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## House of Representatives

The House was not in session today. Its next meeting will be held on Monday, November 16, 2009, at 2 p.m.

## Senate

TUESDAY, NOVEMBER 10, 2009

The Senate met at 10 a.m. and was called to order by the Honorable RICHARD J. DURBIN, a Senator from the State of Illinois.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of grace and glory, pour Your power on Your people. Lord, as we again approach our annual honoring of military veterans, we ask You to bless them and their loved ones with the special shield of Your favor. May our gratitude for their service give them the sense of fulfillment that comes from knowing that they will always be remembered for their sacrifices. Bless also their families and loved ones, for they too have contributed much to our liberty.

Today we again ask You to strengthen those still grappling with the Fort Hood tragedy and those who have lost loved ones in combat. Embrace them with Your peace and comfort. As our Senators strive today to fulfill Your purposes, use their labors to produce legislation worthy of the service of those whose devotion to duty help keep America strong.

We pray in the Name of Him who came to set us free. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable RICHARD J. DURBIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, November 10, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD J. DURBIN, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. DURBIN thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### MOMENT OF SILENCE

Mr. REID. Mr. President, the prayer, having been led by Admiral Black, who spent his entire life counseling those in the military who had different issues, set the tone this morning for a moment of silence we are going to have.

One of the worst tragedies that has ever taken place on a military installation was at Fort Hood a couple of days ago. Thirteen are dead. We have a number seriously wounded. For the tens of thousands who are at that post and

other installations around our country and around the world, certainly it is in keeping with our thoughts for those who have fallen in Iraq and Afghanistan, and certainly the demonstration that we saw with the first responders at Fort Hood and the tragedy that ensued there.

Our thoughts are with those who have been so badly injured in body and mind.

I now ask the Chair to announce a moment of silence.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a moment of silence to honor the victims of the attack at Fort Hood on November 5.

[Moment of Silence.]

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period for the transaction of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each. The majority will control the first 30 minutes and the Republicans will control the next 30 minutes. Following morning business, the Senate will resume consideration of the Military Construction and Veterans Affairs appropriations bill. The Senate will recess from 12:30 p.m. to 2:15 p.m. today

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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to allow for caucus luncheons. There will be no rollcall votes during today's session. We will continue to work on an agreement to finish the appropriations bill during the day. Senators should expect the next rollcall vote to occur on Monday.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader, the Senator from Kentucky, is recognized.

#### VETERANS DAY

Mr. McCONNELL. Mr. President, tomorrow is Veterans Day, the day we set aside to honor the service and sacrifice of the heroic men and women who have served in the U.S. Armed Forces. America remains a beacon of freedom throughout the world today because of commitments and sacrifices they have made. Over the years, many brave Americans donned their country's uniform to ensure we would remain safe and free at home. That effort continues today as our fighting forces courageously defend freedom from threats in Afghanistan and Iraq and elsewhere around the world.

My own State of Kentucky has a proud military history, and today is home both to Fort Knox and Fort Campbell, which together house thousands of soldiers. Many have gone from vital training at these two posts to protecting our Nation in the heart of the fight in Afghanistan and Iraq.

So tomorrow, as America takes a moment to thank these brave men and women who fought to preserve our way of life and to remember the heroes who did not return home, we will also give thanks for the men and women in uniform who are currently in harm's way.

I might say, every Veterans Day I remember my own father, who served in World War II. He arrived in Europe after the Battle of the Bulge and was there until his unit met the Russians in Pilsen. One of my treasured possessions is a letter he wrote to my mother on V-E Day. They called it V-E Day at the time. He wrote "V-E Day" at the top of the letter. That began a series of correspondence in that period right after the cease-fire and the Germans' surrender in which he had at one point prophetically—and this was just a foot soldier—prophetically mentioned to my mother after his experience interacting with the Russians in Pilsen that they were going to be a big problem down the road. I thought it was quite noteworthy that a regular foot soldier sort of instinctively understood at the moment that the Russians were an ally of convenience in World War II and not a long-term ally.

Regretfully, both my mother and father are no longer living, but I do remember them fondly and reread their correspondence from time to time of that period when he was overseas.

Later today, the Fort Hood community will honor the victims of the trag-

ic shootings there last week. We were all shocked by the assault on American soldiers right in the heart of a post they call home. We mourn their loss, and we pray for the victims and their families.

In the midst of this terrible tragedy, we also saw the courage of many troops and civilian law enforcement, and we thank these brave men and women for their dedication that they showed in putting themselves in harm's way.

So we honor every American who has fought for this country, and we recognize this country was built on what they have sacrificed.

I yield the floor.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half.

Mr. WHITEHOUSE. Mr. President, I suggest the absence of a quorum and request that the time of the quorum call be charged evenly to both sides under morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

#### FORT HOOD SHOOTING

Mr. DURBIN. Mr. President, of course, the Nation will observe Veterans Day this week, as we have each year, in commemoration of the 11th hour of the 11th day of the 11th month with the end of World War I. This commemoration is one of special importance this year. We are in the midst of two wars where literally tens of thousands of Americans risk their lives each day in service of our country. It gives us a heightened awareness of our military and the men and women who show such extraordinary courage in serving.

Many of us have taken on the task of reaching out to the families in our States who have lost soldiers in the wars in Iraq and Afghanistan. When I took on this responsibility a few years ago, I had no idea that by 2009, I would still be writing notes of condolence to families in Illinois. But it continues

and, of course, other tragedies intervene.

Just last week, there was the tragedy at Fort Hood, claiming two lives of Illinois soldiers, as well as those of 11 others, and another 28 seriously wounded. It is a reminder of the danger of this commitment that each soldier makes. It is a reminder too that each of us needs to have gratitude for their service, not only on this day when we commemorate veterans and their service but around the calendar year.

We seem to be more focused on veterans issues in the midst of war, and that is no surprise. In my office last week, the major veterans organizations came in and talked about the fact that there seems to be more interest in veterans hospitals and veterans benefits and the GI bill than ever before, and it has a lot to do with the fact that we are in the midst of a war.

We also understand this tragedy at Fort Hood has brought a sharpened awareness of the vulnerability and the commitment of our soldiers. All Americans were saddened by this horrific outburst of violence. That the brave men and women who are trained to defend our Nation at war should be cut down on a U.S. Army post on American soil apparently at the hands of an Army doctor is deeply shocking and painful. We grieve for these men and women who died in this despicable act. We pray for their families and the recovery of all those who were injured.

We pray for the soldiers and families stationed at Fort Hood, for the safety of all of our brave men and women in uniform wherever they are stationed. This horrendous attack touches us all deeply. But we know the horror of this tragedy, like the burdens of wars in Afghanistan and Iraq, falls hardest on our servicemembers and their families. We want them to know our entire Nation stands with them.

Among the fallen at Fort Hood were two young soldiers from Chicago: PFC Michael Pearson of Bolingbrook, IL, and PVT Francheska Velez from the West Humboldt Park neighborhood in Chicago. Both of these fallen veterans were 21 years of age.

PFC Michael Pearson was an honor roll student in high school and a talented musician who taught himself to play the piano and was passionate about playing guitar. He joined the Army a little over a year ago. He has been training to defuse explosives and roadside bombs and was scheduled to be deployed to Iraq or Afghanistan this January.

He was a devoted son. When his father was laid off from his job, Michael sent money home to buy new tires for the family car.

He leaves behind his mom and dad, Sheryll and Jeff, a sister and two brothers, including one who serves in the Illinois National Guard.

PVT Francheska Velez joined the Army right out of high school. She had already served a year in South Korea and 10 months in Iraq where she drove fuel tankers and disarmed bombs.

Friends say she wanted to make the military a career and hoped one day to be a psychologist and help soldiers cope with the stress of battle.

Private Velez had just returned from Iraq 3 days earlier, 3 days before the shooting, to begin maternity leave. Her father, Juan Guillermo Velez, a Colombian immigrant who never realized his dream of serving in the U.S. military, said his daughter was living his dream "to be part of the military, part of the United States."

In addition to her father, Private Velez leaves her mother Eileen and two older brothers.

Another young soldier from the Chicago area, PFC Najee Hull, of Homewood, IL, is among those wounded in the Fort Hood tragedy. Private Hull is also 21 years old. He was shot three times, twice in the back, once in the knee, as he was preparing to complete paperwork to be deployed to Afghanistan. He remains hospitalized.

I was meeting with representatives of these veterans service groups and lawyers who donate their time to help veterans when the names of the Fort Hood victims became known. There was a profound sense of sadness in the room.

The men and women who wear America's uniform are some of the finest people our Nation has to offer. They are patriots who are willing to sacrifice to protect each and every one of us. They and their families have endured great hardship during these wars. They are heroes, such as CAPT Russell Seager of Racine, WI. Captain Seager was a nurse practitioner who had worked at a Veterans Affairs hospital in Milwaukee with soldiers suffering from post-traumatic stress disorder. He was 51 years of age. His uncle said he had been a "helper" all his life. Four years ago, he joined the Army Reserve. Captain Seager was scheduled to go to Afghanistan in December. He had gone to Fort Hood for training. He is among the 12 soldiers and one civilian who died there. He leaves a wife and 20-year-old son.

A few months ago, in an interview with Milwaukee's public radio station, Captain Seager explained his decision to enlist. He said:

I've always had a great deal of respect for the military and for service, and I just felt it was time that I stepped up and did it.

That is part of what defines America's military members and veterans. This Wednesday, we will remember and honor all our veterans, from Bunker Hill to Baghdad. We will remember, in particular, those brave men and women who lost their lives at Fort Hood.

President Obama, Army Chief of Staff General Casey, and Secretary of the Army John McHugh have ordered a thorough investigation into how this tragedy at Fort Hood occurred. The inquiry must happen. We need answers, and we need to do everything possible to ensure it never happens again. While the authorities are investigating, we also need to be thoughtful and reserve judgment about the proper response.

Consider this: One week before the gunman allegedly opened fire on his fellow soldiers at Fort Hood, U.S. military investigators released a report regarding another horrific incident. Last May, an army sergeant, with 15 years in the military, killed five of his fellow soldiers on a military base in Baghdad. The soldiers, including an Army psychiatrist, were killed in a stress clinic where the gunman was being counseled. The soldier who committed the killings was just weeks away from finishing his third tour of duty in Iraq and had served previously in Bosnia and Kosovo. Until the terrible events at Fort Hood, the shooting at Camp Liberty was the worst episode of soldier-on-soldier violence.

The father of the soldier charged with the Camp Liberty killings said his son's job in Iraq was defusing bombs and that he probably saw "a lot of carnage and a lot of things he shouldn't have seen, that nobody should see." The military investigators who looked into those deaths blamed a lack of adequate guidelines on how to handle soldiers under such severe distress.

To rush to judgment based on this new act of violence at Fort Hood is premature, certainly to the 3,500 Muslim Americans who proudly serve in our Nation's Armed Forces today. As you walk through the section of Arlington Cemetery devoted to the wars in Iraq and Afghanistan, you will find headstones with the crescent star alongside the crosses and Stars of David.

As investigators search for answers to what happened last week, we owe it to the brave men and women serving at Fort Hood and throughout our military to think clearly and act thoughtfully. We need a better understanding of what took place. Let us honor those who demonstrated the best our military has to offer when their lives were on the line at Fort Hood.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

#### HEALTH CARE REFORM

Mr. BROWN. Mr. President, I come to the floor, as I have many times, with Senator WHITEHOUSE, my colleague from Rhode Island, Senator UDALL of New Mexico, and others to talk about health care and, in many cases, to share letters I have received from people in my State. These letters have several things in common. Typically, they are letters from people who thought they had good health care, if you asked them a year ago. Then they had a child with a preexisting condition and they lost their health insurance or maybe they got sick themselves and found that their health insurance was canceled because of a policy insurance companies use called rescission. Often these are people who were middle class but because of health care expenses due to an illness, coupled with insurance policies that were far less than ade-

quate, it meant they no longer were middle class.

I have read letters from families who were consistently denied care because of a loved one's cancer or asthma. I have read letters from people who pointed out that if a woman is a victim of domestic violence, some insurance companies call that a preexisting condition and they literally can't get insurance because they are deemed to be more likely to again be a victim of domestic violence. I have read letters from small business owners who see double-digit premium increases year after year, especially if 1 of their 15 or 20 employees gets very sick, with very expensive care, and the insurance company raises the rate so much that the small business owner can no longer afford the insurance.

Many of the letters I have read are from individuals in their late fifties or early sixties who have lost their jobs and, therefore, have also lost their insurance. They write of the anxiety they feel and the hope that they can—in their words—make it to 65 so I can get on Medicare because I know Medicare will not deny me for a preexisting condition. I know I can count on Medicare. I know Medicare will be stable.

Last Saturday night, as we all know, a historic vote in the House of Representatives brought us one step closer to passing a law that will finally meet the promise of equality and affordable health care for the American people. We have been trying for 75 years—the last 100 years. Theodore Roosevelt first tried—a Republican—to pass health care. Then Franklin Roosevelt tried, then Harry Truman tried. They were Democrats. Lyndon Johnson was able to push Medicare through Congress, as we know. That was very difficult because of some of the same interest groups—insurance companies and others—that oppose this legislation now. Richard Nixon tried to build a catastrophic health insurance that would have been a major step—a Republican. So we know how long this has been happening, and that makes Saturday night's vote even more important.

Last week, I had the opportunity to be with Ohioans who oppose these health care changes and who wanted to share their thoughts and concerns. Some don't agree that article 1 of the Constitution permits health care reform. I spoke to a young man who said that all these health care reforms are unconstitutional because article 1 doesn't allow us to do that. I said: Does that mean we should eliminate Medicare? He said: Yes, because article 1 doesn't allow for Medicare. I am not a lawyer, but I certainly don't read the Constitution that way. I don't think many of my colleagues do and I think it is clear Medicare is constitutional and it is clear what we are doing today is equally so.

But I wished to run through the four things that were said with probably the most frequency in my meetings last week with people who are opposed to

this health care reform. I know a majority of my State supports it. I know a strong majority in the State supports the public option—people from Findlay to Cleveland to Gallipolis to St. Clairsville to Vandalia support our efforts here. But I also note there is significant opposition.

I will never question the sincerity and genuineness of people who talk to me in opposition, who take off from work to come on a bus to come and protest or who want to talk to me individually. But I do question those who make millions of dollars a year—whether they are insurance executives or radio and talk show people—and who are literally benefitting from trying to kill this health care reform. Their efforts are less sincere and less genuine.

But let me run through several of these myths or the four things I have heard most frequently that simply aren't true about this health plan.

First: If my employer drops my coverage, I will be forced into the public plan.

As the Senator from Illinois knows and Senator WHITEHOUSE and others know, no one is forced into the public plan. If your employer drops your coverage, you can choose private insurance or the public plan through the health insurance exchange. That is the whole point of the public option. The word is "option." It is a total option—the public plan. It means that, whether you have lost your insurance, if you are uninsured or if you have lost your insurance or you are a small businessperson who is looking for a better insurance option, you take your employees or you go individually into the insurance exchange. You can choose Aetna, you can choose WellPoint, you can choose a plan from an Ohio company, Medical Mutual, or you can choose the public option. At no point is there anybody—anybody in this country—who is going to be forced to go into the public plan. As I said, it is an option, and it will remain an option.

The second myth I hear a good deal about, of these four myths, is: After 5 years, I would not be allowed to purchase private insurance.

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

Mr. BROWN. Sure, I yield to the Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. To go back to the first point about the public option, in fact, being an option, I think everybody here understands the government is going to help pay the costs of health care, particularly for low-income families who can't work to get the funds together to pay for the cost of health care. As the Senator from Ohio knows so well, wages have increased just a tiny bit and health insurance costs have gone through the roof. The result has been that families are getting clobbered, so they need some help.

So the health care reform bill we have before us will help those families

who are having such trouble affording their insurance. I think it is worth confirming the help that will come to American families does not require them to join the public option. They will get the same benefit based on their income and their family's health care needs whether they choose the public option or a private insurance carrier that is offering a program through the exchange.

As long as you show up at the exchange, as I understand it—and I would like to have the Senator from Ohio confirm this—you can take that government subsidy that is yours and your family's and you can spend it at the public option, you can spend it with Blue Cross, you can spend it with Aetna, you can spend it with any insurance company—private, for profit, non-profit, public option—that is doing business in the exchange. You can take your subsidy and you can go there and spend it there. You are not tied to the public option by your subsidy.

Mr. BROWN. That is exactly right. Senator WHITEHOUSE and I, his staffers and mine, wrote the language in the Health, Education, Labor, and Pensions Committee on the public option, and the whole point was to create a level playing field.

As Senator WHITEHOUSE said, if you are low income, if you are lower or medium income, making \$30,000 or \$40,000 a year, with a couple children, you and your spouse are required, under this bill, to buy health insurance or, if you obviously choose to, you will get a subsidy from the taxpayers—from the government—to help pay for this insurance. You then take those subsidies, as Senator WHITEHOUSE says, and you have a choice. You can go to WellPoint, you can go to Aetna or you can go to the public option. The public dollars will follow you into any one of these.

The public option gets no special treatment. The public option gets no special taxpayer subsidies. The public option gets no special government infusion of dollars. The public option gets what any one of the private companies do. As Senator WHITEHOUSE said, it could be a private company, it could be a for profit, a not for profit, it could be a co-op of some sort or it could be a public option. But it is all a level playing field, so people can decide which one of these they want to go into.

I thank Senator WHITEHOUSE for his question.

The second myth: After 5 years I won't be allowed to purchase private insurance.

This is not too different from the first myth we see out there that there is going to be some forcing of people into public insurance and into the public option. When Senator WHITEHOUSE and I and our staffs wrote this language for the Health, Education, Labor and Pensions Committee, it was written in a way not just today for people going into the insurance exchange but 5 years from now, 10 years from now,

people will have the option. You can choose a private for-profit or not-for-profit insurance company or you can choose the public option. That is the way this language will continue to be. That is another one of those myths out there that has scared people.

Some people are very distrustful of government in this country. I understand. But I think the experience of Medicare has shown that, in terms of health care, government has been a pretty good delivery vehicle for people getting insurance. In 1965, half of American seniors had no insurance. In health insurance today, 99 percent plus of Americans have health insurance and it is because of Medicare.

We know government can deliver these plans efficiently but we also are not telling people they have to have the public option. In the public plan they continue to have an option.

Mr. WHITEHOUSE. If the Senator will yield again, we are approaching Veterans Day, a time when the Nation takes a moment from our busy lives to pay our respect and our honor to those who wear the uniform of the United States and are willing to put themselves in harm's way. I think there is not a person in this body who does not feel a great loyalty and pride in our Armed Services. We want them to get nothing but the best. What do we give them for health care? If they are active, they get a government plan called TRICARE. Once they retire from active service and become veterans, they go into the Veterans' Administration. So at least one measure of the quality of government health care, in addition to the success of Medicare in reaching a population that had been deprived of adequate care for generations until Medicare came along, our seniors, is that those very people whom we are about to spend the week honoring, and for whom we insist on the very best, one of the ways we pay them honor and respect is by giving them among the very best health care in the world, government health care, TRICARE and Veterans' Administration care.

Mr. BROWN. That is exactly right. TRICARE you rarely hear a complaint about. The VA is a huge operation. Of course there are sometimes complaints about people having to wait or something that doesn't quite go right all the time, but obviously by and large veterans in this country, soldiers and sailors and marines and active duty, understand their medical needs are taken care of, as they should be. It is one of the things to be proud of in our country, that we have done a decent job of taking care of people who serve the country with TRICARE.

I sit on the Veterans' Committee and all the time we are wrestling with problems in the VA. There has been a problem with people going from active duty in TRICARE into retired status, as Senator WHITEHOUSE said, the VA. To make that transition is not always as smooth as it should be, but it is clear people's medical care works and

that is another argument for the option.

Mr. WHITEHOUSE. I suggest to the distinguished Senator from Ohio, who has come to this floor so often to share the stories of Ohioans in our health care system, which are heartbreaking, which are tragic; which involve people being thrown completely out of the program when they have the temerity to get sick, which involve families going broke who had insurance, when they find out the insurance policy had holes in it that they have fallen through, when they find out when they become sick they not only have as their adversary the illness they are fighting but also the insurance company they have to fight on the other side—over and over again you have come here with those stories.

If Senator BROWN's experience is anything like mine in Rhode Island, I don't get those letters about the VA system. I don't get those letters about TRICARE. Sure, there are glitches now and then; any big system has its problems. But the massive cascade of human tragedy the Senator represents so effectively on this floor with the letters he brings from home—that is not coming out of these systems. That is coming out of the private health care system.

Mr. BROWN. That is exactly right. We don't see veterans or we don't see active-duty soldiers or people on Medicare denied because of a preexisting condition. Soldiers who are injured in the line of duty, imagine if they have a preexisting condition if we don't take care of them in Bethesda or Cleveland or Dayton or in Chillicothe in my State, in the Senator's State the same. It is absurd to think that would be the case. But it is clear these endemic massive problems with people fighting their insurance companies, denied care, come out of the private insurance system.

One of these other myths was one Senator WHITEHOUSE has talked about, that health reform will lead to rationing of health care. It is such a peculiar charge to say about this bill, that health reform will lead to rationing of health care, because we see rationing of health care every day.

Senator WHITEHOUSE pointed out on the floor several times, the model of the health insurance business is this: They hire a lot of bureaucrats to keep people from buying insurance if they are too sick. A large insurance company will have a bunch of employees, a bunch of bureaucrats. When people apply for health insurance, they will check and see is this person going to cost our company too much, so they will deny them, they won't even get insurance with this company—a pre-existing condition or something. Then they have bureaucrats on the other end to challenge the claims once one of their insured customers gets sick. So they have bureaucrats on both ends of this health insurance model, stopping people from getting insurance at the

beginning and stopping them from receiving coverage. In fact, 30 percent of the claims on the first go-around are denied. Sometimes when you appeal them you can win. But just the idea, when you are sick or you are taking care of a very sick child or spouse or parent or sister or whatever, and you are fighting with the insurance companies to pay the bill—we remember the President, President Obama, talking about that with his mother, the fights she had with the insurance companies to pay for her cancer care as she was dying. We don't hear about that in the public plans. We don't hear about that in TRICARE or in Medicare.

Mr. WHITEHOUSE. It has happened in my family as well. A member of my family whom I loved very much went to the National Institutes of Health to get the best recommendations he could for a very terrible diagnosis he had received. When he went back to New York, where he lived, and filed his claim and began the treatment that the National Institutes of Health top expert on his diagnosis had recommended, his insurance company came back and said I am sorry, no, that is not the indicated treatment. They dropped—tried to, anyway—dropped a bureaucrat between his doctor, a world expert, and the care he was entitled to.

The Senator and I hear these stories all the time. People are not making them up. They happen to us. They happen to people we know. Unfortunately, unlike my family member who fought back and was able to convince the insurance company to honor what the expert at the National Institutes of Health indicated was the standard and approved treatment for that type of condition, many people are overwhelmed by the illness, they are overwhelmed by the paperwork, they are overwhelmed by the battle with the insurance company. They believe what they are told and they allow themselves to get rolled over.

If an insurance company only gets 1 in 10, it still saves them money when they deny people that care. It is in their business model to deny their insureds the care that they paid for, once they have the nerve to get sick. That is a recurring and consistent problem that just plain never comes up in the government programs. It is unique to our very unique position as being the one country in the world that turns over our health care to the profit-making private sector for things we cannot negotiate on, for things that are not elective.

If you do not want to buy a bicycle, you don't have to buy a bicycle. They have to come to you on price. But if you need a heart transplant, there is not a lot of negotiation. We turn that over to the profit sector and as a result we have higher costs and worse results than any country.

Mr. BROWN. I would point out when the Senator said the only country in the world—not every country in the

world has a government health care system; not that every country has, or even many of them that have successful health care systems are necessarily socialized medicine or public health care plans. But what they have, when they use private insurance in other countries, they are private but they are not-for-profit private insurance. So they don't have all the bureaucrats in this business model at the beginning keeping people from getting coverage and at the end denying payment for those plans.

The fourth myth we hear so much is related to rationing of care, the myth about rationing of care, and that is that health reform will interfere with decisions that should be between doctors and patients. That is exactly what we are saying again with private insurance now. You don't see that with Medicare.

The ACTING PRESIDENT pro tempore. The time of the majority for morning business has expired.

Mr. BROWN. I ask unanimous consent for 2 more minutes.

Mr. ALEXANDER. Reserving the right to object, I ask to add an equal amount of time, 2 minutes, to the Republican time.

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

Mr. BROWN. That is the fourth myth, that health reform will interfere between doctors and patients. That is what we are seeing now. We are seeing so many cases where the doctor and the patient—the doctor puts his or her secretary or nurse on the line or the doctor herself calls the insurance company to beg them for coverage. I have heard doctors say to a patient: I will pay it out of my own pocket if I can't get this covered with the insurance company.

All these resources of the system, the patient's time, the family time, the doctor time, the doctor hiring all these people, the insurance companies hiring all these people to prevent you from getting coverage, the insurance companies hiring all these people to prevent you from getting reimbursed for your expenses—all this goes into what? It is waste. Executive salaries, profits, but certainly doesn't go into patient care.

I ask Senator WHITEHOUSE, why don't you wrap up.

Mr. WHITEHOUSE. It provides no health care value at all and it is going in the wrong direction. Insurance company administrative expense is up over 100 percent. I go to Rhode Island and I talk to doctors and community health centers, for whom 50 percent of their personnel are devoted not to providing any health care but to fighting with the insurance company. So the notion that it is the Government that will get between you and your doctor is truly the big lie. It is the insurance companies that are the ones that, day after day—a manner of their business model—get between Americans and their doctors. We are trying to cure that and we will.

I thank the Senator from Ohio.

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

#### HONORING ARMY SPECIALIST FREDERICK GREENE

Mr. ALEXANDER. Earlier today the assistant Democratic leader, who is now presiding, delivered some eloquent remarks about the murders at Fort Hood. I believe there were two soldiers from Illinois who were there. One was from Tennessee, from Mountain City, TN, which is a beautiful little part of our State, way up in the northeastern corner near Virginia. Some people have said it looks like Switzerland and that the people there talk in Elizabethan phrases and tones.

SPC Frederick Greene, according to an article in the Washington Post:

... was a Tennessee native so quiet and laid back that he earned the nickname "Silent Soldier" while stationed at Fort Hood preparing to go overseas.

He hoped to spend the months before his deployment to Afghanistan with his wife of less than 2 years. She had made arrangements to leave their home in Mountain City, TN, next week and move to Fort Hood until January, when Greene was to ship out.

Instead, [they] are planning his burial in the northeast corner of the state where he grew up.

This is what Specialist Greene's family had to say about him, and I think it speaks as eloquently about his life and service to our country as anything could. In their words:

Fred was a loved and loving son, husband and father, and often acted as the protector of his family.

Even before joining the Army, he exemplified the Army values of loyalty, duty, respect, selfless service, honor, integrity and personal courage. Many of his fellow soldiers told us he was the quiet professional of the unit, never complaining about a job, and often volunteering when needed. Our family is grateful for the thoughts and prayers from people around the country. We would like to ask for privacy during this emotional time because Fred, too, was a very private person.

We will honor the request for privacy of the family, but we will also honor Fred Greene for his service to our country.

Speaking just for myself, but I am sure most Tennesseans, most Americans, feel the same way—for 8 years now, tens of thousands of men and women from Tennessee have fought in Iraq and Afghanistan to keep terrorism from spreading here.

It is tragic enough when any one of them is wounded or killed in that fight; it is beyond belief when one of them is wounded or killed at home in a terrorist act at Fort Hood. That is hard for us to accept. But in accepting it and asking questions that we inevitably must ask about how this could have happened, we certainly can honor each of those who were killed, each of those who were wounded.

We can respect their service, and I especially want to show my respect for the family of SPC Frederick Greene and for his service.

I ask unanimous consent to have printed following the remarks I just made a brief article from the Washington Post and an article from the Johnson City, TN, Press of Tuesday, November 10.

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

[From the Washington Post, Nov. 8, 2009]

SPEC. FREDERICK GREENE, 29

Spec. Frederick Greene was a Tennessee native so quiet and laid-back that he earned the nickname "Silent Soldier" while stationed at Fort Hood preparing to go overseas.

He hoped to spend the months before his deployment to Afghanistan with his wife of less than two years. She had made arrangements to leave their home in Mountain City, Tenn., next week and move to Fort Hood until January, when Greene was to ship out.

Instead, Greene's wife and family are planning his burial in the northeast corner of the state where he grew up.

The 29-year-old enlisted in the Army six months after getting married because the military seemed like the best way forward, said Howard Nourse of Kentwood, Mich., who said he considered Greene a grandson. Rural Mountain City offered relatively few opportunities to advance, and he wanted to build a career, perhaps in engineering.

Greene's mother died when he was a boy, and he was raised by her twin sister Karen Nourse, and Karen's husband, Rob Nourse. Family members are leaning on their Christian faith as they grieve, said Howard Nourse, Rob's father. "God is still in control," he said. "Even though we don't understand why something happens, He's still in control."

[From the Johnson City (TN) Press, Nov. 10, 2009]

LOCAL SOLDIER REMEMBERED BY COMMUNITY  
(By Brian Bishop)

One of the 13 killed during Thursday's Fort Hood attack was a local man—29-year-old Army Specialist Frederick Greene.

"Fred was a loved and loving son, husband and father and often acted as the protector of this family," Army Public Affairs Cathy Gramling said in a prepared family statement Sunday outside the Johnson City home of Greene's parents, Karen and Rob Nourse.

"Even before joining the Army, he exemplified the Army values of loyalty, duty, respect, selfless service, honor, integrity and personal courage. Many of his fellow soldiers told us he was the quiet professional of the unit, never complaining about a job given, and often volunteering when needed. Our family is grateful for the thoughts and prayers from people around the country. We would like to ask for privacy during this emotional time as Fred, too, was a very private person."

Greene's family did not participate in the news conference, opting to let the military spokeswoman read the prepared statement.

"I don't have any information about what happened during the shooting," Gramling said. "The Army and other investigators are going through that now. I will say this, regardless of Fred's actions during the shooting, he signed up to serve our country. In my mind, and I believe in the minds of the family, he's already a hero, regardless of what happened that day."

Fred's parents attend River of Life Church just down the road from their home and pastor Donnie Humphrey is making sure the family gets the full support of the church during this emotional time while ministering to the church as well.

"We're doing as much or as little as they want," Humphrey said. "In this situation, what we've got to be really careful about is smothering somebody. We want to be there for them if they need us but not be in the way. In the grieving process, there's anger, hurt and confusion. That's kind of where our congregation is too, in shock this morning because we kept this quiet. They were shocked, hurt, confused and I'm sure some folks are angry as well."

Church members and others in the community speak well of Greene, who joined the military in May 2008, and say it is a loss that will be felt for a long time to come. Those that have known Greene all his life say he was a smart man on his way up in the world.

"I've known Fred and his family his whole life and he was a very fine boy, one of the finest you ever met," family friend Glen Arney said.

"I worked with him at the A.C. Lumber and Truss Company where he worked for a number of years. He went from building trusses to being offered the job of designer, but he turned it down. He was one of those who was smarter and more well-read than he let on. Everybody who met him, loved Fred Greene."

Exact details about the shooting rampage are not known as investigators from multiple agencies are working out what transpired when officials say suspect Maj. Nidal Malik Hasan opened fire.

#### HEALTH CARE REFORM

Mr. ALEXANDER. We are in the middle of the health care debate. We have different points of view. I am sure people are confused by what they hear. I think that would be inevitable with a 2,000-page bill, which is the House-passed bill. That is all we have today while the Democratic majority leader writes his version of whatever we are expecting to act on, behind closed doors.

Earlier this week I talked to a woman in my home town. She expressed what I suppose many people believe. She said: I am very confused by what I hear, but I do not like what I hear. My husband lost his job. He was one of the lucky ones; he got a new job. But it only pays 60 percent of what he was earning doing the same work, and he does not have any benefits.

So, she said: I went back to work. I am a small business woman. We needed the benefits, so I went back to work.

But she said: These proposals I am hearing about do not seem to be working out the way they are supposed to. They are putting more costs on us when we buy our insurance and when, as a small business person, I have to buy insurance.

She said: I do not like what I hear.

I think she is expressing a real concern—it is a complicated bill. There is a lot of concern on both sides. We heard the other side talking about myths and reality. I see the Senator from South Dakota. It looks as though he has the 2,000-page bill with him. It is good that he is young and strong and can carry such things. His eyes are good, and he can read it. It will take a while to do that, which is why, when this bill gets to the Senate floor, we want to make sure we read the bill, we

know what it costs, and we help the American people understand how it affects them.

I would ask the Chair if he would please let me know when I have 60 seconds remaining on my 10 minutes.

The ACTING PRESIDENT pro tempore. The Chair will advise the Senator.

Mr. ALEXANDER. What I would like to suggest this morning is that we ought to focus on a forgotten word, and the word is "cost." This is supposed to be about reducing the cost of health care not increasing the cost of health care; reducing the cost of our premiums, which 250 million of us have. We have health care plans upon which we or somebody else pays premiums for us. We would like for those to go down or at least stabilize. That is what this reform is supposed to be about—and reducing the cost of health care to our government because all of us, including our President, have seen that we are going to go broke if we do not do that.

Here is the President speaking at the White House health summit on March 5 in words I thoroughly agree with:

If people think we simply can take everybody who is not insured and load them up in a system where costs are out of control, it is not going to happen. We will run out of money. The Federal Government will be bankrupt. State governments will be bankrupt.

That is President Obama using the B-word. Yet the bill we have coming toward us is indeed historic. But it is historic in its combination of higher premiums not lower premiums, of higher taxes, of Medicare cuts, and of more Federal debt.

Millions of Americans will be forced into government plans, perhaps including a new one, when their employers look at the option and say: We are out of here. They will write their employees: Congratulations. We are going to write a check to the government. That is better for us as a company, our bottom line, and you are in the government health care plan.

That is going to come as a shock to millions of Americans. We do not hear as much about it here. But one way the House of Representatives plans to pay for this expensive bill, that's going to cost between \$2 trillion and \$3 trillion, according to various estimates when it is fully implemented over 10 years, is to shift some of the cost to the States.

The numbers we throw around here after a while do not have any reality to them, but if you are a Governor—and our Governor, a Democratic Governor, has said that the House-passed bill—now that is not the Senate bill because the Senate bill is still behind closed doors; we have not seen it—but the House-passed bill will add about \$1.3 billion cost to the State of Tennessee over the next 5 years for its share of the Medicaid costs, including reimbursement of physicians.

I have been the Governor of Tennessee. I know how much money that is, and I cannot see how the State of

Tennessee can afford to pay for its share of these proposed Medicaid costs unless it institutes a new State income tax or seriously damages higher education or both.

So we should take a different approach. Instead of a 2,000-page bill with higher premiums—people say: Well, that is a myth. Well, it is not a myth. I mean, if you add \$900 billion in taxes over 10 years to insurance companies and medical devices, who do you think is going to pay it? The people who pay for insurance premiums are going to pay it. If you tax the oil companies, who do you think is going to pay the tax? The people who buy gasoline. Taxes are not paid out of thin air; companies pass them on. So premiums are going to go up.

They are also going to go up because of government requirements for an "approved government policy." Senator COLLINS of Maine said 87 percent of people in Maine would be paying more for the premiums they have today if they had to buy them new under the House-passed plan. So why do we not take a different direction? Instead of these 2,000-page bills, that cost \$2 or \$3 trillion, and are full of surprises and confusion, why do we not just set a goal of reducing costs? Why do we not go step by step in reducing those costs? I bet we could agree on a lot of things. Going step by step in the right direction is one good way of getting where we want to go. It also provides bipartisan support which would provide bipartisan support of the country, which the President and the majority will need to sustain the program. We want the President to succeed because we want our country to succeed. He is our President. But this bill will not help him succeed. It will not help our country succeed.

Just to conclude with one example of what a step would be is the small business health care plan, which we worked on for a long time. Senator ENZI from Wyoming has been the principal sponsor. It would allow small businesses to combine and offer insurance to a larger number of employees.

According to the Congressional Budget Office, such a plan, as I just described, would add nearly 1 million, 750,000 people would become insured. Three out of four people who are employees of small business would have lower rates, and we would reduce the cost of Medicaid by \$1.4 billion.

That is just a step, but it is a step in the right direction. So I would hope we can focus on costs, reducing costs. Republicans have a series of steps we would like to take in that direction. We reject these 2,000-page bills that raise taxes and premiums and Medicare cuts. We hope we can come to some agreement before we conclude the debate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I want to commend the Senator from Tennessee.

I totally support his approach. I think handling health care reform in a way that reflects a more thoughtful step-by-step approach is the correct way to proceed.

The leadership, the Democratic leadership in the House of Representatives, wanted to pass a health care reform bill in the worst possible way. They succeeded on Saturday, passing it in the worse possible way. It is a 2,000-page bill which was debated for about 4 hours and passed on a party-line vote. It was a partisan bill, very limited amount of debate, very few number of amendments that were offered. I think the Republicans were able to offer one substitute during that entire debate.

They passed out a 2,000-page bill that expands the Federal Government by \$3 trillion over 10 years when it is fully implemented. So you have a 2,000-page bill coming out of the House of Representatives, a \$3 trillion expansion of the Federal Government, and I think what the American people are probably asking in observing this process is, What does it all mean for me?

Well, let me tell you what it means. If you are a taxpayer in this country, if you are someone who currently does not have insurance in this country, you are going to pay higher taxes. If you are somebody who has insurance, you are going to pay higher taxes. If you are a medical device manufacturer, you are going to pay higher taxes. If you are a small business, you are going to pay higher taxes. If you are someone who has a flexible spending account, you are going to pay higher taxes. If you are someone who has a health savings account, you are going to pay higher taxes. If you are someone who itemizes on your tax return and deducts your medical expenses, you are going to pay higher taxes.

So pretty much that kind of covers the gamut. Everybody in this country is going to be hit with higher taxes to pay for this monstrosity, this 2,000-page bill, which, according to the CBO, raises taxes in the first 10 years by three-quarters of \$1 trillion.

What is interesting about that, when I mention that people who do not have insurance are going to pay higher taxes, there is, in this bill, what is called an "individual mandate." Those who would pay the higher tax under the individual mandate—it would raise taxes by about \$33 billion—are people who currently do not have health insurance coverage. What is interesting about that is that the CBO has looked at who would be impacted by the individual mandate and found that almost half of that tax burden would fall on taxpayers who are making between \$22,800 a year and \$68,400 a year. So about half of the individual mandate, about half of that \$33 billion tax increase, would fall on individuals who, in their incomes, fall into the middle of that category, \$22,800 a year to \$68,400 a year. That is according to the Congressional Budget Office.

Now, it raises taxes by \$135 billion on businesses through what is called a

“pay-or-play mandate.” In other words, if you do not offer health insurance, you do not offer insurance that meets the government requirement, then you pay a payroll tax starting at 2 percent, up to 8 percent of payroll. That raises \$135 billion in this bill in additional taxes and taxes that are going to hit small businesses.

There are also taxes on what they call “high-income earners.” That raises about \$460 billion in the bill. It is designed to hit people who make between \$500,000 and up to \$1 million a year, which is sort of the traditional “tax the rich and pay for this thing.”

The dirty little secret in all of that is that tax hits a lot of small businesses. In fact, about one-third of that tax is going to fall on small businesses that file or are organized as subchapter S corporations or LLCs and therefore file on the individual tax return.

So we are going to be faced with a situation where next year a small business—when the tax cuts that were enacted in 2001 and 2003, the top marginal income tax rate—goes from 35 percent to up to 39.6 percent. You will add in this health care, this 2,000-page bill, a 5.4-percent surtax on those high-income earners. So if you can believe this, the top marginal income tax, Federal income tax rate in this country, will go up to 45 percent—45 percent.

That is the highest rate we have seen in 25 years. As I said, it would be one thing if it were just hitting high-income individuals who were making more than  $\frac{1}{2}$  million a year, but it does not. It hits small businesses, small businesses that are organized as partnerships, subchapter S corporations, LLCs, and, therefore, file an individual tax return.

So they have \$460 billion of tax increases there, \$135 billion in the pay-or-play mandate, \$33 billion in tax increases through the individual mandate—all totaled, \$752 billion in new taxes in this 2,000-page bill that are going to be passed on and paid for by the American public.

The Joint Tax Committee said of the Senate bill—by the way, this is the Senate version of the bill. This is only 1,500 pages. We do not know—as the Senator from Tennessee pointed out—what the final Senate bill is going to look like.

All we know is that this is the version that was reported out of the Finance Committee, 1,500 pages also filled with higher taxes on individuals and small businesses.

The argument was made that we will make the people who are wealthy, the affluent, pay for this. What the Joint Tax Committee found was that 87 percent of the tax burden in the Senate Finance Committee bill would be paid by wage earners making less than \$200,000 a year and a little over 50 percent would be paid by those making under \$100,000 a year. If one fits into those categories, there are 46 million Americans who will be hit with higher taxes under the 1,500-page Senate Fi-

nance Committee bill as opposed to the 2,000-page House bill that passed on Saturday.

I remind my colleagues that when we talk about a massive \$3 trillion expansion of the Federal Government, it has to be paid for somehow. Of course in this case, it is paid for in the form of higher taxes and by way of Medicare cuts that will hit very hard on seniors, \$170 billion in cuts to Medicare Advantage, cuts to providers such as hospitals, home health agencies, hospices. Everybody gets to have their reimbursements cut in order to finance this \$3 trillion monstrosity of an expansion of the Federal Government.

Having said that, it would be one thing if, in fact, the goal was accomplished, which is to reduce health care costs. Ironically, after a \$3 trillion expansion of the Federal Government and three-quarter trillion dollars in additional taxes in the first 10 years, we don't see any impact on insurance premiums. In fact, they will not go down; they will actually go up.

I want to read what the Congressional Budget Office said about that:

On balance, during the decade following the 10-year budget window, the bill would increase both federal outlays for health care and the federal budgetary commitment to health care, relative to the amounts under current law.

That is consistent with everything we have heard so far from the Congressional Budget Office about the impact this bill would have on overall health care costs and on the premiums average Americans would end up having to pay.

With respect to State governments, because something has been said in this bill about the expansion of Medicaid, in fact, there is a massive expansion of the Medicaid Program, to the point that a decade from now one-quarter of the entire population would be on Medicaid. This was a program that at one time was designed to assist poor, disabled people who really need assistance with health care. A decade from now, with this expansion of Medicaid, we would see one-quarter of the population on Medicaid.

The other component of that, the element I think should be so disturbing to States—as we all know, Medicaid is a State-Federal shared responsibility. I see the Senator from Nebraska, Mr. JOHANNIS, a former Governor, who knows full well about the cost of Medicaid to State budgets. What this bill would do is increase the amount of cost passed on to States by \$34 billion. States are going to have to look at how they are going to finance this thing, probably in the form of additional and higher taxes.

We have a \$3 trillion expansion of the Federal Government, cuts to Medicare that will affect not only seniors but also most providers, and massive increases in taxes which will hit squarely small businesses and individuals, in particular individuals who make less than \$100,000 a year. We need to do

what the Senator from Tennessee suggested; that is, start over and do this step by step rather than a massive expansion of the government that raises taxes and increase health care costs.

I yield the floor.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from Nebraska.

Mr. JOHANNIS. Madam President, if I may start out today and use a portion of my time to ask if the Senator from South Dakota would answer a question or two about Medicaid, the first question I have for the Senator from South Dakota is, when it comes to Medicaid, why would we be putting a mandate on States at a time when every State in the country is going through a difficult budget cycle? In fact, Nebraska literally, as I speak, is in special session to cut the budget by over \$300 million. Why would we do that with this health care bill?

Mr. THUNE. Madam President, that is exactly the point. Why would we pass on \$34 billion in additional cost to States when, as my colleague suggested, in States such as Nebraska and South Dakota, it is on the front page every day about decisions made at the State level, about cuts that will have to occur, looking at revenue increases, with the economy in the difficult situation it is in? I can't imagine complicating that by passing on an additional \$34 billion in cost that every Governor and every State legislature will have to deal with.

Mr. JOHANNIS. Madam President, I begin my comments and thank the Senator from South Dakota for answering that question. Having been a Governor and, for that matter, a mayor, this is a very difficult time back home. When I refer to “back home,” I refer to Nebraska, but every Senator could say the same. State budgets are struggling.

Today, I rise because I believe there is another important point to be stressed as Senators on both sides of the abortion issue decide how they want to approach their vote relative to this legislation.

We saw a clear pro-life approach when the House passed what is now being referred to as the Stupak amendment. That amendment is straightforward. It says no Federal tax dollars will pay for abortions, whether that is directly or through subsidies or any other means. Put another way: If you accept a subsidy from the Federal Government, you cannot use that to fund an abortion. It is clear and straightforward. This carries on the long-standing tradition of separating tax dollars from abortions.

Now the focus is on the Senate. The House passed their legislation on Saturday. I have heard very little about the importance of what some have characterized as little more than a procedural vote. In reality, it is an important vote that might well become the deciding factor in the debate over Federal funding of abortion. Let me explain. It all depends on whether the

ban on Federal funding of abortions is weakened in the Senate bill compared to the House.

As I speak today, the Senate bill is being written behind closed doors by the majority leader and others. If their final product includes anything less than the House-passed ban, the critical vote for pro-life Senators will be their vote on cloture on the motion to proceed. Why? Because if the motion to proceed is successful, it will end, in my opinion, any chance to match the House bill's ban on using Federal funds to fund abortion. It is the way the Senate works, according to its rules. Sixty votes would be needed to change the bill once a motion to proceed passes. Let me repeat: 60 votes would be needed to change the bill once a motion to proceed passes. We all know, regrettably, that there are not 60 Senators who would support the House provision that bans Federal funding for abortions; therefore, we would lack the votes to close the door on Federal funding of abortions if this bill proceeds to the floor with a weakened approach.

The ban on Federal funding of abortions must be a part of the Senate bill before debate is allowed to proceed. Don't be fooled by the claims that the motion to proceed to the bill is a first step in improving the bill; it will be the final say for the pro-life community.

I applaud my colleagues on both sides of the aisle who have declared they will accept nothing less than a complete separation between Federal funds and abortion services. I wish to express unequivocally, I stand firmly with them. If we are presented with a weakened ban on Federal funding of abortion compared to the House version, we must vote against cloture on the motion to proceed to the bill. In my judgment, this point should be nonnegotiable.

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. JOHNSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3082, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3082) making appropriations for military construction, the Department of

Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Johnson/Hutchison amendment No. 2730, in the nature of a substitute.

Udall (NM) amendment No. 2737 (to amendment No. 2730), to make available from Medical Services, \$150,000,000 for homeless veterans comprehensive service programs.

Johnson amendment No. 2733 (to amendment No. 2730), to increase by \$50,000,000 the amount available for the Department of Veterans Affairs for minor construction projects for the purpose of converting unused Department of Veterans Affairs structures into housing with supportive services for homeless veterans, and to provide an offset.

Franken/Johnson amendment No. 2745 (to amendment No. 2730), to ensure that \$5,000,000 is available for a study to assess the feasibility and advisability of using service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities.

Inouye amendment No. 2754 (to amendment No. 2730), to permit \$68,500,000, as requested by the Missile Defense Agency of the Department of Defense, to be used for the construction of a test facility to support the Phased Adaptive Approach for missile defense in Europe, with an offset.

Coburn amendment No. 2757 (to amendment No. 2730), to require public disclosure of certain reports.

Durbin amendment No. 2759 (to amendment No. 2730), to enhance the ability of the Department of Veterans Affairs to recruit and retain health care administrators and providers in underserved rural areas.

Durbin amendment No. 2760 (to amendment No. 2730), to designate the North Chicago Veterans Affairs Medical Center, Illinois, as the "Captain James A. Lovell Federal Health Care Center".

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Madam President, I look forward to making progress on the MILCON-VA bill today so we can reach agreement on a finite list of amendments and vote on them next Monday, followed by final passage of the bill. I wish we were in that position today, but since that is not possible, I hope we can at least arrive at a roadmap to final passage next week.

This bill is too important to our military troops and their families and to our Nation's veterans to allow it to become caught up in petty politics. We do not need grandstanding on this bill or message amendments or delaying tactics driven by a political agenda. We just need to get the job done and get this bill to the President.

We will be working throughout the day to try to clear and dispose of non-controversial amendments and to try to come up with a short, finite list of amendments that can be voted on next Monday so we can clear the way for final passage of the bill that same day.

I know the leaders and the cloakrooms, as well as the committee staff, are working hard to clear amendments. I hope we will be at a point to dispose of some of those amendments soon.

I do not need to remind my colleagues that tomorrow is Veterans Day. If we cannot complete this bill today, let us at least return home with a plan to finish the bill next Monday.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 2752 TO AMENDMENT NO. 2730

Mr. JOHANNNS. Madam President, I ask unanimous consent that the pending amendment, if there is one, be set aside and that amendment No. 2752 be called up.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. JOHANNNS] proposes an amendment numbered 2752 to amendment No. 2730.

Mr. JOHANNNS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: Prohibiting use of funds to fund the Association of Community Organizations for Reform Now (ACORN))

On page 60, after line 24, insert the following:

SEC. 6. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

Mr. JOHANNNS. Madam President, this is an amendment I have offered on several appropriations bills. Each time, it has passed with overwhelming bipartisan support. Additionally, the continuing resolution includes similar language. But, of course, the CR runs out on December 18.

We need to continue passing this amendment; therefore, I need to continue to offer it. It basically says we are blocking all Federal funding under this bill to ACORN. I do have a piece of legislation pending that would take care of this across the Federal system, but that has not come to a vote yet. So I am offering today this amendment on ACORN. This amendment will continue to protect taxpayer dollars.

I do want to indicate to the manager of the bill that, of course, I am happy to work with my colleagues on a voice vote whenever the appropriate time arises for that to occur.

With that, Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

#### HONORING OUR ARMED FORCES

Mr. BEGICH. Madam President, I rise today on the eve of Veterans Day to honor all those who have and are now serving to protect our freedoms, especially the service men and women of my State who have such a vital role in our Nation's defense.

At trouble spots across the world—from Afghanistan to Korea, Iraq to Kosovo—Alaskan servicemembers are on the front lines.

Today, I welcome the opportunity to praise Alaska's service men and women, their families who are such a key part of our communities, and the thousands of veterans who have chosen to live in the 49th State.

Nearly 75 years ago, Air Force GEN Billy Mitchell testified before Congress and famously said:

Alaska is the most strategic place in the world.

General Mitchell's pronouncement might have been an eye-opener for Members of Congress in 1935, but the importance of Alaska's strategic location has been well known to Alaskans for centuries.

Shortly after Alaska's purchase from Russia in 1867, the U.S. Army was dispatched to help administer the new American territory. Within 10 years, a significant presence was established in Alaska by both the Navy and the Reserve Service, which later became the U.S. Coast Guard.

The Army helped maintain law and order during the turn of the century Gold Rush, which saw thousands scramble north in search of fame and fortune.

With the buildup to World War II, Alaska's vital role in the Nation's defense grew dramatically. Alaska's Aleutian Islands were the only American territory occupied by the Japanese during the war. Dislodging them in brutal conditions cost American and Japanese troops more than 6,000 casualties combined.

Servicing Alaska's strategic military needs during the war required construction of the 1,400-mile Alaskan-Canadian Highway, known as the ALCAN. This road was built largely by three African-American regiments, and their success helped spur the Army to end segregation among its ranks.

Some of the Nation's most essential eyes and ears during the war were soldiers of the Alaska Territorial Guard. These Eskimo volunteers, capable of living off the land as they guarded against invasion, knew every nook and cranny of Alaska's coastline. Today, some two dozen of these scouts are still with us—most in their eighties and still living largely off the land through subsistence hunting and fishing.

As a member of the Armed Services Committee and working with my colleague, Senator MURKOWSKI, we guaranteed in next year's military budget bill that these brave guardsmen will receive proper Federal benefits and recognition for their service.

Today Alaska is home to some 30,000 Active-Duty service men and women. Another 30,000 Alaskans are the family members of these soldiers and airmen.

Alaska's major military installations include Elmendorf, Eielson, and Clear Air Force Bases, Army Forts Richardson, Wainwright, and Greely, and Kulis Air National Guard Base. Through these bases, about one in five Alaskans has a personal tie to the military.

To maintain these vital posts, the Department of Defense spends in excess of \$1.5 billion a year in our State. That is a huge part of Federal spending in Alaska, which constitutes about 18 percent of the State economy.

Alaska is also proud to have the highest per capita population of vet-

erans of any State. The more than 75,000 veterans who call our State home comprise 11 percent of our population.

Alaska's bases support the latest and greatest in the military's arsenal: from the F-22, the Air Force's latest fifth generation fighter aircraft; the C-17 cargo aircraft; the Army's Stryker vehicle; and the Ground-Based Midcourse element of missile defense.

Today more than 4,000 servicemembers stationed in Alaska are supporting overseas contingency operations around the world.

Just last month, we welcomed home the 1st Stryker Brigade Combat Team of the 25th Infantry Division based at Fort Wainwright. This brigade spent 12 months in Iraq's Diyala Province doing a remarkable job protecting the people of Iraq.

Still in Iraq is the 545th Military Police Company of the Arctic Military Police Battalion that continues to patrol the streets of Baji.

The Alaska National Guard also has a vital role in that theater. The Guard's 207th Aviation Regiment continues to fly C-23 Sherpa military aircraft missions, delivering more than 1 million pounds of cargo throughout Iraq.

Back home, the Guard plays a significant role in the defense of our Nation around the clock. At Fort Greely, they staff the operations center for the Ground-Based Midcourse Defense system, protecting the United States from ballistic missile threats from countries such as North Korea and Iran.

The Guard also provides invaluable search and rescue support and other vital missions to ensure the safety of our citizens in our vast State.

Alaskans continue to serve in harm's way in Afghanistan and Iraq. The 4th Airborne Brigade Combat Team of the 25th Infantry Division operates in Afghanistan's Regional Command-East in support of the International Security Assistance Force.

These soldiers are bravely serving on the front lines, hunting down al-Qaida terrorists, securing the border, and trying to establish governance in this vital part of the world.

Since their arrival in February, the 4-25 BCT has suffered significant casualties. In fact, since the 9/11 attacks on America, 143 servicemembers from Alaskan units deployed in support of the global war on terror have paid the ultimate sacrifice.

Madam President, I would like to honor those based in Alaska who were killed in action since September 11, 2001.

The pictures beside me which I show in the Chamber are of those who have fallen in the past year, just since Veterans Day 2008.

Just 2 weeks ago, a lifelong Alaskan paid the ultimate sacrifice. On October 23, in Afghanistan's Helmand Province, two U.S. aircraft collided in midair in the predawn dark. Marine Corps Cpl Gregory Fleury was the crew chief aboard one of those aircraft.

Corporal Fleury was just 23 years old, a graduate of Anchorage's Service High School. He had already served two tours of duty in Iraq as a combat helicopter mechanic and gunner.

The helicopter crash that took the young corporal's life was a bad one. But the Marines were able to recover one item that belonged to him—an Alaskan flag.

I spoke to Corporal Fleury's grandfather last week to thank him for his grandson's service on behalf of this proud Nation.

Madam President, I ask unanimous consent that the names of all the Alaskan troops who have made the ultimate sacrifice since September 11, 2001, be printed in the RECORD.

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

Following is a list of Alaskan, or Alaska-based, soldiers who have died since 2003. They are presented chronologically.

2009-11-04: Spc. Julian Berisford  
 2009-10-26: Cpl. Gregory Fleury  
 2009-09-19: Spc. Michael S. Cote  
 2009-09-11: Pfc. Matthew M. Martinek  
 2009-09-08: Pfc. Zachary T. Myers  
 2009-09-08: Pfc. Thomas F. Lyons  
 2009-09-08: Staff Sgt. Shannon M. Smith  
 2009-09-06: Staff Sgt. Michael C. Murphrey  
 2009-09-04: Second Lt. Darryn Andrews  
 2009-08-26: Staff Sgt. Kurt R. Curtiss  
 2009-08-18: Pfc. Morris L. Walker  
 2009-08-18: Staff Sgt. Clayton P. Bowen  
 2009-07-29: Staff Sgt. Anthony S. Schmachtenberger  
 2009-07-06: Pfc. Nicolas H.J. Gideon  
 2009-07-04: Pfc. Justin A. Casillas  
 2009-07-04: Pfc. Aaron E. Fairbairn  
 2009-06-25: 1st Lt. Brian N. Bradshaw  
 2009-06-03: Spc. Jarrett P. Griemel  
 2009-03-15: Staff Sgt. Timothy Bowles  
 2009-03-09: Pfc. Patrick DeVoe II  
 2009-02-23: Spc. Michael B. Alleman  
 2009-02-23: Spc. Cpl. Michael L. Mayne  
 2009-02-23: Spc. Zachary F. Nordmeyer  
 2009-01-25: Spc. Cody L. Lamb  
 2008-11-28: Lt. William K. Jernigan  
 2008-11-15: CWO Donald V. Clark  
 2008-11-15: CWO Christian P. Humphreys  
 2008-10-24: Pfc. Cody J. Eggleston  
 2008-10-16: Pfc. Heath Pickard  
 2008-10-09: Cpl. Jason A. Karella  
 2008-09-15: Sgt. 1st Class Daniel R. Sexton  
 2008-02-02: Sgt. Naquan Reinaldo Williams, Jr.  
 2007-11-05: Staff Sgt. Carletta S. Davis  
 2007-11-05: Sgt. Derek T. Stenroos  
 2007-10-14: 1st Lt. Thomas M. Martin  
 2007-10-09: Sgt. Jason Lantieri  
 2007-08-01: CWO Jackie L. McFarlane Jr.  
 2007-08-14: Spc. Steven R. Jewell  
 2007-08-14: Staff Sgt. Stanley B. Reynolds  
 2007-08-14: Staff Sgt. Sean P. Fisher  
 2007-08-14: Christopher C. Johnson  
 2007-08-04: Pfc. Jaron D. Holliday  
 2007-08-04: Cpl. Jason K. LaFleur  
 2007-08-04: Sgt. Dustin S. Wakeman  
 2007-07-31: Sgt. Bradley W. Marshall  
 2007-07-31: Spc. Daniel F. Reyes  
 2007-07-23: Pfc. Jessy S. Rogers  
 2007-07-22: Sgt. Shawn G. Adams  
 2007-07-05: Michelle R. Ring  
 2007-06-25: Sgt. Trista L. Moretti  
 2007-06-10: Spc. Adam Herold  
 2007-05-22: Sgt. Robert J. Montgomery  
 2007-05-21: Cpl. Michael W. Davis  
 2007-05-21: Sgt. Brian D. Ardron  
 2007-05-21: Staff Sgt. Shannon Weaver

2007-05-19: Cpl. Ryan D. Collins  
 2007-05-18: Sgt. Ryan J. Baum  
 2007-05-17: Pfc. Victor M. Fontanilla  
 2007-05-17: Sgt. 1st Class Jesse B. Albrecht  
 2007-05-17: Spc. Coty J. Phelps  
 2007-05-03: Spc. Matthew T. Bolar  
 2007-05-03: First Lt. Colby J. Umbrell  
 2007-04-28: Staff Sgt. Michael R. Hullender  
 2007-04-12: Spc. James T. Lindsey  
 2007-04-12: Spc. John G. Borbonus  
 2007-04-12: Cpl. Cody Putman  
 2007-04-09: Cpl. Clifford A. Spohn  
 2007-04-08: Sgt. Adam P. Kennedy  
 2007-04-03: Staff Sgt. Shane R. Becker  
 2007-03-23: Spc. Lance C. Springer II  
 2007-03-16: Sgt. 1st Class Christopher R. Brevard  
 2007-03-11: Sgt. Daniel E. Woodcock  
 2007-02-19: Pfc. Adare W. Cleveland  
 2007-02-11: Sgt. Russell A. Kurtz  
 2007-01-22: Staff Sgt. Jamie D. Wilson  
 2007-01-20: Spc. Jeffrey D. Bisson  
 2007-01-20: Spc. Toby R. Olsen  
 2007-01-20: 1st Lt. Jacob N. Fritz  
 2007-01-20: Pfc. Shawn Patrick Falter  
 2007-01-20: Sgt. Phillip D. McNeill  
 2007-01-20: Pfc. Johnathon M. Millican  
 2007-01-20: Sgt. Sean Patrick Fennerty  
 2007-01-20: Sgt. Johnathan Bryan Chism  
 2007-01-15: Cpl. Jason J. Corbett  
 2007-01-05: Cpl. Jeremiah J. Johnson  
 2007-01-04: Staff Sgt. Charles D. Allen  
 2006-12-31: Pfc. Alan R. Blohm  
 2006-12-28: Spc. Dustin R. Donica  
 2006-12-26: Spc. Douglas L. Tinsley  
 2006-12-26: Spc. Joseph A. Strong  
 2006-12-20: Staff Sgt. Jacob McMillan  
 2006-12-20: Sgt. Scott Dykman  
 2006-12-10: Pfc. Shawn M. Murphy  
 2006-12-10: Sgt. Brennan C. Gibson  
 2006-12-10: Spc. Philip C. Ford  
 2006-12-07: Staff Sgt. Henry Linck  
 2006-12-07: Spc. Micah Gifford  
 2006-11-04: Spc. James L. Bridges  
 2006-11-02: Cpl. Michael H. Lasky  
 2006-10-30: Sgt. Kraig Foyteck  
 2006-10-11: Sgt. Nicholas Sowinski  
 2006-10-03: Sgt. Jonathan Rojas  
 2006-09-17: Sgt. David J. Davis  
 2006-09-10: Spc. Alexander Jordan  
 2006-09-02: Staff Sgt. Eugene H.E. Alex  
 2006-08-21: Master Sgt. Brad A. Clemmons  
 2006-08-09: Spc. Shane Woods  
 2006-07-12: Sgt. Irving Hernandez  
 2006-06-29: Sgt. Bryan C. Luckey  
 2006-06-07: 2nd Lt. John Shaw Vaughan  
 2006-05-31: Sgt. Benjamin Mejia  
 2006-05-29: Spc. Jeremy Loveless  
 2006-05-09: Spc. Aaron P. Latimer  
 2006-04-27: Staff Sgt. Mark Wall  
 2006-04-25: Pfc. Raymond Henry  
 2006-04-11: Cpl. Kenneth D. Hess  
 2006-04-09: Spc. Joseph I. Love-Fowler  
 2006-04-08: Spc. Shawn Creighton  
 2006-04-06: Spc. Dustin James Harris  
 2006-02-26: Spc. Joshua M. Pearce  
 2006-02-06: Spc. Patrick W. Herried  
 2006-02-05: Spc. Jeremiah J. Boehmer  
 2006-02-05: Staff Sgt. Christopher R. Morningstar  
 2006-01-22: Staff Sgt. Brian McElroy  
 2006-01-22: Tech. Sgt. Jason L. Norton  
 2006-01-07: 1st Lt. Jaime Lynn Campbell  
 2006-01-07: Spc. Michael Ignatius Edwards  
 2006-01-07: Spc. Jacob Eugene Melson  
 2006-01-07: CWO Chester William Troxel  
 2005-11-19: Pvt. Christopher Alcozer  
 2005-11-11: Staff Sgt. Stephen Sutherland  
 2005-10-19: Spc. Daniel D. Bartels  
 2005-10-18: Spc. Lucas Frantz  
 2005-10-02: Staff Sgt. Timothy J. Roark  
 2005-09-11: Sgt. Kurtis Dean Kama-O-Apelila  
 Arcala  
 2005-09-05: Sgt. Matthew Charles Bohling  
 2005-08-16: Lance Cpl. Grant Fraser  
 2005-04-04: Lance Cpl. Jeremiah Kinchen  
 2004-08-29: A1C Carl Anderson, Jr.  
 2003-04-07: Capt. Eric Das

2003-07-17: Sgt. Mason Douglas Whetston

Mr. BEGICH. In addition to these fallen heroes, hundreds more service-members will forever contend with the physical and mental wounds suffered in service to our Nation.

I have had the honor to visit several of these brave soldiers at Walter Reed Army Medical Center and at the Elmendorf Warrior Transition Unit also. It is critical that the transition of our servicemembers from the care of the Defense Department to Veterans Affairs is as smooth and as comprehensive as possible. We must ensure the VA is funded to meet the current demands of this generation of veterans.

I am proud to have been one of the original cosponsors with Senator AKAKA on a bill signed into law by the President last month which will ensure 2-year advance funding for the VA. This allows the VA to focus on providing care for our veterans instead of worrying annually about their funding.

Today's veteran population is much different from all previous wars. Thanks to improvements in protective gear and equipment, many survive serious wounds which previously would have been fatal. We also have a much greater population of female veterans who have unique needs and require specialized care. Today's veterans often have families with exceptional needs.

In World War II, nearly one in five Americans served in the armed services. Today less than 1 percent of our population currently serves. Still, some 25 million veterans live among us, representing every conflict since World War II. Our commitment to each and every one of these veterans must be full, honorable, and proud.

We honor Veterans Day this week on the anniversary of the armistice that ended World War I. In my State, we also celebrate Women Veterans Day on November 9.

On these occasions, let us rededicate ourselves to our commitment to our Nation's veterans and service men and women so their sacrifice is never taken for granted or forgotten.

Thank you, Madam President. 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.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from New York is recognized.

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

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

#### HEALTH CARE REFORM

Mrs. GILLIBRAND. Mr. President, I rise to speak in support of health care reform and on behalf of greater access to health care for all Americans. This weekend, the House took a historic step, passing a health care reform bill that ensures affordable, quality care for all, including a public plan that will bring real competition to the market

and drive down costs. Passing this bill in the House represents a monumental step toward the goal of achieving meaningful reform this year and is the furthest we have come in the decades-long fight for health care reform in this country.

However, there is one aspect of the House bill about which I wish to voice my strong disagreement—the Stupak-Pitts amendment.

While proponents of the measure say this is a continuation of current Federal law, this amendment will, in fact, bring about significant change and dramatically limit reproductive health care in this country. This is government invading the personal lives of many Americans, establishing, for the first time, restrictions on people who pay for their own private health insurance. We all agree it is important to reduce abortions in this country and I have and will continue to work on many ways to reduce unintended pregnancies and to promote adoption. However, the Stupak amendment prohibits the public plan as well as private plans offered through the exchange, if they accept any subsidized customers, from covering abortion services, effectively banning abortion coverage in all health insurance plans in the new system, whether they be public or private. This ban puts the health of women and young girls at grave risk.

Proposing that women instead purchase a separate abortion rider is not only discriminatory but ridiculous. It would require women to essentially plan for an event that occurs in the most unplanned and sometimes emergency situations.

There are currently five States that require a separate rider for abortion coverage, and in these five States it is nearly impossible to find such a private insurance policy. In one State, North Dakota, one insurance company holds 91 percent of the State's health insurance market and refuses to even offer such a rider. A lack of access to full reproductive health care puts the lives of women and girls at grave risk.

This anti-choice measure poses greater restriction on low-income women and those who are more likely to receive some kind of subsidy and less likely to be able to afford a supplemental insurance policy. Denying low-income women reproductive coverage in this way is discriminatory and dangerous.

Without proper coverage, women will be forced to postpone care while attempting to find the money they need to pay for it—a delay that can lead to increased costs and graver health risks, particularly for younger girls, or these women will be forced to turn to dangerous, back-alley providers. Women and girls deserve better.

In fact, this amendment represents the only place in the entire health care bill where the opponents are actually correct: It limits access to medical care by giving the government, not the

patient and the doctor, the power to make medical decisions.

The Senate bill already ensures that no Federal tax dollars may be used to pay for reproductive services in any public or private insurance plan beyond cases of rape, incest, and life endangerment. The House language goes much further and should be removed from the final bill.

This health care package must move us forward, toward quality, affordable health care for all Americans. I ask my colleagues to oppose any similar amendment in the Senate and work to end disparities among race and gender in our health care system.

Thank you. 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. MERKLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. GILLIBRAND). Without objection, it is so ordered.

Mr. MERKLEY. Madam President, I ask unanimous consent to speak as in morning business.

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

#### OMNIBUS HEALTH SERVICES

Mr. MERKLEY. Madam President, I rise today in support of our Nation's veterans and in support of their families.

Ninety years ago tomorrow, our Nation marked the very first Armistice Day in recognition of the end of World War I. In 1954, Armistice Day became Veterans Day, and every year since, we have marked the occasion through ceremonies, pageants, parades, and other events designed to honor the men and women who have served this Nation so selflessly in the Armed Forces. I encourage all Americans to use the opportunity of Veterans Day to let those around you who have served our Nation, those in your community, know how thankful we are for their contributions.

I know that across our Nation there will be remembrances of those we have lost and honors to those who have served in the past or who are serving today, but we can and should do more to honor our Nation's veterans. We should make sure they have access to the health care we have promised. We should make sure their caregivers are given the support they need to assist our wounded warriors. We should expand health services for female veterans. We should do more for veterans in hard-to-reach rural areas. We should increase our mental health services for veterans because injuries to the brain deserve the same attention as injuries to the body.

These programs—access to health care, support to caregivers, services for female veterans, services to rural veterans, improved mental health services—are all included in the bills that

have been put into the veterans package, the Caregiver and Veterans Omnibus Health Services Act of 2009. I have cosponsored a number of these bills and will passionately support this package. Our servicemembers stand up for America when on duty. America must stand up for our servicemembers when they return home.

The legislation before us has wide bipartisan support. It has been endorsed by organizations, including the Disabled American Veterans and the Paralyzed Veterans of America. It has been endorsed by the American Legion. It has been endorsed by the Iraq and Afghanistan Veterans of America. It has been endorsed by the Veterans of Foreign Wars. It has been endorsed by the Wounded Warrior Project. Each of these groups wants to see a vote on this omnibus package of support for our veterans and to see that vote happen now. But we in the Senate are not here debating this package, we are not here preparing to vote on this bill because a single Senator has objected to having an up-or-down vote. Our veterans deserve to have this Chamber debate this bill. They deserve to have this Chamber vote up or down on this bill.

Tomorrow we will honor our veterans through ceremonies across this Nation. But we should do more than simply honor our veterans; we should act to stand up for our veterans. We need to stand with them and their families as they have stood up for us when on duty. We should move expeditiously, and I encourage all Senators to support the effort to quickly have this bill before us for a debate and an up-or-down vote.

Madam President, 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. KAUFMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business.

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

#### RECOGNITION OF SERGEANT MAJOR GREGORY SYMES

Mr. KAUFMAN. Madam President, 90 years ago this Wednesday, President Wilson signed a proclamation marking the first anniversary of the Armistice that ended World War I. At the time, many believed the cruelty experienced by the combatants and civilian victims of that war would never be surpassed. Unfortunately, as we learned later, they were mistaken. But it was the tragedy of that conflict and the harrowing stories brought back from the trenches that led to the establishment of a day honoring America's veterans.

Veterans Day is a moment of pause to remember the sacrifices made by

those who wore our Nation's uniform. It also presents an opportunity to reflect on the dual nature of our Federal Government.

When average Americans hear "Federal employees," they usually think of the 1.8 million civilian government employees. However, it is all too often forgotten that the 1.4 million men and women serving in uniform are also Federal employees. Our Federal workforce has two legs—the civilian and the military. But they march together in step, because we depend on both and they depend on one another.

Without the military, we could not remain free and secure. Without the civilian Federal workforce, we could not keep America on the path toward prosperity and the continued pursuit of happiness. Civilian Federal employees work closely with the military not only to craft strategies and policies but also to pay, arm, and care for our troops.

While some choose to serve in uniform and others in civilian roles, there are many who do both. According to the 2006 study by the Office of Personnel Management, one out of every four civilian Federal employees is a military veteran. Moreover, a fifth of these are disabled veterans. And that is just in the executive branch. This number doesn't even include those who currently serve in the National Guard or the many veterans working right here on Capitol Hill and in the Federal Judiciary. They work in nearly every department and agency.

Not surprisingly, some of the agencies with the highest percentage of veterans are those that relate to law enforcement. The Pentagon too employs many veterans, as does the Department of Homeland Security. Almost half of the civilian employees in the Veterans Benefits Administration are veterans themselves. However, many Americans do not realize that roughly one in every three employees at the Department of Transportation is a veteran. The same is true of the Mine Safety and Health Administration at the Department of Labor. Over a third of those working at the U.S. Mint are veterans. I bet most Americans would be surprised to learn veterans make up a quarter of those who work at the Smithsonian's National Gallery of Art.

It would take me a long time to read through all the departments and agencies with large numbers of veterans on staff. But the point I emphasize is that so many of our Federal employees share a tradition of national service that began with their service in the military.

Today, I wish to continue my weekly tradition of recognizing an outstanding Federal employee by sharing the story of a man from my home State of Delaware. Not only does he fill a full-time job as a Federal technician for the Delaware National Guard, but he also recently completed a year of active-duty service.

CSM Gregory Symes had already served in the Delaware Army National Guard for 7 years when he started working as a Federal technician for the Guard in 1989. A graduate of John Dickinson High School in Wilmington, Gregory trained as an automotive mechanic. While he began his Federal employment in that role, he studied telecommunications and in 2001 became a telecommunications specialist for the Delaware Guard's Director of Information Management.

Gregory has served truly as a mentor to those working alongside him and he has risen to become the senior enlisted adviser to the battalion commander for the 722nd Troop Command. In this capacity, he is often given the task of looking after the well-being of other soldiers in the battalion.

Last month, Gregory completed a 1-year deployment on active duty with the 261st Signal Brigade, and he was stationed at Fort Bliss, NM, in support of Iraqi Freedom. Decorated for his service, Gregory has received the Meritorious Service Medal, the Army Service Ribbon, and the Noncommissioned Officers Professional Development Ribbon, among others.

He continues to serve with dedication and distinction in his Federal role with the Guard, staying in the forefront of ever-changing telecommunications technology. For Gregory and all the other veterans and National Guard members who work as Federal employees, sacrifice and service are a life's pursuit. They are a constant reminder of why Veterans Day is so important.

While on Memorial Day we remember those who never made it home, on Veterans Day we dedicate ourselves to the task of caring for those who did. Care and gratitude for our veterans remains a sacred responsibility, and one that was as relevant to those who fought at Bunker Hill as it is to those stationed in Baghdad today.

George Washington once said:

The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the veterans of earlier wars were treated and appreciated by their country.

I hope all Americans will take the opportunity this week to express their appreciation of all our veterans, especially those who continue to serve in the public as Federal employees. I invite my colleagues to join me in thanking Command Sergeant Major Symes, the Federal employee of the Delaware National Guard, and all who have served our Nation in uniform. They continue to make us all proud.

REMEMBERING SAMUEL J. HEYMAN

Madam President, I cannot let this occasion pass without also noting with sadness the passing yesterday of Samuel J. Heyman. Each week, I have been speaking from this desk about our excellent Federal employees. I continue to do so because I believe that Americans need to hear more about the outstanding men and women who serve in

government, and we need to do more to encourage our graduates to consider careers in public service.

Samuel J. Heyman was a champion of this cause. Mr. Heyman attended Yale University and Harvard Law School, and he felt called to public service as a young law graduate in 1963. Working at the Justice Department under then Attorney General Robert F. Kennedy, Mr. Heyman served as chief assistant U.S. attorney for his native Connecticut.

After 5 years, he left government service to take over his family's real estate development business, but he would never forget the sense of duty and pride he felt as a Federal employee. Mr. Heyman knew that Federal employees were those who shared his level of determination and work ethic. He knew that the men and women who choose to spend their careers working for the American people not only deserve more credit than they typically receive, but he understood as well that they have the benefit of looking back on their careers with the great satisfaction of having made a difference.

It is for that reason that, in 2001, Mr. Heyman founded the Partnership for Public Service, which promotes Federal employment, and he received the Presidential Citizen Medal last year for his work as its chairman. The partnership also awards annual Service to America Medals in several categories, which have affectionately been called "Sammie" in his honor. I have been privileged to be able to share the stories of Sammie winners from this desk.

It is with deep regret that I share with my colleagues this news of Mr. Heyman's passing. A respected business leader, philanthropist, and a champion of public service, Mr. Heyman will be truly missed. My thoughts are with his wife Ronnie, their four children, and their nine grandchildren, as well as his mother, who also survives him.

I also extend my condolences to the Partnership for Public Service family. I know they will continue working to carry on Mr. Heyman's legacy. I hope my colleagues will join me in remembering Samuel J. Heyman and his tireless efforts to inspire a new generation to pursue careers in public service and to celebrate the enormous contribution made by Federal employees to our great Nation.

Madam President, I yield the floor.

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. CARDIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CARDIN. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

HEALTH CARE DISPARITIES

Mr. CARDIN. Madam President, this Congress has taken a giant step for-

ward in our effort to reform the Nation's health care system. Saturday evening, the House of Representatives passed its bill, which is estimated by the Congressional Budget Office to provide affordable health coverage to 96 percent of Americans while reducing our deficit by \$109 billion over the next 10 years.

On behalf of the 760,000 uninsured Marylanders and the countless more who are underinsured or facing huge premium increases next year, I am encouraged by my colleagues' success, and I look forward to debating this most important issue here in the Senate in the weeks ahead.

Today, I rise to discuss an issue that has received scant attention on the floor of the Senate, and that is health disparities. It is an issue directly affecting 1 out of every 3 Americans: the 45 million Latinos, 37 million African Americans, 13 million Asians, 2.3 million Native Americans and Alaskan Natives, and 400,000 Hawaiians and Pacific Islanders in our Nation. While they represent one-third of our Nation's population, they are fully one-half of the uninsured. So when we enact legislation that expands access to millions of uninsured Americans, it will make a difference in minority communities, in overall minority health, and in the health of our Nation.

But it is not enough to just get people health insurance coverage. Research tells us that even after accounting for those who lack health insurance, minority racial and ethnic groups face inequities in access and treatment, and they have adverse health care outcomes at higher rates than Caucasians.

That is right, even when insurance status, income, age, and severity of conditions are comparable, racial and ethnic minorities tend to receive lower quality health care, so coverage is not enough.

Despite many attempts over the years by health policymakers, providers, researchers, and others, wide disparities still persist in many facets of health care. When it comes to equitable care for minorities, low income, geographic, cultural and language barriers, and racial bias have been found to be common obstacles. These inequities carry a high cost in terms of life expectancy, quality of life, and efficiency.

And they cost our Nation billions of dollars each year. Researchers from Johns Hopkins University and the University of Maryland found that between 2003 and 2006, racial and ethnic disparities cost the Nation more than \$229 billion in excess direct medical costs.

Adding in indirect costs reveals a staggering \$1.24 trillion from lost wages and premature and preventable deaths and disabilities. By elevating the focus on health disparities, we can bring down these costs and improve the quality of care across the board. So health disparities should matter to us

all, in terms of improved value for our health care dollars, both public and private.

If we are to improve the health care status of America, we must focus on these inequities and make a concerted effort to eliminate them. There is no better place to commit ourselves to that effort than in the health reform legislation that we are about to consider. There is no better time to begin than right now.

Examples of grim health disparities are found in all racial and ethnic minority groups and across a broad range of diseases and conditions. The overall life expectancy for African Americans is 5.3 years less than Whites, but as the Kaiser Family Foundation has reported, health disparities begin even before birth.

The use of prenatal care varies widely by race, with 88 percent of White mothers receiving care in the first trimester of a pregnancy, but only 76 percent of Black mothers and 77 percent of Latino mothers.

This disparity is evident at birth, when Black women experience preterm births at a rate 50 percent higher than White women—18.5 percent compared to 11.7 percent, and the rates of low-birth weight babies are also higher among Black babies—14 percent, compared to the 8.3 percent national average.

In August of 1967, 8 months before his assassination, Martin Luther King addressed the Southern Christian Leadership Conference's Tenth Anniversary Convention in a speech entitled, "Where Do We Go from Here?"

He said that to answer that question:

We must first honestly recognize where we are now. When the Constitution was written, a strange formula to determine taxes and representation declared that the Negro was sixty percent of a person. Today another curious formula seems to declare that he is fifty percent of a person. "Of the good things in life, the Negro has approximately half those of whites. Of the bad things in life, he has twice those of whites.

He goes on to discuss housing, income, and employment rates, before saying, "the rate of infant mortality among Negroes is double that of whites." Today, in 2009, the Kaiser Family Foundation reports that the overall rate of infant mortality in the United States is 6.9 deaths per 1,000 live births, a white infant mortality rate is at 5.7 deaths, but African Americans have an infant mortality rate more than twice that of Whites at 13.6 infant deaths per 1,000 live births.

So 46 years after Dr. King's "I Have a Dream" speech, and 41 years after his death, we have not made progress in closing the gap in infant mortality.

There is no other way to put it: this is a crisis, it has been a crisis for decades, we have known it, and we have failed in our response.

Health disparities continue through life, and the data cut across diagnoses and conditions. These are just a few of the statistics:

African-American children have a 60 percent higher rate of asthma than

White children and visited the emergency room for asthma related services 4.5 times more often than White children in 2004.

The incidence of diabetes is nearly twice as high in African Americans as in Whites. Complications from diabetes and death from the disease are also higher in African Americans, and the rate of hospital admissions for uncontrolled diabetes for African Americans and Latinos is nearly 5 and 3 times, respectively, the rate for Whites and Asians.

High blood pressure accounts for 18 percent of the Nation's overall death rate, but 41 percent of deaths in African-American women and 50 percent of deaths in African-American men are attributed to hypertension.

Regarding early detection of colon cancer, African Americans, Asians, Native Americans and Latinos over age 50 all have lower rates than Whites when it comes to receiving any form of colon cancer screening. This disparity increased between 1999 and 2006.

Incidence of, and death rates from, kidney cancer in Native Americans and Alaska Natives are higher than in any other racial or ethnic group.

Native Americans and Alaska Natives die from heart disease much earlier than the overall population—36 percent are under age 65 compared with only 17 percent for the U.S., according to the American Heart Association's data.

Perhaps the greatest disparities are in the rates of HIV and AIDS. African Americans experience an AIDS case rate nearly 10 times that of Whites: 60.1 per 100,000 adults and adolescents, compared to 6. per 100,000 for Whites. Latinos and Native Hawaiians and other Pacific islanders have an AID case rate nearly 3 times that of Whites, at 20.4 per 100,000.

Disparities also affect oral health care, which—as I have discussed on the floor before—is an integral part of overall health care—and without which, patients cannot have good overall health. Regardless of age, minorities are less likely than Whites to have visited a dentist in the past year. The percentage of people who had untreated dental disease is substantially higher for African Americans and Latinos than for Whites, and the prevalence of periodontal disease is 2.5 times greater for Native Americans and Alaskan Natives than for Whites. We know that periodontal disease leads to heart disease, brain infections, and other serious illnesses.

Last year, the American Journal of Public Health published research showing the vast disparities in mortality rates. Using data for the decade between 1991 and 2000 from the National Center for Health Statistics, the researchers, including Dr. David Satcher, the 16th Surgeon General of the United States, found that the mortality rate for African-American infants and adults aged 25 to 54 years was more than double that of Whites.

Had the mortality rates of the two races been comparable during that decade, the researchers calculate that 886,202 deaths could have been averted.

Let me repeat that—the lives of nearly 900,000 African Americans could have been lengthened and the quality of life improved for many more if we had been able to close the gaps in health disparities.

This chart illustrates the higher death rate observed among African Americans across Maryland and the United States, based on Centers for Disease Control and Prevention data, for the years 1999 to 2003. The striped bar shows that in the U.S., African Americans had a 31.5 percent higher death rate from all causes of disease than Whites.

Maryland has a comparable discrepancy at 30.8 percent, shown by the red bar. The number of excess deaths varies by county, with the lowest discrepancy in death rates in Charles County—4.1%—and the highest discrepancy in Talbot County—64.5%.

We cannot afford to wait. We need action at every level: local, State, and Federal, but the leadership must come from the Secretary of Health and Human Services. HHS will need a strengthened institutional capacity to achieve these goals.

Codifying the Office of Minority Health and elevating it to report directly to the Secretary will empower the agency to continue its important work—protecting and improving the health of racial and ethnic minority populations, advising the Secretary of HHS on the needs of minority communities, coordinating and supporting research and demonstration programs, and supporting the community organizations that enhance outreach and education efforts. These offices will be able to promote activities related to disease prevention, wellness, access to care, and research related to racial and ethnic minorities with the goal of reducing and eliminating disparities.

The offices will be authorized to administer grant programs and also help train health professionals to care for diverse populations. The bill passed by the House on Saturday includes a provision to codify the Office of Minority Health.

I will be working to expand that provision in the Senate bill so that it reflects concerns echoed by many health advocates and provider groups across the nation who know that we must marshal the resources necessary to eliminate disparities.

The bill reported by the HELP Committee contains many important provisions, including section 221, which would codify and increase the authority of the Office of Women's Health across several agencies in HHS. I believe strongly that the Office of Minority Health should receive the same prioritization that the Office of Women's Health is set to receive, particularly in light of the vast amount of data documenting racial and ethnic

disparities. This is really an issue of equality in the efforts to achieve health equity. As we champion efforts to achieve equity in women's health, let us also do the same for minority health.

I will also be working to ensure the codification of the Office of Minority Health at HHS and the network of minority health offices throughout the Department's various agencies.

I will close with another quote from Dr. King, who said that "of all the forms of inequality, injustice in health care is the most shocking and inhuman." As with other forms of inequality in America, it is within our power to change it, and I ask my colleagues to join me in the quest to do so without further delay.

Mr. TESTER. Madam President, I ask unanimous consent to speak as in morning business.

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

#### FORT HOOD VICTIMS

Mr. TESTER. Madam President, I rise today in honor of those killed last week at Fort Hood. They died serving their country, and that means they died as heroes.

Tomorrow, as we honor the service and sacrifice of the brave men and women of America's military on Veterans Day, I ask all Americans to say a prayer for these 13 folks who gave the ultimate sacrifice and the 30 who were injured. Remember them and their families, their friends and the places they called home as we pay our respects.

Today, flags are flying at halfstaff across Montana in honor of the 13 victims killed and 30 wounded. One of the men who died was a veteran of Montana's Army National Guard. Michael Grant Kahill worked throughout Montana for many years as a guardsman and as a physician's assistant. To Michael's wife Joleen and to all of his loved ones, Montana joins the rest of the Nation in saying that our thoughts and prayers are with you.

What happened at Fort Hood doesn't make sense. It never will. But working together, we need to focus on keeping something such as this from happening again. What can we do right now? We can keep working together to live up to the promises we make to all of our troops while serving our country in the field or after they come home, and we can improve access to health care and mental health care that they deserve.

I join in mourning the lives lost at Fort Hood. I ask all Americans to keep those 13 heroes in their thoughts and prayers, and I urge my colleagues to keep working together to better serve all the men and women who have worn our country's uniform, and their families and their communities.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

#### THE CLIMATE CHANGE

Mr. VITTER. Madam President, I rise to talk about the Kerry-Boxer climate

change bill which, sadly, was reported out of the EPW Committee, contrary to its rules and precedents, without any discussion or amendment.

First of all, let me underscore that I think it is very unfortunate that a 1,000-page bill, a bill with enormous potential impact on our economy—indeed, on our way of life—was pushed out of committee with no Republicans being present, with not a single amendment being considered, and, in my opinion, directly contrary to the very rules and precedents of the committee. But I want to focus on specific provisions of the bill that are particularly troubling to me that underscore how serious a matter this is and what an enormous impact it could have on our economy and, indeed, on our way of life.

I guess in many ways the title of the presentation is "Why Carbon Credits Don't Matter." So many folks, so many companies, so many people particularly within the beltway are concerned about their allocation of carbon credits. But because of these significant sections in the bill which also exist word-for-word in the Waxman-Markey bill, the carbon credits will not matter because sections 705 and 707 will shut down significant economic activity, no matter what carbon credits certain people and certain companies have.

Let me explain what I am talking about. Section 705(e) and section 707 are very important in the bill. Basically, section 705(e) says that we are to track the global measurement of greenhouse gas emissions and specifically to see if they are held below a threshold set in the bill, a goal set in the bill of 450 parts per million carbon dioxide equivalent. Then section 707 says that, beginning July 1, 2015, if the global concentrations are above this 450 parts per million line, then:

... the President shall direct relevant Federal agencies to use existing statutory authority to take appropriate actions identified in the reports submitted under sections 705 and 706 and to address any shortfalls identified in such reports.

What does that mean? That means if you bust this 450 parts per million line, the President does not have authority to take action; he is mandated to take every administrative action possible, to use every agency in the Federal Government under him—he shall direct them to address whatever shortfalls there are between that 450 parts per million line and where the measurements are.

One significant factor in all of this, whether we can ever reach that goal of limiting greenhouse gases to 450 parts per million, is what other countries, particularly the developing world, are going to do.

One thing that is really problematic with this entire plan is the G5 developing countries and Russia have made it crystal clear that they will not accept any hard caps. I cite here a clear quote from a top Chinese Foreign Ministry official, a clear quote from the

Minister of State for Environment of India and the top economic adviser of Russia's President about that issue. All of these statements and many more make it crystal clear that the G5 and Russia will not accept any such hard cap.

This is a pretty significant issue. Because of this, I wrote to the EPA on July 15 and asked several questions. One is basic to this issue: What does your modeling say if the G5 and Russia reject hard caps? That is a pretty significant scenario because it seems pretty clear that it is the scenario that will happen based on the statements of those countries. The EPA answered that it has not even analyzed that scenario. These other countries have made it clear they are going to reject hard caps. The EPA has not analyzed this scenario.

Because of that, I then went to the Department of Energy's Pacific Northwest National Laboratory. That is the leading modeling expert in these matters that Federal Government agencies, starting with the EPA, depend upon. In fact, the EPA helped direct us to this laboratory. I asked the same question: What does the modeling say if the G5 and Russia reject hard caps as they have absolutely promised to do? The Pacific Northwest National Laboratory answered that none of the models they use—and they use 10 models—none of those models, under this scenario, produced global concentrations at or below 450 ppm of CO-equivalent greenhouse gases. So under all of those models we break through this goal set in the bill.

This chart shows what DOE's specific Northwest National Laboratory model predicts when the G5 and Russia reject all hard caps. Already we are in the four hundreds. In about 1 year we break through the 450 limit—451. Then it goes up from there.

What does that mean in the context of this legislation and, specifically, the sections I talked about a minute ago? Well, the legislation says that on July 1, 2015, if this green line is above 450, then the President is mandated to take whatever action is necessary: Use all tools available to get us back to this 450 limit.

Under this scenario, the G5 and Russia rejecting hard caps, which is an absolute certainty based on their clear pronouncements, this mandate, under those significant sections of the legislation, both Kerry-Boxer and Waxman-Markey, exactly the same language in both, this mandate goes into effect and would absolutely go into effect.

What does that mean? Well, the first thing it means is carbon credits, which everybody is so focused on, so many people and companies are fixated on, carbon credits will not matter if your project, if your economic activity takes any discretionary Federal permit because, beginning July 1, 2015, the President will be mandated, not authorized, not encouraged, nothing is suggested, he will be mandated to take

any action possible to get us down to that limit. That would include denying all discretionary permit requests.

What else does it mean? It means, under that mandate in the law, you can bet that every leftwing environmental group in the world, much less in this country, will sue to block all economic activity that requires discretionary permits. Quite frankly, they will have a very compelling case. They will point to this legislative language, if it is enacted, and say: Time out. The President is not just authorized to do this, the President is not just encouraged to do this, the President is mandated to take every action he can, which clearly would include denying all discretionary permits to push that curve, that green curve, back down to 450 or as low as it can go.

So what does that mean? That means carbon credits are meaningless if you need a discretionary permit for certain economic activity or for any new economic project. This is a very important aspect of the bill. Again, it is in Kerry-Boxer. Exactly the same language is also in Waxman-Markey as it passed the full House of Representatives.

This gives an enormous mandate to the President of the United States to absolutely take action once those global greenhouse gas emissions get above 450. So my message is clear, particularly to the companies that have supported this legislation because they have been assured certain carbon credits.

The message is clear: Carbon credits will not matter if any of your activities, if any of your new projects or proposed projects requires any discretionary Federal permit. To deliver that message, crystal clear, to those companies, in particular, tomorrow I am writing to a significant leading handful of those companies that so far have supported the legislation, pointing out the enormous impact of those sections, 705 and 707, and asking them to focus very clearly on what it means to their projects, to their economic activity, to their bottom line because, again, carbon credits will not matter once this enormous mandate and authority of the President goes into effect.

The PRESIDING OFFICER. The time is 12:35 p.m.

Mr. VITTER. I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:35 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mr. UDALL of Colorado).

#### MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to speak on the bill and urge its quick and prompt adoption.

In doing so, I wish to pay tribute to a fallen warrior from the State of Maryland who died in the terrible massacre at Fort Hood. I wish to express my condolences to all families who suffered the loss of life or were injured at that terrible shooting. It was a terrible tragedy for them at Fort Hood, for their families, and for our country.

We know the 13 families are now dealing with the loss of loved ones, and 30 other families have members who were wounded in the attack. We in Maryland suffered a casualty as well. I am here today to pay my respects and express my condolences to the family of LTC Juanita Warman, a wonderful woman who moved to Maryland 5 years ago as a call to duty. She had a 25-year military career in both the Active and Reserve Army. She devoted her career to serving fellow soldiers.

Lieutenant Colonel Warman was a nurse practitioner. Her field was in psychiatric and emotional counseling. She served in other parts of the country and came as a call to duty to Perry Point Veterans Hospital in Maryland. There she served to help our wounded warriors. Perry Point is the designated facility in Maryland to help wounded warriors, those who bear the permanent injury of war, who bear the wounds of either emotional or mental illness. She was absolutely on their side. She was viewed as a consummate professional by her colleagues and by the people who relied upon her for her talented counseling.

A master's degree in nursing, she was an expert in posttraumatic stress as well as traumatic brain injury. She devoted her career to helping these soldiers as she did her family. Her family saw her as a mother to two, a grandmother to eight, and two stepchildren as well. She was raised in a military family. She understood the bonds between fellow soldiers. She also volunteered as part of a program called the Maryland Yellow Ribbon Program to help soldiers reintegrate into the community. She developed guidelines to dispel myths about PTSD. She particularly would reach out to women soldiers who had unique challenges, both in their own life and the lives of their families.

She provided mental health counseling to soldiers coming out of a war zone trying to come into a family zone so that family zone didn't become a battleground as well. She also was well known for her work at Ramstein Hospital. She traveled there in many instances to help our soldiers make the transition from battlefield to the hospital in Germany to back here. She received an Army commendation medal for her meritorious service at Ramstein. She was a great soldier.

She was at Fort Hood less than 24 hours. She was getting ready to deploy to Iraq. She was ready to go, though she was sad to go. From her last post-

ing on Facebook, she knew she would be away for the holidays from her beloved husband Philip, her children, grandchildren, and stepchildren. But there were no stepchildren; they were all her children to Lieutenant Colonel Warman.

We are going to miss her. Her family is going to miss her. We are going to miss her in Maryland because she was an active member of the community. The Army is going to miss her. Most of all, those who need mental health counseling will miss her. We are so sorry this happened to her.

There will be those who will want to wear yellow ribbons and black armbands and have flags at half mast. And we should. We should do all the symbols to honor what happened to those who fell at Fort Hood. But the best way to honor the people in the massacre at Fort Hood, to honor the people who have been wounded in Iraq or Afghanistan is to pass this legislation.

The legislation pending is the Military Construction and VA health bill. There is so much good in this bill that will provide medical services to those who bear the permanent and sometimes invisible wounds of war. While we want to salute those who fell at Fort Hood and on the battlegrounds of Iraq and Afghanistan, the way we honor their memory and their service, the service of all who have been abroad, is by making sure when they come home, they get the medical and social services they need, a bridge to get them back into civilian life.

Again, my condolences to the Warman family and to all who fell, but most of all I thank everybody for their service. Let's thank them not only with words but with deeds. Let's pass this bill.

I yield the floor.

AMENDMENT NO. 2740 TO AMENDMENT NO. 2730

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

Mr. AKAKA. I call up amendment No. 2740 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA] proposes an amendment numbered 2740.

The amendment is as follows:

(Purpose: To extend the authority for a regional office of the Department of Veterans Affairs in the Republic of the Philippines)

On page 52, after line 21, add the following: SEC. 229. Section 315(b) of title 38, United States Code, is amended by striking "December 31, 2009" and inserting "December 31, 2010".

Mr. AKAKA. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, this week, thousands of families across our country are stopping to honor the

memory of those who have served for us because of Veterans Day tomorrow and to thank them for all they have done to protect and defend our country. It is a time when many American families are watching what is unfolding at Fort Hood this week. It is a time in my State where today we are having a memorial service at Fort Lewis honoring seven soldiers who lost their lives a few days ago in Afghanistan. Our hearts and condolences go out to those families who have suffered the ultimate loss, especially at this time when everyone is recognizing the tremendous sacrifice so many people have given.

As a Senator from a State with a very large military presence and communities that are heavily populated with the men and women who dedicate their lives to protecting our country, I was particularly saddened by the senseless violence that ripped through our Nation's largest active-duty base last Thursday. As anyone who has ever spent time on a U.S. military base knows well, those are some of our most safe and compassionate communities in the entire country. They are places where a young family plants roots and raises a child and establishes a life for themselves. They are a place where military spouses form bonds that they carry with them throughout their deployments. They are a place where neighbors always lend a hand to those in need. I have seen that firsthand at places such as Fort Lewis Army Base in Tacoma and Fairchild Air Force Base in Spokane. I know the pain of the loss of those 13 public servants extends to everyone at Fort Hood and to the U.S. military community as a whole.

I wish to make special mention today of Michael Grant Cahill who came from Spokane, WA. He was the lone civilian killed in that attack. He was a physician's assistant who worked in rural clinics and veterans hospitals, places where our veterans desperately need care and we desperately need workers. At the time of his death, he was only 4 years from retirement. In an interview with the Spokesman-Review newspaper a day after her father was killed, Cahill's daughter Keely told the paper that her dad was "a wonderful person, that he loved his job and loved working with people and helping them with their physical needs."

My thoughts and prayers are with Keely and the family members of all those who died or were wounded and the U.S. military families who are still reeling from this tragedy.

To the families who have lost soldiers in Iraq and Afghanistan recently, especially those having military services today in my home State of Washington at Fort Lewis as well as many others, I want them to know that we know we are their voice and we need to stand up for them. As we all know, Veterans Day tomorrow is a day we celebrate and honor the great sacrifices all veterans have made. It is because of their sacrifice that we can safely enjoy

the freedoms our country offers. It is because of their unmatched commitment that America can remain a beacon for democracy and freedom throughout the world.

Growing up I saw firsthand the many ways military service can affect both veterans and their families. My father served in World War II. He was among the first soldiers to land in Okinawa. He came home as a disabled veteran and was awarded the Purple Heart. Like many soldiers of my dad's generation, he didn't talk about his experiences during the war. In fact, we only learned about what he did and his heroism when he passed away, and we found his journals and read them. I think that experience offers a larger lesson about veterans in general. They are very reluctant to call attention to their service, and they are reluctant to ask for help. That is why we have to publicly recognize their sacrifices and contributions. It is up to all of us to make sure they get the recognition they have earned and, by the way, not only on Veterans Day. Our veterans held up their end of the deal. We have to hold up ours.

Veterans Day must not only be a day of remembrance, it must also be a day of reflection. It is a chance for all of us to reflect on our own responsibilities to our Nation's veterans. It is a chance to look at what we can do to make sure we are keeping the promise we made to our men and women when they signed up to serve. It is a chance to take stock of where care and benefits have fallen short, where new needs are emerging, and how we can make it easier for veterans to get the care and benefits they deserve.

It is appropriate that on the eve of this very important day, Veterans Day, we are working to pass a bill that takes a hard look at many of the challenges facing veterans and their families. It is a bill that is the product of collaboration with veterans, their families, caregivers, and scores of veterans service organizations.

As a member of the Veterans' Affairs Committee, I am aware we have a lot of work to do for the men and women who serve our country. Not only must we continually strive to keep up our commitment to veterans from all wars, but we also have to respond to the new and different issues facing veterans who are returning from Iraq and Afghanistan, wars that are being fought under conditions that are very different from those of the past. That is precisely what the caregiver and veterans omnibus health bill seeks to do.

One of the changes we have seen in our veterans population recently is the growing number of women veterans who are seeking care at the VA. Today more women are serving in the military than ever before. Over the next 5 years, the amount of women seeking care at the VA is expected to double. Not only are women answering the call to serve at unprecedented levels, they are also often serving in a very dif-

ferent capacity. In Iraq and Afghanistan, we have seen wars that don't have traditional front lines. All of our servicemembers, including women, find themselves on the front lines. Whether it is working at a checkpoint or helping to search and clear neighborhoods or supporting supply convoys, women servicemembers face many of the same risks from IEDs and ambushes as their male counterparts. But while the nature of their service has changed in these conflicts, the VA has been very slow to change the nature of the care they provide when these women return home.

Today at the VA there is an insufficient number of doctors and staff with specific training and experience in women's health issues. Even the VA's own internal studies have shown that women veterans are underserved. That is why we included in the veterans health bill a bill I have introduced and worked on that will enable the VA to better understand and ultimately treat the unique needs of female veterans. The bill authorizes a number of new programs and studies, including a comprehensive look at the barriers women currently face when they try to get care at the VA. It includes a study of women who have served in Iraq and Afghanistan to assess how those conflicts affected their health. It includes a requirement that the VA implement a program to train and educate and certify VA mental health professionals to care for women with sexual trauma and a pilot program that provides childcare to women veterans who seek mental health care services at the VA because, as we know, women will choose to take care of their kids before they take care of themselves. I believe we need to provide that childcare so those women get the care they need.

This bill I am talking about is the result of many discussions with women veterans on the unique and very personal problems they face when they return home from war. Oftentimes, when I hold veterans meetings in my State, the men who are there speak up and talk to me about some of the barriers they face, and it is not until the meeting closes and everybody is going out the door that the women come up to me and speak silently and as quietly as they can in my ear about the barriers they face. Some of these women have told me they did not even view themselves as a veteran and therefore did not even think of seeking care at the VA. Oftentimes, they have told me they lack privacy at their local VA or they felt intimidated when they walked in the doors. They have told me about being forced into a caregiving role that prevented them from even asking for care because they had to struggle to find a babysitter in order to keep an appointment. They should not have to speak quietly into my ear at the end of a meeting. They have served our country honorably. We should move this women veterans health bill so they get the care they support.

To me and to the bipartisan group of Senators who cosponsored the women veterans bill, these barriers to care they face are unacceptable. So as we now have more women transitioning back home and stepping back into their careers and their lives as mothers and wives, this VA has to be there for them. So this bill in the omnibus bill in front of us will help the VA to modernize to meet those needs.

Another way this bill meets the changing needs of our veterans is in the area of assisting caregivers in the home.

As we have seen in Iraq and Afghanistan, medical advances have helped save the lives of many of our servicemembers who in previous conflicts would have perished from the severity of their wounds. But these medical miracles mean that many of those who have been catastrophically wounded now need round-the-clock care when they come home.

In many of our rural areas, where access to health care services is very limited, the burden of providing that care often—and most often—falls on the family of that severely injured veteran. For those family members who are providing care to their loved ones, it now becomes a full-time job for them. They often, I have been told, have to quit their current jobs—*forfeiting not only their source of income but also their own health care insurance at the same time.* It is a sacrifice that is far too great, especially for families who have already sacrificed so much.

So this underlying omnibus bill we are trying to bring forward provides caregivers with health care and counseling and support and, importantly, a stipend so they can take care of their loved ones when they come home.

This bill also takes steps to provide dental insurance to veterans and survivors and their dependents and improves mental health care services and eases the transition from Active Duty to civilian life. It expands outreach and technology so we can provide better care for veterans in our rural areas. And it initiates three programs to address homelessness among veterans, which is especially troubling during these economic times.

This is a bill that is supported by numerous veterans service organizations and the VA. It is supported by many leading medical groups. It was passed in our Senate Veterans' Affairs Committee with broad bipartisan support after hearings with health care experts and VA officials and veterans and, importantly, their families.

Like other omnibus veterans health care bills before it—bills that have often been passed on this floor with overwhelming support—it puts veterans before politics. It is a bipartisan bill designed to move swiftly so its programs can be implemented swiftly. It is a bipartisan bill that is designed to make sure our veterans do not become political pawns. Yet here we are today facing delays.

The fact that this bill is now being held hostage by ideology is both a disservice to our veterans and a troubling precedent for our future efforts to meet their needs. Providing for our veterans used to be an area where political affiliation fell by the wayside. But today, because of an effort to score political points on issues that are far removed from the struggles of families who are delivering care to their loved ones with injuries or women veterans who are returning home to an unprepared VA or the mounting toll of this economy on homeless veterans, we are faced with delay on the floor. For our Nation's veterans, it is a delay they cannot afford. Our aging veterans and the brave men and women who are currently serving in Iraq and Afghanistan need our help now. And how we treat them at this critical time will send a signal to a generation of young people who might now be sitting at home considering whether they want to go into the military.

It is imperative that we keep our promise to our veterans—the same promise Abraham Lincoln made to America's veterans 140 years ago—“to care for the veteran who has borne the battle, his widow and his orphan.”

Our veterans have waited long enough for many of the improvements in this bill. We should not ask them to wait any longer. So I urge our colleague to withdraw his objection to consideration of this bill and to let us move it quickly through the Senate so the families and the servicemembers who are waiting for its passage—whether it is a family taking care of a veteran who has been seriously injured or a woman veteran or anyone who has served our country—can know we stand behind them when they serve our country.

Mr. President, I yield the floor.

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

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

Mr. WEBB. Mr. President, may I ask the Chair, are we in morning business?

The PRESIDING OFFICER. The Senate is considering the appropriations bill.

Mr. WEBB. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

FRANK BUCKLES WORLD WAR I MEMORIAL ACT

Mr. WEBB. Mr. President, I actually came to the floor to join with Senator THUNE and to congratulate him on the effort he has undertaken to rededicate a site in Washington, DC, to become the National World War I Memorial. I am an original cosponsor on that legis-

lation, and apparently he is tied up in some sort of meeting right now, so I will just precede him and give my thoughts and my support for the legislation he has introduced.

MARINE CORPS 234TH BIRTHDAY

Before I do that, Mr. President, I would like to point out that this is November 10, and marines around the world stop on this day every year—no matter where they are, no matter what they are doing—to commemorate what we call the Marine Corps birthday, which is the celebration of the initial recruitment and organization of the Marine Corps, at a place called Tun Tavern in Philadelphia in 1775.

This is the 234th anniversary of the founding of the Marine Corps. As one who has proudly served in the U.S. Marines, who has a brother who was a marine, and a son who is a marine, and a son-in-law—three of us infantry combat veterans—I would like to extend my congratulations to all of those who served in the Marine Corps in the past and to those who are doing such a fine and difficult job today all around the world. This is the finest fighting organization in the world, and I am very proud to have been a part of it at one point in my life.

We all wish success and the best to our marines.

FRANK BUCKLES WORLD WAR I MEMORIAL ACT

Mr. President, tomorrow is Veterans Day, where we will stop as a nation with a national holiday to commemorate the service of all of those who have served our country throughout our history and to thank the 23.4 million veterans in this country for the service they have given in war and in peace, extending all the way back, in terms of living veterans, to World War I, which I am going to talk about in a minute. I think we have one surviving veteran from World War I still alive. We have some 2.6 million World War II veterans who are still with us. And we want to, as so many people have pointed out today, do our best to take care of those who have served our country, to honor that service.

With respect to the legislation Senator THUNE put together and on which I am an original cosponsor, we should stop today and think about those who served in World War I. I think the memorial he is proposing has three important benefits to our country. The first is that it will help us remember a war that I think is not really appropriately remembered in our own history—the importance of it, the incredible carnage that took place, the way it changed the face of the civilized world. The second is to think about our own World War I veterans and the struggles they went through and in terms of putting together the right sort of care and benefits for those who followed them. The third is to talk about the site itself that Senator THUNE has done such a fine job in discovering and proposing.

We in this country did not get involved in World War I until the very

end of the war. I think that is one of the reasons, perhaps, we do not consider in enough detail how much of an impact that war had on the civilized world as it was then known, on the relationships particularly among the European powers, and also the place of the United States in world affairs.

These numbers are rough, but they are fairly close; I think they are accurate enough that I can use them today: In World War I, the German Army lost 1.8 million soldiers, dead; the French lost 1.7 million soldiers, dead; the British Empire lost nearly a million soldiers, dead. The impact on those cultures and on the economy and the health of the communities was enormous. We came in at the end of the war. The United States lost 55,000 soldiers on the battlefield in less than a year. We lost another 55,000 to the Asian flu epidemic that swept through the world and had a very strong impact on those who were serving in the military. We lost 110,000 people in uniform during that war.

The impact it had on the relationships among European countries was enormous, and it is much more fully understood in other countries than it is here in the United States. The Russian Revolution occurred during World War I. The way we negotiated the settlement after World War I brought about, within a short period of time, the rise of fascism and, eventually, of nazism in Germany. The British Empire began to spend itself down in a way that finally had a fairly conclusive impact after the additional carnage of World War II. All of those things impacted this country in a way that pushed us to the forefront in many ways in terms of our place in the world because of the exhaustion that had happened in these other societies.

Our World War I veterans had a very difficult time in a transitional period in terms of how we define veterans' benefits themselves. Previous to World War I, when soldiers left the military, they got what was called mustering-out pay, and when they reached a certain age, no matter what their service was in terms of disability or those sorts of things, they got a pension, an automatic pension, all the way through our history until World War I. World War I veterans didn't get either of those.

Some of us who are fond of looking at American history in the 1930s will remember the Veterans Bonus March, where World War I veterans literally camped out here in our Nation's Capital, saying they needed to get the same kind of bonuses that those who had preceded them received. They didn't receive that bonus. They did fight hard and long and were able to bring about the creation of the VA medical system, but they didn't get a GI bill; they didn't get so many things the other veterans who followed them received. Yet when I was much younger and working as a committee counsel in the House on veterans issues, we were

still seeing the World War I veterans. They felt a stewardship to those who served in World War II. They helped push through the GI bill. They helped push through compensation packages that were unheard of before. We owe our World War I veterans a great deal, not simply for what they did on the battlefield but for how they helped transform veterans law into today.

The site Senator THUNE proposed—and with which I agree—for a World War I memorial, I believe, is perfectly placed. We are all very sensitive in terms of putting additional memorials and monuments on The National Mall. I was involved in the formulation stages of the Vietnam Veterans Memorial on The Mall. That was one of the big push-backs in Congress, as well as from the National Capital Planning Commission and other entities; that we don't want to put so many memorials on The Mall that you impact the free flow of tourists and people visiting that area.

Right now, here is what we have on The Mall. I wish I had a diagram, but we have the Vietnam Veterans Memorial, just down from the Lincoln Memorial, and to its south we have the Korean War Memorial and further to the east, toward the Washington Monument, we have the World War II Memorial. Almost in a diagrammatic diamond there is an area presently where the District of Columbia was allowed to place a memorial to those who had served in World War I and were residents of the District of Columbia.

What Senator THUNE has proposed, and what I strongly also support, is to take this existing memorial, which is in some disrepair at the moment, quite frankly—I have been by there a number of times—and to upgrade it so it would become the National World War I Memorial, so we would have on The Mall, in a very tasteful way, four sites dedicated to the four major wars our country was involved in, in the 20th century. I can't think of a better way right now for us to recommend and remember the service of those who served in World War I and for the rest of the people in this country also to be encouraged to remember the impact that war had and the sacrifices the people who served in that war made.

So I rise, as I mentioned earlier, to commend the Senator from South Dakota for his recommendation, as well as, as I said, to remember the Marine Corps today and to remember our veterans tomorrow.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I wish to join my colleague from Virginia in support of this legislation and I thank him for his leadership on this and on so many of the other issues and initiatives that recognize the service and sacrifice of America's veterans. He has been a leader on that, and I appreciate his leadership on this issue because I think, as we prepare to observe Vet-

erans Day tomorrow, it is important to recognize those veterans who served throughout our Nation's history. Along with Senator ROCKEFELLER, Senator WEBB and I have introduced legislation that is known as the Frank Buckles World War I Memorial Act, which recognizes, once and for all, those veterans who served their country during World War I.

Frank Buckles's World War I Memorial Act would rededicate the existing District of Columbia War Memorial as the National and District of Columbia World War I Memorial on The National Mall in Washington, DC. The act is named for Frank Buckles of West Virginia who, at 108 years of age, is the last surviving American World War I veteran.

I appreciate the strong support of Senator ROCKEFELLER who, of course, has Frank Buckles as a constituent, and I appreciate also the strong support of Senator WEBB for this bill. Senator BURR, the ranking member of the Committee on Veterans' Affairs, is also a cosponsor, so it has strong and meaningful support on both sides of the aisle.

As I said, I think it is very fitting to speak on a bill seeking to establish a national World War I memorial because, as many know, Veterans Day was initially known as Armistice Day, which marked the end of World War I on November 11 of 1918.

After America's role in World War II and the Korean war, Congress passed legislation changing Armistice Day to Veterans Day, and President Eisenhower signed the change into law on June 1, 1954. From initially being a day to honor World War I veterans, November 11 became a day to honor all veterans.

We are rapidly nearing a century since the beginning of World War I, which began for most of the world in July of 1914. While World War I has become a distant, fading memory of another era, it still profoundly shapes the world in which we live.

As Oxford historian Hew Strachan concludes in his history of the first World War, the war "forced a reluctant United States onto the world stage" and began to "lay the seeds for the conflict in the Middle East. In short, it shaped not just Europe but the world in the 20th century."

World War I began for the United States when it entered the war in April of 1917 on the western front because of German submarine attacks on United States shipping and because President Woodrow Wilson concluded that the United States had to wage war if it was to shape the future of international relations, as Hew Strachan states in his history of World War I.

The United States was in World War I for only 18 months. Its Army grew from only 100,000 men to 4 million, with 2 million men sent overseas, 1½ million of whom arrived in Europe in the last 6 months of the war. Forty-two American divisions were in the field by November 11 in 1918, and 29 of them had

seen action. Over 100,000 American soldiers died in World War I.

Frank Buckles is the last surviving American World War I veteran. He was born in Missouri and currently lives in West Virginia. He joined the Army at 16 and went to Europe to fight in 1917, driving ambulances and motorcycles for a casualty detachment. He was discharged from the Army in 1919. Mr. Buckles also was extraordinarily affected by World War II. He was in Manila as a civilian on business in December of 1941, when the Japanese attacked, and was captured by the Japanese and spent 4 years in a Japanese prison camp in the Philippines. I strongly urge everyone to track down his interview, where he talks about his war experiences in both World War I and World War II. Transcripts and videos of Frank Buckles' interview can be found on the Library of Congress's Veterans History Project Web site. The Veterans History Project is a great initiative. I have taken advantage of the Veterans History Project myself, to interview my dad about his experiences as a pilot in World War II.

Mr. Buckles is also the honorary chairman of the World War I Memorial Foundation, which is seeking refurbishment of the District of Columbia War Memorial and its establishment as the National World War I Memorial on The National Mall. The Frank Buckles World War I Memorial Act will help to make this vision a reality.

I had the opportunity to meet Mr. Buckles last year. He is certainly an extraordinary individual. Mr. Buckles also traveled to South Dakota in July of 2008 to be honored at Mount Rushmore during their magnificent Fourth of July celebration. It is a great honor for me to support this bill that carries his name.

I wish to briefly describe what the bill does. In 1924, Congress authorized the construction of a war memorial on The National Mall near the Lincoln Memorial to honor the 499 District of Columbia residents who died in World War I. Funded by private donations from organizations and individuals, the memorial was dedicated by President Herbert Hoover on November 11, 1931. The Frank Buckles World War I Memorial Act would rededicate the District of Columbia Memorial as the National and District of Columbia World War I Memorial. The legislation would also authorize the nonprofit World War I Memorial Foundation to make repairs and improvements to the existing memorial, as well as install new sculptures to underscore the sacrifice of over 4 million Americans who served in World War I.

The bill would not require any taxpayer dollars because the World War I Memorial Foundation would raise the necessary funds through private donations.

All the major wars our Nation has fought in the 20th century are memorialized on The National Mall. Rededicating the District of Columbia World

War I Memorial as the National and District of Columbia World War I Memorial fits the narrative of The Mall, with its wonderful memorials to World War II, the Korean war, and the Vietnam war. I think it only makes sense to rededicate a memorial to this 20th century war that established our Nation's path to superpower status among the community of nations.

This Veterans Day will mark the 91st anniversary of the end of World War I. I can think of no better way to honor Mr. Buckles and his departed comrades than by quickly passing this bill to establish a national World War I memorial. This bill would provide timely but long overdue recognition of all World War I veterans in our Nation's capital. I look forward to working with my colleagues to pass this bill as soon as possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, let me join the Presiding Officer, the Senator from Virginia, Mr. WEBB, and Senator THUNE in endorsing the concept of this World War I memorial. I am a student—a minor, amateur student of history, and I realize the dramatic impact that war had on the United States. It is amazing to know there is still a surviving veteran from that great conflict.

When I first got involved in politics, I would go to rural counties in Illinois, and there would be a flatbed truck with five or six World War I vets on it. Of course, they are gone. They were a great generation that sacrificed and engaged in a war so far away at such great peril. It is fitting that there be an update of that monument. I have walked by it. In its day, I am sure it was a glorious monument, but it needs attention today for it to be a fitting tribute to the men and women who served our Nation during that great conflict. I heartily support it. I wish to thank Senator JOHNSON, the chairman of this appropriations subcommittee, for entertaining this as part of his legislation.

I will tell my colleagues we had a press conference today on another issue involving veterans. It is one that means a lot to me, personally, because it involves a family whom I have become very close to. It is the Edmondson family. They live in North Carolina. I met them by chance when Eric Edmondson, who was a veteran of the war in Iraq, was being treated at a hospital in Chicago. Eric was a victim of a traumatic brain injury and in surgery after his injury there was deprivation of oxygen and he has become a quadriplegic and cannot speak. When I first met him 2 years ago, he was 27 years old, a husband and father of a little baby girl. I met his father Ed and his mother Marybeth. They were people who came to a hearing I held on veterans health care. They talked about the journey Eric had made from Iraq to the United States and then to Chicago to the Rehabilitation Institute of Chicago.

They had all but given up on Eric because of his injuries and, at one point, they told his father he would have to be admitted to a nursing home at the age of 27 because there was nothing they could do. It appeared he was headed in that direction until his father said: No, I won't do this to my son.

What followed has been a heroic story—heroism matching, I believe, the courage his son showed in volunteering to serve our country and risk his life—because Eric's father, Ed, started his own personal effort to find the very best place in America for Eric's treatment. He came up with the Rehab Institute of Chicago.

I went to visit Eric at the Rehab Institute, when he was there 2 years ago. When I walked into the room, he was sitting in a wheelchair with a big smile. He cannot speak. We talked a little bit about his treatment there. They invited me to come back. I came back a few weeks later, about 6 weeks later, and they said Eric had a gift for me. I didn't know what they meant by that. His mother and dad each grabbed an elbow, stood him up, and Eric took four steps out of his wheelchair. It was an amazing moment. There wasn't a dry eye in that hospital room that day; that he had made the progress where he could literally take four steps. His father said he would be checking out of the Rehab Institute in Chicago a few weeks after that and invited me to come because, he said: Eric is going to put on his dress uniform and he is going to walk out the front door of this hospital.

I said: I will be there. So was the mayor of Chicago and every other politician who heard about it, and every TV camera in Chicago was there to see Eric make it out the front door, with the help of two attendants by his side. There he was with a big smile on his face in his dress uniform.

Well, Eric returned to North Carolina, and because of the amazing generosity of a lot of local people, they literally built him and his family a home that was wheelchair accessible. Because of that generosity, he had a place to live but still with a very young wife and a baby girl.

His mother and father decided they would quit their jobs and move in with their son and become full-time caregivers to Eric Edmondson, this veteran of the Iraq war, and that is what happened. His father basically cashed in all his savings, sold his home, sold his business, took what he had and dedicated himself to his son—totally dedicated himself to his son.

Over the period of time that Ed and Marybeth were taking care of Eric, they lost their health insurance. But Eric was still being cared for by the veterans system. I went down to visit them in their home. It was clear they spent every minute of every day caring for their son.

Mr. Edmondson asked me to take a look at a bill that Senator Hillary Clinton had introduced called the Caregivers Assistance Act which said the

Veterans' Administration should start off on a demonstration basis to take a look at caregivers, such as the Edmondson family, and give them a helping hand. I asked Senator Clinton as she was leaving the Senate and heading for the State Department if I could take over the bill, and she said I could.

I introduced it in this session of Congress. Senator DANNY AKAKA, the chairman of the Senate Veterans' Affairs Committee, read the bill and called me and said: I want to move this bill. I want to make it a major piece of legislation to help veterans. That bill was considered by the Veterans' Affairs Committee and was reported out unanimously.

What the bill would do is create a program in the Veterans' Administration for caregivers, such as Ed and Marybeth Edmondson. What it would give them is training so they would know how to take care of their son, a disabled veteran—training in basic first aid and health care.

Second, it would provide them with a monthly stipend which the Veterans' Administration would determine is appropriate so they would have some help in getting by with the expenses of keeping their family together and helping their veteran.

It would also give them a respite for a couple weeks so at least they would be able to have some time off and others would come in and take care of the veteran while they went off and recharged their batteries and came back and dedicated themselves again to the veteran.

It would provide basic health insurance for caregivers as well because that is one of the first things they lose when they give up a job or business to take on this responsibility.

This is just one family's story from our recent war that still goes on. There are others. I met another one in Chicago on Sunday, Aimee Zmysly, who literally married her husband after he came home and became disabled from an operation at a veterans hospital. This 23-year-old woman married this young man who had no family and now is his full-time personal care attendant. Because of it, he can stay home; he is not in a formal facility.

The cost of his care is a fraction of what it would be otherwise, and he has the dignity of being where he wants to be—with someone who loves him very much, who spends every moment of every day helping him.

This is the right thing to do. This caregivers bill is the appropriate thing to do. For at least 6,000 veterans across America, there is a personal family caregiver who makes the difference every day in their lives, a person who will be there for them every second they need them. You cannot buy that kind of help. Even the best medical professionals could not provide the love that comes with that care.

I think the Veterans' Administration, certainly the Senate Veterans'

Affairs Committee, recognizes that. That is why this legislation is currently on the calendar of the Senate. It has been here now for over 6 weeks. I had hoped we could pass this before this Veterans Day, tomorrow. But, unfortunately, it is being held by one Senator.

The Senator and I debated it on the floor yesterday. He said he doesn't want us to even consider this bill. We cannot even debate this bill. He would not even offer an amendment to this bill. He wants to stop this bill, he said, because I haven't figured out a way to pay these caregivers.

We reminded him that during the course of this war, we waged this war and paid for it with debt. The former administration did not pay for any of the war expenses. They added them to the debt of the United States. That Senator and others—myself included—voted to continue that war, understanding that it was not being paid for.

Now when it comes to caring for the veterans and the casualties of that war, we have a strict accounting standard, a deficit standard that was not applied to waging a war. Why is it the cost of the war—the bullets and the bombs—does not have to be paid for, but when it comes to the care of our veterans who come home, we have this strict accounting; we cannot consider helping them unless there is some specific way of demonstrating how to pay for it?

I believe we will pay for it, I believe we should have it, and I believe this Senator for veterans in 2009 should lift his hold on this bill and let us consider it on the Senate floor. Let us have this debate. Let us determine who will be covered by it and what kind of coverage they will have.

These caregivers will not quit on us because they will not quit on their veteran. Why should we quit on them? Why should we say we are not going to provide them help when every moment of every day they are helping a man or woman who literally risked their lives for our country and paid a heavy price in doing so?

I also have two other amendments. One of my amendments now pending before the Senate on this appropriations bill is the capstone of a project that I have been working on for a long time.

It seems that right outside of Chicago in Lake County, north of Chicago, is a great veterans hospital known as the North Chicago Veterans Hospital. It is modern. It serves thousands of veterans in the region. It was threatened with closure just a couple years ago, a few years ago now.

Then, coincidentally, not far away, is the Great Lakes Naval Training Center, the training station for all of our new recruits in the U.S. Navy. There is a hospital in the center of the Great Lakes naval training base. It turned out that this hospital needed to be modernized because all of these recruits who once were trained in places

such as California and Florida are now coming to the Great Lakes Naval Training Center off Lake Michigan.

I talked with them about combining these two facilities. Can we bring together a Navy hospital and a veterans hospital, put them in one facility and coordinate their activities so they both have the very best?

After years—literally years—of effort, it is going to happen. I thank Senator CARL LEVIN and so many others for making it a reality. This was a dream that many of us had, and it is on its way to completion.

The amendment I have offered is one that will name this first-of-its-kind medical facility in North Chicago the Captain James Lovell Federal Health Care Center. I think this is a fitting name for this facility.

CAPT James Lovell was one of the first humans to travel in space. From his humble beginnings in Cleveland, OH, he loved flight. In 1944, a 16-year-old Lovell and his friends built a little rocket that shot up 80 feet in the air and exploded. But it hooked him. He wanted to be a pilot.

He went on to graduate from the U.S. Naval Academy in 1952 where he wrote his senior thesis on the feasibility of sending a rocket into space. He married his high school sweetheart, Marilyn Gerlach, the day he graduated. He went on to become a test pilot for the Navy. In 1962, NASA chose him as one of our first astronauts.

He distinguished himself among his space flight colleagues, including Neil Armstrong, Buzz Aldrin, and John Glenn. He will be remembered for launching America into the new age of space. He had success as an astronaut, serving on the early *Gemini 7* and *Gemini 12* missions. In December 1968, he circled the Moon as a member of the *Apollo 8* mission.

Today, the iconic image of the Earth—a world of greens and blues hovering in the vastness of space—is a common sight. But in 1968, the *Apollo 8* brought this image of Earth to the people of the world in a way never before seen, in Captain Lovell's own words, "an oasis in the vastness of space."

Of all his accomplishments in space, Lovell is best known as the commander of the *Apollo 13* mission. In 1970, Lovell and fellow astronauts, Fred Haise and John Swigert, launched what would become one of the most storied flights in NASA history.

The *Apollo 13* mission started as the third attempt at a lunar landing by a manned spacecraft. It ended, in the words of author W. David Compton, as "a brilliant demonstration of the human spirit triumphing under almost unbearable stress."

The crew's mission started with little difficulty, but a few days into the flight, one of the fuel cells on the *Apollo 13* short-circuited, causing a fire that spread to the oxygen tanks.

Lovell radioed back to mission control:

Houston, we've had a problem.

He knew that with the oxygen tanks and the fuel cells compromised, their lunar landing could not be completed.

*Apollo 13* had been on a lunar landing course. NASA made a risky decision. It set the spacecraft on a trajectory around the Moon. NASA engineers hoped the Moon's gravitational pull would whip Lovell and his colleagues back toward Earth with the speed they needed to return.

For days the crew suffered from cold, a lack of oxygen, and little nourishment. The world turned its attention to the three American astronauts and to our government's effort to save them and bring them home.

Seventy-two hours after Lovell and his crew had been in space, the *Apollo 13* shot around the far side of the Moon and lost contact with mission control. But NASA's bet had paid off and the spacecraft headed home for a successful splash landing in the Pacific.

With the safe return of *Apollo 13*, Captain Lovell became a great American hero and a great story in American history. He remained with NASA until he retired in 1973. During his 11 years as an astronaut, he spent more than 715 hours in space.

Today, I am proud to say, he lives in my home State in Lake Forest, IL, just a few minutes from this new health care facility.

The story of *Apollo 13* has been told so many times as a testament to human ingenuity in harrowing circumstances. Captain Lovell's experience reminds us of our excitement in exploring the final frontier of space.

With this amendment, which I hope the committee will accept, and I hope the Senate will accept, his name will embrace a new effort, not as glamorous and exciting as space travel, but an effort that honors his legacy, providing quality health care for Navy recruits, veterans, and military families.

The second amendment which I have pending is one which will allow rural VA centers to be able to offer incentives for recruitment and retention of medical personnel. A little over 2 years ago, at the VA center in Marion, IL, we had a tragic situation where nine veterans lost their lives in surgery. We found later it was the result of mismanagement and medical malpractice. At that point, they closed down the surgical facilities in the Marion VA and started hiring new people to run the institution.

I am sorry to tell you that it still is not where it needs to be. Progress has been made. A recent hygiene report has given us pause. We realize more has to be done. We still are finding there is a difficulty in attracting the kinds of medical professionals we need at this rural VA facility. This is not the only facility facing it. Many others have as well.

What we are doing is taking existing funds in the VA and allowing them to dedicate a small portion to recruit and retain medical professionals. This is

the least we can do to make sure we provide our veterans the very best.

I ask unanimous consent that Senators ROCKEFELLER and TESTER be added as cosponsors of my amendment, which I believe is amendment No. 2760.

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

Mr. DURBIN. Mr. President, I have learned the hard way how important it is for rural veterans' hospitals to attract good doctors and administrators.

The VA Medical Center in Marion, IL, has had significant problems with quality management and patient safety.

In an effort to help improve quality at this rural medical center, I have spoken with two VA Secretaries, and one acting Secretary, about these challenges and potential responses. I have also corresponded with numerous VA officials, and met with the employees on the frontline of care at Marion.

One thing I have taken away from all these conversations is how important it is to have the best possible providers and administrators in our veterans' medical facilities. And that is easier for Hines Medical Center in Chicago than it is for Marion and other rural health centers throughout this country.

Many rural counties have the highest concentrations of veterans according to the 2000 census. The VA estimates that 37 percent of all veterans reside in rural areas.

In 2007, we were horrified to learn that nine patients at Marion Veterans Affairs Medical Center had died in what turned out to be a terrible lapse in quality management and accountability.

The hospital administrator, the chief surgeon, and others were relieved of their duties, and the hospital stopped offering in-patient surgeries.

Since then, we have been told time and again, that the VA has addressed quality management structures there and has been trying to restart a full continuum of care at Marion.

Last week, we found out that these efforts have not been enough. The VA's IG reported that patient safety and quality management at the Marion VAMC failed again on several measures.

Many are repeats from what was found at Marion 2 years ago. It is clear that Marion VAMC leadership did not right the ship.

Last week, members of the Illinois congressional delegation met with Secretary Shinseki about this most recent report on Marion.

The Secretary talked about how important quality leadership is at the local level and how hard it is to recruit and retain talented, high-performing administrators and doctors to rural facilities.

This is not the first time we have heard this. In fact, the surgical program at the hospital has been shut down for two years because we don't have the personnel to restart it.

Recruitment and retention of healthcare professionals to serve rural populations is a nationwide problem. It is not limited to the VA. And it is not limited to Illinois.

In February, the Director of VA's Office of Rural Health testified that, "greater travel distances and financial barriers to access can negatively impact care coordination for many rural veterans."

As far back as 2000, the VA recognized that the large proportion of rural veterans has made it harder for those veterans to access care.

My amendment allows the VA to develop and test a pilot program to attract and retain high quality providers and management to rural facilities across the country. It is one of many efforts to address quality of care for our veterans.

These incentives would only be available to the employee for as long as they were serving in the designated rural areas.

The amendment would allow the VA to spend up to \$1.5 million to attract qualified health care providers and another \$1.5 million to attract qualified health care administrators to our neediest, most underserved rural VA facilities.

The amendment would also require VA to report back to Congress on the structure of the program, the number of individuals recruited through such incentives, and the prospects for retention of these doctors, nurses, and administrators.

Just last month, the Kansas Health Institute reported that financial incentives are an important part of recruiting and retaining providers to rural areas in the civilian sector.

We need to give the VA similar tools.

Veterans in Marion and Chicago, IL, New York City and Niagara, NY, Dallas and Temple, TX, deserve the same quality of care. As veterans of current wars leave active duty and return to their hometowns, we must be ready to serve them. It is simply the cost of war.

This amendment would give the VA another tool to use as it works to improve its rural health facilities. I encourage my colleagues to support it.

Mr. President, I yield the floor.

Mr. ROCKEFELLER. Mr. President, along with my colleagues, Senators THUNE and WEBB, I am in strong support of the Frank Buckles World War I Memorial Act. This bill rededicates the site of the District of Columbia War Memorial on the National Mall as a National and DC World War I Memorial in recognition of the upcoming anniversaries of America's entry into World War I, and of the armistice that concluded World War I on November 11, 1918.

The legislation is named in honor of Frank Buckles of West Virginia, the last surviving American World War I veteran. Mr. Buckles, born in 1901 in Harrison County, MO, is a wonderful man and representative of his generation. At the age of 108, he resides in the

eastern panhandle of West Virginia, where he lives on his 330-acre farm with his daughter.

His personal story is similar to many young men of his era. As an eager 16-year-old, Frank Buckles tried to enlist in the Army several times and finally succeeded. He then pestered his officers to be sent to France. Mr. Buckles drove motorcycles, cars, and ambulances in England and France, and during the Occupation, he guarded German prisoners. Following the war, he went to work for the White Star steamship line and was in Manila on business in December 1941 when the Japanese attacked the Philippines. Frank Buckles spent over 3 years as a prisoner at the city's Los Banos prison camp. On February 23, 1945, a unit from the 11th Airborne Division freed him and 2,147 other prisoners in a daring raid on the Los Banos prison camp. Mr. Buckles was affected by and has memories of both World War I and World War II.

After his liberation from Los Banos, Frank Buckles returned to the United States. He married Audrey Mayo, a young lady whom he had known before the war, and in 1954 they settled down on the Gap View Farm in West Virginia. On this same farm, Mr. Buckles has remained mentally sharp and physically active. He worked on his farm with tractors up to the age of 105. Now, he reads from his vast book collection and enjoys the company of his daughter Susannah Flanagan who came to live with him after his wife passed away in 1999.

I had the privilege of listening to Frank Buckles' compelling stories in his home in West Virginia while sitting with his daughter. He generously shares his memories of working to enlist and get to France, as well as meeting French soldiers and guarding German prisoners. Everyone can hear his reflections by visiting the Library of Congress's special Web site for its Veterans History Project. It has personal interviews of Mr. Buckles and thousands of other veterans that have served our Nation both during times of war and peace. Visiting this Web site is an incredible resource for scholars, students and every American, and it reminds us of the compelling personal stories of bravery, commitment, and sacrifice made by our country's veterans and how they shaped our world.

The bill I introduced with Senators WEBB and THUNE is designed to honor and remember over 4.35 million Americans, like Frank Buckles, who answered the call of duty and served from 1914–1918 in World War I. What became known as the Great War claimed the lives of 126,000 Americans, wounded 234,300, and left 4,526 as prisoners of war or missing in action.

At the end of World War I, numerous cities and States erected local and state memorials to honor their citizens who answered the call and proudly served the United States of America. On Armistice Day in 1931, President Hoover dedicated the DC World War I

Memorial to honor the 499 District of Columbia residents who gave their lives in the service of our country. Since then, national monuments to commemorate the sacrifice and heroism of those who served in World War II, the Korean war, and the Vietnam war have all been built on the National Mall.

Yet no national monument has yet been created to honor those who served in World War I. As our Nation prepares to celebrate the centennial of World War I, it is time for that to change by creating the National and DC World War I Memorial.

Mr. President, I urge my colleagues in the Senate to cosponsor this legislation to rededicate the site of the District of Columbia War Memorial on the National Mall as a National and District of Columbia World War I Memorial.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I ask unanimous consent to proceed as in morning guess.

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

#### VETERANS DAY

Mr. BOND. Mr. President, tomorrow our Nation will honor the thousands of men and women who have answered the call to support and defend the Constitution of the United States of America against all enemies. Today I rise to pay tribute to these veterans and their commitment to the cause of freedom. These brave men and women are ones throughout ages who have made the contribution, who made the efforts, and some made the ultimate sacrifice to keep our country free. We owe them no less than our heartfelt thanks.

In Kansas City, MO, we are very proud to have a facility called the Liberty Memorial which was set up many years ago as the only memorial to World War I veterans. That facility continues today to be a very proud part of the Kansas City heritage. We want to make sure that as we look back and honor the veterans of World War I, we recognize that this was the first, the best, and the most outstanding memorial to the veterans of World War I. I ask my colleagues to work with us as we appropriately recognize and elevate the Liberty Memorial to the status it deserves in honoring the men and women who served in that very difficult First World War.

But also as we mark this Veterans Day, the massacre of 13 of our servicemembers at Fort Hood Texas is in all of our hearts.

It is unthinkable that the brave men and women in our military, who already sacrifice so much when they go forward on the battlefield to fend off attacks, now find the attacks can come at home. But in the midst of this horrific tragedy, our Nation has also witnessed the courage, the heroism, and the quick thinking we have come to expect from our military personnel and law enforcement.

There are many questions that need to be answered, and as vice chairman of the Senate Intelligence Committee and also as the father of a marine and as an American, I want answers about how this could have happened and whether we could have prevented it. What do we learn from this? How do we take steps to make sure it doesn't happen again? I want to find out the who, what, when, where, if anything, our intelligence community knew and whether such information was shared with the appropriate action agencies.

Whatever those answers turn out to be, we must ensure that our Nation remains vigilant against the threat of terrorism both from within and outside of the United States; that our law enforcement and intelligence agencies and our military have the tools and resources they need to defend and protect us here at home and abroad; and that their vigilance is never hampered by unreasonable restrictions on the use of those tools that end up aiding only the terrorists. In doing so, we will not only honor the memory of those men and women who died on this horrible day, in this unprovoked attack, but help save future men and women from such a fate.

It is fitting that we honor our veterans and pause to recognize the hardships and sacrifices they have endured throughout wars, conflicts, and many difficult times. We remember especially those men and women who gave their lives so that others—whether comrades, families, total strangers, or the rest of us—could live in freedom. We owe these heroes and their families our eternal gratitude and respect.

As a Senator from Missouri, I offer my very special thanks to the men and women in uniform and the men and women who have served in uniform from our State. In Missouri, the history of service is long and proud. My great State is home to Whiteman Air Force Base, Fort Leonard Wood, and many smaller Guard installations and bases. I am particularly proud of the work being done by the Missouri National Guard's Agricultural Development Team, currently in Afghanistan, where they are helping sow the seeds of peace and providing the security needed to ensure those seeds can grow.

We owe these heroes in Missouri and across the Nation a debt too large ever to repay. At the same time, we recognize the many accomplishments and victories of our military forces. Since the September 11 attacks on our country, we have witnessed their bravery and determination as they fought al-Qaida and other terrorists head-on. Even when naysayers here in Washington were predicting certain defeat in Iraq, these men and women soldiered on and turned the tide toward victory.

Turning to the battle we fight today, the battle in Afghanistan has been described by President Obama and many in this body as a war of necessity. The President has rightly said that we cannot retreat, we cannot fail, we cannot

be deterred from our efforts to counter the forces of evil in Afghanistan. But the voices who advocated cutting and running from Iraq, who predicted certain defeat, have been peddling the same pessimism with respect to Afghanistan.

Seven months ago, I was very encouraged when President Obama outlined a strategy—a full-blown strategy—for achieving success in Afghanistan. I strongly supported this strategy, and particularly the appointment of GEN Stanley McChrystal to lead our troops on the ground. Yet here we are, on the eve of Veterans Day, and the latest indications from the President are troubling. Instead of a firm commitment to his own strategy, there is indecision. Instead of trusting the judgment of his own hand-selected commander on the ground, there are endless war councils and sessions with commanders who are not on the ground. Instead of one strategy, there are now five. Instead of certainty, there is only one possibility; that is, that a decision may be made by November 19. That is no way to run a war, at least not if we want to win the war. Dithering and wavering are not viewed with favor in any situation. When the lives of our men and women are on the line and the threat from al-Qaida and the Taliban grows stronger every day—as General McChrystal said, they are growing stronger—these delays are simply unacceptable. Yet the delays continue, threatening to undo the hard work by our military and intelligence professionals on the battlefields of Afghanistan.

I have heard some congratulate the President for “taking his time” on such an important decision. As a father of a marine who served two tours of duty in Iraq, I agree that whenever we send Americans into battle to risk and possibly lose their lives, the decision must not be a hasty one. But it must not be unnecessarily delayed either. On the eve of Veterans Day, the gravity of this decision is even more moving.

As I said earlier, the President has been advised by General McChrystal that every day we wait, the Taliban is gaining momentum. Our allies are wondering where we are going to come down. Our troops are wondering if they are going to be supported. The people of Afghanistan, who are and must be the target, are wondering if they are ever going to see the troops they need. That is why I applauded the President for making the firm decision on his war strategy in March of this year, months after campaigning on what he called a war “fundamental” to the defense of our people, months after he was sworn in as our Commander in Chief.

As I said earlier, I also applauded President Obama for wisely choosing General McChrystal to implement his strategy for success in Afghanistan. The President was right to wait until hearing from his commander on the ground on what resources were needed before moving forward—an assessment that was delivered in July. Now we are

hearing there are four other strategies, and what I want to know is: Who are the other four generals with responsibility for the troops on the ground, with responsibilities for their success, who are coming up with different strategies? We should learn one thing: When you are fighting a war, you need to listen to the commander whom you have selected and who is carrying out your strategy as you announced it. But now, as November goes by, months later, we are simply witnessing dangerous delay. Unfortunately, those in Washington whispering “delay, delay, delay” to the President are really whispering “defeat.”

I urge the President to ignore the pundits peddling pessimism in Washington. Instead, as we honor our veterans for their sacrifices today and in the past, I urge the President to honor our brave troops currently on the battlefield. Mr. President, honor the commander in chief you chose by giving him the resources needed to succeed in Afghanistan. Mr. President, please honor our warfighters in Afghanistan by recommitting to your own strategy, ending this indecision in Afghanistan, and giving our troops the support they need to succeed. That would be the most fitting tribute to our veterans of past, present, and future wars. I hope this opportunity will not pass.

Mr. President, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

#### HONORING OUR ARMED FORCES

Mr. BAUCUS. Mr. President, I rise today to honor and pay tribute to Montana's fallen heroes, the dedicated men and women from our great State who have made the ultimate sacrifice in Iraq and Afghanistan since 9/11.

Montanans proudly volunteer for military service at rates higher than any State in the country, higher per capita. Unfortunately, this distinction comes at a great price. To date, 40 Montanans have died and nearly 250 have been wounded in combat in Iraq and Afghanistan. Montana has now suffered more casualties per capita than any other State in the Union. This is staggering. It illuminates just how much our State's citizens have sacrificed in the service of our country.

The famous World War II radio reporter Elmer Davis once said:

This Nation will remain the land of the free only so long as it is the home of the brave.

It is painfully apparent that Montana is home to some of the bravest men and women of all. Who are these fallen heroes? They range in age from 18 to 40. They hailed from places far afield, such as Troy and Glendive, Billings and Missoula, Lame Deer and Colstrip. They grew up in cities and towns, on ranches and farms, and on the reservation. Some heroes were Active-Duty warriors, others part-time citizen soldiers. They held ranks from lance corporal to lieutenant colonel. It amazes me that with such a variety of backgrounds,

our heroes all shared the common bond of a desire to serve their country in this time of crisis and need.

The Gospel of John, chapter 15, reads:

Greater love hath no man than this: that a man lay down his life for his friends.

No tribute could possibly express the extent of my gratitude for what these soldiers, sailors, airmen, and marines have done for their country.

During Vietnam, the late Senator Mike Mansfield carried a casualty card in his breast pocket. In that same spirit, I, too, wish to honor their sacrifice by reading Montana's fallen heroes into the RECORD. The following Montanans were killed while serving in Operation Iraqi Freedom:

Army SGT Travis M. Arndt, 23, Bozeman; Army SSG Travis Atkins, 31, Bozeman; my nephew, Marine Cpl Phillip E. Baucus, 28, Wolf Creek; Army SSG Shane Becker, 35, Helena; Marine PFC Andrew D. Bedard, 19, Missoula; Marine LCpl Nicholas William Bloem, age 20, Belgrade; Army PFC Kyle Bohrnson, 22, Philipsburg; Army LTC Garnet Derby, 44, Missoula; Army SGT Scott Dykman, 27, Helena; Army SPC Michael Frank, 36, Great Falls; Marine LCpl Kane Michael Funk, age 20, Kalispell; Army SSG Yance T. Gray, 26, from Ismay; Army SSG Aaron Holleyman, 26, Glasgow; Army PVT Timothy J. Hutton, 21, Dillon; Navy PO2 Charles Komppa, 35, Belgrade; Army CPL Troy Linden, age 22, Billings; Army CPT Michael McKinnon, 30, Helena; Army SGT James A. McHale, 31, Fairfield; Army MSG Robbie McNary, 42, Lewistown; Marine LCpl Jeremy Scott Sandvick Monroe, 20, Chinook; Army PFC Shawn Murphy, 24, Butte; Marine LCpl Nick J. Palmer, 19, Great Falls; Army CPT Andrew R. Pearson, 32, Billings; Marine Cpl Dean Pratt, 22, Stevensville; Army SPC James Daniel Riekema, 22, Missoula; Army 1LT Edward M. Saltz, 27, Bigfork; Army PVT Daren Smith, 19, Helena; Marine Cpl Raleigh C. Smith, 21, Troy; Marine Cpl Stewart S. Trejo, 25, Whitefish; Army PFC Owen D. Witt, 20, Sand Springs; Army SPC Donald M. Young, 19, Helena; Army PVT Matthew T. Zeimer, 18, Glendive.

The following Montanans were killed while serving in Operation Enduring Freedom:

Navy aviation electronics technician, Andrew S. Charpentier, 21, Great Falls; Army 1LT Joshua Hyland, 31, Missoula; Marine Sgt Trevor Johnson, 23, Colstrip; Army SGT Terry Lynch, 22, Shepherd; Army PFC Kristofer T. Stonesifer, 28, Missoula.

The following Montanans died shortly after returning home from Operation Iraqi Freedom: Army CPL Christopher M. Dana, 23, Helena; and Army SGT George Kellum, 23, Lame Deer.

It pains me dearly to read this list out loud and I cannot begin to imagine how many broken hearts each name represents back home. Our fallen heroes fought and died for our great Nation and all it represents. We owe them a debt of gratitude that can never be fully repaid. We must honor their legacies by remembering their sacrifice as we carry on with our lives.

To all of Montana's families staring at an empty bedroom or an empty chair at the dining room table: You will always be in my thoughts and prayers. I pledge to do all I can to honor your fallen loved ones.

To Montana's fallen warriors: We will never forget.

I yield the floor.

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

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

Mr. SANDERS. I ask to speak as in morning business.

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

#### THE ECONOMY

Mr. SANDERS. Mr. President, I think, as most Americans understand, as a result of the greed, the recklessness, the illegal behavior of a relatively small number of financial institutions, the United States of America is currently in the midst of the worst economic and financial crisis since the Great Depression. Millions of Americans have lost their jobs. Millions of other Americans are working longer hours for lower wages. People have lost their homes, people have lost their savings, people have lost, in many respects, their hope.

On Friday we learned that the official unemployment rate is now 10.2 percent, the highest in over 26 years. But the official unemployment rate tells only half the story. If you add the number of people who are underemployed, if you add the number of people who have given up looking for work, what you find is we have 27 million people in that category of unemployed or underemployed, which is 17.5 percent of the American workforce. That is an astronomical number. Obviously there are areas of our country, in the Midwest and California, where the number is substantially higher than that.

Over a year has come and gone since Congress passed the \$700 billion bailout of Wall Street. In addition, of course, the Federal Reserve has committed trillions of dollars in zero interest loans and other assistance to large financial institutions. Added together, this amounts to the largest taxpayer bailout in the history of the world.

President Bush, former Treasury Secretary Hank Paulson, and Fed Chairman Ben Bernanke told us we needed to bail out Wall Street because we could not allow huge financial institutions and insurance giants to fail. They said if any of these large institutions failed, it would lead to systemic damage to the financial system and, in fact, the entire economy.

One might think, if these institutions then were too big to fail, it doesn't take a Ph.D. in economics to figure out maybe one of the important solutions would be to make them smaller. Too big to fail? Well, let's reduce their size.

Yet in the last several years these financial institutions in many respects

did not get smaller but, amazingly enough, they got larger. Too big to fail. What do we do? Make them larger. If that makes sense to somebody, it doesn't actually make sense to me, nor do I think to a majority of Americans.

Last year the Bank of America, the largest commercial bank in this country, which received a \$45 billion taxpayer bailout, purchased Countrywide, the largest mortgage lender in this country, and Merrill Lynch, the largest brokerage firm in the country. So you had a huge bank—too big to fail. They became larger through the consolidations of Countrywide and Merrill Lynch by the Bank of America.

Last year JPMorgan Chase, which received a \$25 billion bailout from the Treasury Department and a \$29 billion bridge loan from the Federal Reserve, acquired Bear Stearns and Washington Mutual, the largest savings and loan in the country. Too big to fail? Well, what happens if you are JPMorgan Chase? You become bigger.

Last year the Treasury Department provided an \$18 billion tax break to Wells Fargo to purchase Wachovia, allowing that bank to control 11 percent of all bank deposits in this country. Too big to fail? If you are Wells Fargo, make it bigger.

Today these huge financial institutions have become so big that the issue now is not just too big to fail and taxpayer liability, the issue becomes concentration of ownership. According to the Washington Post, the four largest banks in the United States—that is the Bank of America, Wells Fargo, JPMorgan Chase, and Citigroup—now issue one out of every two mortgages. Half of the mortgages in America are issued by four large financial institutions. Two out of every three credit cards in this country are issued by the four largest financial institutions of the country. These same institutions hold \$4 out of every \$10 in bank deposits in the entire country.

What we are looking at here is not just taxpayer liability for when huge financial institutions collapse and the taxpayers have to bail them out; now what we are also looking at is concentration of ownership where a handful—four major financial institutions—controls half of the mortgages, 2 out of 3 credit cards, and 40 percent of bank deposits in the entire country. That is wrong from a competitive point of view, from a point of view that the consumer has to have some choices and has to see some competition in order to get a break.

The face value of over-the-counter derivatives at commercial banks has grown to \$290 trillion—that is an astronomical sum of money—95 percent of which is held in 5 financial institutions in the entire country. Five financial institutions control 95 percent of over-the-counter derivatives. Derivatives are nothing more than side bets by Wall Street gamblers that oil prices will go up or down or that the subprime mortgage market will con-

tinue to get worse or betting on the weather or whatever else can make them a quick buck. Risky derivative schemes led to the \$182 billion bailout of AIG, the collapse of Lehman Brothers, the downfall of Bear Stearns, and precipitated the largest bailout in the history of the world and the severe recession that millions and millions of people are experiencing today through their loss of jobs.

If any of these financial institutions were to get into major trouble again, taxpayers one more time would be on the hook for another substantial bailout. In fact, the next time it might even be bigger than we saw last year. Now is the time to say clearly we cannot allow that to happen. Not only are too-big-to-fail financial institutions bad for taxpayers, the enormous concentration of ownership in the financial sector has led to higher bank fees. Every Member of the Senate has heard from constituents who pay their credit card bills on time every single month, they then bailed out Wall Street, and what they get in return is interest rates which have gone from 10 percent or 15 percent to 25 percent or 30 percent. That is what you get when four large financial institutions control two-thirds of the credit cards in this country.

According to Businessweek, "Bank of America sent letters notifying some responsible card holders that it would more than double their rates to as high as 28 percent."

That is what we are seeing all over this country. Credit card interest rates went up by an average of 20 percent in the first 6 months of this year, even as banks' cost of lending declined. We all know this. Here are these guys on Wall Street. We bailed them out. They become bigger. And they say: Thank you, America. Now we are going to raise the interest rates on your credit cards to usurious rates—outrageous, unacceptable. Twenty-five percent or thirty percent interest rates on hard-working people who pay their bills on time is something that should be eliminated and, in fact, on another issue we have legislation to do that.

It seems to me if you add all of that together, the fact that the largest banks that were "too big to fail" have grown larger, that we have a very dangerous concentration of ownership within the financial institution industry, the time is now to do exactly what good Republicans, good Republicans such as Teddy Roosevelt and William Howard Taft, did 100 years ago; that is, to start breaking up those institutions.

That is what we have got to do. We have got to start breaking up these institutions. Last week I introduced S. 2746, the Too Big to Fail, Too Big to Exist Act that would do that. I think the title of that legislation I have introduced says it all: If an institution is too big to fail, it is too big to exist. Let's break it up.

This legislation is all of two pages long. It is not 2,000 pages like the

health care bill. It is two pages. That is all. It is very simple. This legislation would require the Secretary of Treasury to identify within 90 days every single financial institution and insurance company in this country that is too big to fail. That should not be too hard to do. Which are the institutions that are too big to fail? Tell us who they are. Then within the rest of the year, within 1 year, start the process of breaking them up.

One of the further reasons we have got to break up these institutions is not just that they continue to be a liability for taxpayers, not only that the concentration of ownership leads to higher and higher interest rates, leads to the fact that Wall Street remains an entity unto itself, largely a gambling casino which makes huge amounts of money for the people on Wall Street but ignores the credit needs of small and large businesses in the productive economy, but there is another reason. The other reason is I know some of my friends here say: Well, you know, we have got to regulate Wall Street. That is what we have to do, not break them up, regulate them. But it is not the Congress that is going to regulate Wall Street, it is Wall Street that is going to regulate the U.S. Congress.

I think anybody who knows anything about politics knows that is true. We know that over a 10-year period, Wall Street has spent \$5 billion on lobbying and campaign contributions. Despite their greed and the fiascos which they caused, what they are doing now is spending millions more trying to make sure that Congress allows them to go back to where they were.

I don't think it is a question of us regulating them, it is them regulating us with so much wealth and so much power. That is what they are capable of doing. What we are beginning to see, not only in the United States but all over the world, are people saying: Enough is enough.

I find it interesting that John S. Reed, who helped engineer the merger that created Citigroup, Inc., apologized for his role in building a company that has taken \$45 billion in direct U.S. aid, and said "banks that big should be divided into separate parts."

That is what John S. Reed said, the former CEO of CitiGroup. He was one of the people who engineered the deregulation effort. He has apologized to the American people, and I respect that very much; one of the few who has had the guts to come before the United States and say: I made a mistake. I am sorry. I respect him for doing that.

Furthermore, we have Alan Greenspan, who probably more than any other person in this country led the effort to deregulate, to do away with Glass-Steagall, this philosophy that said: If we deregulate, if we allow these titans on Wall Street to do anything they want, they are going to create wealth for the whole economy.

But even Alan Greenspan, whose disastrous leadership helped lead us to

where we are right now, even he, I think, has recognized the error of his ways. According to Bloomberg News on October 15, 2009, former Chairman Greenspan said:

If they're too big to fail, they're too big. In 1911 we broke up Standard Oil—so what happened? The individual parts became more valuable than the whole.

That is Alan Greenspan understating the errors he made.

I should note, I am grateful Mr. Greenspan's views on the subject have drastically changed. Because when I was in the House, on the Financial Institutions Committee, he would come before that committee. He and I used to have a little bit of a debate on the issue of deregulation. I remember, back in 2000, I asked Mr. Greenspan the following question. I asked him:

Aren't you concerned with such a growing concentration of wealth that if one of these huge institutions fails that it will have a horrendous impact on the national and global economy?

Here is what Mr. Greenspan said in the year 2000:

No, I'm not. I believe that the general growth in large institutions have occurred in the context of an underlying structure of markets in which many of the larger risks are dramatically—I should say fully—hedged.

Well, unfortunately, Mr. Greenspan appeared to be wrong, was wrong, and we have spent \$700 billion bailing out Wall Street and trillions more on low-interest loans. But it is not just Alan Greenspan who has changed his views. According to the Washington Post, we know this to be the case:

The British government announced Tuesday it will break up parts of major financial institutions bailed out by taxpayers . . . The British government—spurred on by European regulators—is forcing the Royal Bank of Scotland, Lloyds Banking Group and Northern Rock to sell off parts of their operations. The Europeans are calling for more and smaller banks to increase competition and eliminate the threat posed by banks so large that they must be rescued by taxpayers, no matter how they conducted their business, in order to avoid damaging the global financial system.

In other words, what the United Kingdom is beginning to say is, we have got to start breaking up these institutions. If they are too big to fail, they are too big to exist.

But it is not just Alan Greenspan, it is not just John Reed, former CEO of CitiGroup, it is Paul Volcker, the former Federal Reserve Chairman and the head of President Obama's Economic Recovery Advisory Board. This is what he said:

Keep [banks] small, so that any failure won't have systematic importance. People say I'm old fashioned and banks can no longer be separated from nonbank activity. That argument brought us to where we are today.

Robert Reich, President Clinton's former Labor Secretary, has said that:

No important public interest is served by allowing giant banks to grow too big to fail . . . Wall Street giants should be split up—and soon.

That is Robert Reich.

Sheila Bair, the head of the FDIC, has said that:

We need to reduce our reliance on large financial institutions and put an end to the idea that certain banks are too big to fail.

Simon Johnson, the former chief economist of the International Monetary Fund, the IMF, has said:

Banks that are too big to fail must now be considered too big to exist.

I am under no illusions that taking on Wall Street will be an easy task. Generally speaking, Congress is never successful or very rarely successful taking on big money interests. They are too powerful, they have too much sway over this institution.

As I mentioned earlier—this is quite incredible—the banking and insurance industry has spent over \$5 billion on campaign contributions and lobbying activities over the past decade in support of deregulation, and they are spending even more today to try to prevent Congress from seriously regulating their industry.

In 2007 alone—and if people want to know why the rich get richer and everybody else gets poorer, they should understand—the financial sector employed nearly 3,000 separate lobbyists to influence Federal policymaking. Remember, we only have 100 people in the Senate, 435 in the House. They have 3,000 separate lobbyists. So if anyone thinks it is going to be easy to reform the financial services sector, it clearly will not.

But if we are going to turn this economy about, if we are going to try to prevent another disaster by which taxpayers have to bail out some of the wealthiest and most powerful people, if we are going to create a situation where financial institutions provide capital to the productive economy so that we can create decent paying jobs, producing real products and real services, we are going to have to finally stand up to these very powerful institutions.

I think the issue is clear. I think all over this country people, whether they are progressive, whether they are conservative, understand that if an institution is too big to fail, it is too big to exist. Let's break them up.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska.) The Senator from New Jersey is recognized.

AMENDMENT NO. 2741 TO AMENDMENT NO. 2730

Mr. MENENDEZ. Mr. President, I understand there is a pending amendment before the Senate. I ask unanimous consent to set aside the pending amendment and call up amendment No. 2741.

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

The clerk will report.

The bill clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ] proposes an amendment numbered 2741 to amendment No. 2730.

Mr. MENENDEZ. Mr. President, 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 provide, with an offset, an additional \$4,000,000 for grants to assist States in establishing, expanding, or improving State veterans cemeteries)

On page 52, after line 21, add the following: SEC. 229. (a) ADDITIONAL AMOUNT FOR STATE VETERANS CEMETERIES.—The amount appropriated by this title under the heading “GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES” is hereby increased by \$4,000,000.

(b) OFFSET.—The amount appropriated or otherwise made available by this title under the heading “GENERAL OPERATING EXPENSES” is hereby decreased by \$4,000,000.

Mr. MENENDEZ. Mr. President, we are often reminded of the special sacrifice military families make in service to our country.

Memorial Day and Veterans Day are just two occasions when we as Americans take a moment to acknowledge our military men and women, those who have served in uniform.

We pause for a moment of silence. We bow our head for the fallen. Family members visit the final resting place of those they have lost.

We think of those hallowed grounds, those special places, the lines of crosses at Normandy, the graves at Arlington, the tomb of the unknown soldier, veterans cemeteries across America, and we remember all those who have served this Nation with honor.

One of the ways that we can honor them and their families is by covering the cost of burial for veterans, their spouses, and their dependent children in Federal veterans’ cemeteries.

Unfortunately, we have not adequately funded these cemeteries in the past and as the greatest generation ages, our ability to keep the promise of a free resting place for each of them is becoming increasingly difficult to keep.

Across America and in my home State of New Jersey, Federal cemeteries are having problems keeping up with requests for burial. As these cemeteries become overcrowded, veterans and their families are turned away from a benefit they earned through their service. In fact, 10 States do not even have Federal cemeteries, but have managed to set aside State cemeteries.

The very least we can do is provide funding for these State veterans’ cemeteries which would be a cost-effective way for the VA to provide veterans with the burial benefits they were promised.

Veterans who have lived their whole lives in one place, a place with special meaning to them and to their families should have a final resting place based on the veterans cemetery in their location of choice, not the Veterans Administration’s funding choice.

My amendment would simply increase Federal funding for State cemeteries by \$4 million so that we can have the resources to keep our promise and provide our heroes with the dignity, respect, and honor they deserve.

Honoring America’s veterans is not solely reserved for Memorial Day and Veterans Day.

This commitment to State veterans’ cemeteries reinforces America’s respect for its veterans and their families. They have already given their service to this country; the least we can do is give them a final resting place with their brothers and sisters who served.

Arlington cemetery is an inspiring place. We have all seen it. We have all been there. We are awed by its majesty and what it says about America, about who we are as a Nation, and what we stand for as a people.

Let us give every State an Arlington to inspire the next generations to live up to the promise of America. We owe our veterans the choice to be buried with their families at a cemetery based on location and not economics.

I urge my colleagues to support this important amendment.

Mr. CONRAD. Mr. President, I rise to offer for the RECORD, the Budget Committee’s official scoring of S. 1407, Military Construction and Veterans Affairs and Related Agencies Appropriations Act for fiscal year 2010.

The bill, as reported by the Senate Committee on Appropriations, provides \$78.1 billion in discretionary budget authority for fiscal year 2010, which will result in new outlays of \$48.4 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the bill will total \$77.7 billion.

An amendment has been adopted to designate \$1.4 billion in budget authority in the bill as being for overseas deployment and other activities. Pursuant to section 401(c)(4) of the 2010 budget resolution, adjustments to the Appropriations Committee’s section 302(a) allocation and to the 2010 discretionary spending limits were made for that amount and for the outlays flowing therefrom.

The bill matches the subcommittee’s revised allocation for budget authority and for outlays.

The bill is not subject to any budget points of order.

I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

S. 1407, MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

(Spending comparisons—Senate-Reported Bill with Technical Amendment (in millions of dollars))

	Defense	General purpose	Total
Senate-Reported Bill:			
Budget Authority .....	24,632	53,473	78,105
Outlays .....	24,743	52,960	77,703
Senate 302(b) Allocation:			
Budget Authority .....			78,105
Outlays .....			77,703
House-Passed Bill:			
Budget Authority .....	24,577	53,328	77,905
Outlays .....	24,691	52,967	77,658
President’s Request:			
Budget Authority .....	24,351	53,315	77,666

S. 1407, MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

(Spending comparisons—Senate-Reported Bill with Technical Amendment (in millions of dollars))

	Defense	General purpose	Total
Outlays .....	24,643	52,219	76,862
Senate-reported bill with technical amendment compared to:			
Senate 302(b) allocation:			
Budget Authority .....			0
Outlays .....			0
House-Passed Bill:			
Budget Authority .....	55	145	200
Outlays .....	52	-7	45
President’s Request:			
Budget Authority .....	281	158	439
Outlays .....	100	741	841

Note: The subcommittee’s 302(b) allocation has been adjusted to reflect adoption of an amendment to designate \$1.399 billion in budget authority as being for overseas deployments and other activities pursuant to Sec. 401(c)(4) of S. Con. Res. 13, the 2010 Budget Resolution.

Mr. WEBB. Mr. President, the administration’s fiscal year 2010 defense budget request included authorization of an appropriation of \$46.3 million for the dredging of the channel and turning basin at Naval Station Mayport, FL. The Deputy Secretary of Defense and the Secretary of the Navy confirmed that this dredging project is not associated with the Navy’s proposal to homeport a nuclear-powered aircraft carrier, CVN, in Mayport. However, advocates for the Navy’s homeporting proposal continue to assert that the dredging project is the “first step” in having a carrier homeported in Mayport. It is time to set the record straight.

There is no cause-and-effect linkage between the Navy’s homeporting proposal with the authorization and appropriation of fiscal year 2010 military construction funds to dredge the channel at Mayport. The Navy’s homeporting scheme is being reviewed separately as part of the Department of Defense’s Quadrennial Defense Review. Dredging Mayport’s channel will have no influence on its evaluation.

Last April, when Secretary of Defense Gates announced key decisions associated with the President’s fiscal year 2010 defense budget request, the Navy called me to confirm that its request for funds for dredging and pier improvement projects at Naval Station Mayport was not associated with its homeporting proposal. The Navy said its military requirement for dredging is to permit safer routine and emergency port visits by an aircraft carrier by lessening the current severe restrictions associated with the existing water depth in Mayport’s channel and basin. The Navy acknowledged that the Quadrennial Defense Review would consider its carrier homeporting proposal separately.

In August, Deputy Secretary of Defense Lynn wrote me to reconfirm this point. He said:

Secretary Gates has taken the prudent step of seeking funding for the dredging of the Mayport channel within the fiscal year 2010 budget to provide an alternative port to dock East Coast carriers in the event of a disaster. As you know, the Secretary decided that the larger issue of whether Mayport will be upgraded to enable it to serve as a homeport for CVNs should be objectively evaluated during the Department’s Quadrennial

Defense Review (QDR). We continue to believe that the QDR will provide the best forum to assess the costs and benefits associated with a strategic move of this scale.

Also in August, the Secretary of the Navy, the Chief of Naval Operations, and the Commandant of the Marine Corps wrote the chairman of the Senate Committee on Armed Services regarding conference action on the Fiscal Year 2010 National Defense Authorization Act. Their letter specifically addressed the reasons why it was necessary to dredge Mayport's channel and basin. They stated the military construction project was necessary regardless of a final decision on aircraft carrier homeporting at Mayport.

The three senior leaders of the sea services stated dredging was needed for the following reasons:

Mayport is currently used as a transient dock for nuclear aircraft carriers, and the current Mayport Channel and turning basin depths impose undesirable restrictions on the safe navigation of an aircraft carrier. Operational readiness is degraded because a nuclear aircraft carrier cannot enter the port with the embarked air wing and full stores and only during certain high-tide conditions. It is prudent to remove these operational limitations. The dredging provided in this project is therefore required irrespective of the final decision on aircraft carrier homeporting at Mayport.

Conferees for the fiscal year 2010 defense authorization bill from the House of Representatives and Senate Armed Services Committees met in September and October to reconcile differences between each Chamber's bill. During their consideration of military construction projects, the conferees recognized that confusion could exist regarding the dredging project owing to the erroneous assertions that it would pave the way for homeporting a carrier in Mayport.

As a result, a manager's statement accompanied the Fiscal Year 2010 National Defense Authorization Act signed into law by President Obama last month. It states, in part, that the conferees authorized funding for the project based on assurances provided by the Secretary of the Navy and the Chief of Naval Operations that the dredging is needed for current operational considerations irrespective of a final decision on carrier homeporting at Mayport. Of note, the manager's statement says:

The conferees emphasize that the inclusion of an authorization for dredging at NS Mayport is not an indication of conferee support for the establishment of an additional homeport for nuclear aircraft carriers on the East Coast, or intended to influence the ongoing Quadrennial Defense Review, which may include a recommendation on the establishment of a second East Coast homeport for nuclear aircraft carriers. Furthermore, the conferees note that this funding is provided solely to permit use of Mayport as a transient port, and that any potential designation of Mayport as a nuclear carrier homeport will require future authorizations from the Committees on Armed Services of the Senate and House of Representatives.

Last year, the Navy said that the risk of a catastrophic event closing

Hampton Roads is "small." Dredging Mayport's channel and turning basin so that it can accommodate a nuclear-powered aircraft carrier for an unlikely emergency port visit clearly obviates the need to invest up to \$1 billion to build duplicative nuclear-support infrastructure for carrier homeporting. During the Department of the Navy's budget testimony last June, Admiral Roughead, the Chief of Naval Operations, stated: "Future shore readiness . . . is at risk." In fact, the Navy's shore readiness is at risk today. In January, the Navy acknowledged it had a \$28 billion backlog in shore facility restoration and modernization.

The need to sustain Naval Station Mayport is clear. Before investing what could be up to \$1 billion to support a nuclear-powered aircraft carrier, however, the Navy should first properly maintain its existing shore facilities. As the Navy's own studies reveal, there are other more fiscally responsible and strategically sound homeporting options for Mayport, including the assignment of a large-deck amphibious ship or Littoral Combat Ship, LCS, surface combatants.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### THE ECONOMY

Mr. GRASSLEY. Mr. President, last week, we learned that the Nation's unemployment rate has risen to 10.2 percent. That is 1 out of every 10 working Americans being out of a job. But the real number is even higher than that. It is really closer to 1 in 6 workers. When you add in people who are underemployed or have stopped looking for work, the unemployment number is almost 17 percent.

According to a weekend article in the New York Times, that is the highest this country has seen in unemployment since 1982. The Times also noted: "If statistics went back so far, the measure would almost certainly be at its highest level since the Great Depression"—the Great Depression 80 years ago.

After all the bailouts and a \$1 trillion stimulus bill, there are still 16 million of our constituents who want to work but are unemployed. In fact, despite the White House's fuzzy math, the real statistics show that the unemployment rate has more than doubled since the President signed the stimulus bill in February. And, you remember, that bill was supposed to be passed very quickly so the unemployment rate

would not exceed 8 percent, and here we are today at 10.2 percent the way it is officially reported, but taking all the other people into consideration, 17 percent.

So people kind of wonder why there is some question about all the debt we are piling on our future generations through the national debt. Particularly, it is a legitimate question when people were told the stimulus bill had to be passed "right now" or unemployment, then under 8 percent, might exceed 8 percent.

So there are a lot of questions out there, and some of it carries over into the health care reform issues before Congress right now because it is kind of like people were not really concerned about health care legislation in the Congress of the United States even costing \$1 trillion or more until they found out all these other trillions of dollars that were being spent to get us out of a recession were not working. Then it is kind of like the health care reform was kind of the straw that broke the camel's back to cause people to lose confidence in Congress using its own good judgment to solve this problem of the recession.

So we have 10.2 percent unemployment officially, more otherwise. That equates to about 7 million lost jobs since the stimulus bill was passed, and despite the stimulus bill's failings, the White House is pinning its hopes on yet another trillion-dollar effort. Now they are using their "back of the envelope" calculations to say health care reform is going to save the economy. This picked up about 6 months ago, back in March, when the White House chose to focus on health care reform rather than the economic crisis.

I would like to quote President Obama:

Healthcare reform . . . is a fiscal imperative. If we want to create jobs and rebuild our economy, then we must address the crushing cost of healthcare this year, in this administration.

That is a quote from President Obama.

I want to say, to some extent I agree with him. It is true health care costs are rising at twice the rate of inflation, straining family budgets, and making it difficult for American businesses to remain competitive. Congress should absolutely enact legislation that addresses these issues.

But, unfortunately, the pending health care reform proposals in the House and Senate not only ignore the primary issue of cost, they also put in place policies that are going to cause more Americans to lose their jobs and further damage our struggling economy.

So now to the main point of my coming to the floor to discuss this issue: Whether it is the \$500 billion in tax increases or the growing list of Federal mandates in these pending health care reform bills, the pending bills will take our economy in the wrong direction, contrary to what the President said in

that speech several months ago when he said that if you want to fix the economy, you have to do something about health care reform. Maybe if the President had proposed his own bill, maybe he would have proposed something that did it, but what we see evolving in the Congress of the United States is not going to solve that problem.

Back in March, again, when the President turned his attention to health care reform, the head of his Council of Economic Advisers, Christina Romer, said—and I have a chart that has the quote:

We know that small businesses are the engine of growth in the economy, and we absolutely want to do things to help them.

Well, I am not sure how the White House defines the word “help,” when it comes to getting small businesses back on track and turning the economy around, but I do know President Obama came up to Capitol Hill this past weekend to pressure House Members to vote for a bill that will have a devastating impact on small business in America. If this is what the administration means when they want to “help” small businesses, the old phrase, “With friends like these, who needs enemies” comes to mind.

The President and Democratic leadership twisted arms and bought support for a bill that the National Federation of Independent Businesses—and that organization tends to be the voice of America’s small businesspeople—actively opposed. After the bill passed, the National Federation of Independent Businesses released the following statement about the administration and Congress’s efforts to help small business. This is a long quote, so let me read it, but we also have it on a chart here:

Small business owners are outraged.

Let me start over again. This is from the National Federation of Independent Businesses’ comments on what happened in the House of Representatives:

Small business owners are outraged. This bill will actually make things worse, not better. With unemployment at a 26-year high, the punitive employer mandates and atrocious new taxes will force small business owners to eliminate jobs and freeze expansion plans at a time when our Nation’s economy needs small business to thrive.

It doesn’t sound like the National Federation of Independent Businesses and the thousands of members they have throughout the United States appreciate the administration’s efforts to help. With the marginal tax rate on some small businesses, especially those likely to expand, rising by 33 percent under the House bill, it is no wonder. Here we have a chart that says this. The green, present level of taxation; the red, how the President proposes to increase taxes to 39.6 percent in his budget; and then we have other things that are still in the President’s budget that are kind of hidden. I will not go into what PEPs and Peases are, but they are a hidden additional tax rate

that brings it up almost another 2 percentage points to 41 percent. Then we have the last big bar that has everything in the previous two, plus the 5.4-percent surtax that is in the House bill. It is these increased taxes on individuals—because a lot of small businesses file individually, they don’t file corporate tax returns—that kills small business, the engine that creates 70 percent of the new jobs in America.

So we have a situation with these potential tax increases, where any business looking to the capital markets will probably find sources of capital chilled by the 70-percent increase in marginal rates on capital gains that occurs under the House bill. We have this chart over here that shows when you add in the capital gains as well what happens. Because capital gains has a great deal to do with capital formation in America, and higher marginal tax rates tend to discourage that.

Some Members might say the National Federation of Independent Businesses’ statement was about the House bill, and it was, but bills we have before the Senate aren’t much better. The HELP Committee bill has a similar pay-or-play mandate that will cost American jobs, as does the House bill. The Finance Committee bill is filled with tax increases that will directly affect small business owners and their employees, including families who make less than \$250,000 a year, which would obviously be a violation of the President’s campaign promise that he wasn’t going to increase taxes for those earning under \$250,000.

So here we have another chart: Health care reform raises taxes on families with more than \$75,000 in income. That is because \$75,000 is below \$250,000, so the President violates his campaign promise. Further analysis by the Congressional Budget Office has shown that small businesses could also face significantly higher health insurance premiums as a result of the new insurance market reforms. We have the consulting firm of Oliver Wyman concluding that the insurance reforms could raise premiums by as much as 20 percent. As more American businesses, big and small, face higher premiums and more taxes, workers will end up suffering.

The Congressional Budget Office has concluded that pending Senate legislation could force about 3 million people out of their employer-based coverage, and that doesn’t even include the potential impact of a new entitlement program, a government-run program we call the public option.

All of this doesn’t sound like it is helping small businesses or letting people keep what they have, which was another Presidential promise. The bills also make our unemployment situation worse. We are talking about another \$1 trillion in spending—\$1 trillion we can’t afford—that will end up costing Americans jobs.

I wish to quote from a recent article jointly published by Health Affairs and

the Robert Wood Johnson Foundation. We have that quote right here. I am going to quote a small part of that article:

Small, lower-wage firms could be among the most affected—

Meaning most affected by the pay-or-play mandate.

Firms might respond by firing or declining to hire workers. Several studies projected the loss of anywhere from 224,000 to 750,000 jobs.

That analysis doesn’t even take into account the impact of the tax increases and the new Federal mandates. The people who don’t lose their jobs, of course, face lower wages because it doesn’t matter whether you are an economist to the far right or an economist to the far left, there is agreement that as health insurance costs increase, wages go down.

As all the new Federal mandates and the regulatory requirements drive up premiums, businesses will be forced to respond by lowering wages. All of this doesn’t sound like a recipe for getting the economy back on track.

I wish to review what the pending bills mean for the average worker and our struggling economy: higher unemployment, more than 750,000 jobs lost; increased health insurance premiums, maybe by as much as 70 percent; lower wages, less money in your paycheck; \$500 billion in higher taxes for individuals and businesses; more government spending and higher deficits.

The administration and the Democratic leadership can make all the promises they want, but facts are the facts. Congress needs to address health care. We need to bring down costs, improve quality, and create a more competitive market for insurance, but we should do it in a way that makes our economy stronger. Unfortunately, the health care reform bills we have seen so far are bad for the economy and particularly bad for an American worker and particularly bad at a time when there is, at least officially, 10.2 percent of people unemployed and, if you take other factors into consideration as I have already spoken about, maybe around 17 percent unemployed. As the New York Times said, maybe the highest rate of unemployment going back to the Great Depression. This is bad.

So I can only end by saying, as we look to the debate on health care reform and the analyses of these bills that are done by economists, done by advocates for small business, and the impact it is going to make on the economy, I think we ought to take a second look and not make this situation of the economy worse through a bill that ought to be helping the economy. Everybody agrees we may have the best medical care in the world. We don’t have a perfect system, and that system needs to be changed, but in the process of doing it, we have to make sure we do not make a bad situation worse for our economy.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DEMINT. Mr. President, I ask unanimous consent to temporarily set aside the pending amendment so I may call up two amendments.

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

AMENDMENTS NOS. 2774 AND 2779 TO AMENDMENT NO. 2730, EN BLOC

Mr. DEMINT. Mr. President, I wish to call up Inhofe amendment No. 2774 and DeMint amendment No. 2779.

The PRESIDING OFFICER. The clerk will report the amendments en bloc.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT], for Mr. INHOFE, for himself, and Mr. BARRASSO, Mr. BROWNBACK, Mr. CRAPO, Mr. DEMINT, Mr. ENZI, Mr. JOHANNIS, Mr. KYL, Mr. ROBERTS, Mr. THUNE, Mr. VITTER, Mr. BOND, and Mr. HATCH, proposes an amendment numbered 2774 to amendment No. 2730.

The Senator from South Carolina [Mr. DEMINT] proposes an amendment No. 2779 to amendment No. 2730.

The amendments are as follows:

AMENDMENT NO. 2774

(Purpose: To prohibit the use of funds appropriated or otherwise made available by this Act to construct or modify a facility in the United States or its territories to permanently or temporarily hold any individual held at Guantanamo Bay, Cuba)

On page 60, after line 24, add the following:  
SEC. 608. (a) None of the funds appropriated or otherwise made available by this Act may be used to construct or modify a facility or facilities in the United States or its territories to permanently or temporarily hold any individual who was detained as of October 1, 2009, at Naval Station, Guantanamo Bay, Cuba.

(b) In this section, the term "United States" means the several States and the District of Columbia.

AMENDMENT NO. 2779

(Purpose: To prohibit the use of funds for the transfer or detention in the United States of detainees at Naval Station Guantanamo Bay, Cuba, if certain veterans programs for fiscal year 2010 are not fully funded)

At the end of title II, add the following:  
SEC. 229. (a) LIMITATION ON USE OF FUNDS FOR TRANSFER OR DETENTION IN UNITED STATES OF DETAINEES AT GUANTANAMO BAY WITHOUT FULL FUNDING OF CERTAIN VETERANS PROGRAMS.—

(1) LIMITATION.—None of the funds appropriated or otherwise made available by this Act may be used to support, prepare for, or otherwise facilitate the transfer to or the detention in any State or territory of the United States of any individual who was detained as of November 1, 2009, at Naval Station Guantanamo Bay, Cuba, until 15 days after the Secretary of Veterans Affairs certifies to Congress that the programs specified in subsection (b) are fully funded for fiscal year 2010.

(2) CERTIFICATION.—The certification submitted under this subsection shall include a

description of the funding available for fiscal year 2010 for each program intended to address a need of veterans specified in subsection (b).

(b) PROGRAMS.—The programs specified in this subsection are the programs of the Department of Veterans Affairs to meet needs of veterans for the following:

- (1) Health care.
- (2) Rehabilitation and reintegration into the community of veterans suffering from traumatic brain injury (TBI).
- (3) Rehabilitation and reintegration into the community of veterans suffering from post-traumatic stress disorder (PTSD).
- (4) Specially adapted housing for disabled veterans.
- (5) Counseling and treatment for service-connected trauma, including trauma associated with sexual assault.

Mr. DEMINT. Mr. President, I yield the floor, and 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. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. Madam President, I ask unanimous consent that the Senate be in recess subject to the call of the Chair.

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

There being no objection, the Senate, at 7:46 p.m., recessed subject to the call of the Chair and reassembled at 7:57 p.m. when called to order by the Presiding Officer (Ms. LANDRIEU).

#### MILITARY CONSTRUCTION, VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, first, I appreciate very much the Presiding Officer coming to the Chamber and helping us at this time of night.

I ask unanimous consent that other than the Johnson substitute and pending amendments, which are listed in this agreement, the following list be the only first-degree amendments remaining in order to H.R. 3082, the Military Construction, Veterans appropriations; that relevant second-degree amendments be in order to the first degree to which offered; that a managers' amendment, which has been cleared by the managers and leaders, also be in order; and that if offered, the amendment be considered and agreed to, and the motion to reconsider be laid upon the table, with no other amendments in order: Johnson No. 2733; Udall of New Mexico No. 2737; Franken No. 2745; Inouye No. 2754; Coburn No. 2757; Durbin Nos. 2759 and 2760; McCain No. 2776,

second degree to Inouye amendment No. 2754; Inhofe No. 2774; Coburn motion to commit with instructions; DeMint No. 2779; Menendez No. 2741; Akaka No. 2740; Johanns No. 2752; Warner/Webb No. 2738; Bingaman No. 2749; Levin No. 2755; Feingold Nos. 2746, 2747, and 2748; Webb No. 2756; Gillibrand No. 2762; Mikulski Nos. 2750 and 2761; McConnell No. 2773; Cochran Nos. 2751 and 2763; Ensign No. 2771; Burr No. 2743; that upon disposition of all amendments, the substitute amendment, as amended, be agreed to; the bill, as amended, be read a third time and the Senate then proceed to vote on passage of the bill, as amended; that upon passage, the Senate insist on its amendment and request a conference with the House on the disagreeing votes of the two Houses and the Chair be authorized to appoint conferees on the part of the Senate, with the subcommittee, plus Senators LEAHY and COCHRAN appointed as conferees; provided further that if a point of order is raised and sustained against the substitute amendment, then it be in order for a new substitute amendment to be offered, minus the offending provision but including any language which had been previously agreed to; that the new substitute be considered and agreed to, and no further amendments be in order, with the provisions of this agreement after adoption of the original substitute amendment remaining in effect; further that on Monday, November 16, after a period of morning business, the Senate resume consideration of H.R. 3082, with the time until 5:30 p.m. equally divided and controlled between the two managers or their designees; that at 5:30 p.m., the Senate proceed to vote in relation to the following: Coburn No. 2757 and the Coburn motion to commit; further that prior to these two votes, there be 2 minutes of debate equally divided and controlled in the usual form; that no further debate be in order to the bill, except any time specified for debate prior to a vote in relation to any amendment on the list.

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

#### EXECUTIVE SESSION

#### NOMINATION OF DAVID F. HAMILTON TO BE UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 184, the nomination of David F. Hamilton to be a U.S. circuit judge for the Seventh Circuit.

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

The clerk will report the nomination.

The legislative clerk read the nomination of David F. Hamilton, of Indiana, to be United States Circuit Judge for the Seventh Circuit.

## CLOTURE MOTION

Mr. REID. Madam President, I now send a cloture motion to the desk with respect to the nomination of Judge Hamilton.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of David F. Hamilton, of Indiana, to be a United States Circuit Judge for the 7th Circuit.

Harry Reid, Herb Kohl, Sheldon Whitehouse, Richard J. Durbin, Benjamin L. Cardin, Patty Murray, Mark Begich, Kirsten E. Gillibrand, Mark R. Warner, Russell D. Feingold, Al Franken, Roland W. Burris, Dianne Feinstein, Patrick J. Leahy, Barbara Boxer, Charles E. Schumer, Edward E. Kaufman.

Mr. REID. Madam President, I ask unanimous consent that the cloture vote occur upon disposition of H.R. 3082; further, that prior to the cloture vote on the nomination, there be 60 minutes of debate, with the time equally divided and controlled between the chair and ranking member of the Judiciary Committee; and that the mandatory quorum be waived; provided further that the vote not occur prior to 2:15 p.m., Tuesday, November 17; and that the Senate now resume legislative session.

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

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

## MORNING BUSINESS

Mr. REID. Madam President, we are always glad to see the yellow file at nighttime.

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

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

## EMPOWERING THE U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. DURBIN. Mr. President, I was pleased to join with Senators DODD, CARDIN, BOND, KERRY, LUGAR, and many others in passing a resolution on the need to empower and strengthen the U.S. Agency for International Development.

The resolution calls for three important steps—that a USAID Administrator be named without delay, that such Administrator be included in key national security deliberations, and that USAID's staffing and expertise be significantly increased.

Development assistance is part of any comprehensive American approach in foreign policy, whether it responds to regional conflicts, terrorist threats, weapons proliferation, disease pandemics, or persistent widespread poverty. Assistance programs not only provide help to those most in need but also are a symbol of American values.

Our own security depends on the stability of far-flung places beyond our borders. And America's generosity and ability to help other countries is becoming more important to the effectiveness of our foreign policy.

In the United States, the responsibility for development falls largely to the U.S. Agency for International Development.

USAID was founded by the Kennedy administration in 1961, becoming the first U.S. foreign assistance organization with the primary goal of long term economic and social development efforts overseas.

During its first decade, it had more than 5,000 Foreign Service officers serving all over the world, often in the most difficult of conditions.

Today—at a time when the United States is engaged in two wars and needs development expertise more than ever—USAID operates with just 1,000 Foreign Service officers. USAID's managed program budget in real dollars has dropped by more than 40 percent since the mid-1980s. And the Agency still does not have an Administrator.

From the early 1960s until 1992, the Office of Management and Budget enforced a rule mandating that all foreign aid programs and spending must go through USAID, except when USAID chose to contract with other Federal agencies. Today more than half of all foreign assistance programs are administered by Federal agencies other than USAID, and funding for such programs is spread across more than 20 U.S. Government agencies.

This decline in personnel, budgets and coordinating leadership has diminished the capacity of USAID and the U.S. Government to provide development assistance and implement foreign assistance programs.

Quite simply, as the United States works to win hearts and minds around the world, our efforts have been diminished by an underfunded and understaffed lead development agency. USAID has been shortchanged—and America's efforts abroad have suffered as a result.

Secretaries Clinton and Gates both recognize the need to reverse this trend.

During her first month as Secretary of State, Clinton told USAID employees, "I believe in development, and I believe with all my heart that it truly is an equal partner, along with defense and diplomacy, in the furtherance of America's national security."

Secretary of Defense Gates has made a similar case, stating "The problem is that the civil side of our government—the Foreign Service and foreign-policy

side, including our aid for international development—[has] been systematically starved of resources for a quarter of a century or more . . . We have not provided the resources necessary, first of all, for our diplomacy around the world; and second, for communicating to the rest of the world what we are about and who we are as a people."

Military and civilian experts agree that the wars in Iran and Afghanistan will only succeed in the long term with a sustained and strategic development program to compliment military efforts. We owe it to the brave men and women serving in those nations to get this piece of our foreign policy right and to so without delay.

That is why earlier this year I introduced the Increasing America's Global Development Capacity Act, which calls for a tripling of USAID's Foreign Service personnel over the next 3 years. The bill seeks to address the considerable personnel loss that USAID has experienced over the course of the last two decades. I have also worked with Senator LEAHY to help appropriate additional funds for USAID.

And that is why I was pleased to support Senator DODD's resolution expressing the Senate's view that we must rebuild USAID, starting with the urgent naming of an empowered Administrator, inclusion of that designee in top-level national security deliberations, and continued long-term investment in USAID staffing and funding. I thank the Senate for adopting this important resolution yesterday.

## VETERANS DAY

Mr. BURRIS. Madam President, on November 11, 1921, exactly 2 years after the armistice that ended the First World War, a brave soldier was laid to rest at Arlington National Cemetery.

His grave was marked, not with a name, but with the inscription "Here rests in honored glory an American soldier, known but to God."

Like all of his brothers in arms, this soldier left his home and his family to defend his nation in an hour of need.

Perhaps he was a factory worker or a farmer or a businessman.

Perhaps he had a wife and children; perhaps not.

But whoever he was in civilian life, he heard the call—as many have done before and since—and he took up arms in defense of our liberty.

He laid down his life that others might live free.

He gave what Lincoln called "the last full measure of devotion."

And today, although his name has been lost to the ages, the power of his sacrifice endures.

It is a sacrifice that every American veteran has been prepared to make, if duty should require it.

As we observe Veterans Day this November 11, let us express our thanks and appreciation for those brave veterans who are still with us.

And, in doing so, let us remember this man who was brought to his rest exactly 88 years ago.

He reminds us of the dear price of freedom—a price which all veterans must be ready to pay.

These men and women put their lives on the line to defend the United States.

We must recognize and honor the enormity of such patriotic devotion.

So let us celebrate the heroes who walk among us—our grandparents, our parents, and our children. Our friends and our neighbors.

Let us honor their sacrifice. Let us express our support, our friendship, and our gratitude for the service they have rendered to their country and all its citizens.

Their stories are woven into the story of this Nation.

These men and women have become a part of something greater than themselves—greater than all of us.

More than two centuries ago, when a tyrant from across the ocean refused to grant basic freedoms to his subjects, a brave few decided to claim it for themselves and for their countrymen.

When Europe was consumed by violence and genocide—when a dictator seemed poised to march across an entire continent—a generation of Americans rose to this threat and joined with our allies to save the world from oppression.

From the hallowed fields of Saratoga and Gettysburg, to the muddy trenches of France, to the rugged Korean peninsula—

From the humid jungles of Vietnam, to the arid sands of Afghanistan, and Iraq, and every theater of combat in between—America's veterans are the valiant protectors of American liberty.

We must never forget our servicemen and women—those who fought bravely and returned home, and those who perished on the field of battle.

Our freedom is their legacy.

And, just as we ask them to make great sacrifices for our Nation, so this country owes them a deep debt of gratitude.

We must give our veterans nothing but the very best.

As a member of the Veterans Affairs and Armed Services Committees, I will work with my colleagues to make sure we keep our promises to those who serve.

This means increasing educational benefits through programs like the Post-9/11 G.I. bill.

It means stepping up impact aid support to military communities.

And it means providing high quality healthcare to every single soldier, sailor, airman, and marine who puts on a uniform.

I will not stand for anything but the best. And I urge my colleagues to join me in renewing this commitment.

These men and women answered the call in America's hour of need.

And now America must be ready to answer in their hour of need.

Colleagues, let us see this Veterans Day as a time to remember—a time to

celebrate the heroes of all wars, and to honor their service and sacrifice.

But let us also see this Veterans Day as a challenge for the future.

Let us see it as a time to keep our promises, and to fight for those who have fought for us.

Eighty-eight years ago, a brave soldier was laid to rest at Arlington National Cemetery under the inscription "Here rests in honored glory an American soldier, known but to God."

And although we call him the Unknown Soldier, in reality he is anything but unknown.

He is our countryman—our brother—our protector.

He is every American soldier, past and present.

His sacrifice lives in our freedom. His service is carried on by all those who wear the American flag into combat, and all who perish under its standard.

My friends, this Veterans Day is a time for remembrance and celebration.

It is a time for American heroes.

Ms. MURKOWSKI. Mr. President, I rise today to take advantage of a unique opportunity to recognize and thank those who hold the distinguished title of "veteran." It is because of their service, their commitment, and their sacrifice, that our country is what it is today, a great nation which stands for freedom and which shines as a beacon of hope and opportunity to the rest of the world.

Ninety-one years ago today, on the 11th hour, of the 11th day, of the 11th month of 1918, the hostilities of World War I between the Allied nations and Germany, ceased. While the commemoration of this day was originally known as Armistice Day, later being renamed as "Veterans Day," the purpose and intent has never changed. President Woodrow Wilson, in 1919, expressed his thoughts of this day, and they ring as true today as they did nine decades ago:

To us in America, the reflections of Armistice Day will be filled with solemn pride in the heroism of those who died in the country's service and with gratitude for the victory, both because of the thing from which it has freed us and because of the opportunity it has given America to show her sympathy with peace and justice in the councils of the nations.

In Alaska we have the distinct pleasure and honor of having the largest per capita percentage of veterans of any State in the Union. We call them our neighbors, our coworkers, and our friends. Our communities benefit from the experience and expertise which they have brought home with them from their time in the service of our Nation. Today, while they may wear different clothing in place of a uniform, their service continues as they provide leadership and skill within the State of Alaska.

As we reflect on the service of heroes who have served our country in conflicts past such as World War I, World War II, Korea, Vietnam, the Persian Gulf war and others, we would be remiss if didn't also pause to honor the

dedication of the men and women who are putting their lives on the line today to protect our freedom. This includes not only those serving in Southwest Asia but also those still in Kosovo, those still standing watch of the Korean demilitarized zone, and those serving and sacrificing in countless other countries and regions around the world.

Today, we also mourn. We mourn those veterans who made the ultimate sacrifice in the defense of freedom. This year, Alaska lost several members of our military community in the Afghanistan and Iraq conflicts. I extend my heartfelt sympathy to the families of our fallen service members.

Finally, I would like to recognize a group who often isn't honored enough: the families and loved ones of America's veterans. These are the folks who have had to see their loved ones sent away to war zones and who worried about their well being every second, of every minute, of every day until they returned. These are the folks who have had to singlehandedly manage the household and deal with the car, the washing machine, or the heater invariably breaking the second that their spouse departed. These are the folks who firsthand deal with the invisible scars and injuries of war, such as PTSD, when their loved one comes home. The family members of our veterans are heroes who bravely serve our Nation and rightfully deserve our recognition.

I am honored to have the opportunity to stand among my colleagues here on the Senate floor and proudly state that while we know that words cannot express the gratitude that a grateful nation has for its veterans, with a common voice we want to say thank you.

#### HAPPY BIRTHDAY TO THE MARINE CORPS

Mr. BURRIS. Mr. President, 234 years ago today, a group of American patriots gathered to found a new branch of the Armed Forces.

They organized and trained a robust fighting force that has distinguished itself time and again in the years since that day.

In 1805, these brave warriors were ordered into battle by President Jefferson. They fought for safe passage of American ships and American citizens, defending our fledgling nation against a grave new threat.

In fact, they carried this fight halfway around the world to the city of Derne, on the shores of Tripoli.

And 40 years later, at the height of the Mexican-American War, this fighting force again proved their bravery.

They charged enemy positions at Chapultepec Castle, eventually capturing the enemy capital, and leading U.S. forces into the very halls of Montezuma.

In these defining moments, from the halls of Montezuma to the shores of Tripoli, the legend of the United States Marine Corps was born.

Since the early days of our Republic, the Marines have been at the forefront of America's defenses.

And in every subsequent conflict from the days of the Revolution to the wars in Iraq and Afghanistan these brave warriors have proven their mettle, and put their lives on the line to defend our freedom.

For their sacrifice, their bravery, and their heroism, they deserve the praise and thanks of a grateful nation.

So, to every man and woman who has worn the uniform of the U.S. Marines: we thank you. And we owe you our very best.

As a member of the Armed Services and Veterans Affairs Committees, I am inspired by stories of those who serve almost on a daily basis.

And I will work with my colleagues to make sure this country keeps its commitment to these fine individuals.

So this Veterans Day, as the Marines celebrate 234 years of distinguished service and brave sacrifice, let us all offer our utmost gratitude and support to all of those in uniform.

Mr. BENNETT. Madam President, as we approach the commemoration of Veterans Day, I rise to speak in recognition of veterans across the country, but particularly those in Utah. In doing this, I wish to be careful to not allow the regularity of this topic diminish its significance or make our veterans seem ordinary. Those who know them best know they are anything but.

When speaking of our veterans, perhaps we remember news clips of heroic jungle rescues, a frozen, rocket-blasted hill, or soldiers fighting bravely in the searing heat of the desert. We rightly celebrate them for what they did, but more than that—let us celebrate them for who they are.

As meaningful as words of praise may be, they often are all we give to our veterans. It is too rare when we can present our veterans with a gift—a concrete reminder that this Nation honors those individuals who fight to keep us free. Today, I am especially pleased to recognize the opening of the George E. Wahlen Veterans' Nursing Home in Ogden, UT. On November 19, officials and the public will gather to commemorate the opening of the nursing home and present this impressive facility to the veterans of northern Utah. As with any major accomplishment, the list of people to thank stretches long, including public officials from local, State, and Federal Government, particularly State Representative Brad Dee and State Senator Pete Knudson who sponsored the legislation that made this all possible. However, I would also like to recognize two Utah veterans, whose contributions made this project a reality.

Terry Schow is a Vietnam veteran and the director of the Utah Department of Veterans Affairs. His efforts to reach out to his fellow veterans are not confined to his professional obligations. Rather, his passion and unmis-

takable tenacity give power to his fundamental belief that kind words simply are not enough when it comes to caring for our veterans. Determined to make sure that all veterans receive the support they deserve, Terry was instrumental in seeing that no bureaucratic or logistical obstacle prevented the creation of the veterans' nursing home.

Finally, I wish to speak of the late George Wahlen. A World War II veteran and recipient of the Medal of Honor, George passed away on June 5, 2009, just 5 months before completion of the facility that he fought so hard to establish. Along with several of his colleagues, George made the repeated trek to the Capitol building in Salt Lake City, UT, to persuade legislators of the need to provide funding for a veterans' nursing home in northern Utah. It is noteworthy that in fighting for the needed funding, George never sought any personal benefit. He never knew the nursing home would be named in his honor. Instead, at a time when he could have retired and spent his life in comfort and quiet, he chose to take up this cause, a symbol of his dedication to the service of his fellow veterans. After numerous meetings, phone calls, and hearings, the persistence of George as well as dozens of other veterans paid off when on January 24, 2008, the State House, and later on February 29, 2008, the State Senate voted unanimously to advance all funding for the construction of the facility. This measure was then signed into law by Governor Jon Huntsman, Jr. on March 18, 2008.

For George Wahlen and Terry Schow, their work for their country and fellow servicemen did not end when they became veterans. These two men have inspired many of us in Utah by their integrity, character, and passion to ensure our country returns the favor for the many sacrifices made by our servicemen and women. You see, it is not that George or Terry or any number of veterans did this one single thing or that. What sets them apart is the character which leads them to do it again, and again. When honoring our veterans this Veterans Day, let us not forget their valiant acts of courage—but may we always remember their character.

As a Senator, I am acutely aware of the many issues that face veterans. I am sure each of us would like to give them more. But, while much remains to be done, let the George E. Wahlen Veterans' Nursing Home in Ogden, UT, stand as undeniable evidence that America is a nation that honors its veterans.

#### STATUS OF THE HIGHWAY PROGRAM

Mr. GREGG. Madam President, last month, efforts by Senate Democratic leaders to add roughly \$250 billion to the U.S. debt over the next 10 years by increasing Medicare payments to physicians were put off by arguments from other Democrats that the cost of the proposal should be offset so as not to

burden future generations with more debt. A series of press releases, editorials, and op-eds declared the proposal to be fiscally irresponsible and the Democratic leadership foolish for trying to take it up as a standalone bill. And yet, a Senate highway bill that would add roughly \$150 billion to the U.S. debt over the next 10 years remains below the radar and far more likely to be approved.

The last highway bill, SAFETEA-LU expired at the end of September 2009. But highway programs, like much of the rest of government, continue to operate by virtue of the continuing resolution, CR, now in place through December 18, 2009. Until the authorization committees can agree on how to underwrite the \$500 billion over 6 years that they desire in highway spending, a CR or another legislative vehicle will carry a highway programs extension. Meanwhile, the highway trust fund is already insolvent and cannot support baseline spending levels equal to the highway program levels in fiscal year 2009, much less an authorization bill amounting to half a trillion dollars.

The House and Senate authorizing committees advertise they are simply arguing over the length—3 months v. 6 months v. 18 months—of a “clean” extension. A clean extension, however, already exists in law in the CR and can be perpetuated indefinitely. The authorizers really want to combine a highway extension bill with an increase in highway spending authority above the fiscal year 2009 level for contract authority.

The various “clean” extension bills being advocated by the highway authorizers are anything but clean, and they are certainly not extensions. For example, the latest Senate version to be hotlined on October 26 is a massive highway expansion bill—it would increase spending authority by \$20.8 billion over the CBO baseline in 2010 and in every year after that.

Madam President, \$20.8 billion per year over the baseline is a lot of money. Why so much? Because authorizers set, back in 2005, the overall 5-year net level of highway spending in the last authorization bill, SAFETEA-LU, by rescinding \$8.7 billion on the day that bill expired—September 30, 2009. They had always planned to repeal that rescission before it occurred, but failed to do so. They are so irritated by the failure to avert the rescission that they propose to re-enact the funds—twice!

I will ask that a table showing the components of the \$20.8 billion above the CBO baseline be printed in the RECORD at the end of my statement.

CBO projects that limiting highway spending to the fiscal year 2009 program level, as the CR does, will exceed the gas tax revenue to the highway trust fund by \$87 billion over the next 10 years. If Congress continues to cover trust fund shortfalls as it has been—by transferring money from the Treasury's General Fund—then \$87 billion of

transfers and debt would be required to continue just this fiscal year 2009 level of spending. The general fund, however, is also broke—incurring a \$1.4 trillion deficit in fiscal year 2009, and the fiscal year 2010 deficit is likely to be about the same. Consequently, when Congress transfers money from the broke general fund to the broke highway trust fund, the debt of the U.S. Government goes up by exactly that amount and immediately counts against the debt limit.

Despite the unaffordability of the baseline, Congress adopted a 2010 budget resolution in May 2009 that allocated amounts to authorizing committees to write a highway bill that would spend more than current law revenues collected by the trust fund. The Senate highway expansion bill, which would restore the \$8.7 billion rescission twice, would not only enact the levels magically assumed by the 2010 budget resolution but would also increase outlays by another \$62 billion over 10 years, bringing the total draw on the general fund, the debt, and future generations to nearly \$150 billion, just from a so-called 6-month extension bill.

The authorizers brush off any deficit concerns by saying that, under the Byzantine system of split jurisdiction with the appropriators, they don't control outlays and so there is no "pay-go" problem with their expansion bill. But it's too late to raise any objection if you wait to measure highway program outlays for budget enforcement until they are triggered by an appropriations bill, since the outlays are already baked into the baseline and into the allocations of the appropriators. The only point where taxpayers or their watchdogs can measure whether proposed future spending is higher than current law is at the authorization stage. Extra special vigilance is required whenever authorizers claim they just want to enact a "simple clean extension."

When Republicans controlled Congress in 1998, they enacted a bipartisan highway bill dedicated to spending all gas tax revenues only on highways. When they enacted the next highway bill in 2005, it was also a bipartisan goal to spend every penny of gas tax revenue. They succeeded beyond their imaginations. And now that Democrats are responsible for writing the next highway bill, their proposal is to spend all the gas taxes plus an additional \$150 billion. This can only be done by increasing the Nation's debt, in other words—handing the bill to our children so today's politicians can take credit for highway projects.

I ask unanimous consent that the components to which I referred be printed in the RECORD.

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

COMPONENTS OF THE \$20.8 BILLION IN HIGHWAY SPENDING ABOVE THE CBO BASELINE

The \$20.8 billion consists of 4 pieces:

\$11.9 billion from the highway title of the bill, made up of \$8.7 billion from restoring

the funds lost due to the rescission enacted in SAFETEA-LU and \$3.2 billion from restoring the funds lost due to the rescission enacted in the FY09 Transportation/HUD appropriation bill;

Another \$8.7 billion in additional appropriations to again restore the amount that was rescinded on September 30, 2009, just to make sure;

\$0.1 billion for the safety title of the bill; and

\$0.1 billion for the transit title of the bill.

The \$8.7 billion appears twice in the bill:

In Section 101, which provides highway funding for FY10 and beyond at the FY09 level but defines the FY09 level as if no rescissions occurred in FY09, and

In Section 103, which adds another \$8.7 billion.

NOMINATION OF JUDGE ANDRE M. DAVIS

Mr. CARDIN. Madam President, I would like to address the concerns stated by the Senator from Oklahoma, Mr. COBURN, and the Senator from Alabama, Mr. SESSIONS, about Judge Davis's record when it comes to criminal cases. His concerns seem primarily rooted in six criminal case reversals that appear in Judge Davis's record. As a Federal judge over the past 14 years, Judge Davis has presided over approximately 5,300 cases. Of that number, Judge Davis has presided over approximately 4,300 cases that went to verdict or judgment based on a trial or decision he made. My colleagues are focusing on just a handful of cases to argue that Judge Davis should not be elevated to the Fourth Circuit.

While the number of reversals on criminal evidentiary matters appearing in Judge Davis's record that my colleague has mentioned is small, Judge Davis has directly addressed Senators' questions related to each of these reversals, expressing his commitment to applying the law to the facts impartially and fairly, while respecting the role of the appellate courts in our judicial system and their decisions in all cases. Following his confirmation hearing in the Judiciary Committee in April, which I chaired, our committee reported him out favorably with a strong bipartisan vote of 16 to 3. This overwhelming, bipartisan approval indicates that Judge Davis is well-qualified to be a U.S. Circuit Judge for the Fourth Circuit. Out of the 5,300 cases over which Judge Davis has presided, these six cases are hardly cause for the concern my colleagues have expressed. Later I want to also mention some criminal cases in which Judge Davis's stiff criminal sentences were upheld by the Fourth Circuit, along with convictions obtained after jury trials. However, to make the record clear, I will review in detail Judge Davis's responses to some of the half a dozen cases noted by my colleagues.

In *US v. Bradley*, Judge Davis accepted several plea agreements with the defendants, who ultimately pleaded guilty but later, on appeal, argued that their pleas were not voluntary because the court impermissibly participated

in plea negotiations. The Fourth Circuit did "not suggest that [Judge Davis] improperly intended to coerce involuntary guilty pleas," but found plain error and remanded the case for assignment to a different district judge. Upon questioning by the committee, Judge Davis said that he became involved with—but did not interfere with the plea process—at the invitation and encouragement of defense counsel. He ultimately concluded that he shouldn't have gotten involved with the process at all. He said he believed, with the benefit of hindsight, that his involvement in facilitating the guilty pleas in this case was inappropriate and that the Fourth Circuit was correct to say so.

In *US v. Custis*, Judge Davis granted the defendant's motion to suppress evidence discovered in a residential search on the grounds that the warrant was defective and insufficient. The Fourth Circuit reversed, holding that probable cause supported the warrant. While Judge Davis told the committee he does believe he read the affidavit in a common sense manner, he fully accepts the appellate court's ruling in this case.

In *US v. Kimbrough*, Judge Davis said he accepts the appellate court's ruling rejecting his legal conclusion that the police permitted the defendant's mother to question him under circumstances which the police couldn't have done so without first administering customary warnings. He agrees that warnings are required only when official interrogation takes place, but not when private interrogation takes place.

In *US v. McNeill*, Judge Davis granted a motion to suppress the defendant's confession on the grounds of an unlawful arrest. Judge Davis explained to the committee that the principal issue before him was whether, for a warrantless misdemeanor arrest, the fourth amendment required that the misdemeanor be committed in the officer's presence. He concluded that the answer was "yes" in this case, and that no misdemeanor had been committed in the officer's presence as of the moment of arrest. While Judge Davis explained that the Fourth Circuit's holding presented an argument and precedent that had not been presented to him, he fully accepted the appellate court's ultimate ruling in this case.

In *US v. Dickey-Bey*, Judge Davis also suppressed evidence arising out of the interception of cocaine by police for lack of probable cause to arrest the defendant. He has told us that he fully accepts the appellate court's rejection of his legal conclusion that the evidence presented at the hearing on the motion to suppress was insufficient, and remains committed to adhering to the fourth amendment requirement to make commonsense assessments of objective facts, taking into account the totality of the circumstances.

I found Judge Davis's responses to the Judiciary Committee's questions

about these six criminal cases to be candid, honest, and forthright. Judging by the overwhelming bipartisan support for his approval in the Judiciary Committee, so did many of my colleagues, on both sides of the aisle. Judge Davis has told us that in every case that has ever come before him, and there have been over 5,300 of them, he has done his best to determine the facts and to apply the law to the facts impartially and fairly.

Indeed, among the 5,300 cases that Judge Davis has presided over, he has a clear record of using a moderate and fair approach to criminal cases. He has presided over numerous important criminal trials that have resulted in convictions affirmed by the Fourth Circuit, and he has also granted motions to suppress evidence obtained in violation of the rights of the accused. So let's look at his record more broadly to get a clearer picture of his many years on the bench.

For example, in *US v. Ulrich*, Judge Davis handed down convictions for four defendants for mail fraud in connection with a real estate flipping scheme, a ruling that was affirmed by the Fourth Circuit in June 2007. In 2001, in *US v. Montgomery*, the Fourth Circuit affirmed his convictions related to a 10-week, multidefendant trial in a narcotics conspiracy prosecution. In 1998, the Fourth Circuit affirmed his conviction handed down in a murder prosecution in *US v. Gray*.

As a Fourth Circuit Judge, Judge Davis has expressed that he will follow the precedents of the Supreme Court and the circuit, and will continue to apply the law to the facts of each case impartially and fairly. His record as a district judge clearly bears out this commitment.

I thank my colleagues for supporting this nomination.

#### RECOGNIZING NEBRASKA'S ARMY NATIONAL GUARD

Mr. JOHANNIS. Madam President, I rise today to salute the 313th Medical Company of Nebraska Army National Guard on its upcoming and second deployment to Iraq. The 313th Medical Company is about to embark on an important mission, and I want its members to know how thankful I am for their service and how proud I am of their professionalism and dedication.

Thanks to the sacrifices made by the 313th during previous deployments and those of so many other servicemen and women, 29 million Iraqis are free, Iraq is the most democratic country in the Arab world, and Iraq has become an ally in the war on terror. As conditions continue to improve in Iraq, with Iraqi armed forces and police taking the lead on security, the need for our presence in Iraq is diminishing. However, we must be vigilant in successfully completing the transition. Medical support from the 313th will be vital to ensuring our achievements in Iraq are lasting.

Members of the 313th are some of the best-trained and prepared soldiers in

our Nation's history. Some of them have already been deployed one or more times and their experience will undoubtedly be invaluable to mission success. The equipment they use is the best in world. But, ultimately, their individual patriotism and dedication has made and continues to make the difference in Iraq.

I also thank the families of the 313th. They will also endure hardships in the name of freedom and security. Their support will undoubtedly enable the unit to focus on the mission. The Department of Defense and many private organizations have established programs to assist families while their loved ones are fighting overseas. My staff and I stand ready to assist them if they need help accessing these resources.

The thoughts and prayers of all Nebraskans and of grateful citizens across this great Nation go with the 313th. I could not be more proud of them, and look forward to seeing them all back in a year. May God bless the 313th, and protect them and their families as they answer the country's call to duty.

#### TRIBUTE TO LAURENCE CAROLIN

Mr. LEVIN. Madam President, today I would like to tell the story of a young Michigan man who gives us all great reason to be proud.

Laurence Carolin from Dexter, MI, was only 13 years old when doctors discovered an inoperable tumor in his brain. After intensive radiation and chemotherapy regimens, the tumor still grew. Today Laurence is 15. He has fought the cancer valiantly, but it is the larger fight he has waged for the impoverished around the world that moves me to speak today.

Laurence was born in South Korea, just south of the demilitarized zone. When he was 5 months old he was adopted by Lisa and Patrick Carolin, who brought him to their home a world away in Michigan. There, with access to education and health care, he experienced what he described as "the kind of start that I wish everyone could have."

Warning signs emerged in 2007 when Laurence started to get headaches and began to fatigue easily. Two days after Christmas he and his family received the diagnosis of the glioblastoma multiforme.

Many of us would react to this diagnosis with despair and self-pity. But not Laurence. When he was offered the opportunity to fulfill a dream by the Make-A-Wish Foundation, Laurence did what many 13-year-old boys might do: asked to meet his favorite rock star, U2's lead singer Bono. When told that might not be possible, Laurence asked instead that a donation be made to the United Nations Foundation to combat AIDS, tuberculosis and malaria in Africa. Characteristically, he said, "I should have thought of my next wish as my first wish. It's a much better wish. I have everything I need."

That selfless act was only the start of the great work Laurence has performed in his efforts to help fight poverty in his community and around the world. When a class at Mill Creek Middle School in his hometown wanted to raise donations for him, Laurence instead asked the class to run a food drive for the needy in Michigan. Today Laurence is organizing efforts in his community to support Nothing But Nets, a U.N. Foundation campaign designed to stop the spread of malaria across Africa.

Laurence says that though the cancer has weakened him, it has given him perspective on suffering that is felt around the world. His efforts to fight his cancer make him admirable. His actions to help the world's poor make him nothing less than heroic. His example calls us all to action, reminding us in his words that "it's our ethical and moral obligation to help others who are in need."

An avid guitar player, I am happy to report that Laurence did get that meeting with Bono and the rest of U2 after all, at a concert earlier this fall. Laurence's inspirational work gives new meaning to the band's music, which helped open his eyes to the problems in this world.

Laurence does not want to leave his work left unfinished. In his words, "Death isn't a big deal to me. It's just another part of life. Some people die earlier than others. . . . I can accept dying, but I don't want to die before there's an end to extreme poverty in Africa."

I thank Laurence for the example he sets, I commend him for his courage in confronting his disease, and I share his hope that someday soon the twin plagues of disease and poverty will be lifted.

#### NOMINATION OF DAVID GOMPURT

Mr. FEINGOLD. Madam President, I voted to confirm David Gompert to be Deputy DNI during the Senate Select Committee on Intelligence's, SSCI, consideration of his nomination. He is highly qualified, and the responses he provided to questions from members of this committee have generally demonstrated a strong grasp of many of the issues he will face. However, one issue—the statutory obligations to notify the full committee of intelligence activities—requires further comment. I voted against the confirmation of Robert Litt to be the ODNI's general counsel and that of Stephen Preston to be CIA's general counsel because of their misinterpretation of the National Security Act. Specifically, they misread the "Gang of Eight" provision, which is included only in section 503 of the act covering covert action, to apply to section 502, which covers all other intelligence activities. When I asked Mr. Gompert about this, he acknowledged that the provision is not in section 502 but nonetheless cited the views of the general counsel.

I have no reason to believe that, as a matter of policy, Mr. Gompert won't elect to notify the full SSCI, regardless of the statutory interpretations of the general counsel. Nonetheless, this confirmation process should serve to remind Mr. Gompert and other leaders of the intelligence community that those clear statutory obligations apply to them, regardless of the general counsels' misinterpretation of the law and regardless of the practices of the previous administration. These obligations are consistent with basic notions of statutory interpretation. They are also consistent with recent testimony before the House Permanent Select Committee on Intelligence by two experts on congressional notifications, both of whom worked on the Church Committee. Frederick "Fritz" Schwarz testified that the "Gang of Eight" provision "should be read as limited to covert action" and noted CIA Director Panetta's testimony at his confirmation hearing supporting this view. Britt Snider's testimony traced the entire history of the provision, describing amendments passed in 1991 and noting that he was general counsel of the Senate Select Committee on Intelligence at the time of the amendments and was "heavily involved in their development."

Another important change brought about by the 1991 amendments limited the "gang of 8" option to covert actions, rather than making it available to notify the committees of any intelligence activity that was particularly sensitive. This was done for several reasons. First, the gang of 8 option had, to that point, only been used for covert action. Sensitive collection programs had been briefed to the committees as a whole. The view on the two intelligence committees was that if an agency was instituting a new, ongoing program to collect intelligence, they all needed to know about it, regardless of its sensitivity. This was what the committees were set up to do. They had to authorize the funding for these programs. How could they not know of them? Again, the [George H.W.] Bush Administration did not resist the change . . . There have been no major changes to the congressional notification requirements since the 1991 Amendments. But I think it is fair to say that practice under the law has changed over time. It changed, for example, in the late 1990s when the CIA began to disclose more information to the committees about its collection operations, especially those that were experiencing problems. (Emphasis added.)

Both the plain language of the statute and its history are thus clear. Moreover, the practice of violating the statute in this manner is not longstanding; it was limited to the George W. Bush administration. It is therefore particularly dangerous for the current administration and any current leaders of the intelligence community to associate themselves with this misinterpretation of the law.

#### TRIBUTE TO CHAIRMAN SCHAPIRO AND COMMISSIONER AGUILAR

Mr. KAUFMAN. Madam President, I rise today primarily to note for the RECORD two recent speeches: one by Chairman Mary Schapiro and the second by SEC Commissioner Luis Aguilar.

Last year, rapid changes in the markets, opaque practices, and a lack of effective regulation caused a devastating financial debacle from which our Nation is still struggling to recover.

The lesson was simple: when our regulators fail to keep pace with market developments and are taken off the field, the consequences can be disastrous.

With this lesson in mind, I wrote to Chairman Mary Schapiro on August 21 urging the Securities and Exchange Commission to undergo a comprehensive "ground up" review of a broad range of market structure issues in order to ensure our regulatory capacity is up to speed with changes in the market.

I am pleased that the SEC is in the process of conducting such a review and has already acted to address flash orders and dark pools, two sources of potential unfairness that are opaque and insufficiently regulated. But a few narrowly tailored rule proposals are not enough to restore investor confidence and avert a future disaster. We need regulators, lawmakers, and investors to embrace a new approach to regulation—one that values fairness and transparency over liquidity and nips systemic risks in the bud.

Accordingly, I applaud Chairman Schapiro's speech, entitled "The Road to Investor Confidence," which she delivered at the Securities Industry and Financial Markets Association annual conference on October 27.

Chairman Schapiro outlined the road towards a lasting regulatory framework and a fairer market, asserting:

To me, we don't get there by assuming all is well now, and reverting to the practices that got us to where we are. We don't get there by letting newly engineered financial instruments escape the umbrella of regulation and the natural disinfectant of meaningful market transparency. And, we certainly don't get there by permitting, or even advocating, for gaps in our regulatory landscape. I believe those are the directions that send us back to another financial crisis. And, we cannot afford to let that happen.

Chairman Schapiro also discussed the importance of adopting a forward-looking approach to regulation, particularly with respect to rapid technological developments like high frequency trading.

She said:

I believe we need a deeper understanding of the strategies and activities of high frequency traders and the potential impact on our markets and investors of so many transactions occurring so quickly.

Following the chairman's lead, Commissioner Aguilar also struck a thoughtful chord with respect to upcoming regulatory reform in an impressive speech delivered at George Washington University Law School last Friday.

Commissioner Aguilar underscored the need for meaningful reform, stating:

[T]here is a growing concern that we might miss the opportunity to make the transformational changes required to address the realities of today's financial markets—and to prepare for the unforeseen challenges of tomorrow. Moreover, I fear that we may go

down the path of piecemeal changes that give the illusion of regulatory reform but leave us in danger of repeating our recent history. This "false comfort" would be a recipe for disaster.

Commissioner Aguilar also highlighted specific recommendations that should guide financial reform efforts. He asserted the focus of systemic risk regulation should be on investor protection and, should ensure "the continuation of systemically important market functions, not institutions. . . . To that end, systemic risk regulation should facilitate an environment where no institution is indispensable and where other firms can step in to meet the needs of the market."

Commissioner Aguilar went on to endorse the creation of a council of regulators which would better "identify accumulation of risks . . . [provide] for a diversity of perspectives that could make it more likely that a risk will be identified . . . facilitate the free flow of information among regulators . . . [and] avoid the inherent tensions and conflicts that arise when one regulator has combined responsibilities over monetary policy, a vested interest in the safety and soundness of particular institutions, and plenary powers to address systemic risk."

In addition to laying the foundation for systemic risk regulation, Commissioner Aguilar also maintained that regulators must be empowered to address a broad range of market practices, like hedge funds and asset-backed securities, for example, in order to "not only close today's gaps but to look ahead and [use] flexible powers that can be deployed as an unknown future unfolds."

Undoubtedly, reform is long overdue, and so I am pleased this body appears set to undertake financial regulatory reform legislation in the coming months. I look forward to working with my colleagues to enact meaningful reforms.

With Chairman Schapiro and Commissioner Aguilar's words as a guide, Congress should grant regulators the authority to ensure our markets are fair, stable and transparent in order to prevent another disaster. Mr. President, failure to do so is simply not an option.

Madam President, Chairman Schapiro and Commissioner Aguilar's speeches may be found at: <http://www.sec.gov/news/speech/2009/spch102709m1s.htm> (Schapiro) <http://www.sec.gov/news/speech/2009/spch1106091aa.htm> (Aguilar).

#### TRIBUTE TO TIM JOHNSON

Mr. LEAHY. Madam President, a voice familiar to thousands of Vermonters was singled out for special recognition this past weekend.

Tim Johnson, a broadcaster who has long made Brattleboro's WTSA Radio

his home, was honored by the town of Brattleboro and the Vermont Association of Broadcasters.

Tim's love of radio and community affairs brought him to radio in 1974, and he has faithfully provided local news to listeners in Brattleboro and in Springfield, MA, ever since then. I have enjoyed knowing him and his work for several decades as we often meet at community meetings, conferences and press conferences in the Brattleboro region and across Vermont.

Brattleboro proclaimed Saturday, November 7, 2009, as "Tim Johnson Day" and celebrated with a cake. The same day, at their annual meeting the Vermont Association of Broadcasters heralded Tim for his distinguished service. Distinguished service helps sum up Tim's importance to southern Vermont. His contributions to his community and to Vermont broadcasting have been of the highest quality, and they have been steady. His many hours in the studio each week ensure that residents in Brattleboro receive news that is important, relevant and timely. It is regrettable that today's broadcasting environment sustains less of that kind of community service and community presence.

I know Tim will continue on this path of excellence, and I know that all Vermonters join me in expressing appreciation and admiration for his good work on WTSA.

I ask unanimous consent that a copy of an article from The Rutland Herald be printed in the RECORD.

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

[From the Rutland Herald, Nov. 8, 2009]

BRATTLEBORO—ON-AIR CELEB JOHNSON  
HONORED

(By Susan Smallheer)

BRATTLEBORO.—Tim Johnson is the Energizer bunny of Brattleboro radio: he's on the air day and night, whether it's reporting breaking news, broadcasting local football games and or promoting local food shelf fundraisers.

In fact, Johnson was on the air Saturday morning, not even taking a break on "Tim Johnson Day," hoping to garner some donations for "Project Feed the Thousands."

Johnson, 53, a longtime radio newsman for WTSA AM & FM, was honored by the town of Brattleboro last week with a proclamation and a cake. The proclamation was paired with the Vermont Association of Broadcasters announcement that Johnson was honored yesterday for distinguished service at the organization's annual meeting.

Kelli Corbeil, owner and general manager of the radio station, nominated Johnson for the award.

"He's the hardest worker at the radio station," said Corbeil. "I'm so glad he's on my team."

By Johnson's own estimation, his love of community radio lands him in front of a microphone anywhere from 60 to 80 hours a week.

Corbeil, who along with her late husband Bill purchased the station in 2007, said that Johnson's devotion to local radio news was obvious to everyone in Brattleboro and deserved to be recognized statewide. "I think he has a love and a passion for it. He loves

the community and I think the community is important to him," she said.

Johnson first got into radio back when he was a senior at Brattleboro Union High School, and as the representative of the Future Farmers of America, appeared on a WTSA talk show by Larry Smith. Johnson's predecessor at the news desk. He's been doing radio news ever since, a total of 36 years.

Smith, who left TSA in 1997 for a job at Entergy Nuclear, said that even at 17, Johnson had a noticeable voice.

"Local radio news is a dying art as more stations are purchased by conglomerates," Smith said.

"If anything, Timmy has expanded the coverage. I don't know what he doesn't cover. Every time I listen, he's been to a meeting or a community forum. It's wonderful," he said.

"With so many stations, you're lucky if you get the local weather," Smith said.

After high school, Johnson landed a part-time job as an announcer at cross-town radio rival WKVT in 1973, and eventually left Brattleboro for four years to work at WCFR in Springfield.

Johnson said he came back to his hometown in 1985 to WKVT rather than go to a bigger market because the area was deep in his heart, his parents' health was failing and then-owner Dave Underhill was "a news junkie just like myself."

"Bright lights? Big city? This is my home," he said.

Town Manager Barbara Sondag wrote the proclamation for the Selectboard, and she said until she did the research, she didn't grasp the scope of Johnson's community work.

"I had no idea of all the boards he served on," said Sondag. Johnson is currently working hard on Project Feed the Thousands, the local food drive, as well as the local United Way, Warm Hands Warm Hearts. In addition to that, Johnson is also the town moderator in his hometown of Vernon, and also serves as the moderator for the Brattleboro Union High School annual meeting.

"Tim Johnson has for 36 years continuously provided accurate, reliable, respectful reporting of the issues important to the citizens of Brattleboro," the proclamation said.

"Tim can be found at all emergencies, celebrations, meetings and buffets across Windham County, regardless of time," the proclamation went on with a touch of humor.

Johnson has a well-known proclivity for free food, she said, as well as multi-tasking.

While covering selectboard meetings, he also "watches" Red Sox games on his computer, and keeps people posted on the score, Sondag said.

And Johnson, whose real name is Tim Arseneault, has an uncanny ability to report accurately on a meeting despite a predilection for cat naps during late-night meetings, the selectboard couldn't resist adding.

As the morning show anchor and news director, Johnson gets up at 3 a.m. and heads into WTSA's studio in "the new north end" of Brattleboro by 4:30 a.m. He is on the air by 5 a.m.

He works at least until mid-afternoon.

On a recent day, Johnson was busy juggling family, news and his community commitments, aided greatly that day by instant messaging.

Johnson and his wife Sue's 16-year-old granddaughter recently started living with them, and there's plenty to organize and do.

Smith, who actually hired Johnson to replace himself at WTSA, said that Johnson is a consummate radio professional, and overcame a stutter, as well.

"The first time I ever heard him on the radio, there was no stutter. He does commer-

cials, he overcame that—quite an accomplishment," said Smith.

In radio, the hardest thing, he said, is doing commercials. "You really have to concentrate and Timmy's production is unbelievable and his ad libs are great too," said Smith, himself a 30-year radio news veteran.

"I'm delighted for him," Smith said.

"This is really what I enjoy doing," said Johnson, his newscast devoted this day to the local hospital's reaction to the swine flu epidemic, a major water main break in town, the upcoming Winter Farmer's Market and Feed the Thousands.

"This is really what I enjoy doing and I want to do it for 50 years," Johnson said. "That's another 14 years."

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO NELSON MICHAEL, JEROME KIM, AND MERLIN ROBB

• Mr. AKAKA. Madam President, today I acknowledge three sons of Hawaii. They are remarkable individuals and leaders in the U.S. Military HIV Research Program. COL Nelson Michael, COL Jerome Kim, and COL Merlin Robb have worked vigorously to develop a safe and effective AIDS vaccine that has become a true glimmer of hope paving the way for significant advances in our fight against this disease.

These three men, along with the entire U.S. Military HIV Research Program worked side by side with the Thai Ministry of Public Health to conduct the largest study worldwide, a 6-year vaccine field trial held in Thailand—historically one of the countries hardest hit by AIDS. And Hawaii became a vital midpoint and meeting place for Thai and U.S. military researchers as experts from both Thailand and the Walter Reed Army Institute of Research in Maryland worked tirelessly to move this initiative forward.

The study consisted of 16,000 volunteers and tested two vaccines, one that prepares the immune system by training cells to recognize and destroy the virus and one that intensifies that response. The study found that the two-vaccine approach proved to be 31-percent effective in preventing HIV infection.

COL Nelson Michael, M.D., Ph.D, is a Punahou High School graduate and his father, Jerrold Michael was dean of the University of Hawaii School of Public Health. Colonel Michael is currently the director of the division of retrovirology at the Walter Reed Army Institute of Research. Prior to serving as director, he was the chief of the department of molecular diagnostics and pathogenesis.

COL Jerome Kim, M.D., is an Iolani High School graduate and a clinical associate professor of medicine at the John A. Burns School of Medicine, University of Hawaii. He is deputy director and chief of the department of molecular virology and pathogenesis, division of retrovirology at the Walter Reed Army Institute of Research.

COL Merlin Robb, M.D., is a Radford High School graduate and a program

director for the HJF HIV U.S. Military HIV Research Program. Dr. Robb is a retired lieutenant colonel from the U.S. Army Medical Corps and serves as assistant professor of pediatrics, department of pediatrics, Uniformed Services University of Health Sciences, USU, in Bethesda, MD.

The published study results were presented at the AIDS Vaccine Conference 2009 held in Paris, France, and show great promise as we all look to one day soon make this disease part of our past. Congratulations to all of you for your hard work and continued service.●

#### RECOGNIZING THE NASA GLENN RESEARCH CENTER

● Mr. BROWN. Madam President, I wish to honor the men and women of NASA's Glenn Research Center in Cleveland, OH.

NASA Glenn is a leader in space exploration and scientific discovery, delivering success after success in aeronautics and energy research and development.

The first test launch of the Ares-1X test rocket 2 weeks ago is just one example of the important work of NASA Glenn. The Ares-1X test rocket represents a new era in NASA and American space exploration. Its successful launch is a profoundly important victory for our Nation.

The scientists and engineers at Glenn designed and built the upper stage simulator of the Ares-1X at its Power Systems Facility. For more than 2 years, NASA Glenn engineers and scientists molded the simulator into an 18-foot-wide cylinder that weighed between 18,000 pounds and 60,000 pounds and contained more than 250 cameras and sensors. The upper stage simulator is designed to replicate what will eventually be situated above the main booster rocket. It will also carry liquid oxygen and liquid hydrogen to fuel the second stage propulsion for another NASA Glenn-led effort, the Orion crew ship.

The successful completion of the Ares-1X test launch is a testament to the hard work and dedication of NASA employees everywhere. And the contributions of NASA Glenn will only grow as scientists study the vast data from last week's launch.

As NASA contemplates its future, the men and women of NASA Glenn have once again shown that the research center will excel regardless of the future missions it fulfills. As the only NASA center north of the Mason-Dixon Line, the NASA Glenn Research Center in Cleveland, OH, will continue to work with all of NASA's facilities around the Nation to ensure that America remains the world leader in space and aeronautics.●

#### TRIBUTE TO STEVEN C. MCCRAW

● Mr. INHOFE. Madam President, I wish to recognize a gentleman who has served in law enforcement at the State and Federal levels since 1977. Steven C.

McCraw is a native of El Paso, TX, and holds a Bachelor of Science degree and a Master of Arts degree from West Texas State University. Mr. McCraw began his career in 1977 as a State Trooper and later a Sergeant Narcotics Investigator for the Texas Department of Public Safety.

Becoming an FBI Special Agent in 1983, Mr. McCraw served in the Dallas, Pittsburgh, Los Angeles, Phoenix and San Antonio Field offices. He worked at FBI headquarters in assignments that included Unit Chief of an Organized Crime Unit; Inspector; Deputy Assistant Director; Assistant Director of the Office of Intelligence, which was established in February 2002; and Assistant Director for the Inspections Division where he was responsible for strategic planning, internal investigations and bureau-wide performance evaluations. He also served as the Inspector-In-Charge of the Southeast Bomb Task Force. After the attacks on our Nation on September 11, 2001, the President created the Foreign Terrorist Tracking Task Force and named Mr. McCraw as the director. At the point when our Nation seemed most vulnerable, Mr. McCraw led the charge to identify and locate additional terrorist threats.

Mr. McCraw retired as an FBI Assistant Director in August 2004. After more than 20 years of exemplary Federal service, he could have simply retired. Instead, he answered the call of Texas Governor Rick Perry and was appointed the Director of the Governor's Office of Homeland Security. Mr. McCraw has been instrumental in leading the State's homeland security efforts, from border security to hurricane response, including the successful humanitarian relocation of hundreds of families left homeless by Hurricane Katrina. His extensive background in law enforcement and intelligence has enabled him to make well-informed decisions in preparing for and responding to all hazards and threats in Texas.

On July 17, 2009, Mr. McCraw was selected as the Director of the Texas Department of Public Safety. He will be leading nearly 8,500 commissioned and non-commissioned personnel in the department where he started his law enforcement career.

On behalf of the Congress and the country, I would like to thank Mr. McCraw for his service to the Nation and wish him well as he continues his contributions to the safety and security of the State of Texas.●

#### RECOGNIZING THE MUDDY RUDDER

● Ms. SNOWE. Madam President, tomorrow, our Nation pauses to honor those brave men and women who have served our country so admirably in the Armed Forces. Veterans Day affords us the tremendous opportunity to reflect on the freedoms we enjoy and to acknowledge those who have sacrificed so much to protect those liberties. Today

I wish to recognize a small business in my home State of Maine that is doing its own part to celebrate the contributions that veterans have made to our country.

The Muddy Rudder—which has locations in Yarmouth and Brewer—has been a mainstay on the Maine dining scene since 1976, when it opened its first location overlooking Yarmouth's Cousins River. The restaurant's Brewer location was opened in 2002 at the site of the former Harborside Restaurant, on the town's scenic and revitalized Penobscot River waterfront. Affectionately known to frequent guests and locals as "the Rudder," these remarkable restaurants have gained a solid following in the communities they serve. Noted for its nautical themed decor and picturesque water views, the Muddy Rudder has also gained welcome attention from people near and far for its expertly prepared fresh seafood.

The reason the Muddy Rudder can lay claim to such a delectable menu comes directly from the talent in the restaurants' kitchens. Brewer's Muddy Rudder is home to award-winning executive chef David Smith, an active member of the American Culinary Federation, who makes frequent appearances on local television preparing creative and exciting dishes for people to attempt at home. And the Yarmouth location boasts the expertise of renowned chef Tom Schwarz, a former fisherman who began his culinary journey as a fishmonger for some of New York City's finest restaurants, hotels, and bistros.

But more than just a place to enjoy a hearty meal, the Muddy Rudder is a visible and active member in the communities they serve. As such, in celebration of Veterans Day, both Muddy Rudder restaurants are providing veterans and active military servicemembers with a free meal tomorrow. And unlike many larger national chains that are offering similar incentives, the Muddy Rudder is giving veterans and active duty servicemembers the option to choose a free entrée from any menu item, with no restrictions. From the Rudder's delicious baked stuffed lobster or Fisherman's Platter to meals preferred by landlubbers, including a New York strip steak or chicken marsala, America's bravest can select a wholesome and appetizing meal as a small but meaningful thank you for the commendable service they have given to our Nation.

The Muddy Rudder's cuisine has long been a staple of the culinary landscape in Yarmouth, and more recently in Brewer. And as demonstrated by their actions this week, it is no secret why they are so popular in the community. I am proud that Peter Anastos, the restaurants' owner, and everyone at the Muddy Rudder have set such a thoughtful and timely example as we celebrate those who protect our freedoms. I thank them for their creativity and passion, and wish them success in all of their endeavors.●

AUBURN LIONS CLUB  
COMMEMORATES CHARTER

• Ms. SNOWE. Madam President, today I pay tribute to the Auburn Lions Club which will commemorate the receipt of their charter on November 13th during their magnificent "Charter Night." Although I deeply regret that I am unable to attend in person, I will be there very much in spirit!

I cannot tell this Chamber how inspired and impressed I am by the phenomenal history of the Lions Club and all it has accomplished and exemplifies to this day. For 92 years, the men and women of the Lions Club have been on the front lines of compassion and good will for countless individuals throughout America and the world with their extraordinary commitment to community and humanitarian service that has been the cornerstone of the Lions Club's exceptional mission as well as the impetus behind its founding by Melvin Jones in 1917.

Speaking of the enormous legacy of the legendary Melvin Jones, I want to take a moment to express the profound distinction I felt this past May when I was honored as a Melvin Jones fellow, the most prestigious form of recognition conferred by the Lions Club International Foundation. And I can tell you, receiving that accolade from the Lions Club which I hold in such high esteem as well as from my cousin, Duke Goranites, 1st Vice District Governor of Maine and District Governor-Elect of the Lions Club—who is like a brother to me and is the brother of my wonderful cousin, Georgia Chomas, was truly one of the most gratifying experiences of my life!

And let me just say, Duke has really outdone himself this year! Believe me, we are all well aware of how busy he is these days. His schedule could not be more rigorous as he's traveling around the State, and so I am even more grateful to Duke who not only will emcee the Charter Night event, but has been vital in helping Auburn bring this charter to fruition.

What a truly landmark accomplishment this charter represents—one that is emblematic of the initiative, generosity, and resolve of my hometown of Auburn, ME, where my roots run deep, as well as the enduring purpose of the Lions Club which has a longstanding legacy of contribution on behalf of others in Maine, America, and the world. And let me say, how pleased I was to send an American flag to the Auburn Lions Club that was flown over the U.S. Capitol in honor of this marvelous occasion.

The Auburn Lions Club will be joining the ranks of the largest international service organization in the world which has a presence in more than 200 countries and with 1.3 million members and 45,000 clubs worldwide. They will be committed in word and deed to advancing the Lions Club motto "we serve." And Melvin Jones' time-honored precept that "you can't get very far until you start doing

something for somebody else" will be in good hands in Auburn.

The Auburn Lions Club will not only celebrate their newly acquired charter status but will also install the respective officers, whose leadership throughout the process has been instrumental. In that light, I commend Adam Smith, Auburn chapter president; and Georgia Chomas, vice-president, who coordinated the Charter Night event with Sandy Tassinari. I also commend Celeste Yakawonis, second vice-president, Nicole Andree, treasurer, and Sherry Bonawitz, secretary.

I also convey my immense appreciation for the stewardship and support of Glen Aho, Auburn city manager and charter member of the Auburn Lions Club, as well as to Ron Johnson, international director of the Lions Club, Lewis B. Small, Sr., past international director, and Roger Blackstone, district governor. I also recognize the Gray/New Gloucester Lions Club for their sponsorship of the Auburn Lions Club.

In keeping with the high caliber of individuals who have dedicated their enormous time and talent to this sterling endeavor, I am proud to say, the Auburn Lions Club can already point to community projects its members will be tackling, from addressing challenges confronting Auburn school students with a focus on homeless teens to working with the Lions' statewide effort to raise funds to purchase and install a standby generator for the Good Shepherd Food Bank. The Auburn Lions Club has established a goal of raising \$76,000 to match the Lions Club international grant of \$75,000. To say they will be hitting the ground running is an understatement!

The achievement of this charter is a memorable moment for the Auburn Lions Club, and I have no doubt what is said of Lions Clubs throughout Maine and around the world will be said of the Auburn Lions Club many times over—"whenever we get together, problems get smaller. And communities get better."•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:26 a.m., a message from the House of Representatives, delivered by

Ms. Chiappardi, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3962. An act to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 3962. An act to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes.

EXECUTIVE AND OTHER  
COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3616. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act that was discovered during an audit performed by the Air Force Audit Agency and finalized in their report dated January 30, 2007, and has been assigned Air Force case number 07-07; to the Committee on Appropriations.

EC-3617. A communication from the Deputy Under Secretary of Defense (Plans), transmitting, pursuant to law, a report relative to the Civilian Health Professions Scholarship Program for Mental Health Providers; to the Committee on Armed Services.

EC-3618. A communication from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Regulation S-AM: Limitations on Affiliate Marketing; Extension of Compliance Date" (RIN3235-AJ24) received in the Office of the President of the Senate on November 6, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3619. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Export Administration Regulations Based on the 2008 Missile Technology Control Regime Plenary Additions" (RIN0694-AE53) received in the Office of the President of the Senate on November 9, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3620. A communication from the Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report entitled "Estimates of Natural Gas and Oil Reserves, Reserves Growth, and Undiscovered Resources in Federal and State Waters off the Coast of Texas, Louisiana, Mississippi, and Alabama"; to the Committee on Energy and Natural Resources.

EC-3621. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Further Extension of Effective Date of Normal Retirement Age Regulations for Governmental Plans" (Notice 2009-86) received in the Office of the President of the Senate on November 5, 2009; to the Committee on Finance.

EC-3622. A communication from the Chief of the Publications and Regulations Branch,

Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 108 Reduction of Tax Attributes for S Corporations" (RIN1545-BH54) received in the Office of the President of the Senate on November 5, 2009; to the Committee on Finance.

EC-3623. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009-0198 — 2009-0200); to the Committee on Foreign Relations.

EC-3624. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-229, "Anacostia Business Improvement District Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3625. A communication from the Chairman, Board of Trustees, John F. Kennedy Center for the Performing Arts, transmitting, pursuant to law, a financial report relative to fiscal years 2007 and 2008 in accordance with Section 8G(h) of the Inspector General Act of 1978; to the Committee on Rules and Administration.

EC-3626. A communication from the Director of Regulation Policy and Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Presumption of Service Connection for Amyotrophic Lateral Sclerosis" (RIN2900-AN05) received in the Office of the President of the Senate on November 6, 2009; to the Committee on Veterans' Affairs.

EC-3627. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period from April 1, 2009 through September 30, 2009 received in the Office of the President of the Senate on November 10, 2009; ordered to lie on the table.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 1670, a bill to reform and modernize the limitations on exclusive rights relating to secondary transmissions of certain signals (Rept. No. 111-98).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWN:

S. 2759. A bill to amend titles II and XVI of the Social Security Act to provide for treatment of disability rated and certified as total by the Secretary of Veterans Affairs as disability for purposes of such titles; to the Committee on Finance.

By Mr. UDALL of New Mexico (for himself and Mr. BOND):

S. 2760. A bill to amend title 38, United States Code, to provide for an increase in the annual amount authorized to be appropriated to the Secretary of Veterans Affairs to carry out comprehensive service programs for homeless veterans; to the Committee on Veterans' Affairs.

By Mr. WICKER (for himself, Mr. COCHRAN, Mr. VITTER, and Ms. LANDRIEU):

S. 2761. A bill to amend the Internal Revenue Code of 1986 to extend the bonus depreciation deduction applicable to the Gulf Opportunity Zone for 2 additional years; to the Committee on Finance.

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 2762. A bill to designate certain lands in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL (for herself, Mr. WYDEN, and Mr. SANDERS):

S. 2763. A bill to terminate the preemption of State and local laws that prohibit or regulate gaming or the operation of bucket shops, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER (for himself and Mr. KERRY):

S. 2764. A bill to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY:

S. 2765. A bill to amend the Small Business Act to authorize loan guarantees for health information technology; to the Committee on Small Business and Entrepreneurship.

By Mr. KERRY (for himself and Mr. CASEY):

S. 2766. A bill to provide for the coverage of medically necessary food under Federal health programs and private health insurance; to the Committee on Finance.

By Mr. CORNYN:

S. 2767. A bill to provide additional resources and funding for construction and infrastructure improvements at United States land ports of entry, to open additional inspection lanes, to hire more inspectors, and to provide recruitment and retention incentives for United States Customs and Border Protection officers who serve on the Southern Border; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DORGAN (for himself, Mr. ROCKEFELLER, and Mr. LAUTENBERG):

S. 2768. A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2010 through 2014, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. KLOBUCHAR (for herself, Mr. JOHANNNS, and Mrs. MURRAY):

S. 2769. A bill to amend title 38, United States Code, to provide for the use of entitlement under Post-9/11 Educational Assistance for the pursuit of apprenticeships and on-job training, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. GILLIBRAND:

S. 2770. A bill to amend the Small Business Act to establish a Veterans Business Center program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. DEMINT (for himself, Mr. BROWNBACK, Mr. COBURN, and Mrs. HUTCHISON):

S.J. Res. 21. A joint resolution proposing an amendment to the Constitution of the United States relative to limiting the number of terms that a Member of Congress may serve to 3 in the House of Representatives and 2 in the Senate; to the Committee on the Judiciary.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BURR (for himself, Mr. AKAKA, Mr. ISAKSON, and Mr. JOHANNNS):

S. Res. 349. A resolution supporting and encouraging greater support for Veterans Day; considered and agreed to.

By Mr. FEINGOLD (for himself and Ms. LANDRIEU):

S. Res. 350. A resolution recognizing November 14, 2009, as the 49th anniversary of the first day of integrated schools in New Orleans, Louisiana; considered and agreed to.

By Mrs. LINCOLN:

S. Res. 351. A resolution designating the week beginning on November 9, 2009, as National School Psychology Week; considered and agreed to.

By Mr. WARNER (for himself, Ms. LANDRIEU, Mr. VITTER, Mr. WEBB, Mr. NELSON of Florida, and Mr. LEMIEUX):

S. Res. 352. A resolution encouraging banks and mortgage servicers to work with families affected by contaminated drywall to allow temporary forbearance without penalty on payments on their home mortgages; considered and agreed to.

By Mrs. HAGAN (for herself, Mr. JOHANNNS, Mr. BROWN, Mr. LEVIN, Mr. BEGICH, Mr. TESTER, Mr. FEINGOLD, Mr. BURRIS, Ms. MIKULSKI, and Mr. DODD):

S. Res. 353. A resolution supporting the goals and ideals of "American Education Week"; to the Committee on Health, Education, Labor, and Pensions.

#### ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 21, a bill to reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 252

At the request of Mr. AKAKA, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 252, a bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health care professionals, to improve the provision of health care veterans, and for other purposes.

S. 491

At the request of Mr. WEBB, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 658

At the request of Mr. CASEY, his name was added as a cosponsor of S. 658, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 753

At the request of Mr. SCHUMER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 753, a bill to prohibit the manufacture, sale, or distribution in commerce of children's food and beverage containers composed of bisphenol A, and for other purposes.

S. 801

At the request of Mr. AKAKA, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 801, a bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes.

S. 825

At the request of Mrs. LINCOLN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 825, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans.

S. 1029

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1029, a bill to create a new incentive fund that will encourage States to adopt the 21st Century Skills Framework.

S. 1076

At the request of Mr. MENENDEZ, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1076, a bill to improve the accuracy of fur product labeling, and for other purposes.

S. 1153

At the request of Mr. SCHUMER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1153, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible designated beneficiaries of employees.

S. 1160

At the request of Mr. SCHUMER, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1160, a bill to provide housing assistance for very low-income veterans.

S. 1366

At the request of Mrs. BOXER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1366, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate a portion of their income tax payment to provide assistance to homeless veterans, and for other purposes.

S. 1518

At the request of Mr. BURR, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1518, a bill to amend title 38, United States Code, to furnish hospital care, medical services, and nursing home care to veterans who were stationed at

Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune.

S. 1547

At the request of Mr. REED, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 1547, a bill to amend title 38, United States Code, and the United States Housing Act of 1937 to enhance and expand the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of homelessness, and for other purposes.

At the request of Mr. TESTER, his name was added as a cosponsor of S. 1547, *supra*.

S. 1612

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1612, a bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes.

S. 1660

At the request of Ms. KLOBUCHAR, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1660, a bill to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. 1668

At the request of Mr. BENNET, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1668, a bill to amend title 38, United States Code, to provide for the inclusion of certain active duty service in the reserve components as qualifying service for purposes of Post-9/11 Educational Assistance Program, and for other purposes.

S. 1672

At the request of Mr. REED, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1672, a bill to reauthorize the National Oilheat Research Alliance Act of 2000.

S. 1752

At the request of Mr. SANDERS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1752, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide wartime disability compensation for certain veterans with Parkinson's disease.

S. 1792

At the request of Mr. ROCKEFELLER, the names of the Senator from North Carolina (Mr. BURR), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 1792, a bill to amend the Internal Revenue Code of 1986 to modify the requirements for windows, doors, and skylights to be eligible for the credit for nonbusiness energy property.

S. 1833

At the request of Mr. UDALL of Colorado, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1833, a bill to amend the Credit Card Accountability Responsibility and Disclosure Act of 2009 to establish an earlier effective date for various consumer protections, and for other purposes.

S. 1839

At the request of Ms. CANTWELL, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1839, a bill to provide for duty free treatment for certain United States Government property returned to the United States.

S. 1842

At the request of Ms. CANTWELL, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1842, a bill to modify the provisions of the Harmonized Tariff Schedule of the United States relating to returned property.

S. 1933

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1933, a bill to establish an integrated Federal program that protects, restores, and conserves natural resources by responding to the threats and effects of climate change, and for other purposes.

S. 1939

At the request of Mrs. GILLIBRAND, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1939, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 2097

At the request of Mr. THUNE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2097, a bill to authorize the rededication of the District of Columbia War Memorial as a National and District of Columbia World War I Memorial to honor the sacrifices made by American veterans of World War I.

S. 2735

At the request of Mr. NELSON of Florida, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2735, a bill to prohibit additional requirements for the control of *Vibrio vulnificus* applicable to the post-harvest processing of oysters.

S. 2748

At the request of Mr. KERRY, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 2748, a bill to amend the Internal Revenue Code of 1986 to extend for one year the employer wage credit for employees who are active duty members of the uniformed services.

S. 2752

At the request of Mr. VITTER, the names of the Senator from Alabama

(Mr. SESSIONS) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2752, a bill to ensure the sale and consumption of raw oysters and to direct the Food and Drug Administration to conduct an education campaign regarding the risks associated with consuming raw oysters, and for other purposes.

S. CON. RES. 14

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 334

At the request of Mr. HATCH, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 334, a resolution designating Thursday, November 19, 2009, as "Feed America Day".

S. RES. 340

At the request of Mr. CRAPO, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. Res. 340, a resolution expressing support for designation of a National Veterans History Project Week to encourage public participation in a nationwide project that collects and preserves the stories of the men and women who served our Nation in times of war and conflict.

AMENDMENT NO. 2745

At the request of Mr. FRANKEN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of amendment No. 2745 proposed to H.R. 3082, a bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2758

At the request of Mr. INHOFE, the names of the Senator from Nebraska (Mr. JOHANNES), the Senator from Idaho (Mr. CRAPO), the Senator from Wyoming (Mr. BARRASSO), the Senator from Missouri (Mr. BOND) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of amendment No. 2758 intended to be proposed to H.R. 3082, a bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2760

At the request of Mr. DURBIN, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Montana (Mr. TESTER) were added as cosponsors of amendment No. 2760 proposed to H.R. 3082, a bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. UDALL, of New Mexico (for himself and Mr. BOND):

S. 2760. A bill to amend title 38, United States Code, to provide for an increase in the annual amount authorized to be appropriated to the Secretary of Veterans Affairs to carry out comprehensive service programs for homeless veterans; to the Committee on Veterans' Affairs.

Mr. UDALL of New Mexico. Mr. President, tomorrow we will observe Veterans Day, a day to honor the millions of men and women who put on the uniform to defend our Nation. In communities across the Nation, we will gather to thank all veterans for their service, for their having risked their lives so that the rest of us could enjoy freedom.

I rise to offer legislation that is meant to honor veterans who are too often forgotten. Tonight, on the eve of the day meant to highlight their heroism, more than 130,000 veterans will be homeless, left without a home and without a warm meal. For many, they are on the streets with their families—husbands and wives and children left without any safety net. Perhaps they recently lost their job. Perhaps they recently lost their home to foreclosure. Why they are on the streets matters less than why we have left them on their own.

When coming into office, President Obama set a goal of ending homelessness among veterans within 5 years. This is a goal that I strongly support. VA Secretary Shinseki, himself a decorated veteran, has aggressively taken on this challenge, focusing efforts and funding toward eradicating homelessness.

Last Friday, I rose on this floor to increase funding for the homelessness and grant per diem program to the fully authorized amount of \$150 million. This vital program has produced real results, offering transitional housing to veterans and their families and allowing organizations to construct and renovate facilities that can provide a multitude of services. I am hopeful that we will see this amendment pass and this level of funding included in the final bill.

However, if we are going to reach the President's goal of ending veterans' homelessness in five years, more will be needed. For that reason, I am joined today by Senator Bond in introducing S. 2760, legislation to increase the authorization of the grant and per diem program to \$200 million. This increased funding can provide hundreds, perhaps thousands, of new beds and facilities for veterans in all 50 States.

Congressman HARRY TEAGUE introduced similar legislation earlier this year in the House where it has been marked up in subcommittee and is awaiting further action. I am hopeful that we will see Congress stand up to this moral obligation and provide the full resources needed for the thousands

of veterans who have no home, who have no hope.

Last week, as I offered my amendment, I read a letter from a 15-year-old Boy Scout from Albuquerque. His father and grandfather are veterans and he is planning to follow in their footsteps and join the military himself when he is old enough. This young man wrote to say how angry he is that we are not doing enough to help our homeless veterans. "These men and women are doing what they were called to do by our government," he wrote, "but then they come back and are treated so poorly by everyone. We, as a Nation, need to do more to help our veterans."

To the smart young man who wrote me that letter and to all of America's veterans, this bill builds on efforts to meet our country's moral obligations to the men and women who so bravely served our country. I thank Senator BOND for his support and I urge fast action to move this legislation forward.

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 2762. A bill to designate certain lands in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, today I am introducing the San Juan Mountains Wilderness Act of 2009. This bill is the Senate companion to the bill introduced by Representative JOHN SALAZAR in the House of Representatives.

I want to thank Representative SALAZAR for all of his great work in bringing this bill forward. I am proud to sponsor this legislation in the Senate along with my Colorado colleague, Senator BENNET.

The San Juan Mountains Wilderness Act would designate about 33,383 acres in southwestern Colorado as wilderness, and about 21,697 acres as a special management area. It would also withdraw about 6,596 acres from mineral entry lands within the Naturita Canyon.

The bill is the result of the extensive work by many people to develop a collaborative approach to wilderness proposals and land protection designations. Representative SALAZAR and his staff worked with the affected Colorado county commissioners and interested stakeholders in developing this legislation. It is crafted to take into account the various ongoing uses of these lands, such as for water and recreation, while also providing strong managerial protection for these sensitive lands.

These lands are indeed worthy of this designation.

This region of Colorado is blessed with stunning beauty. Much of the land proposed for wilderness and other protections in this legislation are additions to existing wilderness. Those areas include the Mt. Sneffels Wilderness Area and the Lizard Head Wilderness—two areas that contain fourteen thousand foot peaks. They are defined

by their rugged beauty or rock and ice surrounded by forests that frame these peaks in summer's vibrant greens and brilliant fall colors.

The bill also establishes a new area called McKenna Peak. This peak presides over imposing sandstone cliffs which rise 2,000 feet above the plain that presents a remarkable opportunity to add a unique landform to the National Wilderness Preservation System. It also provides important winter wildlife habitat for large numbers of deer and elk. The Peak borders North Mountain, now considered to contain one of the largest deer and elk herds in all of Colorado. The Division of Wildlife places winter numbers of deer at 500 to 600, with up to 150 wintering elk. The favorable habitat for deer and elk naturally draws many hunters. Over 30,000 recreation user days are recorded annually during hunting season in the game management unit of which McKenna Peak is a part.

A wild horse herd numbering about 100 roams the western reaches of McKenna Peak within the designated Spring Creek Wild Horse Herd Management Area. Bald eagles winter in the lower reaches of the area, and peregrine falcons have been sighted as well. Mountain lions, bobcats, and black bear are also known to inhabit McKenna Peak. Other natural features of interest include rich fossil beds.

Moreover, the bill would establish the Sheep Mountain Special Management Area. This area is equally as striking as the surrounding mountains and valleys that are already protected or would be protected as wilderness in this legislation. However, since helicopter skiing currently exists in this area, the legislation designates this area in a way that protects its wilderness character, but still allows this use to continue. It is the sort of accommodation that is reflective of sound wilderness and land protection proposals, and I appreciate the compromises that are reflected in this approach.

As many of these lands are in high altitude areas, there should not be any issues related to water or other conflicts. As a result, the legislation does not exert a federally reserved water right, but allows access to existing water facilities and needs while also precluding any federal assistance for any new or expansion of existing water resource facility.

This bill has been carefully crafted and narrowly tailored to apply deserving protections to these lands. I look forward to working with my colleagues in seeing it passed.

Mr. President, I ask unanimous Consent that the text of the bill be printed in the RECORD.

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

S. 2762

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "San Juan Mountains Wilderness Act of 2009".

#### SEC. 2. DEFINITIONS.

In this Act:

(1) COVERED LAND.—The term "covered land" means—

(A) lands designated as wilderness under section 3 or section 4; and

(B) lands designated as a special management area under section 4.

(2) NONCONFORMING USE.—The term "nonconforming use" means any commercial helicopter-assisted skiing or snowboarding activities within the lands designated as a special management area under section 4 that have been authorized by the Secretary as of the date of enactment of this Act.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior or the Secretary of Agriculture, as appropriate.

(4) STATE.—The term "State" means the State of Colorado.

#### SEC. 3. ADDITIONS TO THE WILDERNESS PRESERVATION SYSTEM.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests comprising approximately 3,170 acres, as generally depicted on a map titled "Proposed Wilson, Sunshine, Black Face and San Bernardo Additions to the Lizard Head Wilderness", dated May 2009, and which are hereby incorporated into the Lizard Head Wilderness area.

(2) Certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests comprising approximately 8,375 acres, as generally depicted on a map titled "Proposed Liberty Bell and Last Dollar Additions to the Mt. Sneffels Wilderness", dated May 2009, and which are hereby incorporated into the Mt. Sneffels Wilderness area.

(3) Certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests comprising approximately 13,224 acres, as generally depicted on a map titled "Proposed Whitehouse Additions to the Mt. Sneffels Wilderness", dated May 2009, and which are hereby incorporated into the Mt. Sneffels Wilderness area.

(4)(A) Certain lands in the San Juan Resource Area of the Bureau of Land Management comprising approximately 8,614 acres, as generally depicted on a map titled "Proposed McKenna Peak Wilderness", dated May 2009, and which shall be known as the McKenna Peak Wilderness.

(B) The lands designated under subparagraph (A) shall be administered as a component of the National Landscape Conservation System.

(b) MAP AND DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by this Act with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—A map and legal description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be filed and made available for public inspection in the Office of the Director of the Bureau of Land Management and in the Office of the Chief of the Forest Service, as appropriate.

#### SEC. 4. SHEEP MOUNTAIN SPECIAL MANAGEMENT AREA.

(a) DESIGNATION.—Certain lands in the Grand Mesa, Uncompahgre, and Gunnison and San Juan National Forests comprising approximately 21,697 acres as generally depicted on a map titled "Proposed Sheep Mountain Special Management Area" and dated May 2009, are hereby designated as the Sheep Mountain Special Management Area.

(b) MAPS AND DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and legal descriptions of the Federal land described in subsection (a) with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct typographical errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the United States Forest Service.

(c) MANAGEMENT.—

(1) IN GENERAL.—Until Congress determines otherwise, activities within the area designated in subsection (a) shall be managed by the Secretary of Agriculture so as to maintain the area's presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.

(2) PROHIBITIONS.—The following shall be prohibited on the Federal land described in subsection (a):

(A) Permanent roads.

(B) Except as necessary to meet the minimum requirements for the administration of the Federal land and to protect public health and safety—

(i) the use of motorized or mechanized vehicles, except as described in paragraph (3); and

(ii) the establishment of temporary roads.

(3) ALLOWABLE ACTIVITIES.—The Secretary may allow activities, including helisking, that have been authorized as of the date of the enactment of this Act to continue within the area designated in subsection (a). The designation under subsection (a) shall not impact future permit processes relating to such activities.

(4) APPLICABLE LAW.—Any uses of the Federal land described in subsection (a), including activities described in paragraph (3), shall be in accordance with applicable law.

(d) WITHDRAWAL.—Subject to valid existing rights, the Federal land described in subsection (a) is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws relating to mineral and energy leasing.

(e) DESIGNATION AS WILDERNESS.—Lands described in subsection (a) shall be designated as wilderness on the date on which the Secretary publishes in the Federal Register notice that the nonconforming use has terminated.

(f) ADMINISTRATION AS WILDERNESS.—Upon its designation as wilderness under subsection (e), the Sheep Mountain Special Management Area shall be—

(1) known as the Sheep Mountain Wilderness; and

(2) administered in accordance with the Wilderness Act (16 U.S.C. 1133 et seq.) and section 3.

**SEC. 5. ADMINISTRATIVE PROVISIONS.****(a) IN GENERAL.—**

(1) Subject to valid rights in existence on the date of the enactment of this Act, land designated as wilderness under section 3 or section 4 shall be administered by the Secretary in accordance with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(B) this Act.

(2) The Secretary may continue to authorize the competitive running event permitted since 1992 in the vicinity of the boundaries of the Sheep Mountain Special Management Area designated by section 4(a) and the Liberty Bell addition to the Mt. Sneffels Wilderness designated by section 3(a)(2) in a manner compatible with the preservation of such areas as wilderness.

(b) **EFFECTIVE DATE OF THE WILDERNESS ACT.**—With respect to land designated as wilderness under section 3 or section 4, any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act or the date of the Secretary designating the land as wilderness.

(c) **FISH AND WILDLIFE.**—Nothing in this Act shall affect the jurisdiction or responsibility of the State with respect to wildlife and fish.

**(d) NO BUFFER ZONES.—**

(1) **IN GENERAL.**—Nothing in this Act shall create a protective perimeter or buffer zone around covered land.

(2) **ACTIVITIES OUTSIDE WILDERNESS.**—The fact that a nonwilderness activity or use can be seen or heard from within covered land shall not preclude the conduct of the activity or use outside the boundary of the covered land.

(e) **WITHDRAWAL.**—Subject to valid rights in existence on the date of the enactment of this Act, covered land is withdrawn from all forms of—

(1) entry, appropriation, or disposal under public land laws;

(2) location, entry, and patent under mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(f) **ACQUIRED LAND.**—Any land or interest in land located inside the boundaries of covered land that is acquired by the United States after the date of the enactment of this Act shall become part of the relevant wilderness or special management area and shall be managed in accordance with this Act and other applicable law.

(g) **GRAZING.**—Grazing in covered land shall be administered in accordance with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), as further interpreted by section 108 of Public Law 96-560, and the guidelines set forth in appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(h) **AMES HYDROELECTRIC PROJECT.**—The inclusion in the National Wilderness Preservation System or designation under section 4 of this Act as a Special Management Area as described in section 4 of this Act, shall not be construed to interfere with the operation and maintenance of the Ames Hydroelectric Project, as currently licensed by the Federal Energy Regulatory Commission, or as reauthorized in the future, including reasonable use of National Wilderness Preservation System lands or Special Management Area for any necessary repair or replacement of existing facilities, transport of water and aerial or land access. All means of access to the project that are currently permitted by the Secretary on the date of enactment of this Act shall be maintained.

**SEC. 6. WATER.****(a) FINDINGS, PURPOSE, AND DEFINITION.—****(1) FINDINGS.**—Congress finds that—

(A) the lands designated as wilderness or a Special Management Area by this Act are located at the headwaters of the streams and rivers on those lands, with few, if any, actual or proposed water resource facilities located upstream from such lands and few, if any, opportunities for diversion, storage, or other uses of water occurring outside such lands that would adversely affect the wilderness values of such lands;

(B) the lands designated as wilderness or Special Management Area by this Act are not suitable for use for development of new water resource facilities, or for the expansion of existing facilities; and

(C) therefore, it is possible to provide for proper management and protection of the wilderness value of such lands in ways different from those utilized in other legislation designating as wilderness lands not sharing the attributes of the lands designated as wilderness or Special Management Area by this Act.

(2) **PURPOSE.**—The purpose of this section is to protect the wilderness values of the lands designated as wilderness or Special Management Area by this Act by means other than those based on a Federal reserved water right.

(3) **DEFINITION.**—As used in this section, the term “water resource facility” means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

**(b) RESTRICTIONS ON RIGHTS AND DISCLAIMER OF EFFECT.—**

(1) **WATER RIGHTS CLAIMS.**—Neither the Secretary of Agriculture nor the Secretary of the Interior, nor any other officer, employee, representative, or agent of the United States, nor any other person, shall assert in any court or agency, nor shall any court or agency consider, any claim to or for water or water rights in the State of Colorado, which is based on any construction of any portion of this Act, or the designation of any lands as wilderness or Special Management Area by this Act, as constituting an express or implied reservation of water or water rights.

(2) **NO AFFECT ON WATER RIGHTS.**—Nothing in this Act shall be construed as a creation, recognition, disclaimer, relinquishment, or reduction of any water rights of the United States in the State of Colorado existing before the date of enactment of this Act.

(3) **NO INTERPRETATION OR DESIGNATION.**—Except as provided in subsection (g), nothing in this Act shall be construed as constituting an interpretation of any other Act or any designation made by or pursuant thereto.

(4) **NO PRECEDENT.**—Nothing in this section shall be construed as establishing a precedent with regard to any future wilderness designations.

(c) **NEW OR EXPANDED PROJECTS.**—Notwithstanding any other provision of law, on and after the date of enactment of this Act neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the areas described in sections 3 and 4 or the enlargement of any water resource facility within the areas described in sections 3 and 4.

**(d) ACCESS AND OPERATION.—**

(1) **ACCESS TO WATER RESOURCE FACILITIES.**—Subject to the provisions of this subsection, the Secretary shall allow reasonable access to water resource facilities in existence on the date of enactment of this Act

within the areas described in sections 3 and 4, including motorized access where necessary and customarily employed on routes existing as of the date of enactment of this Act.

(2) **ACCESS ROUTES.**—Existing access routes within such areas customarily employed as of the date of enactment of this Act may be used, maintained, repaired, and replaced to the extent necessary to maintain their present function, design, and serviceable operation, so long as such activities have no increased adverse impacts on the resources and values of the areas described in sections 3 and 4 than existed as of the date of enactment of this Act.

(3) **USE OF WATER RESOURCE FACILITIES.**—Subject to the provisions of subsections (c) and (d), the Secretary shall allow water resource facilities existing on the date of enactment of this Act within areas described in sections 3 and 4 to be used, operated, maintained, repaired, and replaced to the extent necessary for the continued exercise, in accordance with Colorado State law, of vested water rights adjudicated for use in connection with such facilities by a court of competent jurisdiction prior to the date of enactment of this Act. The impact of an existing facility on the water resources and values of the area shall not be increased as a result of changes in the adjudicated type of use of such facility as of the date of enactment of this Act.

(4) **REPAIR AND MAINTENANCE.**—Water resource facilities, and access routes serving such facilities, existing within the areas described in sections 3 and 4 on the date of enactment of this Act shall be maintained and repaired when and to the extent necessary to prevent increased adverse impacts on the resources and values of the areas described in sections 3 and 4.

(e) **EXISTING PROJECTS.**—Except as provided in subsections (c) and (d), the provisions of this Act related to the areas described in sections 3 and 4, and the inclusion in the National Wilderness Preservation System of the areas described in section 3 and 4, shall not be construed to affect or limit the use, operation, maintenance, repair, modification, or replacement of water resources facilities in existence on the date of enactment of this Act within the boundaries of the areas described in sections 3 and 4.

(f) **MONITORING AND IMPLEMENTATION.**—The Secretaries of Agriculture and the Interior shall monitor the operation of and access to water resource facilities within the areas described in sections 3 and 4 and take all steps necessary to implement the provisions of this section.

(g) **INTERSTATE COMPACTS.**—Nothing in this Act, and nothing in any previous Act designating any lands as wilderness, shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State of Colorado and other States. Except as expressly provided in this section, nothing in this Act shall affect or limit the development or use by existing and future holders of vested water rights of Colorado's full apportionment of such waters.

**SEC. 7. NATURITA CANYON MANAGEMENT PROVISIONS.**

(a) **WITHDRAWAL.**—Subject to valid rights in existence on the date of the enactment of this Act, land described in subsection (b) is withdrawn from all forms of—

(1) entry, appropriation, or disposal under public land laws;

(2) location, entry, and patent under mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(b) LAND DESCRIBED.—The land to be protected under subsection (a) is the approximately 6,596 acres depicted on the map titled “Naturita Canyon Mineral Withdrawal Area” and dated May 2009.

By Mr. KERRY:

S. 2765. A bill to amend the Small Business Act to authorize loan guarantees for health information technology; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, as we move forward in modernizing our health care system, we must not forget the small businesses that simply cannot afford the upfront costs of installing new health information technology. That is why today I am introducing the Small Business Health Information Technology Financing Act. This bill will amend the Small Business Act to allow the administrator of the Small Business Administration to guarantee up to 90 percent of the amount of a loan to small business health professionals to be used for the purchase and installation of health information technology. The loans can be used for computer hardware, software and other technology that will assist in the use of electronic health records and prescriptions.

A modernized health system using electronic prescribing and electronic health records will help improve patient care while reducing costs. Electronic prescribing not only saves money through improved efficiency, but more importantly, it reduces medical errors and saves lives. According to the Institute of Medicine, 1/3 of written prescriptions require follow-up clarification, with medication mistakes causing 7,000 deaths and 1.5 million injuries per year. The Medicare Improvements for Patients and Providers Act that was enacted into law in July 2008 included provisions from my electronic prescribing bill, providing incentive payments for medical professionals using electronic prescribing. Now we must take an additional step to make health IT accessible to small providers so they can afford to implement new technology such as e-prescribing and electronic health records.

Small businesses employ more than half of all private sector employees and have generated 64 percent of net new jobs in the past 15 years. Access to capital for small health providers not only benefits patients but also boosts small businesses in the medical field. Helping small businesses grow and succeed is critical as we look to create jobs and strengthen the economy.

It is my hope that we can move forward with this bill in a bi-partisan manner. I ask all of my colleagues to support this legislation.

By Mr. KERRY (for himself and Mr. CASEY):

S. 2766. A bill to provide for the coverage of medically necessary food under Federal health programs and private health insurance; to the Committee on Finance.

Mr. KERRY. Mr. President, each year an estimated 2,550 children in the U.S. are diagnosed with an inborn error of metabolism disorder. For the rest of their lives they will need modified foods that are void of the nutrients their body is incapable of processing. They may also require supplementation with pharmacological doses of vitamins and amino acids. The good news is that with treatment they can lead normal, productive lives. But without these foods and supplements, patients can become severely brain-damaged and hospitalized.

Newborn screening has made a tremendous difference in the early diagnosis of metabolic disorders, but affordable and accessible treatment options remain out of reach for too many Americans. Medical foods and supplements which are necessary for treatment may not be covered by insurance policies and can be prohibitively expensive for many families. For those with a metabolic disorder, medical foods are critical in treatment, just as other conditions are treated with pills or injections. The sporadic insurance coverage of treatment has already been recognized as a problem. Over 30 States have enacted laws to enforce coverage of medical foods, but too many loopholes. Thmain and federal legislation is necessary to ensure that these individuals receive what they need to stay well.

The Medical Foods Equity Act follows the April 2009 recommendations of the U.S. Health and Human Services Secretary’s Advisory Committee on Heritable Disorders in Newborns and Children. It will ensure coverage of medical foods and necessary supplements for individuals with disorders as recommended by the Advisory Committee and, most importantly, peace of mind for those families affected by inborn errors of metabolism.

The lack of medical food coverage available to families has a significant impact on their lives. With the current situation of varying regulations between States and insurance providers, even families with coverage find themselves living in fear that a change in insurance provider will lead to reduced or nonexistent coverage. Too many Americans across the country are struggling to access the treatment they need for this type of disorder.

Take the story of Donna from Wilmington, MA. Donna has two daughters with phenylketonuria and she speaks eloquently about the frustration she experienced after her employer switched insurance plans. Because medical foods are not listed along with other necessary medicines, Donna was forced to navigate a long list mostly made up of durable medical equipment providers unequipped to help her. Even when she finally found a pharmacy that could order the formula, she was told that they required an upfront payment because they were wary of not being reimbursed by insurance companies. In Donna’s own words, she was dismayed at “having that feeling like

you’re being held hostage every time a change may occur in your insurance or carrier.”

Donna’s story sharply illustrates the potential pitfalls even for those with insurance that offers some coverage. Too many families face a lack of coverage altogether. Take the case of Gwen of Waltham, Massachusetts. Her son Austen was 36 hours old when his heart stopped for over 20 minutes. Thankfully, he was stabilized but one doctor gave him only 6 months to live. A second opinion brought hope for Austen’s family and a diagnosis of Glutaric Acidemia Type Two. Glutaric Acidemia Type Two is an inborn error of metabolism managed almost exclusively through diet. Because of the disorder, Austen cannot metabolize much fat or protein. He relies on supplements and specialty foods. MassHealth, Medicaid, covers most of the supplements but not the foods. Gwen pays for his food out of pocket, a significant strain on the family budget at a time when many families can least afford it. That strain is coupled with fears of job security and thoughts of what would happen if she could not pay for Austen’s medical foods. No parent should have to see their child recover from a life-threatening trauma only to spend every day worrying about payment for their medical treatment—a treatment just as necessary as insulin for a diabetic or chemotherapy for a cancer patient.

As newborn screening and medical advances continue to improve the ability of those born with an inborn error of metabolism to lead full, healthy lives, we must make sure that the necessary treatments are available. The Medical Foods Equity Act will close existing loopholes in coverage and provide the parity in coverage these families deserve. It is my hope that we can move forward with this bill in a bi-partisan manner. I ask all of my colleagues to support this legislation.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 349—SUPPORTING AND ENCOURAGING GREATER SUPPORT FOR VETERANS DAY

Mr. BURR (for himself, Mr. AKAKA, Mr. ISAKSON, and Mr. JOHANNIS) submitted the following resolution; which has considered and agreed to:

S. RES. 349

Whereas veterans of service in the United States Armed Forces have served the Nation with honor and at great personal sacrifice;

Whereas the people of the United States owe the security of the Nation to those who have defended it;

Whereas on Veterans Day each year, the Nation honors those who have defended democracy by serving in the Armed Forces;

Whereas veterans continue to provide a valuable service in their communities across the Nation and are important members of society;

Whereas we must honor and express our sincere gratitude to all our veterans for their

unwavering commitment to country, justice, and democracy;

Whereas the observance of Veterans Day is an expression of faith in democracy, faith in United States values, and faith that those who fight for freedom will defeat those whose cause is unjust;

Whereas major hostilities of World War I were formally ended at the 11th hour of the 11th day of the 11th month of 1918 by the signing of the Armistice near Compiègne, France; and

Whereas section 6103(a) of title 5, United States Code, provides that “Veteran’s Day, November 11” is a legal public holiday: Now, therefore, be it

*Resolved*, That the Senate encourages—

(1) the people of the United States to demonstrate their support for veterans on Veterans Day each year by treating that day as a special day of reflection; and

(2) schools and teachers to educate students on the great contributions veterans have made to the United States and its history, both while serving as members of the United States Armed Forces and after completing their service.

**SENATE RESOLUTION 350—RECOGNIZING NOVEMBER 14, 2009, AS THE 49TH ANNIVERSARY OF THE FIRST DAY OF INTEGRATED SCHOOLS IN NEW ORLEANS, LOUISIANA**

Mr. FEINGOLD (for himself and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

S. RES. 350

Whereas, in 1954, the Supreme Court ruled that segregated schools violated the Equal Protection Clause of the 14th amendment to the Constitution;

Whereas Judge J. Skelly Wright, of the United States District Court for the Eastern District of Louisiana, ordered the Orleans Parish School Board to develop a school desegregation plan in 1956 and, after years of delay, in 1960, ordered the Orleans Parish School Board to carry out a plan designed by the United States District Court for the Eastern District of Louisiana;

Whereas 6 years after the *Brown v. Board of Education* (347 U.S. 483) decision, on November 14, 1960, Ruby Bridges, at the age of 6, became the first African-American student to attend the all-white William Frantz Elementary School in New Orleans, Louisiana;

Whereas, in 1995, Ruby Bridges contributed to “The Story of Ruby Bridges”, a book for children, and, in 1999, wrote “Through My Eyes” to help educate children and people of all ages about her experiences and the importance of tolerance;

Whereas Ruby Bridges established the Ruby Bridges Foundation in 1999 to help eliminate racism and improve society by educating students about the experiences of Ruby Bridges, discuss ongoing efforts to promote diversity, and provide lessons students can take back to their own communities; and

Whereas, in 2002, the Ruby Bridges Foundation, along with the Simon Wiesenthal Center’s Museum for Tolerance in Los Angeles, launched The Ruby’s Bridges Project, a program that brought together students from diverse backgrounds to develop relationship-building skills and promote an appreciation of one another: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes November 14, 2009, as the 49th anniversary of the first day of integrated schools in New Orleans, Louisiana;

(2) remembers Judge J. Skelly Wright for his advocacy, support, and lifelong commitment to promoting civil rights, fairness, and equality;

(3) commends Ruby Bridges for her bravery and courage 49 years ago, and for her lifetime commitment to raising awareness of diversity through improved educational opportunities for all children;

(4) supports policies and efforts to—

(A) close the achievement gap in the schools of our Nation;

(B) improve the high school graduation rate for all students;

(C) strengthen the ability of all students to attend and complete post-secondary education; and

(D) promote the benefits of school integration throughout the educational careers of students; and

(5) congratulates all the individuals who have dedicated their lives to the field of education and to promoting equal opportunities for all students regardless of the backgrounds of the students.

**SENATE RESOLUTION 351—DESIGNATING THE WEEK BEGINNING ON NOVEMBER 9, 2009, AS NATIONAL SCHOOL PSYCHOLOGY WEEK**

Mrs. LINCOLN submitted the following resolution; which was considered and agreed to:

S. RES. 351

Whereas all children and youth learn best when they are healthy, supported, and receive an education that meets their individual needs;

Whereas schools can more effectively ensure that all students are ready and able to learn if all schools meet all the needs of each student;

Whereas learning and development are directly linked to the mental health of children, and a supportive learning environment is an optimal place to promote mental health;

Whereas sound psychological principles are critical to proper instruction and learning, social and emotional development, prevention and early intervention, and support for a culturally diverse student population;

Whereas school psychologists are specially trained to deliver mental health services and academic support that lower barriers to learning and allow teachers to teach more effectively;

Whereas school psychologists facilitate collaboration that helps parents and educators identify and reduce risk factors, promote protective factors, create safe schools, and access community resources;

Whereas school psychologists are trained to assess barriers to learning, utilize data-based decisionmaking, implement research-driven prevention and intervention strategies, evaluate outcomes, and improve accountability;

Whereas State educational agencies and other State entities credential more than 35,000 school psychologists who practice in schools in the United States as key professionals that promote the learning and mental health of all children;

Whereas the National Association of School Psychologists establishes and maintains high standards for training, practice, and school psychologist credentialing, in collaboration with organizations such as the American Psychological Association, that promote effective and ethical services by school psychologists to children, families, and schools; and

Whereas the people of the United States should recognize the vital role school psychologists play in the personal and academic development of the Nation’s children: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning on November 9, 2009, as National School Psychology Week;

(2) honors and recognizes the contributions of school psychologists to the success of students in schools across the United States; and

(3) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the vital role school psychologists play in schools, in the community, and in helping students develop into successful and productive members of society.

**SENATE RESOLUTION 352—ENCOURAGING BANKS AND MORTGAGE SERVICERS TO WORK WITH FAMILIES AFFECTED BY CONTAMINATED DRYWALL TO ALLOW TEMPORARY FORBEARANCE WITHOUT PENALTY ON PAYMENTS ON THEIR HOME MORTGAGES**

Mr. WARNER (for himself, Ms. LANDRIEU, Mr. VITTER, Mr. WEBB, Mr. NELSON of Florida, Mr. LEMIEUX) submitted the following resolution; which was considered and agreed to:

S. RES. 352

Whereas since January 2009, over 1,300 cases of contaminated drywall have been reported in 26 States and the District of Columbia;

Whereas many individuals living in homes with contaminated drywall have reported problems with their health, including bloody noses, rashes, sore throats, burning eyes, and upper respiratory tract conditions;

Whereas some homeowners living with contaminated drywall have reported corrosion of metals inside their homes, such as air conditioning coils and electrical wiring;

Whereas as a result of these problems, many families that have contaminated drywall in their homes have moved out of their residences and into temporary living situations, with few such families being able to afford an additional financial burden;

Whereas because of cases of contaminated drywall, some Americans who pay their mortgages on time are now suffering from financial problems at no fault of their own; and

Whereas banks and mortgage servicers can help families affected by contaminated drywall by providing temporary forbearance with respect to their mortgage payments to help such families afford the costs of an additional residence while they are removed from their primary homes: Now, therefore, be it

*Resolved*, That the Senate encourages banks and mortgage servicers to work with families affected by contaminated drywall to allow temporary forbearance without penalty on payments on their home mortgages.

**SENATE RESOLUTION 353—SUPPORTING THE GOALS AND IDEALS OF “AMERICAN EDUCATION WEEK”**

Mrs. HAGAN (for herself, Mr. JOHANNIS, Mr. BROWN, Mr. LEVIN, Mr. BEGICH, Mr. TESTER, Mr. FEINGOLD, Mr. BURRIS, Ms. MIKULSKI, and Mr. DODD)

submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 353

Whereas the National Education Association has designated November 15 through November 21, 2009, as the 88<sup>th</sup> annual observance of “American Education Week”;

Whereas public schools are the backbone of democracy in the United States, providing young people with the tools needed to maintain the precious values of freedom, civility, and equality in our Nation;

Whereas by equipping young people in the United States with both practical skills and broader intellectual abilities, public schools give young people hope for, and access to, a productive future;

Whereas young people working in the field of public education, including teachers, higher education faculty and staff, custodians, substitute educators, bus drivers, clerical workers, food service professionals, workers in skilled trades, health and student service workers, security guards, technical employees, and librarians, work tirelessly to serve children and communities throughout the Nation with care and professionalism; and

Whereas public schools are community linchpins, bringing together adults, children, educators, volunteers, business leaders, and elected officials in a common enterprise: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of “American Education Week”; and

(2) encourages the people of the United States to observe “American Education Week” by reflecting on the positive impact of all those who work together to educate children.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2771. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2772. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3082, supra; which was ordered to lie on the table.

SA 2773. Mr. MCCONNELL submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, supra; which was ordered to lie on the table.

SA 2774. Mr. INHOFE (for himself, Mr. BARRASSO, Mr. BROWNBAC, Mr. CRAPO, Mr. DEMINT, Mr. ENZI, Mr. JOHANNIS, Mr. KYL, Mr. ROBERTS, Mr. THUNE, Mr. VITTER, Mr. BOND, and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, supra.

SA 2775. Mr. WARNER (for himself, Mrs. FEINSTEIN, Mrs. SHAHEEN, Mrs. HAGAN, and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, supra; which was ordered to lie on the table.

SA 2776. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 2754 submitted by Mr. INOUE to the amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill

H.R. 3082, supra; which was ordered to lie on the table.

SA 2777. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, supra; which was ordered to lie on the table.

SA 2778. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, supra; which was ordered to lie on the table.

SA 2779. Mr. DEMINT proposed an amendment to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, supra.

SA 2780. Mr. REID (for Mrs. MURRAY) proposed an amendment to the bill S. 1422, to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

TEXT OF AMENDMENTS

SA 2771. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 229. In administering section 51.210(d) of title 38, Code of Federal Regulations, the Secretary of Veterans Affairs shall permit a State home to provide services to, in addition to non-veterans described in such section, a non-veteran any of whose children died while serving in the Armed Forces.

SA 2772. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ (a) Notwithstanding any other provision of law, no funds appropriated or otherwise made available to the Secretary of Health and Human Services (referred to in this section as the “Secretary”) may be used by the Secretary to require that oysters be treated with post-harvest processing or other treatment or cooking requirements that result in a prohibition on selling or consuming raw oysters.

(b)(1) The Secretary, acting through the Commissioner of Food and Drugs, and in cooperation with the oyster industry, the Interstate Shellfish Sanitation Conference, and any other agency such Commissioner deems appropriate, shall conduct an education campaign to increase awareness of the risks associated with consuming raw oysters.

(2) The education campaign conducted under paragraph (1) shall include the following components:

(A) A focus on educating the populations most at risk for harm from eating raw oysters, especially those with liver diseases or weakened immune systems.

(B) Informing oyster harvesters, processors, and distributors of all the requirements for oyster storage and handling and

best practices to keep oysters safe for human consumption.

(3) There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(c) If the Secretary issues a proposed regulation or guidance that affects the harvesting, processing, or transportation of seafood harvested in the United States, then in no case may such regulation or guidance become final or take effect until the Secretary submits to the appropriate committees of Congress a report that contains—

(1) a cost-benefit analysis and an economic impact study on such proposed regulation or guidance;

(2) a health impact analysis that describes any alleged health risks that such proposed regulation or guidance seeks to address and an explanation of how such regulation or guidance would address those risks; and

(3) an analysis that compares such proposed regulation or guidance with respect to other regulated foods, including a comparison of risks the Secretary may find associated with seafood and the instances of those risks in such other regulated foods.

SA 2773. Mr. MCCONNELL submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 229. (a) DESIGNATION OF ROBLEY REX DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.—The Department of Veterans Affairs Medical Center in Louisville, Kentucky, and any successor to such medical center, shall after the date of the enactment of this Act be known and designated as the “Robley Rex Department of Veterans Affairs Medical Center”.

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the medical center referred to in subsection (a) shall be considered to be a reference to the Robley Rex Department of Veterans Affairs Medical Center.

SA 2774. Mr. INHOFE (for himself, Mr. BARRASSO, Mr. BROWNBAC, Mr. CRAPO, Mr. DEMINT, Mr. ENZI, Mr. JOHANNIS, Mr. KYL, Mr. ROBERTS, Mr. THUNE, Mr. VITTER, Mr. BOND, and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 60, after line 24, add the following:

SEC. 608. (a) None of the funds appropriated or otherwise made available by this Act may be used to construct or modify a facility or facilities in the United States or its territories to permanently or temporarily hold any individual who was detained as of October 1, 2009, at Naval Station, Guantanamo Bay, Cuba.

(b) In this section, the term “United States” means the several States and the District of Columbia.

**SA 2775.** Mr. WARNER (for himself, Mrs. FEINSTEIN, Mrs. SHAHEEN, Mrs. HAGAN, and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

**SEC. 229. (a) STUDY ON CAPACITY OF THE DEPARTMENT OF VETERANS AFFAIRS TO ADDRESS COMBAT STRESS IN WOMEN VETERANS.**—The Secretary of Veterans Affairs shall carry out a study to assess the capacity of the Department of Veterans Affairs to address combat stress in women veterans.

(b) **ELEMENTS.**—In carrying out the study, the Secretary shall consider the following:

(1) Whether women veterans are properly evaluated by the Department for post-traumatic stress disorder (PTSD), traumatic brain injury (TBI), and other combat stress.

(2) Whether women veterans with combat stress are properly assigned disability ratings by the Department for purposes of veterans disability benefits for combat stress.

(3) Whether the staffing and training of mental health professionals in the Department is adequate to properly identify and treat post-traumatic stress disorder in women veterans.

(4) Such other matters as the Secretary considers appropriate.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the findings of the Secretary as a result of the study, together with such recommendations for legislative or administrative action as the Secretary considers appropriate in light of such findings.

(2) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committees on Appropriations and Veterans’ Affairs of the Senate; and

(B) the Committees on Appropriations and Veterans’ Affairs of the House of Representatives.

**SA 2776.** Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 2754 submitted by Mr. INOUE to the amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, beginning on line 8, strike “Notwithstanding” and all that follows through line 11.

**SA 2777.** Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 52, after line 21, add the following:  
**SEC. 229. (a) STUDY ON IMPROVEMENTS TO INFORMATION TECHNOLOGY INFRASTRUCTURE NEEDED TO FURNISH HEALTH CARE SERVICES TO VETERANS USING TELEHEALTH PLATFORMS.**—The Secretary of Veterans Affairs shall carry out a study to identify the improvements to the infrastructure of the Department of Veterans Affairs that are required to furnish health care services to veterans using telehealth platforms.

(b) **AVAILABILITY OF FUNDS.**—The amounts appropriated or otherwise made available by this title under the headings “DEPARTMENTAL ADMINISTRATION” and “INFORMATION TECHNOLOGY SYSTEMS” shall be available to the Secretary of Veterans Affairs to carry out the study required by subsection (a).

**SA 2778.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** None of the funds appropriated or otherwise made available by this Act may be used to support, prepare for, or otherwise facilitate the transfer to or the detention in any State or territory of the United States any individual who was detained as of October 1, 2009, at Naval Station, Guantanamo Bay, Cuba.

**SA 2779.** Mr. DEMINT proposed an amendment to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the end of title II, add the following:

**SEC. 229. (a) LIMITATION ON USE OF FUNDS FOR TRANSFER OR DETENTION IN UNITED STATES OF DETAINEES AT GUANTANAMO BAY WITHOUT FULL FUNDING OF CERTAIN VETERANS PROGRAMS.**—

(1) **LIMITATION.**—None of the funds appropriated or otherwise made available by this Act may be used to support, prepare for, or otherwise facilitate the transfer to or the detention in any State or territory of the United States of any individual who was detained as of November 1, 2009, at Naval Station Guantanamo Bay, Cuba, until 15 days after the Secretary of Veterans Affairs certifies to Congress that the programs specified in subsection (b) are fully funded for fiscal year 2010.

(2) **CERTIFICATION.**—The certification submitted under this subsection shall include a description of the funding available for fiscal year 2010 for each program intended to address a need of veterans specified in subsection (b).

(b) **PROGRAMS.**—The programs specified in this subsection are the programs of the Department of Veterans Affairs to meet needs of veterans for the following:

(1) Health care.

(2) Rehabilitation and reintegration into the community of veterans suffering from traumatic brain injury (TBI).

(3) Rehabilitation and reintegration into the community of veterans suffering from post-traumatic stress disorder (PTSD).

(4) Specially adapted housing for disabled veterans.

(5) Counseling and treatment for service-connected trauma, including trauma associated with sexual assault.

**SA 2780.** Mr. REID (for Mrs. MURRAY) proposed an amendment to the bill S. 1422, to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews; as follows:

On page 2, line 22, insert after “counting” the following “personal commute time or”.

## NOTICE OF HEARING

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, December 10, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on the role of grid-scale energy storage in meeting our energy and climate goals.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to [Abigail\\_Campbell@energy.senate.gov](mailto:Abigail_Campbell@energy.senate.gov).

For further information, please contact Alicia Jackson (202) 224-3607, Abigail Campbell (202) 224-1219, or Kellie Donnelly (202) 224-9360.

### AUTHORITY FOR COMMITTEES TO MEET

#### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 10, 2009, at 10 a.m., to conduct a hearing entitled “ending veterans’ homelessness.”

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

#### COMMITTEE ON FINANCE

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on November 10, 2009, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Climate Change Legislation: Considerations for Future Jobs.”

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

#### COMMITTEE ON FOREIGN RELATIONS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 10, 2009, at 9 a.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "The Cost of Being Sick: H1N1 and Paid Sick Days" on November 10, 2009. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security, and Governmental Affairs be authorized to meet during the session of the Senate on November 10, 2009, at 10 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on November 10, 2009, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Strengthening Our Criminal Justice System: Extending the Innocence Protection Act."

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

COMMITTEE ON INTELLIGENCE

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Intelligence be authorized to meet during the session of the Senate on November 10, 2009, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Madam President, I ask unanimous consent that my military fellow, Nadine Kokolus, be granted the privilege of the floor for the duration of the day.

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

AIRLINE FLIGHT CREW TECHNICAL  
CORRECTIONS ACT

Mr. REID. Madam President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 1422 and the Senate proceed to its consideration.

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

The clerk will report the bill by title. The assistant legislative clerk read as follows:

A bill (S. 1422) to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

There being no objection, the Senate proceeded to consider the bill.

Mr. ENZI. Madam President, I would like to engage my friend, the Senator from Washington and the chairman of the Subcommittee on Employment and Workplace Safety, with whom I have been pleased to work on many initiatives on behalf of America's workforce, in a conversation about the bill she has just introduced. I would like to take this opportunity to clarify the treatment of workers contained in the Flight Crew Technical Corrections Act before us today that pertains to flight crews. Is it the Senator's understanding that her legislation resolves a problem unique to flight crews—meaning flight attendants and pilots—and that no other group of workers is addressed under this bill?

Mrs. MURRAY. Yes, the Senator is correct. This bill is narrowly constructed to address the unique situation faced by flight attendants and pilots in the calculation of the hours they need to qualify for leave under the Family Medical Leave Act, FMLA. I understand that the FMLA eligibility calculation does not include paid vacation, sick, medical or personal leave unless otherwise agreed to in a collective bargaining agreements or the employers manual. This bill reflects the intent of the FMLA's original sponsors to provide an alternative way to include flight crews that addresses the airline industry's unique time-keeping methods. I am proud that the Flight Crew Technical Corrections Act fixes a technical problem that has left many full-time flight crew members ineligible for family medical leave for many years due to the unique way their work hours are calculated.

Mr. ENZI. In other words, is it the Senator's understanding that the bill should not be construed to apply to other occupational groups that operate under reserve systems such as health care, railway, and emergency services to seek similar treatment?

Mrs. MURRAY. Correct, this bill narrowly deals with flight crews only. The bill is a technical correction for language that was intended to be in the original Family Medical Leave Act, but for some reason or another was left out. Flight crews were specifically mentioned in the FMLA's legislative history. Thus, I believe that the correction is clearly appropriate for flight crews. If other groups were to attempt an adjustment in their FMLA eligibility requirements, I suggest that their situation and the ramifications of such an adjustment would need to be examined on a case by case basis.

Mr. ENZI. The Senator mentioned the FMLA's legislative history. Is it the Senator's further understanding that this is the only group of employees which was intended to be included with an alternative eligibility standard?

Mrs. MURRAY. The Senator is correct. The original authors stated that they did not intend to exclude flight crews in unique circumstances from the bill's protection simply because of

the airline industry's "unusual time keeping methods." They believed that these workers—flight attendants and pilots—were entitled to family and medical leave under the law based upon the situation they specifically faced.

This legislation received overwhelming bipartisan support in the House of Representatives. I am pleased to present it in the Senate with bipartisan support. This language was drafted through a process that included representatives from large and small airline carriers and carrier associations, and organized labor. I need to recognize the work that Senator Clinton did on this bill when she introduced its precursor in the 110th Congress.

Mr. ENZI. I would like to thank the Senator from Washington and the former Senator from New York for the deliberative process they both utilized while drafting this legislation. As the Senator knows, I am a frequent advocate for following Senate committee process so as to create the opportunity for all affected stakeholders to be included in the process. In this case, the Senator has done an admirable job of vetting the legislation with most stakeholders and produced a better product.

Mr. REID. Madam President, I ask unanimous consent that a Murray amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate; and any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 2780) was agreed to, as follows:

(Purpose: To clarify a requirement concerning hours of service)

On page 2, line 22, insert after "counting" the following "personal commute time or".

The bill (S. 1422), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1422

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Airline Flight Crew Technical Corrections Act".

**SEC. 2. LEAVE REQUIREMENT FOR AIRLINE FLIGHT CREWS.**

(a) INCLUSION OF AIRLINE FLIGHT CREWS.—Section 101(2) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(2)) is amended by adding at the end the following:

“(D) AIRLINE FLIGHT CREWS.—

“(i) DETERMINATION.—For purposes of determining whether an employee who is a flight attendant or flight crewmember (as such terms are defined in regulations of the Federal Aviation Administration) meets the hours of service requirement specified in subparagraph (A)(ii), the employee will be considered to meet the requirement if—

“(I) the employee has worked or been paid for not less than 60 percent of the applicable total monthly guarantee, or the equivalent, for the previous 12-month period, for or by

the employer with respect to whom leave is requested under section 102; and

“(II) the employee has worked or been paid for not less than 504 hours (not counting personal commute time or time spent on vacation leave or medical or sick leave) during the previous 12-month period, for or by that employer.

“(ii) FILE.—Each employer of an employee described in clause (i) shall maintain on file with the Secretary (in accordance with such regulations as the Secretary may prescribe) containing information specifying the applicable monthly guarantee with respect to each category of employee to which such guarantee applies.

“(iii) DEFINITION.—In this subparagraph, the term ‘applicable monthly guarantee’ means—

“(I) for an employee described in clause (i) other than an employee on reserve status, the minimum number of hours for which an employer has agreed to schedule such employee for any given month; and

“(II) for an employee described in clause (i) who is on reserve status, the number of hours for which an employer has agreed to pay such employee on reserve status for any given month,

as established in the applicable collective bargaining agreement or, if none exists, in the employer’s policies.”.

(b) CALCULATION OF LEAVE FOR AIRLINE FLIGHT CREWS.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

“(5) CALCULATION OF LEAVE FOR AIRLINE FLIGHT CREWS.—The Secretary may provide, by regulation, a method for calculating the leave described in paragraph (1) with respect to employees described in section 101(2)(D).”.

#### NATIONAL VETERANS HISTORY PROJECT WEEK DESIGNATION

Mr. REID. Madam President, I ask unanimous consent that the Veterans’ Affairs Committee be discharged from further consideration of S. Res. 340 and the Senate now proceed to its consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 340) expressing support for designation of a National Veterans History Project Week to encourage public participation in a nationwide project that collects and preserves the stories of the men and women who served our Nation in times of war and conflict.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 340) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 340

Whereas the Veterans History Project was established by a unanimous vote of the

United States Congress to collect and preserve the wartime stories of American veterans;

Whereas Congress charged the American Folklife Center at the Library of Congress to undertake the Veterans History Project and to engage the public in the creation of a collection of oral histories that would be a lasting tribute to individual veterans and an abundant resource for scholars;

Whereas there are 17,000,000 wartime veterans in America whose stories can educate people of all ages about important moments and events in the history of the United States and the world and provide instructive narratives that illuminate the meanings of “service”, “sacrifice”, “citizenship”, and “democracy”;

Whereas the Veterans History Project relies on a corps of volunteer interviewers, partner organizations, and an array of civic minded institutions nationwide who interview veterans according to the guidelines it provides;

Whereas increasing public participation in the Veterans History Project will increase the number of oral histories that can be collected and preserved and increase the number of veterans it so honors; and

Whereas “National Veterans Awareness Week” commendably preceded this resolution in the years 2005 and 2006: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes “National Veterans Awareness Week”;

(2) supports the designation of a “National Veterans History Project Week”;

(3) calls on the people of the United States to interview at least one veteran in their families or communities according to guidelines provided by the Veterans History Project; and

(4) encourages local, State, and national organizations, along with Federal, State, city, and county governmental institutions, to participate in support of the effort to document, preserve, and honor the service of American wartime veterans.

#### SUPPORTING AND ENCOURAGING GREATER SUPPORT FOR VETERANS DAY

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to S. Res. 349.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 349) supporting and encouraging greater support for Veterans Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 349) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 349

Whereas veterans of service in the United States Armed Forces have served the Nation with honor and at great personal sacrifice;

Whereas the people of the United States owe the security of the Nation to those who have defended it;

Whereas on Veterans Day each year, the Nation honors those who have defended democracy by serving in the Armed Forces;

Whereas veterans continue to provide a valuable service in their communities across the Nation and are important members of society;

Whereas we must honor and express our sincere gratitude to all our veterans for their unwavering commitment to country, justice, and democracy;

Whereas the observance of Veterans Day is an expression of faith in democracy, faith in United States values, and faith that those who fight for freedom will defeat those whose cause is unjust;

Whereas major hostilities of World War I were formally ended at the 11th hour of the 11th day of the 11th month of 1918 by the signing of the Armistice near Compiègne, France; and

Whereas section 6103(a) of title 5, United States Code, provides that “Veteran’s Day, November 11” is a legal public holiday: Now, therefore, be it

Resolved, That the Senate encourages—

(1) the people of the United States to demonstrate their support for veterans on Veterans Day each year by treating that day as a special day of reflection; and

(2) schools and teachers to educate students on the great contributions veterans have made to the United States and its history, both while serving as members of the United States Armed Forces and after completing their service.

#### RECOGNIZING 49TH ANNIVERSARY OF INTEGRATED SCHOOLS IN NEW ORLEANS, LOUISIANA

Mr. REID. Madam President, I ask unanimous consent to proceed to S. Res. 350.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 350) recognizing November 14, 2009, as the 49th anniversary of the first day of integrated schools in New Orleans, Louisiana.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FEINGOLD. Madam President, last spring, a first grade teacher at Barton Elementary School in Milwaukee contacted my office seeking help in furthering a project her classroom had started. The Ruby Bridges Project began as a modest effort to teach a first grade class in Milwaukee, WI, about the courage and bravery another first grader displayed on November 14, 1960, when she became the first child to integrate a public elementary school in New Orleans, LA. Soon, the Ruby Bridges Project grew and expanded because these first graders at Barton Elementary School wanted to teach other students in Milwaukee about Ruby Bridges. These first graders’ efforts were featured in the local media and supported by Milwaukee Mayor Tom Barrett and then State Superintendent of Education Elizabeth Burmaster, who wrote letters of commendation for the project. The class

also started a petition which garnered over 2,000 signatures from Wisconsinites, and which was sent to President Obama asking him to designate a national day of recognition honoring Ruby Bridges.

On November 14, 1960, Ruby Bridges became the first African-American child to attend William Frantz Elementary School in New Orleans, LA. While she is forever immortalized in Norman Rockwell's painting as a six-year-old child being escorted to school by U.S. Marshals, with tomatoes splattered in the background, her story is one of courage, bravery and a lifelong commitment to raising awareness of diversity through improved educational opportunities for all children. Even though Ruby Bridges endured riots and protests and retaliations against her family, she attended school at William Frantz every day during the 1960–61 school year. She was supported by her teacher, Ms. Barbara Henry, who herself faced retaliation and was not invited back to teach at William Frantz the following school year. Ruby went on to graduate high school and college, have a career and raise a family.

In 1999, Ruby Bridges established the Ruby Bridges Foundation to help eliminate racism and improve society by educating students around the country about her experiences, discussing ongoing efforts to promote diversity and providing lessons students could take back to their communities. Even today, 49 years after Ruby Bridges became the first child to attend integrated school in New Orleans, LA, her story provides an inspiring example for our young people. The story of Ruby Bridges has affected and influenced the lives of children across the country and one first grade class in Milwaukee, WI, in particular.

I urge my colleagues to join me in supporting this Senate resolution recognizing November 14, 2009, as the 49th anniversary of the first school integration in New Orleans, LA, and commending Ruby Bridges for her bravery, courage and lifetime commitment to raising awareness of diversity through education.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, that there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 350) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 350

Whereas, in 1954, the Supreme Court ruled that segregated schools violated the Equal Protection Clause of the 14th amendment to the Constitution;

Whereas Judge J. Skelly Wright, of the United States District Court for the Eastern

District of Louisiana, ordered the Orleans Parish School Board to develop a school desegregation plan in 1956 and, after years of delay, in 1960, ordered the Orleans Parish School Board to carry out a plan designed by the United States District Court for the Eastern District of Louisiana;

Whereas 6 years after the *Brown v. Board of Education* (347 U.S. 483) decision, on November 14, 1960, Ruby Bridges, at the age of 6, became the first African-American student to attend the all-white William Frantz Elementary School in New Orleans, Louisiana;

Whereas, in 1995, Ruby Bridges contributed to "The Story of Ruby Bridges", a book for children, and, in 1999, wrote "Through My Eyes" to help educate children and people of all ages about her experiences and the importance of tolerance;

Whereas Ruby Bridges established the Ruby Bridges Foundation in 1999 to help eliminate racism and improve society by educating students about the experiences of Ruby Bridges, discuss ongoing efforts to promote diversity, and provide lessons students can take back to their own communities; and

Whereas, in 2002, the Ruby Bridges Foundation, along with the Simon Wiesenthal Center's Museum for Tolerance in Los Angeles, launched The Ruby's Bridges Project, a program that brought together students from diverse backgrounds to develop relationship-building skills and promote an appreciation of one another: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes November 14, 2009, as the 49th anniversary of the first day of integrated schools in New Orleans, Louisiana;

(2) remembers Judge J. Skelly Wright for his advocacy, support, and lifelong commitment to promoting civil rights, fairness, and equality;

(3) commends Ruby Bridges for her bravery and courage 49 years ago, and for her lifetime commitment to raising awareness of diversity through improved educational opportunities for all children;

(4) supports policies and efforts to—

(A) close the achievement gap in the schools of our Nation;

(B) improve the high school graduation rate for all students;

(C) strengthen the ability of all students to attend and complete post-secondary education; and

(D) promote the benefits of school integration throughout the educational careers of students; and

(5) congratulates all the individuals who have dedicated their lives to the field of education and to promoting equal opportunities for all students regardless of the backgrounds of the students.

NATIONAL SCHOOL PSYCHOLOGY WEEK

Mr. REID. Madam President, I ask unanimous consent to proceed to S. Res. 351.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 351) designating the week beginning on November 9, 2009 as National School Psychology Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be

laid upon the table, with no intervening action or debate, and that any statements related to this matter be printed in the RECORD.

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

The resolution (S. Res. 351) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 351

Whereas all children and youth learn best when they are healthy, supported, and receive an education that meets their individual needs;

Whereas schools can more effectively ensure that all students are ready and able to learn if schools meet all the needs of each student;

Whereas learning and development are directly linked to the mental health of children, and a supportive learning environment is an optimal place to promote mental health;

Whereas sound psychological principles are critical to proper instruction and learning, social and emotional development, prevention and early intervention, and support for a culturally diverse student population;

Whereas school psychologists are specially trained to deliver mental health services and academic support that lower barriers to learning and allow teachers to teach more effectively;

Whereas school psychologists facilitate collaboration that helps parents and educators identify and reduce risk factors, promote protective factors, create safe schools, and access community resources;

Whereas school psychologists are trained to assess barriers to learning, utilize data-based decisionmaking, implement research-driven prevention and intervention strategies, evaluate outcomes, and improve accountability;

Whereas State educational agencies and other State entities credential more than 35,000 school psychologists who practice in schools in the United States as key professionals that promote the learning and mental health of all children;

Whereas the National Association of School Psychologists establishes and maintains high standards for training, practice, and school psychologist credentialing, in collaboration with organizations such as the American Psychological Association, that promote effective and ethical services by school psychologists to children, families, and schools; and

Whereas the people of the United States should recognize the vital role school psychologists play in the personal and academic development of the Nation's children: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning on November 9, 2009, as National School Psychology Week;

(2) honors and recognizes the contributions of school psychologists to the success of students in schools across the United States; and

(3) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the vital role school psychologists play in schools, in the community, and in helping students develop into successful and productive members of society.

**ENCOURAGING BANKS AND MORTGAGE SERVICERS TO WORK WITH FAMILIES AFFECTED BY CONTAMINATED DRYWALL**

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 352.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 352) encouraging banks and mortgage servicers to work with families affected by contaminated drywall to allow temporary forbearance without penalty on payments on their home mortgages.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the matter be printed in the RECORD.

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

The resolution (S. Res. 352) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

**S. RES. 352**

Whereas since January 2009, over 1,300 cases of contaminated drywall have been reported in 26 States and the District of Columbia;

Whereas many individuals living in homes with contaminated drywall have reported problems with their health, including bloody noses, rashes, sore throats, burning eyes, and upper respiratory tract conditions;

Whereas some homeowners living with contaminated drywall have reported corrosion of metals inside their homes, such as air conditioning coils and electrical wiring;

Whereas as a result of these problems, many families that have contaminated drywall in their homes have moved out of their residences and into temporary living situations, with few such families being able to afford an additional financial burden;

Whereas because of cases of contaminated drywall, some Americans who pay their mortgages on time are now suffering from financial problems at no fault of their own; and

Whereas banks and mortgage servicers can help families affected by contaminated drywall by providing temporary forbearance with respect to their mortgage payments to help such families afford the costs of an additional residence while they are removed from their primary homes: Now, therefore, be it

*Resolved*, That the Senate encourages banks and mortgage servicers to work with families affected by contaminated drywall to allow temporary forbearance without penalty on payments on their home mortgages.

**MEASURE READ THE FIRST TIME—H.R. 3962**

Mr. REID. It is my understanding that H.R. 3962 has been received from the House and is now at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3962) to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes.

Mr. REID. Madam President, I ask for its second reading, but I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

**APPOINTMENTS**

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 106-398, as amended by Public Law 108-7, in accordance with the qualifications specified under section 1238(b)(3)(E) of Public Law 106-398, and upon the recommendation of the Republican leader, in consultation with the ranking members of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individuals to the United States-China Economic Security Review Commission: Patrick A. Mulloy of Virginia, for a term beginning January 1, 2010 and expiring December 31, 2011, and William A. Reinsch of Maryland, for a term beginning January 1, 2010 and expiring December 31, 2011.

**EXECUTIVE SESSION**

**NOMINATION DISCHARGED**

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session and that the Foreign Relations Committee be discharged of Presidential Nomination 933, the nomination of Jeffrey Bleich to be Ambassador to Australia; that the Senate then proceed to the nomination; that the nomination be confirmed and the motion to reconsider be laid upon the table; that no further motions be in order; that the President be immediately notified of the Senate's action; that any statements relating to the nomination be printed in the RECORD, as if read; and that the Senate resume legislative session.

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

The nomination considered and confirmed is as follows:

Jeffrey L. Bleich, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia.

Mr. REID. Mr. President, I ask unanimous consent that a financial disclosure report be printed in the RECORD.

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

**FEDERAL CAMPAIGN CONTRIBUTION REPORT**

Nominee: Jeffrey L. Bleich.

Post: Australia.

Nominated: September 11, 2009.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, date, amount, and donee:

Self: 9/2/2005, \$400.00, Dianne Feinstein for Senate; 9/14/2005, \$500.00, Evan Bayh Committee; 11/29/2005, \$500.00, Midwest Values PAC; 12/20/2005, \$1,000.00, One America Committee; 12/29/2005, \$250.00, Barbara Lee for Congress; 3/31/2006, \$500.00, Schiff for Congress; 5/18/2006, \$500.00, Steve Filson for Congress; 5/19/2006, \$255.00, Midwest Values PAC; 6/30/2006, \$500.00, Jill Derby for Congress; 6/30/2006, \$250.00, John Cranley for Congress; 6/30/2006, \$250.00, Ellsworth for Congress Committee; 7/5/2006, \$1,000.00, Jerry McNerney for Congress; 8/17/2006, \$500.00, Midwest Values PAC; 8/28/2006, \$250.00, California Victory 2006; 9/12/2006, \$500.00, Sheldon Whitehouse for Senate; 9/28/2006, \$500.00, Friends of Sherron Brown; 9/29/2006, \$1,000.00, McCaskill for Missouri; 9/30/2006, \$250.00, Dianne Feinstein for Senate; 10/30/2006, \$1,320.00, One America Committee; 11/3/2006, \$500.00, Nebraskans for Kleeb; 1/2/2007, \$1,000.00, John Edwards for President; 1/16/2007, \$2,100.00, Obama for America; 3/18/2007, \$1,000.00, Al Franken for Senate; 3/31/2007, \$1,300.00, John Edwards for President; 5/15/2007, \$1,000.00, Schiff for Congress; 6/30/2007, \$1,300.00, Al Franken for Senate; 10/3/2007, \$2,000.00, Iowa Democratic Party; 10/29/2007, \$1,000.00, Jeff Merkley for Oregon; 11/5/2007, \$250.00, Friends of Barbara Boxer; 11/10/2007, \$500.00, Brown for Congress; 11/30/2007, \$5,000.00, Vote Hope; 12/5/2007, \$1,000.00, Paul Hodes for Congress; 1/25/2008, \$500.00, Mark Pryor for US Senate; 3/19/2008, \$400.00, Montana Democratic Party; 5/19/2008, \$250.00, Jeff Merkley for Oregon; 5/20/2008, \$1,500.00, Barbara Lee for Congress; 5/23/2008, \$250.00, Nebraskans for Kleeb; 6/22/2008, \$1,000.00, Perriello for Congress; 6/26/2008, \$500.00, Strengthen our Senate Majority; 6/26/2008, \$250.00, Udall for Us All; 6/26/2008, \$250.00, Tom Allen for Senate; 6/30/2008, \$250.00, Nebraskans for Kleeb; 7/25/2008, \$2,300.00, Hillary Clinton for President; 8/31/2008, \$14,250.00, Obama Victory Fund; 8/31/2008, \$2,300.00, Obama for America; 8/31/2008, \$11,950.00, DNC Services Corporation/Democratic National Committee; 9/23/2008, \$500.00, Paul Hodes for Congress; 9/29/2008, \$250.00, Perriello for Congress; 10/12/2008, \$250.00, Obama Victory Fund; 10/12/2008, \$250.00 DNC Services Corporation/Democratic National Committee; 10/15/2008, \$250.00, Brown for Congress; 10/28/2008, \$250.00, Alaskans for Begich; 10/30/2008, \$250.00, Musgrove for U.S. Senate; 10/31/2008, \$250.00, Alaskans for Begich; 1/18/2009, \$1,000.00, Al Franken for Senate; 2/18/2009, \$1,000.00, Leahy for US Senator Committee.

2. Spouse: Rebecca Bleich: 3/19/2007, \$2,300.00, Obama for America.

3. Father: Charles Bleich: 8/8/2007, \$250.00, Obama for America; 11/13/2007, \$200.00, Obama for America.

4. Mother: Linda Bleich: 8/8/2007, \$250.00, Obama for America.

5. Sister: Deborah Cogan: 7/10/2006, \$1,500.00, Evan Bayh Committee; 1/10/2008, \$2,300.00, Obama for America; 7/1/2008, \$1,000.00, Obama Victory Fund; 7/31/2008, \$1,000.00, Obama for America; 11/2/2008, \$1,000.00, Obama Victory Fund; 11/3/2008, \$1,000.00, Obama for America.

6. Brother-in-law: Michael Cogan: 3/21/2007, \$500.00, Friends of Dick Durbin Committee; 8/23/2007, \$500.00, Friends of Gordon Smith; 9/21/2007, \$500.00, DNC Services Corporation/Democratic National Committee; 10/19/2007, \$500.00, Mike Pence Committee; 11/28/2007, \$1,500.00, Friends of Jay Rockefeller; 12/26/2007, \$500.00, Roskam for Congress Committee; 3/29/2008, \$750.00, Hoyer for Congress; 8/4/2008, \$1,000.00, Judy Biggert for Congress.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

## ORDERS FOR MONDAY, NOVEMBER 16, 2009

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn under the provisions of H. Con. Res. 210 until 2 p.m., Monday, November 16; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period for the transaction of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each; that following morning business, the Senate resume consideration of H.R. 3082, the Military Construction and Veterans Affairs appropriations bill, as provided for under the previous order.

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

## PROGRAM

Mr. REID. Madam President, we have worked hard today. We have had a number of Senators go to Fort Hood. We have had a number of speeches today that were extremely good relating to Veterans Day, which is tomorrow. We had a moment of silence for the fallen at Fort Hood. And we arrived

at an agreement on a very important bill, the Military Construction and Veterans Affairs bill. I am glad we were able to do that. I wish we didn't have as many amendments as we do, but we have had a number of intervening problems. Senator KAY BAILEY HUTCHISON, who represents the State of Texas, was necessarily detained in Texas. She had to be there, and we understand that. I think a number of amendments listed will be worked out with the two managers. I feel fairly confident we will not have to have all those votes. Senators should expect the next vote, as I indicated, at 5:30 p.m. on Monday.

ADJOURNMENT UNTIL MONDAY,  
NOVEMBER 16, 2009, AT 2 P.M.

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn under the provisions of H. Con. Res. 210.

There being no objection, the Senate, at 8:09 p.m., adjourned until Monday, November 16, 2009, at 2 p.m.

## NOMINATIONS

Executive nominations received by the Senate:

UNITED STATES AGENCY FOR INTERNATIONAL  
DEVELOPMENT

RAJIV J. SHAH, OF WASHINGTON, TO BE ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE HENRIETTA HOLSMAN FORE, RESIGNED.

## DEPARTMENT OF DEFENSE

ERIN C. CONATON, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF THE AIR FORCE, VICE RONALD M. SEGA, RESIGNED.

DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT

DOUGLAS A. CRISCITELLO, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, VICE JOHN W. COX, RESIGNED.

## AMTRAK BOARD OF DIRECTORS

ANTHONY R. COSCIA, OF NEW JERSEY, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF FIVE YEARS. (NEW POSITION)

ALBERT DICLEMENTE, OF DELAWARE, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR THE REMAINDER OF THE TERM EXPIRING JULY 26, 2011, VICE R. HUNTER BIDEN.

OCCUPATIONAL SAFETY AND HEALTH REVIEW  
COMMISSION

CYNTHIA L. ATTWOOD, OF VIRGINIA, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2013, VICE W. SCOTT RAILTON, TERM EXPIRED.

## NORTHERN BORDER REGIONAL COMMISSION

SANDFORD BLITZ, OF MAINE, TO BE FEDERAL CO-CHAIRPERSON OF THE NORTHERN BORDER REGIONAL COMMISSION. (NEW POSITION)

## DISCHARGED NOMINATION

The Senate Committee on Foreign Relations was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

JEFFREY L. BLEICH, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO AUSTRALIA.

## CONFIRMATION

Executive nomination confirmed by the Senate, Tuesday, November 10, 2009:

## DEPARTMENT OF STATE

JEFFREY L. BLEICH, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO AUSTRALIA.