbreaking profit, far beyond expectations. Health care insurance companies are doing very well.

Pharmaceutical companies historically pay some of the most profitable companies. There are providers in the health care system that are doing extremely well. We need to bring costs down within the system, without compromising quality. That is the challenge we face.

I know they tried in the HELP Committee adopting 161 Republican amendments and could not find a single Republican Senator to support the final bill. Tonight the President is going to renew the challenge, the challenge to all of us not to miss this once-ever-totwo-decades opportunity to deal with health care.

I fear, if we do that, we are going to find ourselves in an unsustainable position. The cost of health care is going to continue to go up at expense levels we cannot handle as a nation. We have to make sure we have basic health care reform and get it right. We have to reduce costs for families, businesses, and the government. We have to protect people’s choice of doctors, hospitals, and insurance plans. If you have an insurance plan you like, you ought to be able to keep it and assure affordable high-quality health care.

We know that sure health insurance companies are not denying coverage for preexisting conditions, health status or medical condition. We have to eliminate the caps on coverage so a very expensive chronic disease does not end up blowing the top off your health insurance policy and going right into your savings account.

We have to put a limit on out-ofpocket expenses. We have to guarantee equal treatment for men and women. Black, white, and brown, young and old, and different geographic locations. Incidentally, I noted the health insurance companies have now said they are going to look into this to make sure they start billing women a little more favorably than they have in the past— I wonder if it has anything to do with our debate—that the basic health insurance plan in America has a kind of coverage and protection that is adequate for every family. We have to bring down costs for families, businesses, and their families.

One of the ways we are going to do that is provide some tax incentives and help for low-and middle-income families. We have to make sure people are paying fair premiums. Finally, we have to make sure we are making all businesses, of the 47 million uninsured, the vast majority of those are people working in small businesses and their families.

Senator Snowe, Senator Lincoln, myself, and others have introduced a bill called the SHOP bill that would give small businesses across America the same basic option Federal employees have in the health benefit program.

That is a way to get small businesses into purchasing pools to lower their costs, to make sure their employees and the small businesses have the same benefits when it comes to health care coverage.

I encourage my colleagues on the other side of the aisle, that we have to get beyond “no.” You have to get to a point where you work with us to try to change the status quo and bring about real health care reform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, it is my understanding we may move ahead shortly with debate and vote on an amendment by Senator BROWNBACK and a side-by-side vote on the same subject with Senator KERRY.

I believe Senator KERRY’s amendment would be first. Hopefully, we can agree with that soon.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we are expecting that unanimous consent agreement can be propounded within the next few minutes and we can continue to press forward.

Mrs. HUTCHISON. Mr. President, I wish to ask the distinguished chairman and ranking member if there is going to be a quorum call. I ask unanimous consent that I speak until the agreement has been reached

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

HEALTH CARE REFORM

Mrs. HUTCHISON. Mr. President, I wish to speak as in morning business on health care. It has been the topic of conversation while the Defense bill has been negotiated behind the scenes. I wished to talk about health care reform because it is the issue of the day. I think America is focusing on this issue now, and I am so glad they are because they must all learn about the proposals that are being made in the House and in the committees on the Senate side, the more concerns are being raised by the American people and by the experts who are studying the proposals.

What I am concerned about is the proposals that have been put forward from the Senate committee, and what is being put forward on the House side. I have proposals that will be the beginning of a government health care system that is modeled after Canada and Great Britain. What we are looking at is more government, more taxes, more expensive health care, and what we see less of is quality health care, less reliance on hospitals and nursing homes, and hospitals and Medicaid; exactly the wrong direction.

We have hospitals all over my home State of Texas that treat indigent patients and patients who cannot pay. Every one of our hospitals, rural and urban, gets extra help from Medicare and Medicaid for doing these services. The problem is that people go into the emergency rooms for primary care, they could get from a doctor in a doctor’s office if they had health care coverage. But they don’t, so they wait until their diseases are much more progressed, and they go to an emergency room. What does that do? It makes the cost of health care higher for everyone. Then the cost of health care has to continue to go up, and it raises premiums for people who have coverage. It costs taxpayers who have to pay for the emergency room care in the form of tax increases.

What we are looking at now is a proposal that will take money out of the hospitals. Every one of the hospitals in Texas will have larger reimbursements from Medicare and Medicaid, every one. That is estimated to cost more taxpayer dollars to cover the people who are going to the emergency room. Rural hospitals, particularly, may have to close their doors. I am hearing from rural hospital administrators that they don’t have the money to absorb these cuts. They have to either cut services, or they can close hospitals—neither of which is an outcome any of us wants to see.

In addition, there are Medicaid requirements for States. Every Governor, Democratic or Republican, is saying: What are you thinking? More Federal mandates that are unfunded? That is why people are so frustrated with the Federal Government right now, more unfunded mandates. The estimate is that it would cost my home State of Texas $3 billion to cover just the Medicaid unfunded mandate that is in the proposed bill making its way through Congress.

There has been an urgency. Many of the people on this floor here, as well as the President, are saying: We have a deadline. We have an August deadline, and we must pass this bill by August.

We are talking about a complete overturning of our health care system, not reform. Reform is what we are all about. We need reform in our health care system. We need lower costs and more people covered. That is not what the bill going through Congress will do.
It is a complete upheaval of the health care system. It will be a single-payer government system that will start encroaching on and displacing the private health care people know and that provides the quality assurance we expect. The new health care system will start being displaced by a big government system that will be cheaper but will also give fewer choices and less service. That is the concern so many people are beginning to have as more and more comes out about this health care plan.

In addition, there is an effort being made to pay for this big government takeover of health care. What are the options on the table? This is what is being proposed: that we will fine employers who do not offer private health care to their employees. That is like saying: OK, if you hire more people and you don’t offer health care, your fines will go up. So that is going to discourage the hiring of people at a time when unemployment is a record high. We should be encouraging people, especially in small business, to hire people. We want to create jobs, not cut them. Instead, we are going to increase taxes on small business. As much as 45 percent is being proposed on small business. That will make small business taxes higher than corporate taxes. Corporate taxes in America are among the highest in the world. Yet we are going to add on top of the 45 percent that the small businesses will pay, 35 percent for corporate. And then you fine the businesses that don’t offer health care.

It is almost as though we are in a self-fulfilling death wish. In the unemployment atmosphere in which we find ourselves, all of a sudden we are going to pass new taxes and new fines on small businesses which are the economic engine of America. It is small business that creates jobs, not big business, not government. Big business does some, but mostly it is small business growing that defines economic vitality. It is certainly not government.

When we get to bigger and bigger government, we are going to find ourselves in a spiral where half the people are working to support the other half of the population. It will go down from there.

It is important to read what the Mayo Clinic said about the House bill. They said:

Although there are some positive provisions in the bill, the proposed legislation misses the opportunity to help create higher quality, more affordable health care for patients. In fact, it will do the opposite.

This is the Mayo Clinic, one of the premier health care providers in the country. In general, the proposals under discussion are not patient-focused or results-oriented. Lawmakers have failed to use a fundamental lever, a change in Medicare payment policy, to help drive necessary improvements in American health care.

The Mayo Clinic goes on:

Unless legislators create payment systems that pay for good patient results at reasonable cost, the promise of transformation in American health care will wither. The real losers will be the citizens of the United States.

Today 40 percent of physicians turn away Medicaid patients because the system is poorly administered and has a weak record of reimbursement. We know that billions of taxpayer dollars are wasted on fraud and abuse in Medicare every year. Are we going to emulate a problem that doctors are walking away from and that is costing billions of wasted dollars to the taxpayers?

This is not responsible governing. We need to talk about why Republicans have come forward and will continue to come forward with alternatives, alternatives that don’t break the backs of taxpayers, that don’t break the backs of small business people, that give the healthy, the system, we may never have come to expect and should. We have alternatives that are responsible. Small business health plans, for one, would be the best approach to this, because more people being covered means lower cost for everyone.

What does every family in this country want? They want a job to support their families, and they want health care coverage for their children. We can give them that by giving affordable opportunities for small businesses to give health care coverage options to their employees. That is what Americans want. They don’t want a big government health care system that is going to rob them of quality and cost them more later.

I appreciate the opportunity to talk today about this important issue and why we must take time to do this right. If we completely overturn our system when the Senate committee voted its bill out taking two Republican amendments out of 45 offered, that is not bipartisanship. That is being polite and saying no. What we want is to have real options that will keep the quality, keep the choices, keep the private sector employment in our system and give families a chance to have good jobs with health care coverage. We can do that, if we will get together on a bipartisan basis and go forward in a positive way.

The bills coming out of the House and Senate right now, with virtually no Republican input, are not right for America. That is why we are saying: Let’s go back to the drawing board. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 1761

Mr. LEVIN. I ask unanimous consent that the pending amendment be set aside so that I may call up an amendment.

The PRESIDING OFFICER. The amendment is as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. KERRY, for himself, Mr. LUGAR, Mr. LEVIN, and Mr. WEBB, proposes an amendment numbered 1761.

The amendment is as follows:

(Purpose: To express the sense of the Senate that the United States should fully enforce existing sanctions, and should explore additional sanctions, with respect to North Korea and to require a review to determine whether North Korea should be re-listed as a state sponsor of terrorism)

At the end of subtitle C of title XII, add the following:

SEC. 1232. SENSE OF THE SENATE ON ENFORCEMENT AND IMPOSITION OF SANCTIONS WITH RESPECT TO NORTH KOREA; REVIEW TO DETERMINE WHETHER NORTH KOREA SHOULD BE RE-LISTED AS A STATE SPONSOR OF TERRORISM.

(a) FINDINGS.—The Senate makes the following findings:


(2) On May 5, 2009, the Government of North Korea conducted a second nuclear test, in disregard of United Nations Security Council Resolution 1718, which was issued in 2006 following the first such test and which requires that North Korea not conduct any further nuclear tests or launches of a ballistic missile.

(3) On April 15, 2009, the Government of North Korea announced it was expelling international inspectors from its Yongbyon nuclear facility and ending its participation in the Six Party Talks for the Denuclearization of the Korean Peninsula.

(4) On May 25, 2009, the Government of North Korea announced its re-enlistment as a nuclear weapon state, in disregard of United Nations Security Council Resolution 1718, which was issued in 2006 following the first such test and which requires that North Korea not conduct any further nuclear tests or launches of a ballistic missile.

(5) The State Department’s 2008 Human Rights Report on North Korea, issued on February 25, 2009, found that human rights conditions inside North Korea remained poor, prison conditions are harsh and life-threatening, and citizens were denied basic freedoms such as freedom of speech, press, assembly, religion, and association.

(6) Pursuant to section 1(b)(2)(E) of the Arms Export Control Act of 1976, 22 U.S.C. 2780a-1(b)(2)(E), President George W. Bush, on February 7, 2007, notified Congress that the United States Government would oppose the extension of any loan or financial or technical assistance to North Korea by any international financial institution and the prohibition on support for the extension of such loans or assistance remained in place.

(7) On June 12, 2009, the United Nations Security Council passed Resolution 1874, condemning North Korea’s nuclear test, imposing a sweeping embargo on trade with North Korea, and requiring member states not to provide financial support or other financial services that could contribute to North Korea’s nuclear, ballistic missile, or missile-related activities or other activities related to weapons of mass destruction.

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5. present any credible evidence of support by the Government of North Korea for acts of terrorism, terrorists, or terrorist organizations;
6. examine what steps the Government of North Korea has taken to fulfill its June 10, 2008, pledge to prevent weapons of mass destruction from falling into the hands of terrorists; and
7. assess the effectiveness of re-listing North Korea as a state sponsor of terrorism as a tool to accomplish the objectives of the United States and to encourage North Korea, including completely eliminating North Korea’s nuclear weapons programs, preventing North Korean proliferation of weapons of mass destruction, and compelling North Korea to abide by international norms with respect to human rights.

(c) Sense of the Senate.—It is the sense of the Senate that—

(1) the United States should—
(A) vigorously enforce United Nations Security Council Resolutions 1718 and 1974 (2009) and other sanctions in place with respect to North Korea under United States law;
(B) urge all member states of the United Nations to fully implement the sanctions imposed by United Nations Security Council Resolutions 1718 and 1744; and
(C) explore the imposition of additional unilateral and multilateral sanctions against North Korea in furtherance of United Nations national security;

(2) the condition that North Korea constitutes a threat to the northeast Asian region and to international peace and security;

(3) if the United States determines that the Government of North Korea has provided assistance to terrorists or engaged in state sponsored acts of terrorism, the Secretary of State should immediately list North Korea as a state sponsor of terrorism; and

(4) if the United States determines that the Government of North Korea has failed to fulfill its June 10, 2008, pledges, the Secretary of State should immediately list North Korea as a state sponsor of terrorism.

(d) State Sponsor of Terrorism Defined.—For purposes of this section, the term ‘state sponsor of terrorism’ means a country that has repeatedly provided support for acts of international terrorism for purposes of

(1) section 8(f) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(f)) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.));
(2) section 40 of the Arms Export Control Act (22 U.S.C. 2780); or
(3) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2151)

Mr. LEVIN. I ask unanimous consent to print an original cosponsor of this amendment. I believe this amendment is a responsible alternative to the amendment offered by Senator BROWNBACK. This amendment appropriately takes note of and condemns North Korea’s recent behavior as a threat to the northeast Asian region and to international peace and security. But I am opposed to the BROWNBACK amendment, which expresses the sense of the Senate that North Korea should immediately be re-listed as a state sponsor of terrorism, the Kerry-Lugar-Levin amendment requires something to happen, not just a sense of the Senate that there might be a re-listing. It mandates a report, a formal report, to be completed within 30 days, examining North Korea’s conduct since it was removed from the terrorism list last June, including the evaluation of any evidence that North Korea has engaged in acts of terrorism or provided support for acts of terrorism or terrorist organizations.

One of the reasons for requiring that is that in the Brownback amendment on page 3, section 9, line 21, it says:

There have been recent credible reports that North Korea has provided support to the terrorist group Hezbollah, including providing ballistic missile components and personnel to train members of Hezbollah . . .

Let me state unequivocally to my colleagues in this Senate: The most recent intelligence assessments of our intelligence community simply do not sustain this charge. In fact, President Bush specifically refuted that charge because it was an old one, and he refuted it last year. It would be the height of irresponsibility for the Senate to pass an amendment based on a finding that is false. It is important to have a report to the Senate that requires us to evaluate, that would have the administration submit to us precisely what the situation is.

The report will also assess the effectiveness of relisting North Korea as a state sponsor of terrorism for achieving our national security objectives; namely, completely halt North Korea’s nuclear weapons programs, preventing North Korean proliferation of weapons of mass destruction, and encouraging North Korea to abide by international norms with respect to human rights.

Our amendment then expresses the sense of the Senate that if the United States finds that North Korea has, in fact—that we would know this within 30 days—that it has engaged in terrorism, then the Secretary of State should immediately relist North Korea as a state sponsor of terrorism.

It also expresses the sense of the Senate that the United States should vigorously enforce unilateral and multilateral sanctions and consider the imposition of additional sanctions if necessary to achieve the policy goals with respect to North Korea.

I believe it is an important, realistic amendment. I think it is tougher because it mandates some things specific, and it rightly condemns North Korea, as we have.
Let me emphasize, the United States, this administration, has fully and rightly condemned North Korea’s launch of ballistic missiles and its test of a nuclear weapon on May 25, 2009. We have led a strong international response to those provocations, and succeeded in gaining unanimous support from the United Nations for U.N. Security Council Resolution 1874, imposing sweeping new sanctions against North Korea. The sanctions mandated under the U.N. Security Council Resolution 1874 include not only a comprehensive arms embargo but also robust new financial sanctions on North Korean trading companies, and visa restrictions on North Korean officials engaged in the proliferation of weapons of mass destruction.

These sanctions have teeth. They are multilateral. And they are having an impact. A North Korean cargo ship suspected of carrying arms to Burma turned around after it was denied bunkering services in Singapore. The Government of Burma joined with us, and the government itself warned that the ship would have to be inspected on arrival in order to ensure that it did not have munitions onboard. The sanctions have had a bite. They are working. As strong as those measures may have been, additional measures may be necessary, and this report will help us to evaluate that. But additional steps, including the relisting of North Korea as a state sponsor of terrorism, ought to be held in abeyance, pending a careful examination of the facts—that is how we ought to do things in the Senate—and an assessment of whether those sanctions are going to advance our interests. That is precisely what the Kerry-Lugar-Levin-Webb amendment mandates, and that is why it is actually a better sanctions policy than the alternative Brownback amendment.

Let me add one last word. We are currently deeply concerned about the fate of a number of journalists who are currently under detention in North Korea. The administration is engaged right now in sensitive discussions with the North Korean Government attempting to secure the immediate release of these two American citizens. For the Senate to suggest—on something we already know is factually incorrect but out of emotion and otherwise—that North Korea ought to be returned to the list of state sponsors of terrorism without evidence as to whether they have, in fact, engaged in acts of terrorism or provided support to terrorist organizations would be irresponsible with respect to those particular efforts and otherwise at this time.

We ought to proceed according to facts. We ought to proceed in ways that best advance the interests of our country.

Mr. President, I reserve the remainder of our time.

Mr. BAYH, who wanted that provision in it.

Mr. President, I ask unanimous consent that the administration now is taking the tack of discussing an additional set of incentives to the North Korean regime to try to get them from proliferating further. This is an interesting, hot-off-the-press article from yesterday: “Obama Administration Preparing Incentives Package for North Korea.”

Mr. President, I ask unanimous consent that the article be printed in the RECORD after my full statement.

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

(See exhibit 1.)

Mr. BROWNBACK. Reading from this article:

The Obama administration is consulting with allies on a new “comprehensive package of incentives”—

Mr. BAYH. I ask unanimous consent that this be in the overall bill.

Mr. BAYH. I ask my colleagues to look at this interesting definition of “international terrorism,” as shown on this chart. This is a definition that is in U.S. statute on international terrorism. It appears to be written for North Korea and North Korea in mind.

It defines the term under (1)(A), and then under (B)—these are in the alternative—(B) “appear to be intended”—the actions of ‘international terrorism’ ‘appear to be intended to intimidate or coerce a civilian population’—that is what North Korea does and Kim Jong Il’s regime does—‘to influence the policy of a government by
intimidation or coercion”—that is the flying of missiles over Japan, that is the intimidation toward South Korea or the United States—to affect the conduct of a government by mass destruction, assassination, or kidnapping”—that is the intimidation toward North Korea of Japanese citizens—to affect the conduct of a government”—clearly trying to affect our conduct—(C) “occur primarily outside the territorial jurisdiction of the United States.” This is what North Korea is doing.

I would further point out to my colleagues that this is a sense of the Senate. As to the Kerry amendment, with all due respect toward Senator Kerry, this is asking the administration to do a productive for us and for the administration to take some steps. Ours is a sense of the Senate as to what the Senate thinks, and it is saying that the Senate believes North Korea should be relisted as a state sponsor of terrorism.

I would ask my colleagues, in a commonsense review of what North Korea has done recently: Don’t you think they qualify or, if they do not, what countries—no, what combinations—they qualify as a state sponsor of terrorism if North Korea does not, with what it has done, what it has done personally, what it has conducted with other countries, with Syria, with Myanmar, with these other rogue groups?

It is a sense of the Senate to state we believe North Korea is a state sponsor of terrorism. It is bipartisan with Senator BAYH and myself. It has a number of cosponsors on it. It actually would be possible if we were to do it in a public way, we believe they are acting like state sponsors of terrorism. I believe it would be actually counterproductive if this body were to say we think it should be studied and a report issued. That is not going to be the sort of strong action that would be understood at all by the government in Pyongyang at this point in time.

With that, I would urge my colleagues to look at the Brownback-Bayh amendment in the context of the very serious grounds—it is a sense of the Senate—and to vote for the amendment.

With that, Mr. President, I yield the floor and reserve the remainder of our time.

EXHIBIT 1
[From FOXNews.com, July 21, 2009]

OBAMA ADMINISTRATION PREPARING INCENTIVES PACKAGE FOR NORTH KOREA

(BY JAMES ROSEN)

BANGKOK.—The Obama administration is consulting with allies on a new “comprehensive package” of incentives aimed at persuading North Korea to abandon its nuclear programs, senior U.S. officials confirmed Tuesday.

The officials, who are traveling with Secretary of State Hillary Clinton in Thailand, told reporters that package is only in its early stages and will not be offered to North Korea unless and until the allies sign off on it. Pyongyang would also have to first take specific, concrete and “irreversible” steps to begin destroying its arsenal of nuclear weapons.

The aides said that the administration needs to see concrete action. Mere assurances from North Korea that it will take action in the future would not be enough to trigger the participation of the incentives package, they said.

The United States, though, has not yet conveyed to the North Koreans what the “irreversible” steps are. Washington continues discussions with its allies in the so-called Six Party Talks.

The aides, who work on North Korea policy for three separate agencies in the U.S. government, portrayed the development of the new package as the second track of a two-track approach.

The first track consists of continued aggressive enforcement, also in conjunction with other nations across the globe, of U.N. Security Council Resolution 1874—which gives U.N. member states increased authority to interdict the flow of weapons and possible nuclear material in and out of North Korea.

The aides made clear they expect the two-track approach to remain in place for the foreseeable future.

“This is going to be a sustained, substantial effort that could go on quite a long time.”

The package of incentives would include elements that are “familiar” from the Six-Party talks, the officials said, as well as new ones and some that differ in their “dimensions.”

The United States, China, South Korea and Russia are the other participants in the long-running—and stalemated—Six-Party Talks aimed at persuading North Korea to abandon its nuclear programs.

The emphasis on consultation with these other countries, officials said, comes from the perception among some of them that the Bush administration did not adequately confer with them prior to the removal of North Korea from Washington’s list of state sponsors of terrorism last year.

“The Japanese do have anxieties about engagement of North Korea,” one official said. The officials also echoed the “growing concerns” about reports of a military relationship between North Korea and Burma that Clinton voiced earlier Tuesday in a news conference with Thailand’s deputy prime minister.

“It would be destabilizing for the region” if such reports were true, Clinton said, adding, “It shouldn’t be a surprise to Burma’s neighbors. And it is something, as a treaty ally of Thailand, that we are taking very seriously.”

Briefing reporters after Clinton’s news conference, the senior officials said their concerns range from suspicions that North Korea is supplying small arms to Burma to reports of possible nuclear collaboration between the two countries.

Pressed on the nuclear question, the officials refused to discuss classified data but noted North Korea’s history of proliferation with Syria. One aide said the possibility of nuclear collaboration between Pyongyang and Burma is “one of those areas that we would like to know more about.”

“To that end, U.S. intelligence agencies are studying recently published photographs purporting to show an elaborate set of underground tunnels that North Korea has built along Burma’s border with Thailand. The officials said they see “some similarities” between the tunnels in photographs and a network of underground tunnels in North Korea, the existence of which the United States learned about in the 1990s.

Both have a network, a repressive military dictatorship whose leaders have renamed the country Myanmar, have been the target of broad sanctions by successive U.S. administrations over the last decade.

Clinton said Tuesday she would like to see Washington develop a “more productive relationships,” Clinton said Tuesday, and that she would like to see the administration begin discussions with the government to release political prisoners and dissidents jailed there.

“We are very much engaged with partners such as Thailand and others in assessing and determining not only what is going inside of Burma but also what we can do effectively to change the direction and behavior of the Burmese leadership,” Clinton said.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I yield myself such time as I will use, and I will be very brief.

The Senator from Kansas just cited the Congressional Research Service report in his statement about Hezbollah. I am reading from a memorandum from the President of the United States. This is the Presidential report, certification, when he lifted the designation of North Korea. And he wrote—this is from the President—

Our review of intelligence community assessments indicates there is no credible or sustained reporting at this time that supports allegations (including as cited in recent reports by the Congressional Research Service) that the DPRK has provided direct or customary support for Hezbollah, Taliban fighters, or the Iranian Revolutionary Guard. Should we obtain credible evidence of current DPRK support for international terrorism at any time in the future, the Secretary could again designate the DPRK a state sponsor of terrorism.

We have not received that evidence. We specifically request it. And contrary to what the Senator just said, this does not delay the report. It says: not later than 30 days after the passage. The report can come next week. The report can come in answer to the Senator’s request. We would ask for that.

Let’s be accurate in this designation. The President of the United States said that no credible evidence to date, and there is none to this date. Our report asks for whether any currently exists. That is the way the Senate ought to behave with respect to serious matters such as this.

Mr. President, I yield the remainder of the time to the distinguished chairman of the committee.

THE PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the language in the Kerry amendment does one other thing relative to this report. It says if the United States determines that the Government of North Korea has indeed engaged in terrorist activities, then the Secretary of State shall immediately list North Korea as a state sponsor of terrorism.” So it requires a report in not more than 30 days. That could come at any time. But it also requires action if the Secretary of State makes the finding.

The last administration, the Bush administration, delisted North Korea. They found there was no credible evidence of state-sponsored terrorism. We are a government of laws. Our laws.
provide for a listing of countries that engage in terrorist activities or support terrorist activities. It does not provide for a listing of countries that, no matter all of the other things they do which are so wrong, so bad, so objectionable to the international community, producing nuclear weapons and other kinds of diplomatic actions against them—regardless of those activities, unless they are a supporter of terrorist acts, our laws do not provide that they be put on the terrorist list. That is what the Bush administration was applying when they delisted North Korea.

North Korea is a country which engages in horrendous activities. That is not the issue. I don’t know of anybody in this Senate who does not believe North Korea engages in repressive, authoritarian activities. I don’t know of anybody in this Senate who does not believe the North Korean leadership is reprehensible in the way it treats its citizens. I’m a governor of a long list of actions on the part of North Korea in terms of its pursuit of ballistic missiles, provocative actions it has taken of the testing of nuclear devices, firing a series of missiles. It has clearly solidified its status as a part of the region and of the international community large.

So the question isn’t whether strong action should be taken. We should take strong action which will be effective against the government—not the people of the government—of North Korea. The Kerry amendment lays out a course of action, exploring additional sanctions so that we can put additional power and leverage against the Government of North Korea, as well as requiring our administration to consider whether the Government of North Korea should be listed again. And if so, if they find that under our law there is reason to put it back on the terrorist list, then they must, under the Kerry amendment, take that step.

What the Brownback amendment avoids doing is what the Brownback amendment does in one part of the Brownback amendment, which is saying that the Government of North Korea should be on a list of terrorist states when the last thing we have heard from an American administration was from the Bush administration taking the North Korean Government off the list because they could not find credible evidence that the government took actions which would require it being placed on the list of terrorist states.

So again, it seems to me that clearly our goals here are similar. I had hoped we might be able to reach a consensus on common language, but so long as this body expresses itself very strongly, as the Kerry and Lugar amendment does, it seems to me we will then have made an important statement to the Government of North Korea and at the same time moving actions which our laws do not provide for.

One of our arguments with North Korea is that they are lawless, they are a totalitarian government. Our government is a government of laws. We have a law that provides for the listing of countries that support terrorist acts. The administration, after a long assessment, concluded there was no credible evidence that North Korea engaged in the activities which required it or appropriately permitted it to be listed on the terrorist state list and therefore removed it from that list. That is the last action by the administration.

By the way, being on that terrorist list did not change the actions or the activities of the Government of North Korea, in any event. I very much support that terrorist list. I very much support it being kept up to date and being used appropriately. But I don’t think we should in any way kid ourselves as to whether being on that list is going to change the activities of North Korea.

We need other countries to support us in putting maximum pressure on North Korea. When we act lawfully, when we put sanctions on North Korea, working with other countries, we are acting lawfully. If they do not abide by our own laws which defines when a country will go on a terrorist list, we are setting the wrong example for the world, and it makes it more difficult for us to obtain the kind of support from other countries which we deserve in going after the abominable activities of the Government of North Korea.

I don’t know whether our side has any time left, but if we do, I reserve the remainder of our time.

Mr. BROWNBACK. Myanmar has not cooperated with anything the United Nations—has directed to date, it. I don’t know why they would cooperate with anything such as that.

Mr. MCCAIN. I thank the Senator. Of course, maybe North Korea, when we look at it with a very fine definition of terrorism—from the recent Washington Post article about 200,000 people in the most horrible prison conditions in the world perhaps would argue that we should do whatever we can—short, obviously, of any military action—to try to see that the North Korean regime acts at least in some civilized fashion.

Mr. BROWNBACK. I think they should.

Mr. President, I would point out, if I could, to my colleagues as well—if I could have the floor.

Mr. BROWNBACK. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I ask unanimous consent to ask several questions of the Senator from Kansas.

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

Mr. MCCAIN. Mr. President, has the Senator from Arizona detected any change in North Korean behavior since the imposition of sanctions by the United Nations?

Mr. BROWNBACK. Yes. They have taken more provocative actions rather than less provocative actions since the imposition of the U.S. sanctions, if not more.

Mr. MCCAIN. Including launching missiles on the Fourth of July.

Mr. BROWNBACK. It is a strange day they would pick, the Fourth of July, but they did.

Mr. MCCAIN. Isn’t it true that there is evidence that North Koreans were involved in the construction of a nuclear facility in Syria which the Israelis felt was enough of a threat to their national security that they destroyed it?

Mr. BROWNBACK. Absolutely, abundant evidence, and it was amazing how quiet the world community was for a while, and then I was saying I guess they didn’t want it known that the North Koreans did build that facility or that it was in Syria.

Mr. MCCAIN. Isn’t it true that there is a published news report that North Korea and Iran have worked together in the development of nuclear weapons and nuclear technology, and if Iran acquires that capability, it certainly ratchets up the tensions between Iran and us. I understand people don’t want to go this far, but this is very frustrating. If you were in one of those situations—and people track what comes out of the Senate, just as in the Soviet gulag they tracked what came out here then—it would be like saying to the people who are not that concerned about you; whereas, if we take strong action such as what I am saying, it does give them hope. That is what I am
Mr. KERRY. Mr. President, I ask for the yeas and nays on amendment No. 1761. The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays are ordered.

Mr. BROWNBACK. Mr. President, I have a parliamentary inquiry, if I could. Have the yeas and nays been ordered on both amendments?

The PRESIDING OFFICER. The yeas and nays have been ordered on amendment No. 1761. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I ask for the yeas and nays on both amendments.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays are ordered on both amendments.

Mr. KERRY. Mr. President, I ask for the yeas and nays on amendment No. 1761. The PRESIDING OFFICER. The question is on agreeing to amendment No. 1761. The clerk will call the roll.

Mr. BROWNBACK. Mr. President, I ask for an "aye" vote on this amendment, and a "no" vote on another amendment. It was critically important during the Soviet gulag days that the people in the gulags knew we cared and that we were focused on them. If we vote to say we are going to issue a report, that is fine. But it doesn't say much to people in a gulag. If we vote to say it is the sense of the Senate that North Korea is a state sponsor of terrorism, it is a strong message. It gives hope to people who don't have hope today.

Who in this body doubts that North Korea is a state sponsor of terrorism? With nuclear weapons, missiles being launched—what a connection with Iran—with all the things taking place today, who can doubt that they are a terrorist country?

I urge my colleagues, even those who supported the Kerry amendment, to also vote for this one to send the message that North Korea is a state sponsor of terrorism and to send a message of hope to those in the North Korean gulags.

I yield back my time.

Mr. KERRY. Mr. President, it would be both inconsistent and inappropriate to vote aye on both amendments for a couple of reasons. First of all, the amendment we just passed with 66 votes mandates that no later than 30 days after this is passed—it could happen next week, in 3 weeks—we are mandating the report from the administration with respect to whether there is evidence at this time of North Korea actually aiding or abetting or being a terrorist state.

The most recent finding of the intelligence community says no. The President of the United States, George Bush, certified to us when he decertified them as a terrorist state that they were not engaged in any activities of aiding and abetting terrorism at that time in the world. There is no evidence within the intelligence community at this moment in time that says so.

The Brownback amendment states that there is. So it is wrong, and it would be inappropriate for the Senate to base designating North Korea as a terrorist state on findings that do not exist, as well as doing so at a time when we are negotiating to get the release of two young journalists. This would be a completely inappropriate measure by the Senate at this time.

The amendment (No. 1761) was agreed to.

The motion to lay on the table was agreed to.

Mr. KERRY. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The amendment (No. 1761) was agreed to.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on amendments. After a vote, the Senator from Kansas, Who yields time?

The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask for an "aye" vote on this amendment and a "no" vote on another amendment. It was critically important during the Soviet gulag days that the people in the gulags knew we cared and that we were focused on them. If we vote to say we are going to issue a report, that is fine. But it doesn't say much to people in a gulag. If we vote to say it is the sense of the Senate that North Korea is a state sponsor of terrorism, it is a strong message. It gives hope to people who don't have hope today.

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I yield back my time.
Mr. LEVIN. Parliamentary inquiry.

Mr. LEVIN. Mr. President, after the conclusion of this vote, is there any pending amendment?

The PRESIDING OFFICER. There will not be.

Mr. LEVIN. Mr. President, to let folks know, I intend to ask for a quorum call immediately following this vote to try to work out an orderly way to proceed on amendments.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

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

The result was announced—yeas 43, nays 54, as follows:

[Rollcall Vote No. 239 Leg.]

**YEAS—43**

Alexander
Barraquio
Bayh
Bennett
Bond
Brownback
Brumsick
Coburn
Coehorn
Collins
Corzine
Crapo
Dodd
Durbin
Feinstein
Begich
Burris
Brown
Boxer
Bennet
Begich
Akaka
Alexander
Baucus
Bayh
Bennett
Bingaman
Boxer
Brown
Burris
Coburn
Cranston
Corker
Cantwell
Cardin
Chambliss
Cochran
Collins
Corzine
Crapo
DeMint
McCain
Mikulski
McConnell
Murkowski
Nelson (NE)
Nelson (FL)
Risch
Roberts
Sessions
Vitter
Voinovich
Wicker
Merkley
Murray
Pryor
Reed
Reid
Schumer
Rockefeller
Sanders
Saxton
Shaheen
Specter
Stabenow
Teeter
UDL (CO)
UDL (NM)
Warner
Webb
Whitehouse
Wyden

**NAYS—54**

Byrd
Kennedy
Mikulski

The amendment (No. 1597) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, I ask unanimous consent that, first, there be a period of morning business of 5 minutes, so Senator BROWN can speak as in morning business. Then we proceed to consideration of the amendment of Senator CARDIN, amendment No. 1763. After the disposition of that amendment, that the Senator KYL amendment, No. 1760, be in order. There may or may not come up second-degree amendment to that of Senator KYL—that it be in order if there is a second-degree amendment. After the disposition of the amendment of Senator KYL and the second-degree amendment thereto, we then proceed—presumably it would be in the morning—to an amendment by Senator LIEBERMAN, No. 1744, with a 1-hour time agreement and a side-by-side amendment or a second-degree amendment of Senator BAYH relative to the amendment of Senator LIEBERMAN, No. 1744, with a 1-hour time agreement and a side-by-side amendment or a second-degree amendment of Senator BAYH relative to the amendment of Senator BAYH relative to the amendment of Senator LIEBERMAN, amendment Nos. 1475 and 1479, and then the other side's amendments.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, reserving the right to object, I move to lay my unanimous consent request for Senator BAYH's amendment, going back and forth.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. McCAIN. Mr. President, reserving the right to object and I will not object, I say in the case of the amendment of Senator CARDIN, there is no objection on this side. We would be glad to agree to a 15-minute time agreement, if that is agreeable.

Mr. LEVIN. I self-evidently might be adopted without a rollcall as well.

Mr. President, let me revise my unanimous consent request for Senator CARDIN's amendment having a 15-minute time agreement, that there not be a time agreement set yet on the Lieberman amendment No. 1744 and the Bayh second-degree amendment or side-by-side amendment to it because apparently we could not get that, for some reason I don't understand or know. I don't understand the reason or the objection.

One other correction. The Cardin amendment is No. 1475, not No. 1763.

Mr. SESSIONS. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. LEVIN. Mr. President, I wonder, I know the bill managers have many challenges, but I wonder if they contemplate that the object, Mr. President.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. LEVIN. I thank the Presiding Officer and thank Senator SESSIONS as well. As I understand it, the amendments Senator SESSIONS was referring to were amendments relating to al-Qaida; am I correct?

Mr. SESSIONS. That is correct.

Mr. LEVIN. I ask unanimous consent that the Senator McCAIN that sense of the Senate definitely needs a vote. It is an important issue.

The other two amendments I have I hope also can be considered. I will be pleased to talk with the Senator and his staff about it.

The PRESIDING OFFICER. Is there an objection to the request? Without objection, it is so ordered.

Mr. LEVIN. I thank the Presiding Officer and thank Senator SESSIONS as well. As I understand it, the amendments Senator SESSIONS was referring to were amendments relating to al-Qaida; am I correct?

Mr. SESSIONS. That is correct.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, the progress of this country does not and has not come easily. Passage of the Civil Rights Act was not easy. Passage of the Voting Rights Act was not easy. Passage of the Social Security Act was not easy. Passage of the Fair Housing Act, that was not easy. Passage of Medicare and Medicaid was not easy.

This year, passage of health care reform will not be easy. Time and time again, decade after decade, special interests, the health care insurance companies, medical interests—have delayed and denied and destroyed meaningful health care reform.

In recent weeks and months, opponents have ramped up their efforts to derail health care reform, saying you have to slow down but, as with other historic legislative victories, we must find a path forward.
Last week, the Senate Health, Education, Labor, and Pensions Committee found a path forward that works for American families and businesses.

The HELP health reform legislation is designed to lower costs, provide more coverage choices, and ensure that Americans have insurance they can count on.

This legislation would give every American access to quality, affordable, and flexible health insurance.

This legislation would reduce costs by decreasing fraud, abuse, and medical errors while promoting best practices and prevention and wellness initiatives.

It would provide insurance security for people who lose their job, their coverage, or maybe their patience with an insurer who has let them down.

And, this legislation gives Americans more health care choices.

The public option in our legislation—the Community Health Insurance Option—a national insurance program modeled after coverage offered to Members of Congress.

A strong public option would ensure Americans in every State have insurance choices they can trust.

It would increase price competition in the health insurance market to drive premiums down.

And a strong public option would set a standard for quality coverage that gives private insurers a benchmark and Americans new options.

Let’s face it. There is nothing like good old fashioned competition to keep insurers honest.

Under our bill, no longer would insurers be able to hide behind preexisting conditions, health history, age, gender, or race to deny coverage and delay care for patients.

Done right, health reform represents a real opportunity to expand access to quality, affordable coverage for all Americans like Robert and Carol of Bryan, OH, in Williams County, northwestern Ohio.

Carol is a social worker who works for a nonprofit drug, alcohol, and mental health agency. Her husband Robert, a self-employed barber, had his first bout with cancer in 2003 and is facing, just days from now, another cancer surgery.

Robert and Carol wrote to me that they depleted their life savings to cover cancer treatments and maintain coverage to monitor cancer remission.

Carol is a member of this Body to let her husband fight for his life, not fight with insurance companies.

Joseph, in Summit County, operates a small land surveying business that is struggling to pay health insurance premiums.

After being diagnosed with multiple sclerosis in 2004, Joseph wrote to me that it is impossible for his business to shop around for more affordable health coverage because of his preexisting condition.

The HELP Committee’s Affordable Health Choices Act represents a victory for the millions of American families and business owners, like Joseph, whose health care costs have soared out of control.

It is a victory for the 46 million uninsured Americans and millions more underinsured, those whose financial security is at risk day in and day out because of health care costs.

And it is a victory for U.S. taxpayers. If we are going to get a grip on health spending, we have got to squeeze out the endless red tape, and costly medical errors.

We have to give private insurers a reason to charge reasonable premiums, not grossly inflated ones.

I am proud that the President is touring the Cleveland Clinic tomorrow. Cutting edge health systems like the Cleveland Clinic University Hospitals, and the Metro Health System in Cleveland, have helped to give Ohio its reputation as a leader in high quality health care.

Our work will not be done until Ohioans like 73-year-old Bert from Allen County can afford the retirement he deserves.

Bert wrote to me that he cannot afford to retire, despite suffering a heart attack last year.

He described how exorbitant prescription drug costs leave the unacceptable choice between his medication or his wife’s medication. But not both.

Bert wrote to me, “Go help us should anything happen to my wife medically. We will, no doubt, lose everything we have worked all of our lives for.”

Our work cannot be done until Bert, Joseph, Robert, and Carol, and every American live in a Nation with an affordable, effective, and inclusive health care system.

Our work will not be done until crucial national priorities are no longer crowded out by health care spending.

Our work will not be done until exploding health care costs no longer cut into family budgets, no longer weigh down businesses, and no longer drain tax dollars from local, State, and Federal budgets.

It will not be easy, but as history demonstrates the important changes rarely are.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the unanimous consent is that there would be 15 minutes on the Cardin amendment, No. 1475. I am wondering if my friend from Arizona might listen to this as well. On Senator Cardin’s amendment, we did not say “equally divided.” We are not sure whether there is opposition to it if there is, we should now say “equally divided.” If not, Senator Cardin only needs about 5 to 10 minutes.

Mr. MCCAIN. I am not sure anyone wants to challenge Senator Cardin’s eloquence.

Mr. LEVIN. In that case, I ask unanimous consent we say “equally divided” in case anyone changes their mind.
the killing of five of our servicemembers when a fellow soldier allegedly opened fire inside a mental health clinic at Camp Liberty in Iraq.

The purpose of this amendment is for the Department of Defense to give us information on the type of medications that are being prescribed so we can get a better handle on whether there is more that we can do in order to protect our young men and women who are serving in Iraq and 17 percent of those who are serving in Afghanistan.

Yesterday, we did something to help in approving the Lieberman amendment. The Lieberman amendment increased our force levels, our authorized force levels. One of the suspected reasons suicides and attempted suicides are increasing is the number of deployments, the length of deployments, and the fact that we do not have enough personnel in order to do the normal military responsibilities so that we have to call personnel to duty to fill the gaps in our young people for renewed deployments.

That will certainly help.

This Congress has passed significant increases in funds for mental health services for personnel that will clearly help. But one thing we should all be concerned about is that there are more and more of our soldiers who are using prescription antidepressant drugs, SSRIs, and we are not clear as to whether they are under appropriate medical supervision. I say that because these SSRIs take several weeks before they reach their full potential as far as blocking depression or dealing with the causes of depression. You may wonder then, if people are increasing that period of time, particularly if they are in the age group of 18 to 24—many are in that age group—they are susceptible to increased thoughts of suicide.

Many of our service people are changing jobs every year, or even more frequently. They may very well be in the theater of battle. They may not be able to get the proper type of supervision. So we are concerned about whether the use of these drugs is being appropriately administered, but we do not have the facts; we do not have the information. We need to get that information.

There have been surveys which have shown that as many as 12 percent of those who are serving in Iraq and 17 percent of those who are serving in Afghanistan are using some form of prescribed antidepressant or sleeping pills in order to deal with their needs. That would equal 20,000 of our service personnel taking medication or antidepressants or sleep medicines. We need to get that information.

My amendment is simple. My amendment says starting in June of 2010 and through 2013, the Department of Defense will make available to Congress the information on the number of personnel receiving these antidepressant drugs. It is done in a generic sense; therefore, there is no individual information about any service personnel. We protect their individual privacy as we have under HIPAA. This is absolutely protected. There is no stigma attached to all at this survey.

I think we have tried to deal with the legitimate concerns that have been raised. I hope my colleagues would agree that this is an important matter that should be included in our DOD authorization. I talked about it yesterday. I am glad now that I had the opportunity to, in fact, offer this amendment.

With that, if there is no one interested in speaking in opposition, I am prepared to yield back my time.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment was agreed to.

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

Mr. MCCAIN. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. KYL. I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1760

Mr. KYL. What I am going to do now is seek to get an amendment which is filed pending. The other side will want to offer a different amendment. I understand there may be an opportunity to debate some of this tonight. Some of the other debate may have to be tomorrow, and that is fine. But at this point, is there an amendment pending?

The PRESIDING OFFICER. There is not an amendment pending.

Mr. KYL. I call up amendment No. 1760 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. KYL), for himself, Mr. MCCONNELL, Mr. MCCAIN, Mr. ENYHOFE, Mr. SESSIONS, Mr. GRAHAM, Mr. VITTER, Mr. DE MINT, Mr. RISCH, Mr. CORNYN, Mr. BARRASSO, Mr. LIEBERMAN, and Mr. WICKER, proposes an amendment numbered 1760.

Mr. KYL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To pursue United States objectives in bilateral arms control with the Russian Federation)

SEC. 1232. LIMITATION ON FUNDING TO IMPLEMENT REDUCTIONS IN THE STRATEGIC NUCLEAR FORCES OF THE UNITED STATES AND ANY TREATY OR OTHER AGREEMENT WITH THE RUSSIAN FEDERATION.

(a) FINDINGS.—Congress makes the following findings:

(1) In the Joint Statement by President Dmitriy Medvedev of the Russian Federation and President Barack Obama of the United States of America after their meeting in London, England on April 1, 2009, the two Presidents agreed ‘‘to pursue new and substantial reductions in our strategic offensive arsenals in a step-by-step process, beginning by replacing the Strategic Arms Reduction Treaty with a new, legally-binding treaty.’’

(2) At that meeting, the two Presidents instructed their negotiators to reach an agreement that ‘‘will mutually enhance the security of the Parties and predictability and stability in strategic offensive forces, and will include effective verification measures drawn from the experience of the Parties in implementing the START Treaty.’’

(3) Subsequently, on April 5, 2009, in a speech in Prague, the Czech Republic, President Obama proclaimed, ‘‘Iran’s nuclear and ballistic missile activity poses a real threat, not just to the United States, but to Iran’s neighbors and our allies. The Czech Republic and Poland have been courageous in agreeing to host a defense against these missiles. As long as the threat from Iran persists, we will go forward with a missile defense system that is cost-effective and proven.’’

President Obama also said, ‘‘As long as these [nuclear] weapons exist, the United States will maintain a safe, secure and effective arsenal to deter any adversary, and that defense will include the Czech Republic. But we will begin the work of reducing our arsenal.’’

(b) LIMITATION.—Funds authorized to be appropriated by this Act or otherwise made available to the Department of Defense for fiscal year 2010 may not be obligated or expended to implement reductions in the strategic nuclear forces of the United States pursuant to any treaty or other agreement entered into between the United States and the Russian Federation on strategic nuclear forces after the date of enactment of this Act unless the President certifies to Congress that:

(1) the treaty or other agreement provides for sufficient mechanisms to verify compliance with the treaty or agreement;

(2) the treaty or other agreement does not place limitations on the ballistic missile defenses of any nation, including advanced conventional weapons of the United States; and

(3) the fiscal year 2011 budget request for programs of the Department of Energy’s National Nuclear Security Administration will be sufficiently funded—

(A) to maintain the reliability, safety, and security of the remaining strategic nuclear forces of the United States; and

(B) to modernize and refurbish the nuclear weapons complex.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the strategies of strategic and nonstrategic nuclear forces of the United States and the Russian Federation.

(d) DEFINITIONS.—In this section—

(1) ADVANCED CONVENTIONAL WEAPONS.—The term ‘‘advanced conventional weapons’’ means any advanced weapons system that has been specifically designed not to carry a nuclear payload.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘‘appropriate congressional committees’’ means the following committees:

(A) The Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives;

(B) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.
Mr. KYL. If there are others who wish the floor, I would be happy to accommodate their wishes so that I can come back tomorrow and discuss it further.

This is identical to an amendment that was unanimously adopted by the House in 2008. What it provides is basically the Bush administration version of the Defense Authorization bill. So I would hope that on both sides of the aisle this should not be particularly controversial.

It has to do with the START negotiations, the negotiation the administration is engaged in with the Russians right now on the number of warheads and delivery vehicles that both Russia and the United States will field in the next many years. Whatever those numbers are, whatever the agreement is, that treaty will be presented to the Senate later this year. Presumably we will act on it either late this year or early next year.

All this amendment does is say that during the 7 years when the START Treaty is implemented, the United States needs to do certain things. We want to make sure the treaty is verifiable. That is something we all agree with. We need to ensure that our missile defenses are protected; that our command and control is protected, that is, our submarines and bombers that deliver conventional weapons, for example, and, very importantly, we want to make sure the modernization program for our nuclear warheads and the weapons themselves, the modernization program that was recommended by the bipartisan Perry-Schlesinger Commission begins to be implemented.

In fact, this amendment does not identify exactly what that program is. It does not say it has to be a particular amount of money or describe the details of it. But it does say we need to get a modernization program underway.

The point of this is to simply acknowledge the obvious; which is, as we begin to reduce the number of warheads and delivery vehicles in our strategic nuclear deterrent, we need to make more and more sure what we have works and works well.

It is an aging stockpile. The Perry-Schlesinger Commission noted that there is a lot of work that needs to be done to bring these weapons up to modern conditions to maintain them appropriate for complex and the weapons liable. The work that has to be done on that is going to take some time and cost some money.

So it makes sense to put Congress on record with the administration as insisting that we begin this process right away. The amendment does not say this, but my strong recommendation to the administration is, since they are going to begin putting the budget for fiscal year 2011 together starting in another month or two, that they need to be working what they would recommend for 2011 are for the modernization of our nuclear complex and stockpile.

So what this amendment would do is to say, as the START Treaty is implemented, whatever that treaty is, it does not bind the administration in terms of what it negotiates, whatever it is, that that money cannot be spent on that until these other conditions are met as well.

I hope that since this received a unanimous endorsement in the House, it would not be particularly controversial on this side. I would just reiterate one final time, this does not bind our negotiators as it does not tell the negotiators what they can and cannot negotiate with the Russians.

What it says is, once they have negotiated whatever they have, then we need to start a process of modernizing our nuclear weapons program and stockpile. I think that is something, since it was the unanimous recommendation of the Perry-Schlesinger Commission, that we ought to be able to agree upon.

I yield the floor.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, under the existing unanimous consent agreement, the Lieberman amendment that would be in order after the disposition of the Kyl amendment was listed as being amendment 1744. The correct number is 1627. I ask unanimous consent that the consent agreement be so modified.

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

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SESSIONS. Mr. President, I rise to make a few remarks in support of the Kyl amendment. This amendment relates to the possible follow-on agreement to the 1991 Strategic Arms Reduction Treaty, so-called START. The Joint Understanding issued at the recent Moscow summit suggests the United States and Russian Federation are well on their way toward completing a new agreement, perhaps even before the end of this year. Rather than wait until the agreement is signed and submitted to the Senate for the Senate’s consent, this amendment provides for the Senate to give its advice before the treaty’s provisions are agreed to. It reflects this Senator’s desire to see a follow-on treaty that does not weaken our nuclear deterrent or place in doubt our nuclear guarantee to our allies and partners who depend on it.

It also reflects a caveat that any future agreement should not limit U.S. missile defense capabilities or U.S. capabilities for long-range conventional strike. Finally, this amendment makes clear that any reductions in our nuclear stockpile should be supported by long-range plans to modernize our aging nuclear deterrents and supporting infrastructure. This is important. We have had testimony in the Armed Services Committee on a number of occasions from our top military commanders who deal with this issue. They say continued reductions of nuclear weapons must be accompanied by a modernization of the limited number we have left. When we do that, we can make them safer and far more difficult for anyone who were to nefariously obtain them to utilize and protect them and make them more reliable.

Most, if not all, would agree that it is important to ensure that the verification and monitoring provisions of the START Treaty of 1991 not be allowed to lapse come December 6. There are a number of ways to handle this, either by extending the current agreement or drafting a new agreement dealing specifically with these matters, the United States and Russia have chosen the more ambitious one of making further reductions in the current nuclear stockpiles which are today at the lowest levels since the Cold War. We have about 2,200 warheads today. We had 6,000 not too many years ago. We have reduced those numbers. I support that.

The rush to complete an agreement before START expires in December has led the United States to agree to provisions in the Joint Understanding that potentially may not be in our best interest. It is not a critical thing that we reach a firm agreement by the end of December. We should not allow the Russians to put us in a position where we are so desperate to reach an agreement by the end of the year that we would reach a bad agreement. At the very least, it can be said that these matters have not sufficiently been analyzed to know whether they are in our interest.

Secondly, with respect to the central limits to be enshrined in a new agreement, the two sides agreed to warhead limits of between 1,500 and 1,675 warheads, and limits on the number of strategic nuclear delivery vehicles to somewhere between 500 and 1,100. That is a wide range. That number is to be negotiated by the parties. The Senate has yet to see the analytical basis for the levels agreed to in the Joint Understanding which means we are not off to a good start in the advice and consent process.

Today the United States deploys approximately 2,200 operational nuclear warheads on some 900 delivery vehicles.
These are our ICBM missiles, our SLBMs, and bombers. Whether it is prudent to go below these numbers depends on some important considerations. To take that down to 500 would be a dramatic reduction of our delivery systems. Whether it is prudent to go below these numbers that we currently depend on some important considerations, not the least of which is the impact on the size and shape of the U.S. nuclear TRIAD, the ICBMs, the submarine-launched missiles, and our bomber fleet; our ability to extend credible nuclear guarantees to our allies; and whether lower levels provide an incentive to other nuclear powers to build up their forces so they can be a peer competitor with the United States and Russia.

I will have more to say on this in the future. Suffice it to say that I have yet to hear a convincing strategic rationale that would justify going this low. Indeed, I believe the burden of proof will be on those who think it is necessary to continue to reduce U.S. nuclear force levels that are today but a fraction of what they used to be. My major concern, however, is language in the Joint Understanding which seems to suggest two sides may establish limitations on U.S. missile defense and long-range conventional strategic strike capabilities. In other words, an agreement could well involve a limitation, either in part of the treaty or a corollary agreement, to limit our national missile defense capabilities. That is a dangerous and unwise linkage. For example, the Joint Understanding states there will be a provision “on the interrelationship of strategic offensive and strategic defensive arms.” I find this troubling because we have made it clear to the Russians that our missile defense capabilities are not directed at, nor are they capable of being an effective defense against, massive Russian capabilities. We only have a plan to put in 44 missiles in the United States and 10 in Europe. That is a fraction of the capacity that the Russians have today. Instead we build missile defenses to address a threat to the United States and its allies posed by rogue nations such as North Korea and Iran. That is what 40 missiles in Alaska and California can do. That is what 10 in Europe could do. It can’t defend against Russian delivery systems. It has no capability of doing against massive Russian delivery systems. It has no capability of doing against massive Russian delivery systems. We only have made it clear to the Russians that our missile defense capabilities are not directed at, nor are they capable of being an effective defense against, massive Russian capabilities.

Conventionally armed long-range strike systems, also known as “prompt global strike,” are consistent with a move by both countries to place less reliance on nuclear weapons for deterrence. Prompt global strike would allow the United States to launch a missile without a nuclear weapon that could take out a dangerous threat anywhere in the world in a very prompt fashion. We have debated that over the years in the Senate.

Finally, the amendment by Senator Kyl would send a strong message to the administration that a START follow-on agreement dead on arrival in the Senate. I do not believe the Senate would pass such an agreement. The Joint Understanding also contains—between the Obama administration and Russia—a provision addressing the impact on strategic stability of strategic missiles in a nonnuclear configuration. This apparently is an attempt by Russia to constrain the ability of the United States to field long-range strategic systems with conventional warheads, nonnuclear warheads.

I wish to say what is obvious to all of us who have been here a long time. Senator Kyl is a real patriot who has maintained a deep interest in these issues throughout his career. This is a well-thought-out, well-conceived amendment. I think it is wise for our Senate to pass. I believe we will. I think if my colleagues will find the time to review it and think it through, they will be convinced this is a wise step for us to take at this time so we don’t end up with misunderstanding later on when a treaty plops down in the Senate that has a lot of problems for a host of Senators.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVINE. Mr. President, I ask unanimous consent that the order for the quorum call be suspended.

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

AMENDMENTS NOS. 1472, 1518, 1565, 1471, 1512, 1473, 1561, 1530, 1566, 1555, 1488, 1476, 1500, 1536, 1534, 1492, 1499, 1569, 1506, 1519, 1604, 1560, 1504, 1584, 1576, AND 1677

Mr. LEVINE. Mr. President, I send a series of 30 amendments to the desk, which have been cleared by myself and Senator MCCAIN, and I ask for their immediate consideration.

The PRESIDING OFFICER (Mr. BEGICH). Is there objection?

Without objection, the amendments will be considered en bloc.

Mr. LEVINE. Mr. President, the amendments, I understand, have been cleared by the Republican side.

The PRESIDING OFFICER. Is there further debate?

Mr. LEVINE. Mr. President, I now ask unanimous consent that the amendments be agreed to en bloc and that the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1472

(Purpose: To modify the reporting requirement for the defense nanotechnology research and development program)

At the end of subtitle D of title II, add the following:

SEC. 252. MODIFICATION OF REPORTING REQUIREMENT FOR DEFENSE NANO-TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

Section 246 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 10 U.S.C. 2358 note) is amended by striking subsection (e) and inserting the following new subsection (e):

“(e) Reporting.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the National Science and Technology Council information on the program that covers the information described in paragraphs (1) through (5) of section 2(d) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7471) to be included in the annual report submitted by the Council under that section.”
(Purpose: To require the Secretary of the Army to expand the First Sergeants Barracks Initiative (FSBI) throughout the Army in order to improve the quality of life and living environments for single soldiers)

On page 565, after line 20, add the following:

**Subtitle D—Other Matters**

**SEC. 2841. EXPANSION OF FIRST SERGEANTS BARRACKS INITIATIVE.**

(a) **EXPANSION OF INITIATIVE.**—Not later than September 30, 2011, the Secretary of the Army shall expand the First Sergeants Barracks Initiative (FSBI) to include all Army installations in order to improve the quality of life and living environments for single soldiers.

(b) **PROGRESS REPORTS.**—Not later than February 15, 2010, and February 15, 2011, the Secretary of the Army shall submit to Congress a report describing the progress made in expanding the First Sergeants Barracks Initiative to all Army installations, including whether the Secretary anticipates meeting the deadline established by subsection (a).

**AMENDMENT NO. 1569**

(Purpose: To require a plan to manage vegetative encroachment at training ranges)

On page 92, between lines 18 and 19, insert the following:

**SEC. 342. PLAN FOR MANAGING VEGETATIVE ENCROACHMENT AT TRAINING RANGES.**


(1) by striking “(5) At the same time” and inserting “(5)(A) At the same time”; and

(2) by adding at the end the following new subparagraph:

“(B) Beginning with the report submitted to Congress at the same time as the President submits the budget for fiscal year 2011, the report required under this subsection shall include the following:

“(i) An assessment of the extent to which vegetation and overgrowth limits the use of military lands available for training of the Armed Forces in the United States and overseas.

“(ii) Identification of the particular installations and training areas at which vegetation and overgrowth negatively impact the use of training space.

“(iii)(D) As part of the first such report submitted, a plan to address training constraints caused by vegetation and overgrowth.

“(ii) As part of each subsequent report, any necessary updates to such plan.”.

**AMENDMENT NO. 1583**

(Purpose: To authorize the Secretary of the Army to construct a previously authorized Armed Forces Reserve Center in vicinity of specified location at Pease Air National Guard Base, New Hampshire)

On page 553, between lines 15 and 16, insert the following:

**SEC. 2707. AUTHORITY TO CONSTRUCT PREVIOUSLY AUTHORIZED ARMED FORCES RESERVE CENTER IN VICINITY OF SPECIFIED LOCATION AT PEASE AIR NATIONAL GUARD BASE, NEW HAMPSHIRE.**

The Secretary of the Army may use funds appropriated pursuant to the authorization of appropriations in section 2707 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-181; 122 Stat. 4715) for the purpose of constructing an Armed Forces Reserve Center at Pease Air National Guard Base, New Hampshire, to construct instead an Armed Forces Reserve Center in the vicinity of Pease Air National Guard Base at a location determined by the Secretary to be in the best interest of national security and in the public interest.

**AMENDMENT NO. 1775**

(Purpose: To require the Secretary of the Army to expand the First Sergeants Barracks Initiative in Camp Joseph T. Robinson)

At the appropriate place, insert the following:

**SEC. 342. RELEASE OF REVISIONARY INTEREST.**

The United States releases to the State of Arkansas the reversionary interest described in the act entitled “An Act authorizing the transfer of part of Camp Joseph T. Robinson to the State of Arkansas,” approved June 30, 1950 (64 Stat. 311, chapter 289), in and to the surface estate of the land constituting Camp Joseph T. Robinson, Arkansas, which is comprised of 40.515 acres of land to be acquired by the United States from the City of North Little Rock, Arkansas, and lies in sections 6, 8, and 9 of township 2 North, Range 12 West, Pulaski County, Arkansas.

**AMENDMENT NO. 1312**

(Purpose: To require additional disclosure of poor performance in the contractor performance database)

On page 259, between lines 12 and 13, insert the following:

**SEC. 824. MODIFICATIONS TO DATABASE FOR FEDERAL AGENCY CONTRACT AND GENERIC OFFICERS AND SUSPENSION AND DEARMAMENT OFFICIALS.**

Subsection (c) of section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-147; 122 Stat. 4556) is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (5) the following new paragraphs:

“(6) Each audit report that, as determined by an Inspector General or the head of an agency responsible for the contract action, contains significant adverse information about a contractor that should be included in the database.

“(7) Each contract action that, as determined by the head of the contracting activity responsible for the contract action, reflects information about contractor performance or integrity that should be included in the database.”.

**AMENDMENT NO. 1473**

(Purpose: To modify the provision requiring the inclusion of pension obligations for certain Department of Energy facilities in the budget request of the President to include pension obligations for all Department of Energy facilities)

On page 590, lines 7 through 9, strike “for the National Nuclear Security Administration or for defense environmental cleanup”.

**AMENDMENT NO. 1561**

(Purpose: To authorize the expansion of the Ombudsman under the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.))

On page 535, lines 7 through 9, strike “for the Ombudsman under the Energy Employees Compensation Program Act of 2000”.

**AMENDMENT NO. 1558**

(Purpose: To modify the provision requiring the inclusion of pension obligations for certain Department of Energy facilities in the budget request of the President to include pension obligations for all Department of Energy facilities)

On page 590, lines 7 through 9, strike “for the National Nuclear Security Administration or for defense environmental cleanup”.

**AMENDMENT NO. 1562**

(Purpose: To require the Secretary of the Army to expand the First Sergeants Barracks Initiative to all Army installations, including whether the Secretary anticipates meeting the deadline established by subsection (a).)

**AMENDMENT NO. 1572**

(Purpose: To require the Secretary of the Army to release the First Sergeants Barracks Initiative in Camp Joseph T. Robinson)

At the appropriate place, insert the following:

**SEC. 284. EXPANSION OF AUTHORITY OF OMBUDSMAN FOR OCCUPATIONAL SAFETY AND HEALTH OMBUDSMAN.**—In carrying out the duties of the Ombudsman under this section, the Ombudsman shall work with the individual employed by the National Institute for Occupational Safety and Health to serve as an ombudsman to individuals making claims under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by subsection (a) of this section, nothing in the amendments made by such subsection (a) shall be construed to alter or affect the duties and functions of the individual employed by the National Institute for Occupational Safety and Health to serve as an ombudsman to individuals making claims under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384I et seq.).

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the re-determination of the eligibility of permanently incapacitated dependents of retired and deceased members of the Armed Forces for benefits provided under laws administered by the Secretary of Defense.

At the end of subtitle G of title X, add the following:

**SEC. 1073. REPORT ON RE-DETERMINATION PROCESS FOR PERMANENTLY INCAPACITATED DEPENDENTS OF RETIRED AND DECEASED MEMBERS OF THE ARMED FORCES.**

(A) The rationale for requiring a quadrennial recertification of financial support after issuance of a permanent identification card to a permanently incapacitated dependent.

(B) The administrative and other burdens and other obstacles that hinder the quadrennial recertification process.

(C) The extent to which the quadrennial recertification undermines the utility of issuing a permanent identification card.

(D) The extent of the consequences entailed in eliminating the requirement for quadrennial recertification.

(2) **Specific recommendations for the following:**

(A) Improving the efficiency of the recertification process.

(B) Minimizing the burden of such process on the sponsors of such dependents.

(C) Eliminating the requirement for quadrennial recertification.
SEC. 537. AUTHORITY TO EXTEND ELIGIBILITY FOR ENROLLMENT IN DEPARTMENT OF DEFENSE ELEMENTARY AND SECONDARY SCHOOLS TO CERTAIN ADDITIONAL CATEGORIES OF DEPENDENTS.

Section 2264 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(1) Tuition-Free Enrollment of Dependents of Foreign Military Personnel Receiving Dependent Elementary and Secondary School Education.

(A) IN GENERAL.—The Secretary of Defense shall prescribe regulations establishing procedures for the inclusion of the children of members of the Armed Forces, and the dependents of deceased members of the Armed Forces as defined in section 2001 of title 10, United States Code, in the Department of Defense Elementary and Secondary Schools and the Scholorship Program specified in subsection (a), as determined by the Secretary.

(B) INCLUSION.—The Secretary of Defense shall ensure that, as determined by the Secretary, the children of members of the Armed Forces and the dependents of deceased members of the Armed Forces are included in the Department of Defense Elementary and Secondary Schools and the Scholorship Program specified in subsection (a) in a manner that is consistent with the objectives of the Department of Defense Elementary and Secondary Schools and the Scholorship Program.

SEC. 538. COMPTROLLER GENERAL AUDIT OF ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES.

(A) IN GENERAL.—The Comptroller General of the United States shall conduct an audit of the utilization by local educational agencies of the assistance specified in this subsection for the education of dependent children of members of the Armed Forces.

(B) AUDIT SPECIFIED.—The audit specified in this subsection is—

(1) an audit of the utilization of such assistance by such agencies; and

(2) an assessment of the effectiveness of such assistance in improving the quality of education provided to dependent children of members of the Armed Forces.

SEC. 539. AUTHORITY TO REQUIRE THE COMPTROLLER GENERAL TO PROVIDE AN AUDIT OF THE USE OF ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES.

(A) IN GENERAL.—The Secretary of Defense shall require the Comptroller General of the United States to conduct an audit of the use of assistance to local educational agencies for the education of dependent children of members of the Armed Forces.

(B) AUDIT SPECIFIED.—The audit specified in this subsection is—

(1) an audit of the utilization of such assistance by such agencies; and

(2) an assessment of the effectiveness of such assistance in improving the quality of education provided to dependent children of members of the Armed Forces.

SEC. 540. CONVEYANCE BY SECRETARY OF SELECTED MILITARY INSTALLATIONS TO CERTAIN NATIONAL DEFENSE AGENCIES.

(A) IN GENERAL.—The Secretary of Defense shall convey to the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force such military installations as the Secretary determines to be in excess of the needs of the military.

(B) INCLUSION.—The conveyance shall be to the extent that the installations are not required for the defense of the United States and shall be conducted in consultation with the Committees on Armed Services of the House of Representatives and the Senate.

AMENDMENT NO. 1555

(Purpose: To permit the extension of eligibility for enrollment in Department of Defense elementary and secondary schools to certain additional categories of dependents)

SEC. 23. CONVEYANCE TO INDIAN TRIBES OF CERTAIN HOUSING UNITS.

(A) DEFINITIONS.—In this section:

(1) EXECUTIVE DIRECTOR.—The term ‘‘Executive Director’’ means the Executive Director of the National Indian Housing Authority.

(2) INDIAN TRIBE.—The term ‘‘Indian tribe’’ means any Indian tribe included on the list published by the Secretary of the Interior under section 104 of the Indian Tribal Land Act of 1994 (25 U.S.C. 479a–1).

(B) REQUESTS FOR CONVEYANCE.—

(1) IN GENERAL.—The Executive Director shall, upon submission of a request by an Indian tribe for conveyance of any relocatable military housing unit located at Grand Forks Air Force Base, Minot Air Force Base, Malmstrom Air Force Base, Ellsworth Air Force Base, or Mountain Home Air Force Base.

(C) CONVEYANCE BY SECRETARY.—Notwithstanding any other provision of law, on receipt of a request under subsection (b)(1), the Secretary may convey to the Indian tribe that is the subject of the request, at no cost to the Department of Defense and without consideration, any relocatable military housing unit located in the State of Idaho, Nevada, North Dakota, Oregon, South Dakota, Montana, or Minnesota, for conveyance of any relocatable military housing unit located at Grand Forks Air Force Base, Minot Air Force Base, Malmstrom Air Force Base, Ellsworth Air Force Base, or Mountain Home Air Force Base.

SEC. 2005. TECHNICAL CORRECTIONS REGARDING CERTAIN MILITARY CONSTRUCTION PROJECTS, NEW MEXICO.

Notwithstanding the table in section 4501, the amounts available for the following projects at the following installations shall be as follows:

SEC. 537. AUTHORITY TO EXTEND ELIGIBILITY FOR ENROLLMENT IN DEPARTMENT OF DEFENSE ELEMENTARY AND SECONDARY SCHOOLS TO CERTAIN ADDITIONAL CATEGORIES OF DEPENDENTS.

Section 2264 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(1) Tuition-Free Enrollment of Dependents of Foreign Military Personnel Receiving Dependent Elementary and Secondary School Education.

(A) IN GENERAL.—The Secretary of Defense shall prescribe regulations establishing procedures for the inclusion of the children of members of the Armed Forces, and the dependents of deceased members of the Armed Forces as defined in section 2001 of title 10, United States Code, in the Department of Defense Elementary and Secondary Schools and the Scholorship Program specified in subsection (a), as determined by the Secretary.

(B) INCLUSION.—The Secretary of Defense shall ensure that, as determined by the Secretary, the children of members of the Armed Forces and the dependents of deceased members of the Armed Forces are included in the Department of Defense Elementary and Secondary Schools and the Scholorship Program specified in subsection (a) in a manner that is consistent with the objectives of the Department of Defense Elementary and Secondary Schools and the Scholorship Program.

SEC. 538. COMPTROLLER GENERAL AUDIT OF ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES.

(A) IN GENERAL.—The Comptroller General of the United States shall conduct an audit of the utilization by local educational agencies of the assistance specified in this subsection for the education of dependent children of members of the Armed Forces.

(B) AUDIT SPECIFIED.—The audit specified in this subsection is—

(1) an audit of the utilization of such assistance by such agencies; and

(2) an assessment of the effectiveness of such assistance in improving the quality of education provided to dependent children of members of the Armed Forces.

SEC. 539. AUTHORITY TO REQUIRE THE COMPTROLLER GENERAL TO PROVIDE AN AUDIT OF THE USE OF ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES.

(A) IN GENERAL.—The Secretary of Defense shall require the Comptroller General of the United States to conduct an audit of the use of assistance to local educational agencies for the education of dependent children of members of the Armed Forces.

(B) AUDIT SPECIFIED.—The audit specified in this subsection is—

(1) an audit of the utilization of such assistance by such agencies; and

(2) an assessment of the effectiveness of such assistance in improving the quality of education provided to dependent children of members of the Armed Forces.

SEC. 540. CONVEYANCE BY SECRETARY OF SELECTED MILITARY INSTALLATIONS TO CERTAIN NATIONAL DEFENSE AGENCIES.

(A) IN GENERAL.—The Secretary of Defense shall convey to the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force such military installations as the Secretary determines to be in excess of the needs of the military.

(B) INCLUSION.—The conveyance shall be to the extent that the installations are not required for the defense of the United States and shall be conducted in consultation with the Committees on Armed Services of the House of Representatives and the Senate.

AMENDMENT NO. 1555

(Purpose: To permit the extension of eligibility for enrollment in Department of Defense elementary and secondary schools to certain additional categories of dependents)

SEC. 23. CONVEYANCE TO INDIAN TRIBES OF CERTAIN HOUSING UNITS.

(A) DEFINITIONS.—In this section:

(1) EXECUTIVE DIRECTOR.—The term ‘‘Executive Director’’ means the Executive Director of the National Indian Housing Authority.

(2) INDIAN TRIBE.—The term ‘‘Indian tribe’’ means any Indian tribe included on the list published by the Secretary of the Interior under section 104 of the Indian Tribal Land Act of 1994 (25 U.S.C. 479a–1).

(B) REQUESTS FOR CONVEYANCE.—

(1) IN GENERAL.—The Executive Director shall, upon submission of a request by an Indian tribe for conveyance of any relocatable military housing unit located at Grand Forks Air Force Base, Minot Air
### Special Operations Command

<table>
<thead>
<tr>
<th>State</th>
<th>Installation</th>
<th>Project Title</th>
<th>Senate Authorized Amount</th>
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<tr>
<td>New Mexico</td>
<td>Holloman Air Force Base</td>
<td>Fire-Crash Rescue Station</td>
<td>$0</td>
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</table>

**AMENDMENT NO. 1536**

(Purpose: To include analysis of military whistleblower reprisal appeals in the assessment by the Comptroller General of the United States of military whistleblower protections)

On page 428, between lines 21 and 22, insert the following:

(3) A sample of military whistleblower reprisal appeals (as selected by the Comptroller General for the purposes of this section) heard by the Boards for Correction of Military Records referred to in section 1552 of title 10, United States Code, of each military department.

**AMENDMENT NO. 1590**

(Purpose: To require the Director of National Intelligence to report on Cuba’s relations with other countries)

At the end of subtitle B of title XII, add the following:

**SEC. 1222. REPORT ON VENEZUELA.**

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the defenser and intelligence committees of the Congress a report addressing the following:

1. An inventory of all weapons purchases by, and transfers to, the government of Venezuela and Venezuela’s transfers to other countries since 1998, particularly purchases and transfers of missiles, ships, submarines, and any other advanced systems. The report shall include an assessment of whether there is accountability of the purchases and transfers with respect to the end-use and diversion of such materiel to popular militias, other governments, or irregular armed forces.

2. The mining and shipping of Venezuelan uranium to Iran, North Korea, and other states suspected of nuclear proliferation.

3. A detailed account of the economic support provided by Venezuela to Cuba and the intelligence and other support that Cuba provided to the government of Hugo Chavez.

4. The extent to which Hugo Chavez and other Venezuelan officials or supporters of the Venezuelan government provide political counsel, collaboration, financial ties, refuge, and other forms of support, including military material, to the Revolutionary Armed Forces of Colombia (FARC).

5. The extent to which Hugo Chavez and other Venezuelan officials provide funding, logistical and political support to the Islamic terrorist organization Hezbollah.

6. Deployment of Venezuelan security or intelligence personnel to Bolivia, including any role such personnel have in suppressing opponents of the government of Bolivia.

7. Venezuela’s clandestine material support for political movements and individuals throughout the Western Hemisphere with the objective of influencing the internal affairs of nations in the Western Hemisphere.

8. Efforts by Hugo Chavez and other officials or supporters of the Venezuelan government to convert or launder funds that are the property of Venezuelan government agencies, instrumentalities, or parastatals, including Petroleos de Venezuela, SA (PDVSA).

9. Covert payments by Hugo Chavez or officials or supporters of the Venezuelan government to foreign political candidates, government officials, or officials of international organizations for the purpose of influencing the performance of their official duties.

**SEC. 2832. LAND CONVEYANCE, ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA.**

(a) **CHANGE IN RECIPIENT UNDER EXISTING AUTHORITY.—**

1. In general.—Section 2863(a) of the Military Construction Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 2010), as amended by section 2865(b) of the Military Construction Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–435), is further amended by striking “West River Foundation for Economic and Community Development, Sturgis, South Dakota (in this section referred to as the ‘Foundation’)” and inserting “South Dakota Ellsworth Development Authority, Pierre, South Dakota (in this section referred to as the Authority)”. The Secretary of Defense shall transfer and convey to the South Dakota Ellsworth Development Authority, the property of the government of the United States of America to be located at the Air Force Base in the State of South Dakota, for the use and benefit of the Authority.

2. **TECHNICAL AND CONFORMING AMENDMENTS.—** Section 2863 of the Military Construction Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 2010), as amended by section 2865(b) of the Military Construction Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–435), is further amended—

<table>
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<tr>
<th>State</th>
<th>Installation</th>
<th>Project Title</th>
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<td>Cannon Air Force Base</td>
<td>SOF AC 130 Loadout Apron  Phase 1</td>
</tr>
</tbody>
</table>
(A) by striking “Foundation” each place it appears in subsections (c) and (e) and inserting “Authority”;
(B) in subsection (b)(1), in paragraphs (B), by striking “33.56 acres” and inserting “120.70 acres”;
and
(ii) by striking subparagraphs (C), (D), and (E).

(b) New Conveyance Authority.—

(1) Conveyance Authorized.—The Secretary of the Air Force may convey, without consideration, to the South Dakota Ellsworth Development Authority, Pierre, South Dakota (in this subsection referred to as the “Authority”), all right, title, and interest of the United States in and to the parcels of real property located at Ellsworth Air Force Base, South Dakota, referred to in paragraph (2).

(2) Covered Property.—The real property referred to in paragraph (1) is the following:

(A) a parcel of real property, together with any improvements thereon, consisting of approximately 2.57 acres and comprising the 1100 West Communications Annex;
(B) a parcel of real property, together with any improvements thereon, consisting of approximately 6.64 acres and comprising the South Dakota Air Force Base, Ellsworth Air Force Base Air Installation Compatible Use Zone Study;
(C) The Secretary shall release, without consideration, to the South Dakota Ellsworth Development Authority, Pierre, South Dakota (in this subsection referred to as the “Authority”), all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, to the Secretary, to the United States, and shall have the right of immediate entry onto such real property. A determination by the Secretary under this paragraph shall be made on the record after an opportunity for a hearing.

(2) Reversionary Interest.—If the Secretary determines at any time that the real property conveyed under paragraph (1) is not being used in compliance with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study, the Secretary shall require the County to cover costs to be incurred by the Secretary in carrying out the conveyance under subsection (a), the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(3) Description of Real Property.—The exact acreage and legal description of the real property to be conveyed by the Secretary for the conveyance authorized by subsection (a) shall be determined by a survey satisfactory to the Secretary.

(4) Additional Terms and Conditions.—The Secretary may prescribe additional terms and conditions in connection with the conveyance under this subsection as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 185

(Sec. 2832. Land Conveyance, Lackland Air Force Base, Texas)

(a) Conveyance Authorized.—The Secretary of the Air Force may convey to an eligible entity, all right, title, and interest of the United States to not more than 250 acres of real property and associated easements within the vicinity of the Lackland Air Force Base, Texas, in exchange for real property adjacent to or near the installation for the purpose of relocating and consolidating Air Force tenants located on the former Kelly Air Force Base, Texas, onto the main portion of Lackland Air Force Base.

(b) Treatment of Amounts Received.—Any cash payment received by the Air Force for the conveyance authorized by subsection (a) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall remain available to the extent provided in subsection (c), to reimburse the United States for costs incurred by the Secretary in carrying out the conveyance under subsection (a), the eligible entity shall provide cash payment to the Air Force, or provide Lackland Air Force Base with in-kind consideration of an amount equal to the difference in the fair market values. Any cash payment received by the Air Force for the conveyance authorized by subsection (a) shall be deposited in the special account described in section 2667(e) of title 10, United States Code, and shall remain available to the extent provided in subsection (c), to reimburse the United States for costs incurred by the Secretary in carrying out the conveyance under subsection (a).

(c) Eligible Entities.—A conveyance under this section may be made to the City of San Antonio, Texas, or an organization or agency chartered or sponsored by the local or State government.

(d) Payment of Costs of Conveyance.—As consideration for the conveyance under subsection (a), the eligible entity shall provide the Air Force with real property or real property improvements, or a combination of both, as determined by the Secretary. If the fair market value of the real property or real property improvements, or combination thereof, is less than the fair market value of the real property to be conveyed by the Air Force, the eligible entity shall provide cash payment to the Air Force, or provide Lackland Air Force Base with in-kind consideration of an amount equal to the difference in the fair market values.

(e) Payment of Costs of Conveyance.—Any cash payment received by the Air Force for the conveyance authorized by subsection (a) shall be deposited in the special account described in section 2667(e) of title 10, United States Code, and shall remain available to the extent provided in subsection (c), to reimburse the United States for costs incurred by the Secretary in carrying out the conveyance under subsection (a).

(f) In General.—The Secretary may require the eligible entity to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under this section, including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance and receipt of in-kind consideration. If amounts are received from the eligible entity in advance of the Secretary incurring the actual costs, and the amount received exceeds the costs actually incurred by the Secretary under this section, the Secretary shall refund the excess amount to the County.

(g) Description of Real Property.—The exact acreage and legal description of the real property to be conveyed by the Secretary shall be determined by a survey satisfactory to the Secretary.
(2) Treatment of amounts received.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) Description of property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) Additional terms and conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 1598

(Purpose: To authorize a land conveyance at Haines Tank Farm, Haines, Alaska.)

On page 565, after line 20, insert the following:

SEC. 2822. LAND CONVEYANCE, HAINES TANK FARM, HAINES, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Chilkoot Indian Association (in this section referred to as the “Association”) all right, title, and interest in and to a parcel of real property, including improvements thereon, consisting of approximately 201 acres located at the former Haines Fuel (also known as the Haines Tank Farm) in Haines, Alaska, for the purpose of permitting the Association to develop a Deep Sea Port and for other industrial and recreational development purposes.

(b) Consideration.—As consideration for the conveyance under subsection (a), the Association shall pay to the Secretary an amount equal to the fair market value of the property, as determined by the Secretary. The determination of the Secretary shall be final.

(c) Reversionary Interest.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) Payment of costs of conveyances.—(1) Payment required.—The Secretary shall require the Association to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Association in advance of the Secretary carrying out the actual costs, and such amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess to the Association.

(2) Treatment of amounts received.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.
from an entity specified in subsection (a) shall be received in cash and deposited into the Treasury as a miscellaneous receipt. Amounts received shall be available for obligation only to the National Naval Medical Center, Bethesda, Maryland, including education and research facilities as well as centers of excellence, transportation, and parking structures required to provide a full range of adequate care and services for members of the Armed Forces and their families;

(5) ensures that each facility covered by the plan meets or exceeds Joint Commission hospital design standards as applicable; and

(6) can be used as a model to develop similar master plans for other medical facilities within the Department of Defense.

(b) MILESTONE SCHEDULE AND COST ESTIMATES.—Not later than 90 days after the development of the master plan required by (a), the Secretary shall submit to the congressional defense committees a report describing:

(1) the schedule for completion of requirements identified in the master plan; and

(2) updated cost estimates to provide world class military medical facilities for the National Capital Region.

(c) DEFINITIONS.—In this section:

(1) NATIONAL CAPITAL REGION.—The term "National Capital Region" has the meaning given the term in section 2674(f) of title 10, United States Code.

(2) WORLD CLASS MILITARY MEDICAL FACILITY.—The term "world class military medical facility" has the meaning given the term by the National Capital Region Base Realignment and Closure Health Systems Advisory Subcommittees of the Defense Board. Appendix B of the report entitled "Achieving World Class – An Independent Review of the Design Plans for the Walter Reed National Military Medical Center and the Fort Belvoir Community Hospital", published in May, 2009.

AMENDMENT NO. 1582 (Purpose: To require a master plan to provide world class military medical facilities in the National Capital Region)

At the end of title XXVII, add the following:

SEC. 2797. REQUIREMENT FOR MASTER PLAN TO PROVIDE WORLD CLASS MILITARY MEDICAL FACILITIES IN THE NATIONAL CAPITAL REGION.

(a) MASTER PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop and implement a comprehensive master plan to provide world class military medical facilities and an integrated system of health care delivery for the National Capital Region.

(1) addresses—

(A) the unique needs of members of the Armed Forces and retired members of the Armed Forces, their families, and the communities in which they live;

(B) the care, management, and transition of seriously ill and injured members of the Armed Forces and their families; and

(C) the missions of the branch or branches of the Armed Forces served; and

(D) performance expectations for the future integrated health care delivery system, including—

(i) information management and information technology support; and

(ii) expansion of support services;

(ii) establishment of an integrated process for the joint development of budgets, prioritization of requirements, and the allocation of funds;

(b) MILESTONE SCHEDULE AND COST ESTIMATES.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall provide to the Congress a report containing:

(1) the results of the review conducted under subsection (a); and

(2) any recommendations of the Comptroller General with respect to improving the policies pursuant to which amounts available for use at such military installation as described in subsection (b) and provided for in advance by an appropriations Act—

(3) any recommendations of the Comptroller General with respect to improving the policies pursuant to which amounts available for use at such military installation as described in subsection (b) and provided for in advance by an appropriations Act—

(3) any recommendations of the Comptroller General with respect to improving the policies pursuant to which amounts available for use at such military installation as described in subsection (b) and provided for in advance by an appropriations Act—

(d) TRANSFER FROM NONAPPROPRIATED FUND OPERATION.—The Secretary of the Air Force may, subject to the acceptance of the corporation, transfer to the corporation all title to and ownership of the assets and liabilities of the Air Force nonappropriated fund instrumentality whose functions include providing support for the athletic programs of the Academy, including bank accounts and financial reserves in its accounts, equipment, supplies, facilities, and personal property, but excluding any interest in real property.

(b) CORPORATE ORGANIZATION.—The corporation shall be organized and operated—

(1) as a nonprofit corporation under section 501(c)(3) of the Internal Revenue Code of 1986;

(2) in accordance with this section; and

(3) pursuant to the laws of the State of incorporation, its articles of incorporation, and its bylaws.

(c) CORPORATE BOARD OF DIRECTORS.—

(1) COMPENSATION.—The members of the board of directors shall serve without compensation, except for reasonable travel and other related expenses for attendance at meetings.

(2) AIR FORCE PERSONNEL.—The Secretary of the Air Force may, subject to the acceptance of the corporation, transfer to the corporation all title to and ownership of the assets and liabilities of the Air Force nonappropriated fund instrumentality whose functions include providing support for the athletic programs of the Academy, including bank accounts and financial reserves in its accounts, equipment, supplies, facilities, and personal property, but excluding any interest in real property.

(d) TRANSFER FROM NONAPPROPRIATED FUND OPERATION.—The Secretary of the Air Force may, subject to the acceptance of the corporation, transfer to the corporation all title to and ownership of the assets and liabilities of the Air Force nonappropriated fund instrumentality whose functions include providing support for the athletic programs of the Academy, including bank accounts and financial reserves in its accounts, equipment, supplies, facilities, and personal property, but excluding any interest in real property.

(e) ACCEPTANCE OF GIFTS.—The Secretary of the Air Force may accept from the corporation funds, supplies, and services for the support of cadets and Academy personnel during their participation in, or in support of, Academy or corporate events related to the Academy athletic programs.

(f) LEASING.—The Secretary of the Air Force may, in accordance with section 2667 of this title, lease real and personal property to the corporation for purposes related to the Academy athletic programs. Money rentable from such lease may be retained and spent by the Secretary to support athletic programs of the Academy.

(b) CORPORATE ORGANIZATION.—The corporation shall be organized and operated—

(1) as a nonprofit corporation under section 501(c)(3) of the Internal Revenue Code of 1986;

(2) in accordance with this section; and

(3) pursuant to the laws of the State of incorporation, its articles of incorporation, and its bylaws.

(c) CORPORATE BOARD OF DIRECTORS.—

(1) COMPENSATION.—The members of the board of directors shall serve without compensation, except for reasonable travel and other related expenses for attendance at meetings.

(2) AIR FORCE PERSONNEL.—The Secretary of the Air Force may, subject to the acceptance of the corporation, transfer to the corporation all title to and ownership of the assets and liabilities of the Air Force nonappropriated fund instrumentality whose functions include providing support for the athletic programs of the Academy, including bank accounts and financial reserves in its accounts, equipment, supplies, facilities, and personal property, but excluding any interest in real property.

(d) TRANSFER FROM NONAPPROPRIATED FUND OPERATION.—The Secretary of the Air Force may, subject to the acceptance of the corporation, transfer to the corporation all title to and ownership of the assets and liabilities of the Air Force nonappropriated fund instrumentality whose functions include providing support for the athletic programs of the Academy, including bank accounts and financial reserves in its accounts, equipment, supplies, facilities, and personal property, but excluding any interest in real property.

(e) ACCEPTANCE OF GIFTS.—The Secretary of the Air Force may accept from the corporation funds, supplies, and services for the support of cadets and Academy personnel during their participation in, or in support of, Academy or corporate events related to the Academy athletic programs.

(f) LEASING.—The Secretary of the Air Force may, in accordance with section 2667 of this title, lease real and personal property to the corporation for purposes related to the Academy athletic programs. Money rentable from such lease may be retained and spent by the Secretary to support athletic programs of the Academy.

SEC. 652. SENSE OF CONGRESS ON AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Armed Forces is comprised of over 1,450,000 active-duty members from every State and territory of the United States who are assigned to thousands of installations, stations, and ships worldwide and who often times must travel long distances by air at their own expense to enjoy the benefits of level and liberty.

(2) The United States is indebted to the members of the all volunteer Armed Forces
and their families who protect our Nation, often experiencing long separations due to the demands of military service and in life threatening circumstances.

(2) a decision made with respect to the number of Ground-based Interceptor missiles that will be necessary to support the service life of the Ground-based Midcourse Defense element of the Ballistic Missile Defense System.

(b) LIMITATION ON CERTAIN ACTIONS WITH RESPECT TO MISSILE FIELD 1 AND MISSILE FIELD 2 AT FAIRBANKS, ALASKA.—

(1) LIMITATION ON DECOMMISSIONING OF MISSILE FIELD 1.—The Secretary of Defense shall ensure that Missile Field 1 at Fort Greely, Alaska, does not complete decommissioning until seven silos have been emplaced at Missile Field 2 at Fort Greely.

(2) LIMITATION WITH RESPECT TO DISPOSITION OF OPERATIONAL SILOS.—The Secretary of Defense shall ensure that no irreversible decision is made with respect to the disposition of operational silos at Missile Field 2 at Fort Greely, Alaska, until that date is 60 days after the date on which the reports required by subsections (b)(3) and (c)(3) of section 243 are submitted to the congressional defense committees.

Mr. LEVIN. Now, Mr. President, I would ask unanimous consent that Senator UDALL be recognized as in morning business, and I will not object, it is also my understanding then that at the beginning of business tomorrow we will be taking up the Kyl amendment, name the Kyl amendment second degree or side-by-side, with 2 hours equally divided.

Mr. LEVIN. No. The UC, I believe, as it reads, is that we will take up the Kyl amendment tomorrow, with a possible amendment, as Senator Muray be recognized for 10 minutes in morning business.

Mr. MCCAIN. Mr. President, reserving the right to object, and I will not object, it is also my understanding then that at the beginning of business tomorrow we will be taking up the Kyl amendment, name the Kyl amendment second degree or side-by-side, with 2 hours equally divided.

Mr. LEVIN. We need the language be—

Mr. MCCAIN. And there are time agreements on both amendments.

Mr. LEVIN. We do not have a time agreement yet on any of the amendments. We hope in the morning to have time agreements. But we did not have the language available for any—we did not have either the second-degree amendment language or the side-by-side available, so your side was unable, understandably, to agree to a time agreement.

Mr. MCCAIN. Once the other sides of these amendments are aware of the side-by-side, then it is our intention to have an hour or two equally divided, and then move on to pending amendments.

Mr. LEVIN. If it is not already agreed to, I think there was an understanding on the Lieberman and on the Kyl amendments there would be an hour for each.

Mr. LIEBERMAN. That is fine.

Mr. LEVIN. We need the language before that can be agreed to. But that is the understanding or intent.

Mr. MCCAIN. I think the chairman, I think that clears up what our plans are for a good part of tomorrow.

Mr. LEVIN. There will be no more votes tonight.

Mr. MCCAIN. And there is the question of the speaker order.

Mr. LEVIN. Without objection, it is so ordered.

Mr. UDALL of Colorado.

Mr. LIEBERMAN. That is fine. The PRESIDING OFFICER. Is there any objection to the speaker order?

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent to speak as in morning business.

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

SOTOMAYOR NOMINATION

Mr. UDALL of Colorado. Mr. President, 28 years ago my father, former Congressman from Arizona, Morris Udall, took the long walk from the House of Representatives to come to the Senate. The divide that separates the two great Chambers of Congress sometimes struck my father as deeper and wider than the Grand Canyon of Arizona, but he crossed over that day because he had a mission. He came to testify before the Senate Judiciary Committee on behalf of a fellow Arizonan, Sandra Day O'Connor—the first woman to serve as a U.S. Supreme Court Justice.

My father, who was often at odds with ideologues of every stripe, noted she was “clearly conservative,” but he also spoke of her “great judicial temperament” and her disposition to always put justice ahead of partisanship.

Justice O'Connor proved to be an outstanding member of the Court, and my father never regretted his decision to support her nomination.

A generation later, I am honored to stand here today to voice my strong support for the first Hispanic woman nominated for the U.S. Supreme Court—Sonia Sotomayor.

Judge Sotomayor's story is truly the quintessential example of the American dream. The daughter of Puerto Rican parents who moved to New York City at a time when racial and ethnic prejudice was wide and her father at age 9. Her extraordinary mother worked hard to provide an example of striving in the best sense of that word. Sonia Sotomayor took that example to Princeton, Yale Law School, the Manhattan District Attorney's Office, and as a Federal judge.

It is no wonder the Hispanic community is proud of this nomination and has shown an outpouring of support for Judge Sotomayor. I was moved personally to learn that Hispanic citizens from across the country traveled to Washington, DC, and stood in line for hours in order to be in the audience for her confirmation hearings.
Former Colorado State Senator Polly Baca was one of those who traveled from Colorado. As a friend of the Sotomayor family, Polly’s reaction mirrored many others when she said that the judge is “just brilliant.” “Some say she comes across as a bit of a nerd,” Senator Baca said, “because she worked so hard, studied so hard. And she’s led her life that way. . . .” “She is who she is,” Senator Baca concluded. This historic nomination is not only a source of pride for the Hispanic American community, but for all of us. That is because we all take heart and experience pride when we hear of a fellow American who overcomes great obstacles and does good through hard work and perseverance.

Let me quote the Greeley Tribune on our eastern plains in my home State of Colorado. The Tribune wrote:

This is, instead, a celebration of the growth of our democracy . . . it is important that we recognize her qualifications for the job. It is, instead, a celebration of the growth of our democracy. . . .

The Frances of the Constitution specifically outlined the advise and consent of the Senate regarding nominations. This is one of our most solemn duties as Senators, the importance of which cannot be overstated. I take this responsibility very seriously. The Supreme Court is the highest Court in our land, and its rules on a case, that holding and rule become the law of the land. The Presiding Officer, as the former attorney general of Illinois, knows that to be the case. The men and women we send to serve there make decisions and render judgments that can chart our destiny, literally, as a people.

So an inspiring life story is not the only or even the most compelling reason to confirm Judge Sotomayor. What matters most are her qualifications for the job, her record, and her approach to the Constitution.

Last week my colleagues on the Senate Judiciary Committee began the confirmation hearings for Judge Sotomayor and examined her record. During those hearings, the judge handled herself with grace and poise. She answered tough questions and clearly demonstrated her commitment to the law and the Constitution.

But on the west slope of our great State of Colorado, we have the city of Grand Junction. The Daily Sentinel, that city’s newspaper, stated last week: “Sotomayor is unquestionably qualified.” I’ll take that.

There is no doubt that she is superbly qualified to be our next Supreme Court Justice. As a Federal trial judge, in addition to her more recent experience on the court of appeals, Judge Sotomayor brings more experience as a judge than anyone currently serving on the Court.

In addition, the judge received a “well-qualified” rating from the American Bar Association. This is the highest rating from the ABA, notable because it is given by Judge Sotomayor’s peers.

Judge Sotomayor has received endorsements from a variety of organizations, ranging from law enforcement and sportsmen and hunters, to legal and higher education professionals.

The Framers of the Constitution anticipated the importance of having an independent and duty-bound judiciary.

Judge Sotomayor has also received a so-called “wise Latina” remark in her personal experience. Judge Sotomayor herself has acknowledged that the judge is “just brilliant.” Some people viewed her as a bit of a nerd, but for all of us, that is because we all take heart and experience pride when we hear of a fellow American who overcomes great obstacles and does good through hard work and perseverance.

Some have raised the question whether Judge Sotomayor is a “liberal activist” because of her involvement on the board of the Puerto Rican Legal Defense Fund. But Judge Sotomayor’s role and involvement has not been in directing legal opinions from this organization, but it has been directed instead at encouraging Puerto Rican youth to pursue careers in the legal profession.

According to her record, she has participated in 434 published panel decisions where there was at least one judge appointed by a Republican President. Despite notions to the contrary, she has agreed with the result favored by the Republican appointee 95 percent of the time. What does that demonstrate? Well, it demonstrates that Judge Sotomayor does not have an ideological bias but that she is a moderate jurist.

I also wish to acknowledge another alleged controversy Judge Sotomayor’s critics have seized upon as a reason to oppose her confirmation; that is, her so-called “wise Latina” remarks in which the judge waxed not so eloquently on her hopes that she might draw special wisdom and insight from her personal experience. Judge Sotomayor herself has acknowledged the clumsiness of her language. If anything in her record suggested a special bias or prejudice, these words might be evidence of a larger problem, but that is simply not borne out in a review of her record on the bench. Nor did her so-called “wise Latina” remarks strike me as evidence of activist bias so much as it was a case of deference for judicial precedent. It strikes me as particularly unfair for Judge Sotomayor’s critics to assail her for social activism when there is little, if any, evidence of that in her record, and they also used the Ricci case as an example. Frankly, I think the judge’s opinions consistently show judicial restraint, respect for established legal precedent, and deference to the role of the elected branches—even when it leads to a result that may be unpopular or different from her personal opinion.

After I had a chance to meet with Judge Sotomayor, I came away with the opinion that she possesses the temperament, the qualifications, and the experience to meet the challenges of serving at the highest level on the Supreme Court.

I was also appreciative of that she acknowledged one of the most important issues to the livelihood of westerners: water. She surprised me when she said that all of the questions surrounding water may be among the most challenging legal problems we face in the next 25 to 50 years. We did not have a conversation about the specific legal issues that might emerge around water, energy, or public lands in the West, but what I saw was a reassuring appreciation for the unique problems of our region and an intellectual curiosity to match it.

So as I conclude, I have reviewed Judge Sotomayor’s impressive judicial record. I have watched and listened carefully to her answers during her confirmation hearing and met with her in person. Like Justice Sandra Day O’Connor, I believe she is poised to make history. I am proud to support her nomination, and I would encourage my colleagues in the Senate to do likewise.

Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, I ask unanimous consent that after the remarks of the Senator from Hawaii, the Senator from Kentucky, and the Senator from Vermont, I ask unanimous consent that Senator Murray be recognized first for 10 minutes and other Members of the body permitted to speak for up to 10 minutes each.

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

The Senator from Hawaii is recognized.

AMENDMENT NO. 1522

Mr. AKAKA. Mr. President, I rise to speak on amendment No. 1522 to S. 1320. I understand that Senator Murray has agreed to an amendment to consider the amendment, but I am hopeful there will be one soon.

Amendment No. 1522 would enhance the retirement security of Federal employees and address inequities in the system. As chairman of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, I am proud to join with Senators Collins, Lieberman, Voinovich, Murkowski, Brown, Kohl, Bingaman, Cardin, Inouye, Webb, and Warner in this bipartisan amendment.

Each of these revisions is much needed and has been thoroughly debated by the appropriate committees in the House and Senate. Many of the changes were requested by the administrators of the retirement plans and are strongly supported by many organizations. The list of supporters is too long to read here, but it includes every major Federal employee union; postal unions, state, county, and city employees; the Federal Law Enforcement Officers Association, and several government managers groups.
Most important to my home State of Hawaii, the amendment provides retirement equity to Federal employees in Hawaii, Alaska, and the territories. More than 23,000 Federal employees in Hawaii, including more than 17,000 Defense Department employees, and another 30,000 Federal employees in Alaska and the territories, currently receive a cost-of-living allowance which is not taxed and does not count for retirement. Because of this, workers in the nonforeign areas retire with significantly lower annuities than their counterparts in the 48 States and DC. COLA rates are scheduled to go down later this year, along with the pay of nearly 50,000 Federal employees if we do not provide this fix.

In 2007, I introduced the Non-Foreign Area Retirement Equity Assurance Act. The bill passed the Senate by unanimous consent in October 2008. Unfortunately, the House did not have time to consider the bill before adjournment.

I reintroduced S. 507, which is included in the amendment, with Senators MURKOWSKI, INOUYE, and BEGICH. It is nearly identical to the bill that passed the Senate last year. It is a bipartisan, non-partisan amendment. The bill would provide Federal employees near retirement from work a partial transition to retirement. This provision removes a disincentive that now discourages Federal employees under CSRS the same way it is done for part-time service under the Civil Service Retirement System. It would allow Federal retirees to work on a part-time basis while phased into retirement. It would treat Federal employees under CSRS the same way they are treated under the newer Federal Retirement System.

The third provision I wish to discuss would allow FERS participants to apply their unused sick leave to their length of service for computing their retirement annuities as is done for CSRS employees. The Congressional Research Service found that FERS employees within 2 years of retirement eligibility used 25 percent more sick leave than similarly situated CSRS employees. OPM also found that the disparity in usage costs to the Federal Government approximately $68 million in productivity each year. This solution was proposed by Federal managers who wanted additional tools to build a more efficient and productive workplace and to provide employees with an incentive not to use sick leave unnecessarily near retirement.

Finally, I wish to add that this amendment will make good on the recruitment promise made to a small group of Department of Defense agents. Approximately 180 Secret Service agents and officers hired from 1984 through 1986 were promised access to the DC Police and Firefighter Retirement and Disability System. This amendment is meant to provide narrow and specific relief only to this small group of agents and officers by allowing them to access the retirement system they were promised at the time they were hired.

I strongly encourage my colleagues to support this amendment, the Federal retirement reform provisions, and the bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

MORNING BUSINESS

HEALTH CARE REFORM

Mrs. MURRAY. Mr. President, if you look at the front cover of newspapers across the country this week or watch cable news each day, it is pretty clear that the rhetoric on health care reform is really heating up. Whether it is threats from the other side of the aisle to "break" a President who has made health care reform a priority or whether it is the million-dollar ad buys from insurance companies or whether it is political pundits, health care rhetoric is reaching a fever pitch. In fact, the discourse here in Washington, DC, has gotten so loud that the voice of American families is being drowned out.

These days, those who need reform the most are the ones being heard from the least. That is why 3 weeks ago I sent an e-mail to many of my constituents asking them to share with me their personal stories of dealing with our health care system and asking them for their ideas for reform. So far, I have received in just a few short weeks over 5,000 e-mails into my office with deeply personal and often very painful stories from every corner of my State. Yesterday, I came to the floor to share several of those stories. They were the stories of women who had lost their insurance, and due to an inability to get care when they needed it most, they lost their lives. Many of the letters I have received, such as those I spoke about yesterday, tug at the heart strings. But today, this evening, I wish to talk about what so many Americans are concerned about right now: their purse strings.

I understand many Americans are satisfied with the level of care their insurance providers provide. These are the Americans who can get in to see a doctor when they need one, and they receive good, quality care. These are the Americans who want to know what is in it for them: What will I get out of reform? And with all of their other problems, why should we pay for it right now? These are good questions to which the American people deserve a good answer.

It is not just the uninsured who are impacted by not being able to access preventive medicine or having to seek costly care in the emergency room. These costs get passed on to those with insurance in the form of higher insurance premiums. In fact, it is estimated that a family of four today here in this country is paying an added $1,000 in premiums a year to help pay for those who can get insurance.

Unfortunately, for too many families, Patricia’s story isn’t the exception. It is the rule. It is exactly what they are seeing in their homes with their premiums.

Health insurance premiums for working families in Washington State have...