



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 155

WASHINGTON, THURSDAY, OCTOBER 1, 2009

No. 140

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

### PRAYER

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

Let us pray.

O God, our Father, we thank You for the gifts You generously give to humanity. We are grateful for the loveliness of Earth and sea and sky. Thank You for great music to hear and for great books of prose and poetry to read. Thank You for minds to think, for hands to labor, and for hearts to love.

Lord, we praise You for the abilities You have given our Senators and for their willingness to serve You and country. Teach them Your lessons; show them Your way. Make them Your instruments of a durable peace, just to all nations and hopeful for all humanity. As they work today, let their words, thoughts, and actions reflect the content of Your character.

We pray in Your Holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, 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, October 1, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. REID. Madam President, following the remarks of the leaders, there will be a period of morning business for 90 minutes. The majority will control the first half and the Republicans will control the final half. Following morning business, the Senate will resume consideration of the Defense appropriations bill. Last night, cloture was filed on the committee-reported substitute amendment. As a result, the filing deadline for first-degree amendments is 1 p.m. today. Senators should expect rollcall votes to occur throughout the day as we work through amendments to this bill.

### RECOGNITION OF THE MINORITY LEADER

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

### McCHRYSTAL AMENDMENT

Mr. McCONNELL. Madam President, as the Senate fulfills its constitutional

duty this week of providing for the common defense, it will also have an opportunity to fulfill its oversight responsibilities in the global war on terror and, more specifically, in the crucial theater of Afghanistan. Later today, the ranking member of the Senate Armed Services Committee, Senator McCain, will offer an amendment to the Defense appropriations bill that calls on our top commander in Afghanistan, GEN Stanley McChrystal, and the Centcom Commander GEN David Petraeus, to come to Washington to explain to Congress and the American people why they believe the situation in Afghanistan is so perilous, what they believe is necessary for our success, and why.

There is recent precedent for this. Many Americans will recall that 2 years ago, in accordance with a requirement contained in another Defense appropriations bill, GEN David Petraeus came to Washington to explain what had gone wrong in Iraq and what he and the rest of our forces were doing to turn things around. By providing a sober assessment of the situation that cut through the political cross-currents of the moment, General Petraeus's testimony, along with that of Ambassador Ryan Crocker, focused the national debate. It left us newly confident in their ability to lead us in Iraq. And it set us on a path of progress that continues today.

No one is arguing that the two situations are identical. They are clearly not. But it is hard to deny the urgency of the assessment that General McChrystal sent to the White House in late August, parts of which have been made public. And it is impossible to ignore his depiction of a grave and deteriorating situation on the very soil where al-Qaida terrorists plotted the 9/11 attacks. General McChrystal's assessment of the worsening situation in Afghanistan should be of concern to all of us, particularly its account of a resurgent Taliban and a resilient al-

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



Printed on recycled paper.

S9993

Qaida. As the President told a Turkish audience in April, "The world has come too far to let this region backslide, and to let al Qaeda terrorists plot further attacks."

But there is also reason to be confident. At a time of worsening violence in Iraq, America was fortunate to be able to turn to General Petraeus, the man who literally wrote the book on counterinsurgency. And now, at a time of worsening violence in Afghanistan, we are just as fortunate to be able to turn to General McChrystal, who in reported previous combat experience supervised, planned, and executed counterterrorism operations.

No one is better equipped to assess the situation on the ground—and whether it calls for a new counterinsurgency strategy, or for a continuation of the same kind of counterterrorism strategy which the previous administration pursued, and which the current Vice President is reportedly urging the current administration to embrace.

Earlier this year, President Obama expressed his confidence in General McChrystal by appointing him to his current mission. Following the President's lead, the Senate expressed its confidence in General McChrystal by confirming him for his current mission without dissent. Now it is time for Congress and the President to work together on a plan for success.

Since no strategy will succeed without the support of the public, the President will doubtlessly want to explain to the American people why he plans to accept or reject the McChrystal Plan. This is especially true of a counterinsurgency strategy, which, by definition, requires a large commitment of troops and resources and great endurance on the part of the Armed Forces and the public alike.

Congress, for its part, has a responsibility to fund and to oversee our armed forces. Part of that is ensuring that we have the best information possible, and that we make that information available to the American people. And that is why it is crucial that we have an opportunity to hear General McChrystal's personal assessment of the mission that we confirmed him for, and that we give him an opportunity to explain why he has concluded that more troops are needed to avoid failure in Afghanistan.

General Petraeus's testimony served a necessary purpose during an earlier debate over strategy. General McChrystal's will do the same in this one.

We know he would be a willing witness. General McChrystal has spoken freely about his assessment on network television. And he recently told a visitor to Afghanistan that, if asked, he would welcome the opportunity to come to Washington to make the case for additional troops. He also said that it is his sacred duty to provide the unvarnished truth. With today's vote—which I urge our friends on the other

side of the aisle to support—the Senate will give him a chance to do both.

#### HEALTH CARE WEEK XI, DAY II

Mr. MCCONNELL. Madam President, Americans have been watching the health care debate play out in various committees in Congress, and they are wondering where it's all headed. I will make it easy for them. The final bill is going to cost about a trillion dollars. It is going to include \$½ trillion in cuts to seniors' Medicare in order to create a new government program. It is going to raise hundreds of billions of dollars in taxes on individuals and businesses. And it is going to expand the government's role in the health care of every single American, whether they like it or not, limiting choices and leading to the same kind of denial and delay we have seen in other countries.

And then there is the issue of rushing through a bill and denying the American people the chance to read it. Imagine that, a trillion dollars out of the taxpayers' wallets for a bill that will affect the health care of every single American, and the majority has already voted to deny a mere 72-hours of public review before voting on it. This is outrageous, and hopefully this is not the way the majority decides to go forward.

One group that has become increasingly vocal in its criticism of this legislation is our Nation's Governors. Over the course of this debate, at least one in three of them have issued statements expressing their urgent concerns about a proposed expansion of Medicaid, which will force them either to cut services, raise taxes, or both. That is on top of the tax hikes that come about on the Federal level as a result of this bill.

One Democrat Governor had this to say of the Medicaid proposal: "... it's very scary for governors to be saying as soon as the revenues get back there, the Federal Government is going to come in and say here's how you're going to spend your new money."

Governor Schwarzenegger of California says he won't support Federal health care reform proposals that impose billions of dollars in new costs on California.

Governor Crist of Florida says the proposed Medicaid expansion would have a crippling effect on Florida's State economy.

Governor Linda Lingle of Hawaii says the proposed Medicaid expansion would be tantamount to mandating a tax increase on every resident of Hawaii ... and further harm residents who are struggling to make ends meet.

Idaho Governor "Butch" Otter calls the proposal "an ... irresponsible effort to shift a substantial and unmanageable financial burden to the states."

Those are just a few of the comments we have heard from Governors. They are issuing the same kind of dire warnings about the proposed health care legislation that Americans have been sounding for months.

The fact is, supporters of this legislation know that most Americans oppose it. That is why they are not listening. And that is why they are trying to rush it through without giving anybody a chance to study the details. The American people understand these proposals. They understand the strategy. And they are not happy about either.

I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for 90 minutes, with Senators permitted to speak 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.

The Senator from Oregon is recognized.

#### HEALTH CARE REFORM

Mr. MERKLEY. Madam President, a week ago, freshman Democratic Senators came to this floor to discuss as a group how our current health care system is broken and unsustainable. Today, we return to address the challenge of runaway costs and how health care reform can bend the cost curve, making health care more affordable and more accessible to our families and our businesses.

Many folks have said to me: Is this really the time to take on health care reform, when we are in the middle of the worst recession since the Great Depression? The answer is an unequivocal yes. Now is the time. Now is the time because health care costs are a runaway train that can do great damage to our families and our small businesses and large businesses. Indeed, consider the situation of a family when health care costs have doubled in the last 9 years, so families who could afford insurance just a few years ago cannot afford it today. Now health care premiums are rising even faster. They are expected to double in the next 7 years. As a result, many families and many individuals who are struggling to pay those health care premiums right now won't be able to do so in just a few more years. So fixing our broken health care system cannot wait. Indeed, reform is essential to our families, our small businesses, and our large businesses.

Consider this: For a working family, every additional dollar that goes into a health care premium comes out of the wages that would otherwise go to increase the family's purchasing power.

So rising health care premiums are a tax on family wages, a tax on family purchasing power, making it much harder for our families to get ahead and provide for their children and establish a high quality of life.

Controlling cost is also essential to small businesses. Small businesses want to offer health coverage to attract and keep good employees, to do what is right for their employees' quality of life. But runaway costs are making that more and more difficult.

Consider the example of the Hawthorne Auto Clinic founded and operated by Jim Houser and his wife Liz Dally. When they opened 26 years ago, Jim and Liz were committed to offering those who worked for them and with them a good benefits package, including comprehensive health care.

They are still able to provide health insurance to their employees, but it is getting tougher. Premiums have gone from 9 percent of their payroll to 18 percent in just the last 5 years. As a result, they have had to cut back on the benefits they have offered. Over the last decade, health care premiums have skyrocketed for small businesses across the board like they have for the Hawthorne Auto Clinic.

Large businesses see the effect as well. If you build a car in America, it costs \$1,500 in health care. If you build that same car across the border in Canada and Europe, the cost is zero. In fact, in 2007, GM spent more on health care than they did on steel. So controlling costs is essential for our large businesses to be competitive in the world, to be able to build products here in America.

If we do not build products in America, we will not have a middle class in America. So health care reform cannot wait. Our families need help with runaway costs. Our small businesses are looking for us to help control costs, and our large businesses need reform to be competitive in the world and to build the strong economy that will raise all boats.

Today, freshmen Democratic Senators are here to discuss this from a number of perspectives. First will be Senator ROLAND BURRIS of Illinois. As comptroller and attorney general of Illinois, Senator BURRIS committed himself to serving the health and well-being of underserved populations in his State.

I yield 4 minutes to my distinguished friend from Illinois.

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

Mr. BURRIS. Madam President, I am proud to join my freshmen colleagues on the floor today.

Across America there is a broad agreement on the need for meaningful health care reform. But there is much debate about what reform means and who pays the bills for keeping all our Nation's citizens well, including the disadvantaged.

As the center of this controversy is a simple question of dollars and cents,

what is cost-effective reform? According to a recent study by the Joint Center for Political and Economic Studies, eliminating ratios and ethnic health disparities in this country for the period between 2003 and 2006 would have reduced direct health care expenditures by nearly \$230 billion.

Further, when the study factors in indirect economic losses, such as missed days of work and premature death, the total cost of health care disparities to our economy approaches \$1.25 trillion over the same period. This is a cost our country cannot bear.

Part of the problem is a lack of coverage. People of color make up about one-third of the population of the United States, but they represent one-half of the Nation's uninsured. Providing quality, affordable health care options, including a public plan, will help address this problem.

We must also change the way people receive their care. In disproportionately high numbers, many Black and Hispanic Americans use high-cost emergency room care for all their health needs. Often, by the time they seek treatment, their ailment has reached catastrophic levels. This drives everyone's costs up and puts extra strain on a system that is already stretched to the breaking point.

But with certain basic steps on the front end, we can create a healthier nation and save a lot of money on the back end. For example, by encouraging and enabling health care providers to reach out to their communities, with culturally competent prevention and wellness initiatives, we can prevent some of the chronic conditions and catastrophic health care problems that have such a high cost for our economy.

Basic nutrition education and access to healthy foods could drastically reduce the wide disparities in diabetes and heart disease. Expanding the prevalence of racial and ethnic minority health care professionals could increase the cultural competence of our health workforce.

The health reform bills under consideration take significant steps to address the health disparities our country faces. I would like to take this opportunity to thank the HELP Committee and the Finance Committee for their tireless work in this effort.

As a final combined bill comes to the floor, I look forward to an opportunity to debate and improve upon the provisions that will help our Nation's disadvantaged populations get access to the health care they need.

This is not only a moral imperative in its own right, but it will help us achieve the health cost savings our health system so desperately needs.

Mr. MERKLEY. I thank the Senator very much for his comments and his emphasis on making the best use of every dollar while addressing ethnic disparities in our health care system and the dire need to invest in prevention and wellness.

Next, we will hear from Senator JEANNE SHAHEEN from New Hampshire.

As Governor of New Hampshire, Senator SHAHEEN enacted the New Hampshire Children's Health Insurance Program, which provides affordable health and dental coverage to tens of thousands of children in her State.

She also initiated a senior prescription drug program, providing seniors with lower cost prescription drugs. I yield 4 minutes to the Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I wish to begin by thanking Senator MERKLEY for coordinating this effort today. I am pleased to be able to, once again, join my fellow freshmen Senators discussing how critical it is for the Senate to act on health care reform.

As the Senate moves to reform our broken health care system, we must address the skyrocketing cost of health care. We must ensure quality in our health care system. Over the past several months, I have heard from many individuals and families from New Hampshire who are dealing with the rising costs of health care. The stories they tell me are the most poignant reminders of why we must reform our health care system.

Recently, I heard from a man named Jeff, who is from Loudon, a small community close to the capital city of Concord. Jeff had recently lost his job and with it his health insurance. So when he experienced swelling of his right leg and shortness of breath, he was afraid to go to the doctor because he was afraid he could not afford the cost.

So he ignored the symptoms until they got so bad he had to call 911. He was taken to a local hospital. Doctors realized he had a blood clot in his leg which had migrated to his lung. This was a life-threatening condition called a pulmonary embolism. Since treatment, his condition has improved dramatically.

However, the final bill from the hospital was over \$200,000. To this day, Jeff remains in debt. Think how much we could have saved if he could have gone to the doctor when he first felt those symptoms. Stories such as these are unacceptable. They can happen to anybody. The truth is, similar to Jeff, we may all be one medical condition away from financial disasters because of the high cost of health care. So we must work to protect hard-working individuals and families as we put forward a bill.

I am proud to come from New Hampshire for so many reasons but one of them is because of the great work that is done by the Dartmouth Institute of Health Policy. For more than 20 years, Dartmouth has been a leader in comparative effectiveness research and has revolutionized our understanding of our health care system. Because of the Dartmouth Atlas Project, we now know there are huge variations in the way health care resources are used and how money is spent depending on where we live.

This chart shows the difference in spending among different regions per

Medicare patient. It is amazing to me that Medicare costs can range from the lowest spending referral region, which as you can see is just over \$5,000, to the highest spending referral region, where in some parts of the country Medicare pays over \$14,000 to provide the same kind of treatment that in other parts of the country is provided for only a little over \$5,000.

Unfortunately, the research also shows that just because someone is in a higher spending area, it does not mean they are going to live longer or have better health outcomes. Simply put, more costly care does not mean better care. There is a fundamental problem with our health care system, and this is something we have to work on.

Things do not have to be this way. We can find savings in our system and still provide high-quality care. As I mentioned last week, we can save significantly on Medicare costs by reducing hospital readmissions. I have introduced bipartisan legislation with Senator COLLINS to do that. We have the opportunity to fix a problem that has been around for generations. We need to work together to achieve this goal.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MERKLEY. I thank Senator SHAHEEN so much. It is enormously valuable to have her experience fighting for health care at the State level and bringing that to this conversation, recognizing we do have a partnership between what the State can do and what the Federal team can do and that the goal of reforming the way we deliver health care can have a huge impact on price.

Next, we turn to Senator MICHAEL BENNET from Colorado. As the highly successful superintendent of Denver Public Schools, Senator BENNET committed himself to ensuring the health and educational well-being of Denver's school-aged children.

I yield 4 minutes to my friend from Colorado.

Mr. BENNET. I thank the Senator from Oregon.

It is good to be here this morning with all my colleagues to talk about health care reform. There is a lot of disagreement about what the right answer is.

What I would like to spend my time on this morning is why the status quo is not an answer. I think that if we can get agreement on that, we can solve the issues that confront the working families in my State and all across the country.

The median family income in Colorado has actually declined by \$800 over the last 10 years. At the same time, the cost of health insurance has gone up by 97 percent. It has doubled during that time. That has happened all over the country. This slide shows the difference between the rate of increase in wages in my State, from 2000 to 2007, versus the rate of the increase in insurance.

I have talked to small businesspeople all over the State of Colorado who have said they are trying to continue to insure their employees just as they have for generations in family-owned businesses, but they are finding they are having to make a tradeoff between people's wages because the cost of insurance is getting so large.

By 2016 in my State, working families in Colorado are going to be spending roughly 40 percent of their income on health care if we do not change the status quo. It is also having a profound effect on the finances of the Federal Government. The biggest drivers of our deficit, as the red line shows, are rising Medicare and Medicaid costs. If we can change that, we can begin to restore our Government to fiscal health. If we do not change it, we are going to continue to pile mountains of debt onto our kids and our grandkids, something that no one in my State wants us to do.

Finally, the last slide shows we are consuming almost 20 percent of our gross domestic product on health care, devoting almost one-fifth of our economy to health care, when all our competitors across the globe are devoting less than half that to health care. It is no different than if you had two small businesses across the street from each other, one spending one-fifth of their revenue on their light bill, the other is spending less than half of that on their light bill. You do not need an MBA to know which of those two companies is going to be able to invest and grow their business.

The Senator from New Hampshire talked about a very important cost control measure in this bill that has to do with the transition of care. Right now in this country, one out of five Medicare patients is readmitted to the hospital within the first month that they leave. That is because nobody is following up to make sure they are getting the care they need to stay well. Nobody is checking to see whether they fill their prescriptions or whether they are taking it.

In Colorado, we have a great model in Mesa County and Grand Junction, where the hospital readmission rate is not 20 percent but 2 percent. This alone is costing us \$17 billion a year.

If we can do it smarter, more cheaply, and provide the kind of quality we see in Grand Junction, the Mayo Clinic, and other places across the country, we should. That is what this reform is about. It is time for us to put politics aside and come to an agreement that will create a much improved situation for working families and small businesses. The status quo is eating people alive. We ought to be able to do better than that.

Mr. MERKLEY. I thank the Senator. I appreciate his pointing out how health care costs are also a factor in the rising deficit contributing to the national debt and challenging our international competitiveness in the world.

I now turn to Senator MARK BEGICH of Alaska. As mayor of Anchorage, he

was committed to protecting and strengthening the health care needs of small businesses and has continued his advocacy in the Senate.

I yield 4 minutes to Senator BEGICH.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. BEGICH. Madam President, I thank Senator MERKLEY.

I am pleased to stand here again with my freshmen colleagues and resound the call for meaningful health insurance reform. We know reform is critically important and long overdue. We know reform will provide coverage to tens of millions of currently uninsured Americans. As I said last week, we know reform will bolster America's small businesses and help rebuild the economy. Here is something else we know: We must have reform that bends the cost curve and slows down the growth of health care costs. If we extend insurance to millions more people but do nothing to slow skyrocketing health care costs, we will not have reformed anything. We only will have added to the problem of an overburdened, unsustainable health system. Today we stand together to offer our ideas for reducing overall health care costs.

My focus this morning is on promoting good health and preventing the burden of chronic disease. The HELP and Finance Committees have done a great job on this subject. I commend them. I also want to make sure that when the final reform bill comes to the floor, we will not waiver on our commitment to prevention. I want to frame these brief remarks around a handful of words: nutrition, physical activity, tobacco use, and personal responsibility. Common sense tells us that smart investments that reduce the burden of chronic disease will make a huge difference not only in cost savings but also in healthier and more productive lives. The dollar amounts are staggering. Here are a few examples of why health reform must include a substantial commitment to prevention and good health.

Each year we spend \$2.2 trillion on health care, and 75 percent of all health care costs go to treat chronic diseases, many of which could have been prevented. Each of our States is paying the price. Listen to the most recent numbers from the State of Alaska and think again of poor nutrition, lack of physical activity, and the toll of tobacco. Alaska currently spends \$600 million annually for heart disease and stroke hospitalization, \$419 million for treatment related to diabetes, \$491 million for medical care related to tobacco use and lost productivity from tobacco-related deaths. We spend \$477 million on direct medical costs of obesity. We need to do something, and we need to start now, in my State and every State.

We know prevention can work. Even though youth smoking in Alaska is still too high, it has been cut in half since 1995, thanks to sustained

antitobacco funding. I know as a former mayor, when I came into office we had double-digit increases in health care costs; when I left, a less than 1-percent increase. Why? Because we created wellness programs, created personal responsibilities and incentives for people to live a healthier lifestyle.

Let's make a similar commitment in health reform this year. Let's promote personal responsibility. Let's give more American families the tools they need to take charge. Let's improve our Nation's highways and transportation systems. And as we do it, let's make sure sidewalk trails are part of the package. Let's hire more PE teachers and build upon proven community programs. Let's save lives and save dollars by keeping tobacco away from kids.

As reform moves forward, our promise is to keep it deficit neutral, now and into the future. Health care reform, health insurance reform now, is important.

I yield the floor.

Mr. MERKLEY. I thank my colleague from Alaska for his remarks and his emphasis that prevention and management of chronic diseases are essential to bending the cost curve. I now turn to Senator WARNER from Virginia. Before serving as Governor of Virginia, Senator WARNER helped create the Virginia Health Care Foundation, which is providing health care to more than 600,000 underserved Virginians. I yield 4 minutes to Senator WARNER.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Madam President, I thank my colleague, the Senator from Oregon, for helping organize this morning. I thank all other colleagues for once again coming together and speaking with different voices but with similar themes. I also thank our newest colleague, the new Senator from Massachusetts, for being here. I know he will take time in another moment to give his maiden speech. Being here and giving us moral support is helpful.

One of the things we all get to do as freshmen Senators is sit in that chair and preside over the Senate at various times. Consequently, we often get, perhaps more than other colleagues, a chance to hear the folks on the other side and their talking points. Monday afternoons, I get to hear it for uninterrupted hours. What I hear time and again from our colleagues on the other side is complaints about the various proposals this side—and, hopefully, some on the other side will join us on—has put forward.

What I do not hear from the other side is what happens if we take their approach, which is doing nothing. What I do not hear from the other side is a simple recognition not of the moral challenges of covering close to 30 million additional Americans, but the fiscal challenges of not acting, a fact that we all brought forward last week when we pointed out, if we fail to act, we will see Medicare go bankrupt by 2017; if we fail to act, our deficit numbers will

continue to explode; if we fail to act, an average Virginia family, and an average Colorado family as well, will be spending close to 40 percent of their disposable incomes within the next decade paying for health care. Senator MERKLEY and Senator BEGICH have mentioned if we fail, American business cannot compete when we have to pay \$3,000 to \$4,000 more per employee than our competitors across the world in terms of increased health care costs.

Some may say that the simple reason for these increasing health care costs is because we have an aging population. We do. But an aging population is not the only reason for rising health care costs. Our rising health care costs are increasingly driven by an inefficient delivery system, by a system that does not reward value, by a system that does not compensate based upon any rational basis. That is where so many of the reforms are focused through the Senate Finance Committee and the HELP Committee bills—and others we will be putting forward in later weeks, perhaps even on the floor, that will bring these reforms to the overall delivery system.

Again, some of my colleagues have already mentioned wellness. Senator SHAHEEN mentioned the enormous differential between states in terms of Medicaid reimbursements. We can and must do a better job.

For example, if as we see here, we can put health care reform in place and drive system reform, we could potentially save \$3 trillion over the next 10 years across the entire system. If we fail to act, we leave those costs in a system that does not provide good quality health care and, with 70 percent of the cost going for chronic diseases, does not provide better coverage, either.

On this last chart, in terms of what we are talking about in expanded savings, if we fail, if we simply expand the current system—this is based upon Lewin Group studies, the Commonwealth Fund that has been cited many times on the other side—if we simply put in place expanded coverage without reform, we will continue to explode the deficit. But if we put in place the kinds of reforms we are talking about, which is wellness, and increased transparency—and I strongly believe in a free market system—but we have no transparency in our system in terms of what costs are and what people actually pay. If we take advantage of some of the best examples in the private sector, where health reform is taking place right now, we can bring about not only reform but bring about reform with lower costs, higher value, and truly make sure Americans all across the country get the coverage they need and that does not break the deficit.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. I thank the Senator from Virginia, particularly for noting the consequences if we fail to act and the absolute necessity to reform an in-

efficient delivery system. I turn now to Senator TOM UDALL of New Mexico. As a Member of the House, Senator UDALL was a champion of preventive health care initiatives, including legislation to encourage employers to offer wellness programs to workers.

I yield 4 minutes to the Senator from New Mexico.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. UDALL of New Mexico. Madam President, if we want to do something about runaway health care costs, the way to control them is to institute prevention and make prevention a major part of this bill. We are in danger of systematically neglecting prevention. I believe if we focus on prevention, we can get control of the cost curve. Prevention can mean clinical services such as mammograms and colonoscopies and cholesterol screens. The good news is that most of the bills being considered would make these services much more accessible and affordable. But successful reform also means addressing another aspect of prevention. I am talking about primary prevention, the kind that keeps people from getting sick in the first place.

Evidence suggests that primary prevention should focus on three behaviors: physical activity, nutrition, and smoking. But the reality is, whether through personal choice or lack of options, too many Americans are struggling. Today two-thirds of Americans are overweight or obese and often more than 20 percent smoke. Things are even worse for minorities who often suffer the most from the lack of preventive care.

In my State, we have a diabetes epidemic among Native Americans and Hispanics. We are in this crisis today because we have neglected prevention for years. Of the more than 2 trillion we spend on health care each year, only 4 cents of every dollar is invested in prevention. It doesn't make sense. Studies have shown that primary prevention will not only save lives, it will also save money. In New Mexico, a \$10-per-person investment in community-based prevention programs would save \$88 million annually. Nationally that translates to more than \$16 billion annually. That is a return of \$5.60 for every \$1 invested.

We have solid evidence that we can spend less on health care while saving more lives. So what should we do? Experts say effective prevention must address three levels: the individual, the institutional, and the environmental. Individual prevention is about Americans making the right choices for themselves. This means choosing nutritious foods, maintaining an active lifestyle, avoiding excess weight, avoiding smoking, drug abuse, and excessive drinking. Institutional and environmental prevention helps individuals stay on the path to a healthy lifestyle. This could mean incentives for physical activity, disincentives for smoking, and nutritional labeling on menus.

It could also mean more bike paths and more school gardens.

Legislation approved by the HELP Committee would establish a new fund to support these activities. This kind of dedicated, stable funding stream is critical to effectively address America's legacy of neglect regarding prevention. There is an often-quoted parable that tells of a nurse fishing downstream. As she fishes, she sees a person coming down the river struggling for life. The nurse pulls him out. Then, another comes and again must be rescued. This happens all afternoon and the nurse tires from constantly pulling people out of the river. Eventually, she realizes she has to get upstream, to see what is pushing them in the river in the first place.

It is time for America to look upstream, to see where the real problems lie. It is time to honestly address these preventable health problems.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. Madam President, I thank Senator UDALL for his clarion call for primary prevention to save lives and save dollars.

We now turn to Senator MARK UDALL of Colorado. As a Member of the House of Representatives, Senator UDALL championed legislation highlighting the health benefits of physical activity for the public.

I yield 4 minutes to the Senator from Colorado.

The PRESIDING OFFICER (Mr. WARNER). The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, let me start by thanking my colleague, the Senator from Oregon, for holding this important gathering on the floor of the Senate this morning.

Mr. President, as my fellow freshmen have stressed, health insurance reform is essential in helping us lower spending, chip away at our Federal deficit, and strengthen our economy.

While the reform proposals before us would contain costs across the board, I wish to focus on a particular area of health care reform near and dear to nearly 45 million Americans, and that is Medicare. Reforming how we pay for Medicare and how we spend those valuable taxpayer dollars is one of the biggest cost-containing tools we can include in health care reform, and it will also improve the health of seniors.

Coloradans have rightly asked me and Senator BENNET how health care reform can reduce government spending on Medicare while at the same time strengthen benefits and improve their health. They want to know how they can be getting more as the government spends less.

The answer is that health insurance reform can make our government and us smarter consumers. Because right now, 30 to 50 percent of spending on health care does not make a patient healthier. That is a lot of room for savings.

Let me give you an example. Today, Medicare actually pays doctors and

hospitals more to amputate a leg than it does to treat early diabetes and actually prevent that amputation. Our government should be paying for quality outcomes, not writing checks that encourage expensive care that could have been prevented in the first place.

Let me give you a couple of examples of how reform can change these incentives, help improve care for our seniors, and also decrease costs for all of us, the taxpayers.

First, reform can lower the rate of unnecessary hospital readmissions. Right now, one-quarter of all Medicare patients who are discharged from a hospital end up going back into that hospital for the same problem. Health reform would reward hospitals such as Saint Mary's in Grand Junction, CO, which coordinates care and followup to make sure patients do not end up back in the hospital.

Second, reform can hold hospitals accountable if they are not doing enough to reduce the number of patients who develop infections in their facility. Such infections cause seniors to stay in the hospital longer, cost tens of thousands of additional dollars to treat, and—in the worst cases—they are life threatening.

Health care reform would also invest in and encourage innovative ways to deliver more efficient care to seniors. So-called patient-centered care can prevent seniors from being admitted to the hospital in the first place.

You will notice a theme here: The government would be paying less when we pass health reform, and seniors would be healthier for it.

I have not even touched on the billions of dollars per year in waste, fraud, and abuse that health insurance reform will help wring out of the system. I also have not discussed the tough cost-controlling mechanisms, such as a new Medicare payment advisory body to ensure Medicare dollars are being spent efficiently to improve patient care and balance our Federal checkbook.

The reforms we are considering are critical to changing the way the government pays for Medicare so we can ensure its long-term sustainability. The reality is, if we do not act, as was mentioned early this morning—if we keep spending as we do today—Medicare will be bankrupt by 2017, just 8 years from now. That is a sobering thought.

If we take the step to reform our health care system, it will have the immediate effect of extending the life of our Medicare trust fund for 5 more years, and at the same time we will lay down a foundation that will keep costs down in the long term so we can make Medicare sustainable for generations to come.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I thank Senator UDALL very much for his remarks. I thank the Senator for

his emphasis on quality outcomes and patient-centered care as a way to improve care and to decrease costs.

We will now turn to Senator KAY HAGAN of North Carolina. As a State senator in North Carolina, Senator HAGAN worked to extend health insurance to uninsured children, to expand care for uninsured patients living in rural areas of the State, and to end insurance discrimination against mental health care patients.

I yield Senator HAGAN 4 minutes.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I thank my fellow colleague from Oregon, Senator MERKLEY. I also welcome our new colleague from Massachusetts.

I am joining my freshmen colleagues on the floor today to talk about how health care reform will improve women's access to care. I received a heart-breaking e-mail this week from a young woman in North Carolina. When this woman was 27 years old, she was diagnosed with breast cancer. She had a 16-month-old son and was in an abusive relationship with her husband. Her husband knew she would not leave him because she could not afford medical treatment without his employer-provided insurance. She looked into COBRA. She looked into other individual insurance plans. But her breast cancer was, obviously, considered a preexisting condition. So for 7 years, this woman stayed in an abusive relationship because she had to have health insurance for herself and her child. Unfortunately, women across America face similar challenges to exactly what that woman has faced. Inefficiencies and discriminatory practices in our health care system disproportionately affect women. In a majority of States, insurance companies are permitted to charge women more than men for the exact same insurance policy. In Washington, DC, and in eight States, insurance companies can deny coverage to victims of domestic violence, citing that as a preexisting condition. In all but 12 States, insurance companies are allowed to charge women more than they charge men for coverage. In my family, my daughter, who just graduated from college—out there looking for health insurance on her own—was quoted many times more money for her coverage than if she had been a male.

Only 12 percent of individual market policies provide comprehensive maternity care. When women do have health insurance, it often does not cover basic preventive care such as mammograms and Pap smears. In the HELP Committee and in the Finance Committee bill, insurance companies can no longer charge women more than men or use preexisting conditions to prevent anyone from purchasing health insurance, and we are ensuring that basic preventive screenings will be covered.

I am focused on sending our President a bill that ends discriminatory

practices against women, provides security and stability for people with insurance, expands access to health insurance for those without it, and slows down the skyrocketing cost of health care. Women across America cannot afford inaction any longer.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I thank Senator HAGAN very much for her comments and her observations about how the current health care system, the current rules of insurance, including the ability to turn down patients and to deny folks with pre-existing conditions, works to discriminate against women and prevent preventive health care.

We will now turn to Senator KIRSTEN GILLIBRAND of New York. As a Member of the House of Representatives, Senator GILLIBRAND was a champion of children's and family health care issues and was a leading voice on the need to improve health care services for America's veterans.

I yield my friend from New York 4 minutes.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Mr. President, right now we are engaged in a historic debate about the future of our health care system. The crisis has reached historic proportions, and Congress must act now.

In 2000, family health insurance purchased through an employer was approximately \$6,700. In 2008, it nearly doubled to \$12,600. If we do not act now, by 2016, family health insurance is expected to double again, to nearly \$24,300.

We pay nearly twice the average of what other developed nations pay for health care: \$2.2 trillion a year—more than 16 percent of our gross domestic product. However, the United States ranks 29th in the world in infant mortality.

We have more than 47 million uninsured Americans. In 2007 and 2008, 86.7 million Americans—1 out of every 3 Americans under 65—went without health insurance for some period of time.

There is a hidden tax in America's health care system that all insured Americans pay to cover the cost of emergency care for the uninsured. For more than half of the 47 million Americans who do not have insurance, the only care they receive is through the emergency room. In fact, that hidden tax costs about \$1,100 per year for family insurance premiums and over \$400 per year for individual insurance premiums.

Every day we fail to act, 14,000 Americans lose their health insurance. We must provide affordable, quality health insurance to every man, woman, and child in this country. But we also must take additional steps to contain costs and make sure our system is more efficient. The health care reform plans we

are considering today will address a number of these issues.

First, health care providers will be rewarded for the quality of the care they provide, not just the quantity. Hospitals and clinics around the country will model the success at places such as Bassett Healthcare which is in Cooperstown, NY, and is one of the leading health care providers in terms of positive outcomes because of the quality of care. We will also employ new methods to reduce medical errors through accountability and through health care IT, and prevent costly illnesses through better care management, through diet, exercise, and preventing diseases, such as preventing childhood obesity.

Second, we will address the needless redtape and excessive administrative costs in our current health care system. Senate health insurance reform combats this problem by setting administrative standards that insurance companies must meet, and providing new tools to combat fraud. I would like to see a universal, one-page form that all people can use for reimbursements for all insurance companies that can be submitted on line. Changes like that could transform efficiencies in the market.

Finally, we will make use of health care technology that could reduce health care spending by \$77 billion a year. Currently, just 1 in 25 American physicians utilizes fully functional electronic medical records. Senate health insurance reform expands the use of electronic prescribing, electronic health records, and electronic support for diagnosis and treatment options. Studies have shown that one out of every four tests is needlessly done because there is no record of that test. This must change.

We know our Nation's health care costs are steadily bankrupting our government and our citizens, and we owe it to every generation that comes after our own to act now.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I thank my Democratic freshmen colleagues for coming to the floor today to talk about our broken health care system and the absolute necessity to control costs in this system, that we are on a train headed for a wreck. It is making it so difficult for families and small businesses and large businesses to afford health care, to establish a high quality of life, strong, thriving small businesses and international competitiveness for our large businesses. We can and must improve our health care system. The moment is now.

I thank my colleagues for coming to the floor and sharing their vast experience in so many different capacities and bringing it to bear on this challenge that touches the life of every single American.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

## ORDER OF PROCEDURE

Mr. ALEXANDER. Madam President, I ask unanimous consent that the Senator from Georgia and I be permitted to engage in a colloquy.

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

Mr. ALEXANDER. Madam President, I ask if the Acting President pro tempore will let me know when we have 5 minutes remaining on the Republican side.

The ACTING PRESIDENT pro tempore. All right.

## HEALTH CARE REFORM

Mr. ALEXANDER. Madam President, the Senator from Georgia and I wish to talk a little bit today about the health care plans coming through. Fundamentally, our position is that we do not want to see another Washington takeover. We are deeply concerned about the cuts in Medicare that will affect seniors, about the taxes—both the increase in Federal taxes and State taxes, which we will talk more about—about the trillion dollars in new spending, and about the threats to the health care choices the legislation coming through would pose.

Instead of such a large enterprise as what I have just described, we would propose that we take practical, small steps to reducing costs such as allowing small businesses to pool their resources, reducing junk lawsuits against doctors, allowing consumers to purchase across State lines, and creating health insurance exchanges. There are other steps that could be taken; in other words, instead of scaring the country half to death with new taxes and Washington takeovers and threatening their health care choices, let's don't throw the whole system out. Let's take practical steps to reduce costs and to improve services.

Today we wish to specifically talk more about two government-run programs that already exist. One is Medicaid, which is the program for low-income Americans that today serves about 59 million Americans. About 60 percent is paid for by the Federal Government and about 40 percent by the States. The second is Medicare, which seniors know very well because about 40 million American seniors are dependent upon Medicare. We are concerned because the proposals coming through the Senate Finance Committee would shift costs of Medicaid to the States, causing State budgets to be put in ruin, according to the Governors of those States, and either taxes go up or services are cut. We are concerned because the President and others have said we are going to pay for this big new program by savings in Medicare, not to be put in Medicare for seniors, but for the new program.

A lot of people say it is hard to find opportunities for bipartisanship when we talk about health care, but I think



I have found one. I am on the Senate floor today to say I would like to be a cosponsor of the Reid amendment, the proposal by the majority leader of the Senate—the respected HARRY REID from Nevada. The New York Times reported yesterday that the majority leader had heard from his Governor and from other people in his State, and he was deeply concerned about the legislation that is coming through because it would increase costs in Nevada.

In fact, I have a copy of the letter from the Governor of Nevada to majority leader HARRY REID, and it says: As you know, like the U.S. Constitution, most State constitutions require a balanced budget, including Nevada. Nevada will spend \$907 million for programs on Medicaid. This is about 14 percent of our budget. We can't afford more taxes. Revenues are down.

So the majority leader did exactly what I think a Senator would do. He introduced an amendment, or proposed an amendment, to the Senate Finance Committee and said: Take care of Nevada. If the Federal Government is going to expand coverage for Medicaid, then the Federal Government ought to pay for it.

That is exactly what I believe. That is exactly the opinion of all of the Governors. The National Governors Association, of which I used to be chairman, has said to us: If you are going to expand Medicaid, if that is your big idea in Washington, then pay for it.

Nothing irritates Governors and legislators more than Washington politicians who come up with big ideas, announce them, take credit for them, and then send the bill to the Governor and the legislature. I was a Governor. The Senator from Georgia was in the Georgia Legislature for 17 years. He was the leader of the Republicans in the senate for 8 years. He knows a good deal about State budgets and about the Medicaid Program and how it is an integral part and a very difficult problem for State governments.

I am wondering if the Senator from Georgia thinks there might be opportunity for more bipartisan support for Senator REID's amendment to have the Federal Government pay for 100 percent of Medicaid costs if Medicaid is expanded.

Mr. ISAKSON. Well, I think the majority leader is exactly right. There is a prime example of what happens when the Federal Government mandates a benefit or a program and doesn't pay for it; the States end up having to do it. Just take No Child Left Behind or take the Elementary and Secondary Education Act, and IDEA. Back in 1978 we mandated funds to be appropriated for individuals with disabilities in America. In fact, we mandated States spend 40 percent per FTE more on a special needs child than on a regular child. We never sent them a dime for about 20 years. We finally, in 1999, started paying part of that 40 percent. Now we are only paying half of it.

So now we take Medicaid. Medicaid is a program, for the people out there

who are listening today, where the States pay about one-third of Medicaid and the Federal Government pays about two-thirds. It changes a little bit, but that is about right. The State runs the program; the Federal Government mandates the program.

When I was first elected to the Georgia Legislature, the expenses for Medicaid the year I was elected in the State budget were \$20 million, State funds. That was 1 percent of the State's \$2 billion budget. Now, today, this year, even with all of the cuts that have taken place, Medicaid is 12 percent of Georgia's budget. So it has grown from 1 percent of the budget to 12 percent of the budget in about 30 years.

Plans in the health care bill that are being talked about in the Finance Committee and that have been talked about in the House would mandate an increase of 150 percent—from 100 percent of poverty to 150 percent of poverty for Medicaid eligibility. It is said the States will be held harmless until 2013 or 2014 but no promises after that.

Let me tell my colleague what would happen to my State of Georgia if we raised mandatory eligibility to 150 percent of poverty and the State paid its third of that one-third, two-thirds matched by the Federal Government. It would raise Georgia's Medicaid budget expenses annually from 12 percent of our budget to 20 percent of our budget, \$3.32 billion. States can't afford to do that.

As the Governor of Nevada said, 43 of our States can't deficit spend; 43 percent of our States must balance their budgets. Medicaid has been carved on and worked on as it is to try and preserve it under the existing law. With a 150-percent increase in eligibility and no funds from the Federal Government guaranteed, the States would be put in a position of spending one penny out of every five on Medicaid, which is about 12 percent of my State's population. That is disproportionate and it is not fair.

I think Senator REID is exactly right. Our States should be held harmless on any mandated increases in Medicaid.

Mr. ALEXANDER. Mr. President, going back to the Senator's point, the thing I think about, those of us who have been a Governor or in the legislature—in fact, I have said to some of my colleagues many times that if we expand Medicaid for low-income Americans—which States have to pay a third or more of—without paying for it, that we Senators ought to be sentenced to go home and serve as Governor for 8 years to see what it is like. I mean that because I can remember as Governor for 8 years balancing budgets, first I would come up with the money for kindergarten through the 12th grade—that was a pretty set amount—then for the highways, and then for the prisons, and I would get down toward the end and there would be a certain amount of money left to either go into higher education or it would go for increasing

Medicaid costs. Almost always that was the choice. If I put it into Medicaid, I had to take it out of education, and that would keep the University of Tennessee or Georgia or the community colleges from getting better.

Guess what happens when the State can't put the money in. The tuition rates go up.

Mr. ISAKSON. It is interesting the Senator talked about that. By the way, his experience as Governor was a great experience for Tennessee, and the Senator's leadership in education was phenomenal. But already with the restricted economy we have today and the recession in my State, our teachers this year are having to take a minimum of 3, and at the university system a maximum of 6, furlough days without pay just to try and meet the balanced budget. Part of that is the pressure of Medicaid, which is an entitlement. We cannot decide to just not pay Medicaid, we have to do it. It is a Federal law; the State has to run it.

What the States are having to do this year—my State of Georgia and I think the State of Tennessee has probably experienced some of the same thing—they are having to cut back on other programs in order to still manage Medicaid.

In a State, when they say “other programs,” they are talking first and foremost about education. In Georgia, 54 percent of the budget is the university system and elementary and secondary education, one out of every two cents. Well, if they can't cut Medicaid because it is an entitlement, then they have to cut education first and foremost, which is the most important function of State government. So the unintended consequences of such a mandate are going to be devastating. They only have two choices: to continue to cut education or to raise taxes. Neither one of those are a good choice.

Mr. ALEXANDER. There is an article in the New York Times today which I ask unanimous consent to have printed in the RECORD.

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

[From the New York Times, Oct. 1, 2009]

RATE OF ENROLLMENT IN MEDICAID ROSE RAPIDLY, REPORT SAYS

(By Kevin Sack)

The recession is driving up enrollment in Medicaid at higher than expected rates, threatening gargantuan state budget gaps even as Congress and the White House seek to expand the government health insurance program for the poor and disabled, according to a survey released Wednesday.

The annual survey of state Medicaid directors, conducted for the Kaiser Family Foundation's Commission on Medicaid and the Uninsured, found that the program had been spared the worst effects of massive state budget shortfalls because of federal aid in the stimulus package. But it also revealed grave concerns about what will happen when that relief dries up at the close of 2010.

As unemployment surged, enrollment in state Medicaid programs grew by an average of 5.4 percent in the previous fiscal year, the



highest rate in six years, according to the Kaiser survey. In eight states, the growth exceeded 10 percent.

Last year's average growth was well above the 3.6 percent that had been forecast by the Medicaid directors a year earlier. In this year's survey, the directors projected that enrollment would continue to accelerate in the current 2010 fiscal year, growing by 6.6 percent.

The states and the federal government share the \$333 billion annual cost of Medicaid, which insured 62 million low-income and disabled people at some point in 2007. It is the states, however, that regulate that spending by setting eligibility cutoffs, benefit levels and provider payments, within federal guidelines.

The Kaiser survey found that the growth in Medicaid spending in 2009, at 7.9 percent, was the highest in five years. That number also may increase this fiscal year. Three-fourths of the agency directors said they already fear their appropriations will not be enough and that lawmakers will have to find more money or, more likely, cut benefits or provider payments.

One such state is Nevada. "We're seeing the trajectories of our enrollment growth as well as our revenues all going in the wrong direction," said Charles Duarte, administrator of the state's Division of Health Care Financing and Policy.

Medicaid is, by definition, a countercyclical program. Demand for it is always highest at the time that states can least afford it because of slumping tax revenues.

The highest spikes in Medicaid enrollment often trail the worst recessionary indicators. It was not until a year after the 2001 recession that the growth in Medicaid enrollments peaked at 9.3 percent.

Vernon K. Smith, who directed the survey for Health Management Associates of Lansing, Mich., said he doubted that enrollment growth would reach that level as a result of this recession, but that it was not out of the question. "Significantly many states said the pace of growth accelerated as the year went on," he said.

Some states did cut certain Medicaid benefits last year, and two-thirds of them either froze or reduced payments to providers. Those payments are typically the lowest made by any insurer—often falling below actual costs—and as a result some physicians decline to accept patients with Medicaid.

Nonetheless, state budgets were buffered from even worse pain by the federal stimulus package enacted in February. The largest single component of state aid in the package, worth about \$87 billion, provided a temporary increase in federal Medicaid reimbursement to the states.

The survey found that 38 states used the money to avoid or reduce cuts in provider payments and that 36 avoided benefit cuts. Because the federal money was conditional on states not reducing eligibility for Medicaid, 14 states reversed previously enacted restrictions and five abandoned plans to tighten coverage.

But state officials are already panicking about how to compensate when the spike in federal matching funds expires at the end of 2010. Few anticipate any significant reduction in their Medicaid rolls by then.

"Many states believe they may be pressured to consider previously unthinkable eligibility and benefit reductions," the Kaiser report concluded. Unless Congress and President Obama extend the federal aid, the cuts needed to balance state budgets may be "on a scale not ever seen in Medicaid," the authors warned.

"What we will have to look at is wholesale elimination of eligibility groups," Mr. Duarte said.

Deborah Bachrach, New York's Medicaid director, said her state would face a \$5 billion annual gap and would have to consider deep cuts in home and personal care.

Both Mr. Duarte and Ms. Bachrach said there likely would be further cuts in provider payments. "This could affect access," Mr. Duarte said, "but we're at the point where that may be a secondary consideration."

Governors also have expressed concern about the fiscal impact of the health care legislation being negotiated in Washington, which would vastly expand eligibility for Medicaid as one means of covering the country's 46 million uninsured.

The program is largely limited at present to low-income children, pregnant women and parents of qualifying children. But under bills in both houses, eligibility would be granted to anyone with an income of up to 133 percent of the federal poverty level (currently \$29,326 for a family of four). That could add an estimated 11 million people to the rolls.

Initially, the federal government would absorb most of the cost. But the bills vary on that score and some states may bear higher costs than others. Three-fourths of the Medicaid directors said they thought the changes might deepen their budget holes.

"Many officials felt that their states would be unable to finance the cost of a Medicaid eligibility expansion unless the federal government assumed 100 percent of the costs, especially during the early years," the report said.

Mr. ALEXANDER. Mr. President, the headline is "Rate of Enrollment in Medicaid Rose Rapidly, Report Says."

The recession is driving up enrollment in Medicaid at higher than expected rates, threatening gargantuan State budget gaps—

This is the New York Times; this is not the Republican Party saying this—even as Congress and the White House seek to expand the government health insurance program for the poor and disabled.

It goes on to say:

As unemployment surged, enrollment in State Medicaid programs grew by an average of 5.4 percent in the previous fiscal year, the highest rate in 6 years . . . in eight States, the growth exceeded 10 percent.

Three-fourths of the agency directors of Medicaid said they already fear their appropriations will not be enough and that lawmakers will have to find more money or, more likely, cut benefits or provider payments.

One such State is Nevada.

The home State of the majority leader.

We're seeing the trajectories of our enrollment growth as well as our revenues all going in the wrong direction—

Said their head of financing. State budgets were buffered from even worse pain by the stimulus package, but the New York Medicaid director said her State would face a \$5 billion annual gap and would have to consider deep cuts in home and personal care, and that is before we make any changes or add any costs.

When the Federal Government talks about adding State Medicaid costs:

Three-fourths of the Medicaid directors—

The New York Times said—said they thought the changes might deepen their budget holes.

What do you suppose in Georgia—already struggling in the way you have

just described—would happen if—and this is why we said we insist on reading the bill before we vote on it and knowing how much it costs before we vote on it. We want to know exactly what the provisions are because I hear that States will be required to pay 5 to 22 percent in the first 5 years of the Medicaid expansion, and then after 5 years they might have to go up to 35 percent or so.

What do you suppose will happen to Georgia if these kinds of costs are added to the State budget?

Mr. ISAKSON. I will tell you a little story that happened in the month of August that is indicative of what is going to happen in Medicaid services if we have the continuing pressure. I was in Forsyth, GA. It is about halfway between Macon and Atlanta. I had done a speech at the Law Enforcement Training Center and decided to go into the local sandwich shop in downtown Forsyth and have a sandwich and greet people and say hello. I had greeted people and said hello. There were about 10 of them in the room. I went up to get my sandwich. When I came back this lady had circled all the tables around and saved a seat for me, and said: Senator, we are going to have a townhall meeting. They started talking to me about their concerns.

Toward the end of the meeting, one gentleman at the end of the table finally said: Senator, I want to tell you a story. I am a pediatric ophthalmologist. I am the last pediatric ophthalmologist who takes Medicaid patients.

He said: I just want to tell you what is happening because of the pressure on Medicaid expenses.

He said: I have a child right now who has a condition where if it is not addressed, the child will go blind. There is a medicine, it is very expensive, but it can restore the cornea and the lens and help that child to be able to see. We have submitted it three times to Medicaid, and they will not pay it. It is the only drug. There is not an option. There is not a generic substitution. It is one of the breakthroughs.

So what we have already going on in health care and in our entitlement programs, but in particular in Medicaid, is we try and manage the expense by lessening the amount we reimburse. The unintended consequence of that is we lose physicians who finally say: I am just not going to take Medicaid patients anymore.

Then, the ones who finally are doing it, then we start to see what they submit as a treatment not being approved for reimbursement. So the unintended consequence of putting even more pressure on the Medicaid system is going to put more pressure to ration health care for all Medicaid patients, and that is not fair nor is it right.

Mr. ALEXANDER. No, it is not fair or right. The Governors have said, Democratic and Republican Governors—and the Senator raised a second point about this Medicaid expansion: that dumping millions more low-

income Americans into Medicaid is not health care reform because Medicaid, as the Senator just pointed out, so poorly reimburses the doctors and the hospitals that about 40 percent of doctors will not see Medicaid patients.

So when we say to someone: Congratulations, we have just fixed the health care system; we have dumped you into Medicaid, you are giving somebody a bus ticket to a bus system that operates 60 percent of the time. So the first thing we are doing with the proposal as it is coming toward us is we are—and I am not exaggerating—we are potentially bankrupting States.

Speaking of States, let me just share one letter with Senator ISAKSON from the Governor of California.

This is a State that has really struggled with its budgets. They have a number of problems.

Here is what the “Terminator” has to say. He wrote to Senator REID and to Senator MCCONNELL on the Republican side and Speaker PELOSI. It is a long letter. This is the basic idea. Arnold Schwarzenegger says:

I will be clear on this particular proposal: if Congress thinks the Medicaid expansion is too expensive for the federal government, it is absolutely unaffordable for states.

Governor Schwarzenegger goes on to say:

Proposals in the Senate envision passing on more than \$8 billion in new costs to California annually—crowding out other priorities or constitutionally required state spending and presenting a false choice for all of us. I cannot and will not support federal health care reform proposals that impose billions of dollars in new costs on California each year.

I ask unanimous consent that this letter be printed in the RECORD.

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

JULY 31, 2009.

Hon. HARRY REID,  
*Majority Leader U.S. Senate, Washington, DC.*  
Hon. MITCH MCCONNELL,  
*Minority Leader, U.S. Senate, Washington, DC.*  
Hon. NANCY PELOSI,  
*Speaker of the House, House of Representatives, Washington, DC.*

Hon. JOHN A. BOEHNER,  
*Minority Leader, House of Representatives, Washington, DC.*

DEAR SENATOR REID, SENATOR MCCONNELL, MADAM SPEAKER AND MR. BOEHNER: I appreciate your commitment and hard work toward reforming the nation's health care system. I think we can all agree that the current system is not working as it should, and I have long supported a significant overhaul. Costs continue to explode, while tens of millions remain uninsured or underinsured. Many families are one illness away from financial ruin—even if they do have insurance. We have the greatest medical technology in the world at our fingertips, yet Americans' health status lags behind many countries that spend less than half what we do per capita. Any successful health care reform proposal must be comprehensive and built around the core principles of cost containment and affordability; prevention, wellness and health quality; and coverage for all.

#### COST CONTAINMENT AND AFFORDABILITY

Cost containment and affordability are essential not only for families, individuals and

businesses, but also for state governments. Congress is proposing significant expansions of Medicaid to help reduce the number of uninsured and to increase provider reimbursement. Today, California administers one of the most efficient Medicaid programs in the country, and still the state cannot afford its Medicaid program as currently structured and governed by federal rules and regulations. The House originally proposed fully funding the expansion with federal dollars, but due to cost concerns, members decided to shift a portion of these expansion costs to states. I will be clear on this particular proposal: if Congress thinks the Medicaid expansion is too expensive for the federal government, it is absolutely unaffordable for states. Proposals in the Senate envision passing on more than \$8 billion in new costs to California annually crowding out other priority or constitutionally required state spending and presenting a false choice for all of us. I cannot and will not support federal health care reform proposals that impose billions of dollars in new costs on California each year.

The inclusion of maintenance of effort restrictions on existing state Medicaid programs only compounds any cost shift to states. We simply cannot be locked into a cost structure that is unsustainable. Governors have three primary ways to control Medicaid costs: they can adjust eligibility, benefits and/or reimbursement rates. Maintenance of effort requirements linked to existing Medicaid eligibility standards and procedures will effectively force state legislatures into autopilot spending and lead to chronic budget shortfalls.

The federal government must help states reduce their Medicaid financing burden, not increase it. A major factor contributing to Medicaid's fiscal instability, before any proposed expansion, is that the program effectively remains the sole source of financing for long-term care services. Therefore, I am encouraged by congressional proposals that create new financing models for long-term care services. Proposals that expand the availability and affordability of long-term care insurance are steps in the right direction, but they must be implemented in a fiscally sustainable way. More fundamentally, however, the federal government must take full responsibility for financing and coordinating the care of the dually eligible in order to appreciably reduce the cost trend for this group. This realignment of responsibilities is absolutely essential to controlling costs for this population, while ensuring that state governments will be better positioned to fill in any gaps that will undoubtedly arise from federal health care reform efforts.

I also encourage Congress to incorporate other strategies to help stabilize Medicaid costs for states. Delaying the scheduled phase-out of Medicaid managed care provider taxes pending enactment of new Medicaid rates, reimbursement for Medicaid claims owed to states associated with the federal government's improper classification of certain permanent disability cases, and federal support for legal immigrant Medicaid costs are examples of federal efforts that could provide more stability to state Medicaid programs. Moreover, given the fiscal crisis that many states, including California, are experiencing, I strongly urge Congress to extend the temporary increase in the federal matching ratio to preserve the ability of state Medicaid programs to continue to provide essential services to low-income residents pending full implementation of national health reform.

#### PREVENTION, WELLNESS AND HEALTH QUALITY

Prevention, wellness and health promotion, along with chronic disease manage-

ment, can help to lower the cost curve over the long run and improve health outcomes in the near term. This was one of the cornerstone pieces of my health care reform proposal in California, and I continue to believe it should be a key piece of the federal efforts. Prevention, wellness and chronic disease management programs should include both the individual and wider population levels.

At the individual level, proposals to provide refunds or other incentives to Medicare, Medicaid and private plan enrollees who successfully complete behavior modification programs, such as smoking cessation or weight loss, are critical reforms. To ensure they are widely used, individual prevention and wellness benefits should not be subject to beneficiary cost sharing.

Because individuals' behaviors are influenced by their environments, health reform must place a high priority on promoting healthy communities that make it easier for people to make healthy choices. California has demonstrated through its nationally recognized tobacco control efforts that population-based strategies can be effective and dramatically change the way the people think and act about unhealthy behaviors, such as tobacco use. A similar model, community transformation grants, has been advanced in the Senate Committee on Health, Education, Labor, and Pension legislation, and it should be included to support policy, environmental, programmatic and infrastructure changes that address chronic disease risk factors, promote healthy living and decrease health disparities.

Quality improvement measures are also critical to health reform. The House proposal for a Center for Quality Improvement to improve patient safety, reduce healthcare-associated infections and improve patient outcomes and satisfaction is a positive step. Coordinated chronic disease management is necessary to improve outcomes for chronically ill people. Systematic use of health information technology and health information exchange, including access for public health agencies, is vital to providing the necessary tools to measure the success of quality improvement efforts. Finally, investments in core public health infrastructure can be facilitated through the creation of the proposed Prevention and Wellness Trust.

#### COVERAGE FOR ALL

Coverage for all is also an essential element of health care reform and I believe an enforceable and effective individual mandate, combined with guaranteed issuance of insurance, is the best way to accomplish this goal. The individual mandate must provide effective incentives to help prevent adverse selection that could occur if the mandate is too weak. Creating transparent and user-friendly health insurance exchanges to help consumers compare insurance options will also help facilitate participation. States should maintain a strong role in regulating the insurance market and have the ability to maintain and operate their own exchanges, with the understanding that some national standards will need to be established. California has a long history of protecting consumers through our two separate insurance regulators, one covering health maintenance organizations and the other monitoring all other insurance products. Maintaining a strong regulatory role at the state level is in the best interest of consumers, and I urge Congress to maintain this longstanding and effective relationship as you design these new market structures.

I hope our experience in California working toward comprehensive health care reform has informed the debate in Washington. There will be many short-term triumphs and seemingly insurmountable roadblocks for

Congress and the nation on the road to comprehensive health care reform. We must all remain focused on the goal of fixing our health care system and remember that we all have something to gain from the reforms, and we all have a shared responsibility to achieve them. I look forward to working with you as you move forward on this desperately needed legislation.

Sincerely,

ARNOLD SCHWARZENEGGER.

Mr. ALEXANDER. Madam President, I say to the Senator from Georgia that we are not being clever when we say we would like to be cosponsors of the Harry Reid amendment. The problems of the States are so well documented today. They don't just exist in Nevada or the two or three other States he picked out yesterday; they exist in California, which is now not part of the Reid amendment. I guess that Senators FEINSTEIN and BOXER would be happy to cosponsor the Reid amendment if it included California. I certainly would be if it included Tennessee. I know the Senator from New York and others would be also.

Our States cannot afford to have the Federal Government say: We are going to expand your health care, Mr. and Mrs. Low-Income American. It is not a very good health care program. And then we are going to send 40 percent of the bill to States that are already bankrupt, making it more difficult for them to provide good care.

Mr. ISAKSON. The Senator from Tennessee has said frequently over the last couple of months that what we really need to do is take a step-by-step approach. Comprehensive health care reform's unintended consequences will be a disaster because it affects 17 percent of the economy. You are taking the entitlements and 86 percent of the people who have some coverage and you are threatening that they have to go into a government option. This Medicaid debate is a good example of how we need to take a step-by-step approach, we need to take first things first.

In the report before our committee, the HELP Committee, on which we serve together, we spent 6½ hours in the markup on that bill during the months of June and July. We heard about the uninsured and the uncovered in America. Of that 14 to 16 percent we hear about, a number of them are Medicare or Medicaid eligible, and they are not enrolled. So the first step we ought to take is to say we are going to create a mechanism where every Medicaid-eligible person and Medicare-eligible person is covered, which would probably mean that when someone visits a hospital because they are ill and they are qualified for Medicare or Medicaid, they get enrolled automatically so that they do have the coverage. That is the first step we ought to take in terms of entitlement.

Then we can take another part of the uninsured—those people you and I talk about, the independent contractors, small businesspeople—and we can allow the forming of risk pools across State

lines and insurance sales across State lines and allow like professions to associate together to form larger risk pools to compete with major corporations. And then insurance becomes more accessible and affordable.

This debate we are having over Medicaid and the Governors' immediate reaction—which is 100 percent of the Governors, not just a couple—demonstrates to us that we need to slow down and take step-by-step approaches to begin addressing the uncovered and uninsured without creating unintended consequences that bankrupt States and ration health care.

Mr. ALEXANDER. The Senator is being very sensible. I think most Americans would agree with us that our goal is to reduce the costs of health care—reduce the costs of your health care insurance when you buy it and reduce the costs to your government that is running up a big debt every year.

The Senator from Georgia mentioned two specific ways we can take steps in the right direction without getting into this business of taking over so much in Washington, with trillions of dollars of debt, passing on big taxes to States, and cutting Medicare and threatening seniors in a whole variety of other ways. One was to allow small businesses to pool their insurance so they could offer more to their employees. That could affect millions of Americans. Another was to sign up more people who are already eligible. Another is to do something about junk lawsuits against doctors that are driving up costs. Another is to create more insurance exchanges in the States. We have proposed these.

People say: Where is the Republican plan? If they are looking for some comprehensive, trillion-dollar, thousand-page bill, they are not going to see it. If they are looking for four or five practical steps to move in the right direction, we talk about that every day, and we are not afraid to warn against the big, thousand-page bill plans. We compliment the Senator from Nevada for recognizing that it would ruin his State if we passed this bill, and we hope we have the opportunity to cosponsor that amendment so it applies to every State.

Mr. ISAKSON. There is no question—when the Senator referred to independent contractors, I had a flashback to my 33 years in business. For 22 of those years, I ran a real estate brokerage company. I had accountants, secretaries, and backroom operators. All my salespeople were independent contractors. I provided group medical under ERISA for my secretaries, backroom operators, and my employees, but the Federal law—the IRS Code—prohibits an employer from providing health care to an independent contractor.

So here we have another unintended consequence of a Federal mandate that says to somebody: Simply because of the way in which you establish yourself and earn your income, some people can get group medical coverage and

some cannot. In the case of those who worked for me, it forced second-career, middle-aged people not to be able to participate in a group policy. They had to buy insurance in the spot market. That spot market in health care is expensive because there is no shared risk. You don't have young people, older people, and well people to balance the cost of the pool. You have one individual who, if they already have health problems, may be uninsurable because of a preexisting condition.

It is important that we look at the existing unintended consequences in the Tax Code that prohibit companies from being able to offer group medical insurance to the independent contractors who work for them.

Mr. ALEXANDER. That is exactly right.

As we think about Senator REID's amendment and also the step-by-step proposals, one way to describe his amendment is to say to Nevada—and Oregon, Rhode Island, and Michigan—that we are going to pay 100 percent of your Medicaid costs. That is a step in the right direction. I think that is the way I should characterize that. That is not a criticism of the majority leader. That is saying: Mr. Majority Leader, you are going in the right direction, but you didn't include Tennessee, and Tennessee is not expected to recover to the 2008 levels until 2014. State employees won't receive raises for 6 years, the reserves will be depleted, and there will be no new construction projects.

Our Governor, a Democrat, said this proposal is the mother of all unfunded mandates. So I think Tennessee Senators would like to be included in the Reid amendment. I imagine the Texas Senators would too. The Texas Medicaid office says the proposal would cost their State \$20 billion over 10 years if we here expand Medicaid there and make them pay for a third or 40 percent of that. The South Carolina Governor says it would cost their State \$1.1 billion over 10 years. I imagine those Senators would like to be a part of this. The Alaska Governor says it would cost \$140 million in State general funds. I imagine the Alaska Senators would like to cosponsor the amendment. Governor Schwarzenegger—I suppose his Senators would like to be part of this as well. The Nebraska Governor says this could mean higher taxes in Nebraska, cutting State aid to Nebraska school districts as well as State appropriations to universities. This proposal is not in Nebraska's best interest. The South Dakota Governor said so as well.

This is serious business for the States. It is easy, when you come to Washington, to forget about the States. In the States, if you are a Governor or if you are a legislator, as the Senator from Georgia and I have been, you have to put all your responsibilities out there ahead of you. The first one is education. You take the available money and spend it as best you can and you balance your budget. Then

you look up to Washington, and here comes some Congressman or Senator saying: I have a great idea; let's expand health care all over your State and you will pay for it. That is called an unfunded Federal mandate. It is the wrong thing to do. The Senator from Nevada noticed it in his State.

All States would like to be part of that amendment.

Mr. ISAKSON. I agree. You cannot just treat 4 States differently from the other 46. You have to treat everybody alike.

I say to Senator ALEXANDER that there is another step-by-step thing we ought to talk about. In the pay-fors—the Medicaid increase of 150 percent is a pay-for. It is part of the cost of insuring everybody. There is another one; that is, the assumed \$500 billion in savings from waste, fraud, and abuse in Medicare. I got a phone call—

Mr. ALEXANDER. That often confuses people. Medicaid is the program we have been talking about, of which States administer and pay a third or 40 percent. That has about 59 million people in it. The proposal is to move it to where one out of four Americans would be on Medicaid. There is also Medicare, which has about 40 million people, all seniors.

Mr. ISAKSON. This is my Medicare month. I am supposed to enroll. So it is now a personal issue with me.

Mr. ALEXANDER. That is the way it is with most Americans. It has become a personal issue, and I think that is why so many people are going to townhall meetings.

Mr. ISAKSON. I did a telephone townhall meeting, and a fellow said: Senator, I have a question for you. If there is \$500 billion in savings in Medicare, why aren't you all using it now to help save Medicare instead of giving it to another program to pay for it? Medicare is going broke by 2017.

Mr. ALEXANDER. Yes, and that is not just a casual statement. Those are the Medicare trustees, whose job it is to look over the Medicare money, who are saying it is going broke by 2015 to 2017.

Mr. ISAKSON. They are saying it is over. So we are selling a revenue saver to pay for the expansion of health care at the Federal level by saying we are going to reduce payout for seniors in Medicare by \$½ trillion in waste, fraud, and abuse. Well, assuming we know there is \$½ trillion there, it ought to already be cut out and it ought to be going into the Medicare trust fund to shore it up so it lasts longer than 2017. We should never promise we are going to pay for something on something we think is there and then just move the numbers down for the convenience of making a sale today.

I think, as a senior, and on behalf of all seniors, we all realize if that \$½ trillion isn't there in waste, fraud, and abuse, the first thing you are going to do is have reimbursements cut; the next thing, instead of three out of four doctors taking Medicare patients, it

will only be two out of four or one out of three; and pretty soon the next thing is that seniors will have health care that is inaccessible and their doctors will not be available. That is a dangerous road to go down.

Mr. ALEXANDER. I hear our friends on the other side say: Republicans are trying to scare you about Medicare cuts. We are not trying to scare anybody about Medicare cuts. We just listen, and the President said in his speech to us that the savings for this program—nearly \$½ trillion in savings to pay for the new program is coming from savings in Medicare. That is Medicare cuts. We know the specific proposals are \$130 billion in cuts to Medicare Advantage, which one out of four Medicare seniors has; \$120 billion in Medicare cuts to hospitals; \$40 billion to home health agencies; \$8 billion to hospices.

Our point, if I am correct about this—and if I am not, please correct me—of course there could be savings in Medicare, in the growth of it, but if we have savings in Medicare, we ought to put the money into Medicare; we ought not to take it from grandma and spend it on somebody else. That is the problem. The other day, the Senator from Kansas said it is like writing a check on an overdrawn bank account to buy a big, new car. Whatever money we ought to have ought to go in the overdrawn bank account, which is Medicare.

Mr. ISAKSON. That is correct.

Social Security is another example of what happens when you don't have good fiscal discipline. Unfortunately, for the better part of half a century, when people have paid their FICA taxes to go into the Social Security trust fund, it goes in and then immediately it is replaced by an IOU and the money is moved to general appropriations and spent. That is why Social Security is going broke in 2037. I just got my statement last week, and on the cover—everybody ought to read their Social Security letter, the column on the right-hand side which tells you what the trustees are telling you about the solvency of Social Security.

We cannot make any more hollow promises to the American people. We have to keep the promises we have made, and those promises are Medicare, Social Security, and Medicaid. So instead of expanding things we already can't afford, we need to be finding ways to stabilize them before we run off and make a promise we can't keep.

Mr. ALEXANDER. Madam President, how much time do we have remaining?

The ACTING PRESIDENT pro tempore. There is 13 minutes 54 seconds remaining.

Mr. ALEXANDER. Two minutes fifty-four seconds. If the Senator from Georgia will permit me, I ask unanimous consent to put in the RECORD the following—

The ACTING PRESIDENT pro tempore. The Senator has 13 minutes remaining.

Mr. ALEXANDER. I thought you said 2 minutes 54 seconds. We will continue. I remember former Senator WARNER once said when he first came to the Senate, he was sitting there wondering what to do. One of the older Senators came over and said to him: Son, you will have no trouble getting used to this. All you have to do is stand up and start talking and eventually you will think of something to say.

I think we have something of considerable importance to say. What we are saying is we need health care reform and the focus should be on reducing costs and we ought to go step by step toward those costs. That is our proposal, instead of these big, comprehensive, trillion-dollar, 1,000-page bills with all these unintended consequences.

We are talking about one of those unintended consequences, which is a very severe consequence for the States. The idea that Senators and Congressmen would decide to expand a program that is going to cover one out of four Americans, called Medicaid, and just send the bill to the States which, according to today's Wall Street Journal: "plunging state revenues noted that the second quarter was the worst performance for state taxes since at least the 1960s." This is not just Nevada and Michigan and Oregon and Rhode Island, which are the four States that were in the majority leader's amendment. This is virtually all the States.

If the Senator from Georgia will indulge me for a moment, I have several letters from Governors to Senators that I ask unanimous consent to have printed in the RECORD at the end of our remarks.

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

(See exhibit 1.)

Mr. ALEXANDER. Madam President, here is a letter to Mr. BILL NELSON, a Senator from Florida, from Gov. Charlie Crist, talking about enrollment in Florida's Medicaid Program increasing and how the State of Florida cannot afford to spend more.

I have a letter from Governor Otter of Idaho to Senator CRAPO: "It has been estimated that combined federal-state Medicaid costs in Idaho could increase by \$501 million."

I have a letter from Governor Daniel of Indiana to Senator LUGAR which says: "We have estimated that the price for Indiana could reach upwards of \$724 million annually."

We talk about big numbers in Washington so much that maybe this doesn't sound like much. But I did an estimate of what it would cost, I say to Senator ISAKSON, in Tennessee if we expanded Medicaid in the way it is proposed here and we increase the reimbursement rate so patients in Medicaid will actually have somebody to go see, a doctor or a hospital to go see. I said it equaled about a new 10-percent State income tax. Some group in Tennessee said: The Senator is wrong, it is only

about a 3-percent new State income tax. Well, either one, we don't want elected representatives in Washington deciding for us whether we want a new 10-percent or 3-percent State income tax.

There are just a few more I wish to include. I have a letter to Senator REED from the Governor of Rhode Island. Of course, Rhode Island was included in the majority leader's amendment. They should feel pretty good. They are going to get 100 percent of their Medicaid paid.

The Governor of Arizona has written to Senator MCCAIN and Senator KYL to point out that "Arizona is facing one of the worst financial deficits in the nation. . . ." If Arizona is facing one of the worst financial deficits in the Nation, why is it left out of the majority leader's amendment? It seems to me the citizens of Arizona deserve just as much attention. I imagine their Senators would like to cosponsor it as well.

I have a letter from the Governor of Louisiana talking about an unprecedented fiscal situation and the Governor of Mississippi saying:

In Mississippi, the issue of Medicaid expansion hits close to home, since our state's share of the Medicaid is currently \$707 million. . . .

"According to the National Association of State Budget Officers, Governor Barbour said, Medicaid expenses . . . were \$336 billion" for State and local government and a third of that is State money, and we are just going to up it. We don't raise that money, we just send them an edict from Washington and say: We have decided that a good thing to do is to increase the number of low-income Americans in your Medicaid Program and you pay for it, you take it out of this road, you take it out of this teacher's salary, you raise the tuition at the University of Tennessee or Georgia and you cut their State funds. That is up to you, but we are going to pass the program.

Here is a letter to the Senator from Nebraska saying this new unfunded Federal Medicaid mandate could result in higher taxes in Nebraska or in cutting State aid to Nebraska school districts. I imagine the Senators from Nebraska, both of whom were Governors, would be happy to be cosponsors of the Reid amendment.

Here is the letter to Senator GRAHAM from the Governor of South Carolina. Another from the Governor of Alabama; a letter from the Governor of Alaska and the Governor of Guam.

I say to Senator ISAKSON, we have been fairly specific on one point. I heard on the television this morning someone said this is so confusing to the American people; they don't understand it. I think they can understand an unfunded Federal mandate. I think they can understand the Governor has to raise taxes unless Congress pays 100 percent of it. I think they can understand it when the majority leader picks out four States and says we will pay 100

percent of ours and the rest want to be part of that as well.

Mr. ISAKSON. The American people understand. This colloquy has been helpful to demonstrate something, I say to Senator ALEXANDER. We on the Republican side have been accused from time to time of being obstructionists on health care reform. I think we indicated this morning we have been instructive, going on a step-by-step basis, dealing with the problems manageable one at a time, not sacrificing Social Security or Medicaid or Medicare, not sacrificing our States and forcing them into the impossible position of declining revenues and increasing costs through a mandated Federal program that, in the end, is only going to result in rationing of care to Medicaid-eligible beneficiaries and more and more pressure on our States already.

We are not trying to obstruct anything. We find it very instructive that there are ways, on a step-by-step basis, that we can close the gap on the number of uninsured people without taking away the benefits others have.

I thank the Senator for allowing me the opportunity to participate in this discussion. We are learning from our Governors. I have learned from my townhall meetings and from my visits in Georgia. We understand America is tuned in and a lot of America, 16 percent of it, needs attention for more affordable, accessible health care. Let's be about the business, on a step-by-step basis, of providing that and closing that gap without threatening to destroy the programs we have established over the years and promised to our seniors and to those less fortunate.

Mr. ALEXANDER. Madam President, I thank the Senator from Georgia for his experience in State government and for his comments today. We want the majority leader to know our comments yesterday were not to be critical of him, just to say we think he is on the right track. He said to four States: If we expand your Medicaid, we are going to pay for it. We would like to include all States.

I yield the floor.

#### EXHIBIT 1

STATE OF ARIZONA,  
Phoenix, AZ, July 16, 2009.

Senator JOHN MCCAIN,  
U.S. Senate,  
Washington DC.  
Senator JON KYL,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR MCCAIN and Senator KYL: Thank you for the opportunity to provide information about Arizona's Medicaid program, the Arizona Health Care Cost Containment System (AHCCCS).

As you know, Arizona is facing one of the worst financial deficits in the nation and projections show that the State is expected to make a slow recovery. In the meantime, unemployment has continued to increase and counter-cyclical programs like AHCCCS have continued to experience record-breaking enrollment. In the last four months alone, AHCCCS has grown by more than 100,000 new enrollees, and July 2009 enroll-

ment is almost 17 percent above the same month in 2008. Total enrollment, including our Title XXI KidsCare program, in July reached 1,275,109 members, which is almost 19 percent of the state's total population.

I am proud that AHCCCS program has served as a model for other state Medicaid programs across the country in terms of cost containment. This is due, in large part, to the fact that AHCCCS is a capitated managed care model and 65 percent of its long-term care members receive home and community based services rather than institutional care. According to the Kaiser Family Foundation, AHCCCS has the lowest per member per year (PMPY) cost among Medicaid programs in the country. The average PMPY costs are: 1) \$5,645.52 for acute care; 2) \$45,960.72 for long-term care, which is a blended average of our elderly and physically disabled and developmentally disabled programs. The weighted average PMPY cost across all Title XIX groups is \$7,182.60.

I am concerned that the Medicaid expansion proposals being discussed at the federal level do not consider the fiscal difficulties states are facing and are likely to continue to face over the next few years. At the same time as Congress is considering prohibiting states from changing their Medicaid eligibility standards, there have been discussions about establishing a federal floor for Medicaid provider rates, which even further limits state flexibility in setting funding levels. State flexibility has been key to Arizona's success in developing and efficiently managing a Medicaid program that provides high quality care at a low cost.

Even with our strong cost containment measures, I remain concerned about Arizona's ability to sustain the existing AHCCCS model, let alone a mandatory expansion to 150 percent, regardless of whether the federal government provides full financing of the expansion for the first five years. Medicaid is already an increasing share of state budgets—Arizona's General Fund spending on AHCCCS has increased by 230% over the past ten years, and has risen from 8 percent of General Fund spending in FY 1999 to an estimated 16 percent in FY 2009. Maintaining this level of spending increases will be difficult, especially given that Medicaid enrollment and costs continue to rise. Moreover, Arizona's revenues are not expected to turn around for several years and, even when they do rebound, we would require significant revenue growth in order to sustain rising expenditures for the existing Medicaid program.

Attached, please find data responsive to your requests. There is a summary sheet that provides an overview of the information requested, along with several other sheets that provide additional detail. As you know, there are many unanswered questions regarding the proposals. This analysis includes the assumptions that were used to develop the figures, which will obviously change as the proposals are refined.

Please do not hesitate to contact my office if you have questions or should require additional information. I share your concern regarding Arizona's ability to expand its Medicaid program and what the long-term fiscal implications will be for Arizona, and I hope you find this information useful as you consider the various proposals that are before you.

Sincerely,

JANICE K. BREWER,  
Governor.

STATE OF INDIANA,

*Indianapolis, IN, September 8, 2009.*

Hon. RICHARD LUGAR,  
Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR LUGAR: During your summer recess I am sure that many, if not all of you heard from your constituents regarding health care reform.

I have heard from them as well. In fact, over the past few months, I have watched Americans come forward to passionately express their anxieties about the legislation currently making its way through Congress. Their worries are well-founded.

There is no disputing the fact that aspects of American health care, such as access and affordability, truly do need to be restructured and improved. Yet, I have serious concerns about Congress's proposed solutions to these problems. In fact, I fear the current rush to overhaul the system will ultimately do more damage than good and create far more problems than it solves.

And unfortunately, Indiana would bear the brunt of many of the reckless policies being proposed. For example, our Healthy Indiana Plan (HIP), an innovative and successful state sponsored health insurance program for uninsured citizens, would suffer greatly as Congress expands Medicaid coverage, forcing many of the Hoosiers already enrolled in HIP out of the plan and into a broken Medicaid program that does not focus on prevention, healthy lifestyles, or personal responsibility.

Additionally, states will likely have to pick up the tab for this extension of Medicaid. We have estimated that the price for Indiana could reach upwards of \$724 million annually. These additional costs will overwhelm our resources and obliterate the reserves we have fought so hard to protect.

While these reforms could do serious damage to our state, I fear they will also have harmful consequences all across the country by reducing the quality and quantity of available medical care, stifling innovation, and further burdening taxpayers.

There is another way. Americans from all walks of life and every political stripe should work together with President Obama and Congress to create a set of measured and sensible reforms that bring down costs, increase access and portability and stress the importance of innovative state-run health insurance programs.

The majority of Americans do believe that health care reform is needed, but do not believe that the legislation currently on offer is the answer. I agree. And I will do everything in my power to raise these concerns and work with you to find a solution.

Sincerely,

M.E. DANIELS, JR.,  
Governor.

STATE OF IDAHO,  
*Boise, Idaho, September 15, 2009.*

Hon. MIKE CRAPO,  
U.S. Senate, Dirksen Senate Office Building,  
Washington, DC.

DEAR SENATOR CRAPO: Idaho has a proud history of fiscal responsibility, ensuring that our State government serves its proper role for the people of Idaho while staying within their financial means. As the United States Congress attempts to address the healthcare challenges facing our nation, it is important that we remain diligent in assessing the implications of our decisions, always ensuring that we take seriously our duty to safeguard the financial resources of the American public, and allocating taxpayer money in an efficient and effective manner.

As revised healthcare proposals continue appearing in Congress, the full consequences of these reforms remain unknown and we are

uncertain of the possible negative impacts on local businesses, families and senior citizens. However, it is clear that these sweeping proposals would irresponsibly shift a substantial and unmanageable financial burden to the states. Like Idaho, many states already are functioning under severely limited and strained budgets. It is certain that the burden of these reforms would be placed upon the shoulders of hardworking Americans.

The costs associated with these proposed reforms are astounding. Conservative estimates from the Idaho Division of Medicaid indicate that the bill's Medicaid eligibility proposal would increase our state share of Medicaid and the federal matching rate effective would drop in the middle of fiscal year 2011, leaving Idaho struggling to fill the void. Idaho's tax base could not support this large unfunded mandate without resorting to tax increases, including a possible increase in Idaho's already 6-cent sales tax—an irresponsible action which would do serious harm to Idaho taxpayers. The proposed reforms would impose an undue burden on citizens already struggling in this difficult economy.

It has been estimated that combined federal-state Medicaid costs in Idaho could increase by \$501 million. In addition, raising the Medicaid reimbursement rate to 110 percent of the Medicare reimbursement rate would increase total federal-state costs \$50 million more.

This proposed change in the federal reimbursement rate likely would reduce the number of plans that are offered to persons on Medicare, resulting in increased premiums and reduced services and access to service providers. Seniors in rural Idaho already have trouble finding providers who accept Medicare patients. Should these changes be approved, that trend could continue statewide—severely limiting access to medical care for some of Idaho's most vulnerable residents.

The people of Idaho have entrusted us with a responsibility to use our government resources wisely and efficiently. Imposing costly federal mandates that cannot be sustained in the long run is an irresponsible violation of this public trust. Quite simply, these proposals are financially irresponsible and would not adequately address the needs of senior citizens and other vulnerable groups.

I encourage you to join me in opposing current health care reform proposals. By ending these nonsensical debates and stopping the proposed reforms, we can move forward in a more positive, measured and reasonable direction, using common sense to find a workable healthcare solution that benefits all Americans.

As Always—Idaho, "Esto Perpetua,"  
C.L. "BUTCH" OTTER,  
Governor.

STATE OF MISSISSIPPI,  
*September 8, 2009.*

Hon. ROGER WICKER,  
U.S. Senate, Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR WICKER: Governors across the nation are growing increasingly concerned about the financial strain rising healthcare costs are putting on state budgets. During the National Governors Association (NGA) meeting in July, governors—both Republicans and Democrats—formalized their opposition to current Congressional reform proposals by issuing a policy opposing unfunded mandates that shifts costs to the states. This will necessarily require almost all states to raise taxes to manage this burden. In Mississippi, the issue of Medicaid expansion hits close to home, since our state's

share of the Medicaid program is currently \$707 million, or 12 percent of a \$5.87 billion state-supported budget, which includes temporary stimulus funds.

Nevertheless, the current proposals, both in the House and Senate, will expand the Medicaid program at additional costs paid not by the federal government, but passed down to the states. After a call with the governors representing the NGA Healthcare Task Force and the Senate Finance Committee, Chairman Baucus told the news media it would be impossible for the federal government to pick up all the costs for new Medicaid recipients; thus, states would have to bear some of the costs.

Why? Although CBO appears to estimate that H.R. 3200 will cost more than \$1 trillion over the next ten years, the fine print reveals the true cost would be much higher. By imposing tax increases early in the budget window, before the bulk of the spending occurs, the true cost of the bill is hidden by budget gimmickry. Delaying the implementation of the program until the fourth year also uses budget tricks effectively to hide the immense long-term cost of this proposal. CBO has projected a 10-year deficit of more than \$200 billion associated with the bill as is. However, when the full cost of the bill is taken into account after it is fully implemented, the spending in the bill skyrockets to nearly \$2 trillion over 10 years (2014-23) with a deficit of more than \$600 billion. I have included an attachment showing the scoring of H.R. 3200 the only comprehensive health care reform bill CBO has scored.

According to the National Association of State Budget Officers, Medicaid expenses in 2007 for federal and state government combined were \$336 billion. This number is projected to reach \$523 billion by 2013, a 56 percent increase in just six years. Should the reforms being debated in Congress become law, Mississippi would be saddled with an average increase of \$360 million in additional costs, on top of the already \$707 million it costs to fund Mississippi's annual state share of the Medicaid program. These proposals, which would cover all individuals at 133 percent federal poverty level (FPL), will burden state budgets, forcing states to raise taxes. In Mississippi, that would necessarily mean increases in our state income or sales tax rates. Mississippi, like so many states, simply can't afford to pick up the tab for another unfunded mandate passed by Congress.

Such state tax increases would be on top of the federal tax increases already included in the House and Senate bills, like huge tax increases on small businesses whether in the form of an additional 8 percent payroll tax or a 5.4 percent income tax surcharge. During a deep recession, when most people believe job creation and economic growth should be top priorities, huge tax increases will make it more expensive to employ people; consequently, employers will employ fewer people.

Medicare, the nation's largest provider of health coverage for the elderly and people with disabilities covering over 46 million Americans, is on the chopping block. CBO has estimated that provisions in H.R. 3200 would lead to a total of \$162.2 billion in cuts being taken from Medicare Advantage plans. This \$162.2 billion impacts 11 million people and represents nearly \$15,000 in new costs passed to every Medicare Advantage senior beneficiary. These harmful and arbitrary cuts could result in Medicare Advantage plans dropping out of the program, harming beneficiary choice, and causing millions of seniors to lose their current coverage. Moreover, the bill grants federal bureaucrats the power to eliminate the Medicare Advantage program entirely, making the oft-repeated statement, "if you like your plan you can keep it," ring hollow for seniors.



Lastly, if we are trying to make health care more affordable, how do you leave out tort reform? After all, litigation and the resulting practice of defensive medicine add tens of billions to the cost of health care. In Mississippi we passed comprehensive tort reform in 2004, partially to stop lawsuit abuse in the area of medical liability. It worked. Medical liability insurance costs are down 42 percent, and doctors have received an average rebate of 20 percent of their annual paid premium. The number of medical liability lawsuits against Mississippi doctors fell almost 90 percent one year after tort reform went into effect. Doctors have quit leaving the state and limiting their practices to avoid lawsuit abuse.

With all the issues concerning a government-run health care system, I wanted to warn you of the state tax increases Mississippi will shoulder on top of the federal tax increases in the pending bills as well as my concern for the increased costs our senior citizens will face as Medicare Advantage is cut. Congress must slow down and work in a bipartisan manner. Everybody agrees that health reform is needed, but it should be done thoughtfully. I hope you'll keep this important information in mind when proposals that shift costs to states—or to our senior citizens—are considered.

Sincerely,

HALEY BARBOUR,  
Governor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

#### ALASKA TERRITORIAL GUARD

Ms. MURKOWSKI. Madam President, on January 22 of this year, I came to the floor to inform our colleagues in the Senate about a decision by the Department of Defense that service in the Alaska Territorial Guard during World War II would not be regarded as Active-Duty service for purposes of military retirement. That decision reversed the position that had previously been taken by the Army that this service did count toward military retirement.

As a consequence, 26 elderly Alaskans, descendants of the aboriginal people who originally inhabited Alaska, 26 Native people, predominantly Eskimo, were about to see a substantial reduction in their military pensions, this all happening in the dead of an Alaska winter when we were paying extraordinarily high fuel prices.

At that time when I came to the floor, I wondered out loud what kind of government, what kind of "Cruella" would cut the pensions of 26 elderly people who stood up to defend Alaska and our Nation during World War II with absolutely no prior warning, no advanced notice? The answer was our government, on advice of the lawyers.

In the Defense Appropriations Act for fiscal year 2001, Congress recognized service in the Alaska Territorial Guard as Active-Duty service. Section 8147 required the Secretary of Defense to issue discharge certificates to each member of the Alaska Territorial Guard under honorable conditions if the Secretary determined the nature and duration of the service of the individual so warrants. The military first concluded that included retirement

benefits and then abruptly reversed that position with immediate effect.

As Lieutenant Colonel McNorton explained in a story carried by the Associated Press, section 8147 applies to military benefits, including health benefits, but it does not make members of the Territorial Guard eligible for retirement pay.

I must emphasize, at this point, that no Alaska Territorial guardsman claimed a military pension solely because of his service in the Territorial Guard. The Alaska Territorial Guard was created in 1942 and disbanded in 1947. Many members of the "Tundra Army," as some called it, continued to serve in the Alaska National Guard and other units of the military. That service, combined with service in the Territorial Guard, forms the basis for the claim.

I have come to learn that when you use the term "Cruella" on the Senate floor, people sit up and take notice. My remarks were telegraphed across the blogosphere and national media outlets. The response that came from across the country to the plight of the 26 elderly Alaskans was truly heartwarming. Across the ideological spectrum, the response from the American people was outrage over this situation. The high level of national interest in the plight of these Alaska Territorial Guard members was not lost on the senior leaders of the Army. The Secretary of the Army rose to the occasion. He reached into his emergency and extraordinary expense fund—the triple E fund—to continue the payments to those elders for 60 days, in the hope that Congress would have an opportunity to address the issue by then.

My colleague, Senator BEGICH, and I promptly introduced legislation to correct that situation, but the legislation was not considered before the 60 days of temporary payments ran out. The Alaska Legislature stepped up to fill the gap, and they enacted legislation to continue the payments from State funds until February of 2010 in order to, again, give Congress the time to fix the problem.

With the support of our colleagues—and I especially appreciate the leadership and support from Senator LEVIN, my colleague and friend Senator INOUE, and Senator COCHRAN—language to clarify that service in the Alaska Territorial Guard counts toward eligibility for retirement pay that was included in that 2010 Defense authorization bill—

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Ms. MURKOWSKI. Madam President, it was my understanding that I was to have 15 minutes under this time agreement; is that correct?

The ACTING PRESIDENT pro tempore. The Chair is aware of no such agreement, and the time for the Republican side has expired.

Ms. MURKOWSKI. Madam President, I do have additional comments I wish

to make. I ask unanimous consent that I have 5 minutes to conclude these remarks, if that is acceptable.

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

Ms. MURKOWSKI. Madam President, I also wish to recognize my friend and colleague, Senator MCCAIN, who was there at the end to help us with this issue.

The people of Alaska thank our colleagues, Senator INOUE, Senator MCCAIN, and so many others for the consideration that was given these Alaska Territorial guardsmen. Last Friday, we were disappointed to learn that some in the administration might not share our enthusiasm for putting this matter to bed and restoring the retirement benefits for the 26 elderly Alaska Native veterans.

The statement of administration position on the Defense appropriations bill contains two sentences that read as follows:

The administration objects to a new General Provision that would count as "active duty" service the time the Alaska Territorial Guard members served during World War II. This provision would establish a precedent of treating service performed by a State employee as active duty for purposes of the computation of retired pay.

The notion that restoring these benefits establishes a precedent of treating service performed by a State employee as active-duty service defies logic and it defies history. Not only is it inconsistent with the letter of Congress's finding in section 8147 of the 2001 Defense Appropriations Act that the service was indeed Federal service, it is inconsistent with the facts, and I believe it is inconsistent with the law.

When our Lieutenant Governor—retired LTG Craig Campbell—heard this, he remarked:

The administration doesn't understand what the territorial guard is. This was an initiative of the Federal Government. They provided a federal service.

General Campbell recently retired as Adjutant General of the Alaska National Guard, and he is absolutely correct on this.

The Alaska Territorial Guard was created back in 1942 to protect Alaska from invasion by the Japanese. The notion that Japan had an interest in Alaska was far from speculative, as we know. The Japanese bombed Dutch Harbor and landed in Attu and Kiska in the Aleutian Chain. Enemy submarines lurked in the Bering Sea.

The ATG was organized by U.S. Army MAJ Marvin Marston under the leadership of a territorial Governor who reported to Washington. These were Uncle Sam's men. All who served were volunteers. They were not State employees. It was organized in the name of the President of the United States, and it was armed by the U.S. Army. The operations of the units were inspected by the U.S. Army, and the unit was disbanded in 1947 by order of the U.S. Army. The unit was well known

for its skill in protecting Alaska. These gentlemen were Native hunters and fishermen, but they knew the land better than any soldier that the army might have sent up from the lower 48. They kept watch over 5,000 miles of coastline for enemy vessels and submarines, shooting down Japanese balloon bombs, protecting the Lend-Lease Route between Alaska and Russia and recovering downed airmen. These were the core missions of the territorial guard.

It is very disappointing that 62 years after the Alaska Territorial Guard was disbanded the value of their service to our Nation and to our success in World War II has been drawn into question.

When I came to the floor on January 22 of this year, I gave the Defense Department the benefit of the doubt. I believe, as did General Campbell and his staff judge advocate, that the 2000 legislation entitled members of the ATG to all the military benefits merited by their service. The military at one time held that position, but then on January 22, they didn't. I called upon the Department of Defense to work with me, to work with Senator BEGICH, to make things right. The Alaska congressional delegation wrote to the President to enlist his personal support for this effort.

Nine years now have passed since Congress determined that service in the Alaska Territorial Guard during World War II was Federal service. Nine years have passed since the Secretary of Defense ordered that these brave members of the tundra army who remain alive are entitled to discharge certificates from the U.S. Army; 9 years since they were granted full Federal veterans benefits. I would suggest it is 9 years too late for the Defense Department to reopen the question of whether service in the ATG was Federal service. The Congress has answered this question with finality.

I mentioned that many Americans have registered their opinions on the Internet over the administration's position on territorial guard retirement benefits. Many think it is cruel to continue to deny these benefits. And many believe the administration's position denigrates the service of the Alaska Territorial Guard. Some have suggested the men who served deserve an apology. But one perceptive individual suggested, I doubt that President Obama actually made this decision or even knows about it.

So once again, I ask that President Obama personally support us in our quest to obtain justice for a few elderly Alaska Natives who once served our Nation with patriotism, with pride, and with distinction.

President Obama, show some heart, do the right thing, and support our efforts to restore military retirement benefits for these 26 individuals.

With that, Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. BEGICH. Madam President, I ask unanimous consent to speak as in morning business for up to 7 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Hearing no objection, it is so ordered.

Mr. BEGICH. Madam President, I rise today to seek the continued support of my colleagues for recognition of a group of patriotic heroes who defended our Nation and Alaska from our enemies in World War II.

In 1935, famed Army GEN Billy Mitchell told Congress:

I believe that in the future, whoever holds Alaska will hold the world. I think it is the most important strategic place in the world.

General Mitchell was right. Less than a decade later, Alaska became the first American soil occupied by a foreign enemy since the Revolutionary War. To counter Japanese aggression against the territory of Alaska during World War II, a group of Alaskan Natives voluntarily formed the Alaska Territorial Guard. These brave men engaged in direct combat, as described by my colleague from Alaska, Senator MURKOWSKI, with the enemy in protecting all of Alaska. They shot down Japanese air balloons, conducted scouting patrols, carried out rescue missions of downed airmen, and built military airstrips and rescue shelters.

They played a key role in logistics support for the U.S. military stationed in Alaska by delivering food, ammunition, and other equipment to the forces. Their actions were vital to successful U.S. military efforts, preventing our enemies from securing a strategic location during the war.

As you can see by these photos surrounding me, the Alaska Territorial Guard was a unique group. They were mostly subsistence hunters and fishermen—the main breadwinners in their families—living in some of the most remote villages in the entire country. Receiving no pay or recognition for their service, the territorial guard mission was driven by a single value: patriotism.

Many of these members continued their service for years in the U.S. military after the Alaska Territorial Guard was disbanded in 1947. Unfortunately, the contributions of the Alaska Territorial Guard during World War II went unrecognized for half a century. In 2000, Congress finally acknowledged our Nation's debt to these brave men by qualifying their time spent in the Alaska Territorial Guard as Federal service.

Congress also directed the Secretary of the Army to issue discharge certificates to all those who served in the territorial guard. These discharge certificates entitled ATG members to veterans' benefits and was interpreted by the Department of Defense to count as service in the Alaska Territorial Guard toward retirement credit. Twenty-six former members of the Alaska Territorial Guard finally began receiving a well-earned pension from the government. At long last, the sacrifice and

the contributions of Alaskan Natives during World War II were recognized.

Then in January of this year, abruptly and without warning, the Defense Finance and Accounting Service stopped issuing pensions to these 26 guardsmen. This was based on the finding that their service was not Federal and, therefore, the payments were not legal. Thankfully, former Army Secretary Pete Geren issued temporary payments to ease the economic hardship experienced by these heroes while we worked on a more permanent solution.

To its credit, the Alaska legislature stepped up where the Federal government fell short. The State is paying their pensions until Congress can provide a permanent legislative solution or until February 2010, whichever comes first. I cannot imagine another situation where Congress would stand by and let veterans' entitlements be revoked and their sacrifices go unrecognized.

Luckily, my Senate colleagues also recognized this injustice. I thank my colleague, Senator MURKOWSKI, who introduced S. 342, a bill to provide for the treatment of service as a member of the Alaska Territorial Guard during World War II as active service for purposes of retired pay to restore pensions. I am a proud cosponsor of this legislation.

Working together with the leader of the Armed Services Committee, Senator LEVIN, and the ranking member, Senator MCCAIN, we were able to secure similar legislation to restore those pensions in an amendment to the National Defense Authorization Act for the year 2010, supported unanimously by the Senate. Most recently, the Senate Appropriations Committee included the same provision in the Defense Appropriations Act for fiscal year 2010.

However, I was extremely disappointed to learn in the statement of administration policy for fiscal year 2010 Defense Appropriations bill that the national administration has voiced objection to the provision that would count Alaska Territorial Guard service as active-duty time for retirement purposes. I remind my colleagues that the Alaska Territorial Guard members were not State employees. They were patriotic Alaska Natives answering the call of duty from their country.

Allowing their service in the Alaska Territorial Guard to count as Federal service cannot set a precedent because there is no other group like them in this country. They served the United States in a time of war by defending an American territory from the enemy. They engaged in combat. And they did this because they felt the same sense of patriotism during World War II that every active member of the Army and Air Force and every other military branch did.

These brave Alaskans are now in their 70s and 80s. Just this past Monday, one of them—Nicholai E. Nicholai

of Kwethluk—passed away before he could see this issue resolved. I ask my colleagues for their continued support to ensure that the now 25 Alaskan Natives who defended this Nation receive their earned pension by supporting the provisions in the National Defense Authorization Act and Defense Appropriations Act for fiscal year 2010.

I also join my colleague Senator MURKOWSKI in asking the administration to reexamine their objection to restoring the retirement payments and honoring our World War II veterans. Our time is running short to correct this injustice and restore these modest payments. The Federal Government turned its back on these men at the end of the war. I hope Congress and my colleagues in the Senate won't let that happen.

I yield the remainder of my time.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3326, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 3326) making appropriations for the Department of Defense for fiscal year ending September 30, 2010, and for other purposes.

Pending:

McCain amendment No. 2575, to provide for testimony before Congress on the additional forces and resources required to meet United States objectives with respect to Afghanistan and Pakistan.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Madam President, I believe that the McCain amendment is the pending amendment. We will be offering or suggesting that a unanimous consent agreement be entered into where an amendment of mine could be voted upon side by side with the amendment, with the vote on mine occurring first, under the traditions of the Senate. We are trying to see if we can enter into a time agreement.

I believe our staff is working on a unanimous consent agreement that would allow for that to happen pending the offering and acceptance of that, hopefully.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. McCAIN. Madam President, may I say through the Chair to my friend, the distinguished chairman, I understand there will be side-by-side amendments. I would be glad to enter into a time agreement that is agreeable to the chairman, and not an extended length of time—it is not a complicated issue—and then votes on both side-by-sides. I hope we could announce that

agreement shortly, and I thank the chairman for his courtesy.

We are discussing now two amendments, as I understand it, and both of them call for testimony before Congress on meeting the United States objectives on Afghanistan and Pakistan. Many of us have been very concerned about the fact that we have not heard from General McChrystal and General Petraeus on this issue of our strategic policy in Afghanistan, and of course most importantly the disposition or dispatch, I might say, of American troops, and increasing American troops to Afghanistan to implement the strategy that, according to Admiral Mullen, the Chairman of the Joint Chiefs of Staff, was agreed upon last March.

I must say, without mentioning any classified information, the briefing that I attended yesterday with General Jones doesn't seem to corroborate that statement by Admiral Mullen. But the point is we need to hear from the architects and the commanders.

If the President does not want to talk to the commander in the field, General McChrystal very often—in fact, it was reported in a “60 Minutes” interview that he gave he said he had spoken to the President once in 70 days, although the President talks to labor leaders almost on a daily basis pushing his health care agenda—the fact is we as Members of Congress, a coequal branch of government, also have a responsibility in this decision-making process.

I respect the President's role as Commander in Chief. I respect the President of the United States making a decision. But I also cherish the role of the Senate and House of Representatives in being informed as to the views of our military commanders in whom we place the responsibility for the lives of our young men and women who are in harm's way.

All we are seeking with this amendment is a date certain, not immediately—the date for this requirement of testimony by General McChrystal, General Petraeus, General Stavridis and perhaps others if necessary—by November 15. That is a month and a half from now. Should not we hear a month and a half from now, within a month and a half, as to what we are considering? I hope the decision would be made clear.

Admiral Mullen, Chairman of the Joint Chiefs, in testimony said:

The President has given us a clear mission: disrupt, dismantle and defeat al Qaeda . . .

But the President, in March, said of the situation—the President of the United States said the situation there was “increasingly perilous and that the future of this troubled nation is inextricably linked to the future of its neighbor Pakistan.” He also called it a “war of necessity,” and declared “America must no longer deny resources to Afghanistan.”

Obviously I agree with him. Time after time I have made my commitment of willingness and desire to work

with him. But it is very difficult for members of the Armed Services Committee and Members of the Senate to work with him if we are not informed by the uniformed commanders in the field. Admiral Mullen, the Chairman of the Joint Chiefs of Staff, emphasized in testimony before the Senate Armed Services Committee, time is not on our side. There are already somewhere between 62,000 and 68,000 American troops in the field in danger. Tragically, casualties have gone up. We have a responsibility also. We have a responsibility to hear from our commanders in the field.

Let me point out, General McChrystal was on “60 Minutes” talking about what we needed to do in Afghanistan. General McChrystal gave a speech in London just yesterday talking about what we needed to do. So it is OK with the administration for General McChrystal to go on “60 Minutes.” It is OK for him to give a speech at the Institute for Strategic Studies in London. But the administration does not want General McChrystal and General Petraeus before the Senate Armed Services Committee. How does that work?

I hope my colleagues will vote for my amendment, which calls for the same, basically, testimony by the commander of the United States Central Command, commander of the United States European Command, and Supreme Allied Commander—Europe, Commander of the United States Forces—Afghanistan, and of course we would like to hear from the United States Ambassador to Afghanistan, Ambassador Eikenberry.

This is pretty clear. This is a very clear decision we have to make. We are asking that within a month and a half from now these individuals appear before the respective committees and testify as to what they believe the best strategy is to be employed in order to achieve victory. Why should not the Senate and the Congress and the people of the United States hear, directly in testimony before the Congress, what they believe is the best way to ensure victory in Afghanistan?

I understand the debate that is going on within the White House and the deliberations that the President is undertaking as he considers the most heavy responsibility that any President has, and that is to send our young men and women into harm's way. I have some sympathy. But I would point out there are already close to 68,000 young Americans there, and casualties are going up.

According to Admiral Mullen, according to every expert, the situation is deteriorating in Afghanistan, so this should not and must not be a leisurely exercise. Decisions have to be made and we—I speak for myself and I am sure all of my colleagues—we want to be part of that decisionmaking. We do not want to make that decision because that is the responsibility of the President of the United States, but it

is also the responsibility of the Congress of the United States to appropriate the money for it.

When a President lost the confidence of the American people and the Congress of the United States in a war long ago and far away, the Congress of the United States did cut off the funding for further assistance in Vietnam.

I hope the Senate will act in a positive fashion and act on what I think is a reasonable request, that within a month and a half we could have the testimony before the Senate Armed Services Committee.

I remind my colleagues, the chairman of the House Armed Services Committee, the distinguished Congressman IKE SKELTON, and the ranking member of the House Armed Services Committee, also want this testimony to take place. The majority leader of the House of Representatives, Congressman HOYER, has also called for testimony before the Congress of the United States. Why the administration should be reluctant to send these people before us so we can, in any way we can find possible, support the President of the United States as he makes these tough decisions—which we cannot do unless we are informed of the opinion of those we are sending to command and lead in battle—then it is difficult for us to show our support for the President in the form of appropriations bills and authorizations as to what is needed without hearing from the commanders in the field.

There will be discussion about General Petraeus's testimony before the Congress of the United States. I remind my colleagues the decision was made by the President on the surge very rapidly; that the decision was made and General Petraeus was called before what appeared before the Senate Armed Services Committee to give the reasons for that. I think it is very important. It is very important that the man the President of the United States fired, the previous commander—let's be clear, fired the previous commander because he had confidence in General McChrystal—that we should also be allowed the ability to hear about his vision and his strategy that would bring about a successful conclusion of a long, tragic, hard involvement in Afghanistan.

I hope we can have the same luxury that the Institute for Strategic Studies in London received with General McChrystal giving a speech there and answering questions; that we would have the same courtesy that "60 Minutes," the producers and commentators on "60 Minutes" just received. I hope the Senate would receive that same ability to directly question General McChrystal, General Petraeus, and others.

I yield the floor.

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

Mr. LEVIN. Madam President, I don't know if the unanimous consent agree-

ment has been cleared yet, so I will proceed to debate both the McCain amendment but also the amendment I will be offering as though it is currently pending, because I do expect both amendments will be voted on at the same time.

First, to comment on the two statements that were just made by Senator MCCAIN, one has to do with when did General Petraeus testify relative to the Iraq surge. This is a very critical point because indeed General Petraeus did testify relative to the Iraq surge, but he only testified after the decision was made relative to that surge by the President of the United States. The person who was the commander in Iraq at that time, while the deliberative process was underway in the White House as to whether a surge should take place, did not testify and was not asked to testify. There was no pressure placed on the President of the United States during those 3 months when he was deliberating on whether to surge troops into Iraq, to have his Iraq commander come up here and testify right in the middle of that deliberative process. There was no resolution, there was no request, there was no pressure being placed on the Bush White House to have his commander, who was then General Casey in Iraq, to come up and testify about whether additional troops should be sent to Iraq.

I have no doubt as to what the response would have been by President Bush and his folks: We are in the middle of a deliberative process—which took about 3 months. Secretary Gates has testified to this. He has spoken about this 3-month deliberative process and we have gone back and checked. It was about a 3-month deliberative process that the President then was engaged in.

The first thing that happened was that President Bush announced this surge on January 10, 2007. Then and only then did Secretary Gates and General Pace, who was the Chairman of the Joint Chiefs, testify before the Armed Services Committee. And then and only then did General Petraeus testify before the committee on January 23. The commander in Iraq during those critical months—September, October, November, December of 2006—was General Casey.

I think history records that he, as a matter of fact, opposed additional troops to go in to Iraq. But there was no effort made here to get General Casey to come before us and to testify as to why he was opposed to putting troops into Iraq at the same time that President Bush was considering whether to adopt a policy which would send additional troops into Iraq. We did not do that and we didn't do it for a good reason. We didn't think it was appropriate.

So my first comment has to do with whether the kind of policy that we adopted relative to the President of the United States when President Bush was President, and undergoing the

same kind of deliberative process as to whether additional troops should be sent into a country—very similar to what President Obama is undergoing right now—whether the commander there now should be put in a position which we did not put General Casey in? We know what the response of the Bush White House would have been. There was no doubt as to what the response would be. While the President of the United States is thinking through whether to surge troops into Iraq, his commanding general, General Casey, was not called before us. We did not have resolutions here saying call General Casey in. Those of us who opposed additional troops going into Iraq probably had an ally in General Casey, as history has written; in opposition to sending in additional troops.

But there was no effort to put pressure on President Bush by having his commander in the field come before us at a public hearing and say he was opposed to the very thing the President of the United States was considering.

The commander, General Casey, was not put in that position. No commander should be put in that position while the President is hearing from the commander as part of a deliberative process on the very critical issue of whether to send troops in.

So a request was made of me by a number of my colleagues to have a hearing at which General McChrystal would be called. My answer was: We should not do that at this time. There will be an appropriate time. There will be an appropriate time.

The appropriate time is the same time General Petraeus was called in and the Chairman of the Joint Chiefs was called in, which was after the decision and not in the middle of that deliberative process.

So the White House is now undertaking a rigorous review of General McChrystal's assessment of the situation and approach in Afghanistan. By the way, before I go any further on this, I read the transcript of General McChrystal on "60 Minutes." I have not seen the speech in London that my good friend, Senator MCCAIN, made reference to, but I have read the "60 Minutes" transcript. There was no effort to obtain from General McChrystal what his advice was relative to the resource question, the troops question, which lies before the President.

I know what his response would have been had he been asked, which is, that is between him and the President. But the very purpose of the hearing which is the subject of the McCain amendment, the very purpose, is a hearing on the resources needed or recommended for Afghanistan. That is the very subject which is now under consideration by the President of the United States.

So we have now a President, with his security team, including General McChrystal, who I understand was on a TV monitor yesterday with his responses—we have a President of the United States undertaking a rigorous

review of General McChrystal's assessment. We have the assessment relative to the situation in Afghanistan that has already been provided and has now been made public.

What is now under consideration is whether there ought to be a change in strategy from the March strategy, given the problems that have occurred in Afghanistan since the election, and given the other changes that have taken place, including in neighboring Pakistan, which has an effect on Afghanistan.

According to General McChrystal himself, a policy debate is warranted. What he has said over and over again in his assessment is: Debate strategy before you debate resources. He said: Resources are going to be needed whatever the strategy is. That is General McChrystal's statement: There will be needed resources.

General McChrystal: "Additional resources are required." This is his assessment. But it is the second half of his sentence which is ignored too often, particularly in the media. After he said additional resources are required, without specifying what they are, that is left to this document which is now in the hands of the President, he said:

Additional resources are required. But focusing on force or resource requirements misses the point entirely. The key takeaway—

He said from his assessment, these are his words—

is the urgent need for a significant change to our strategy and the way that we think and operate.

Yet it is a hearing on resources that could come in the middle of a deliberative process. We are not sure whether by November 15 that deliberative process will be completed. I have every reason to believe it will be by November 15, but we do not know. So the McCain amendment has an arbitrary date, whether this deliberative process is completed by November 15 or not under this resolution—and I will be offering an alternative to this. Under this McCain resolution, he must come before appropriate committees before November 15.

That is an arbitrary date, whether the deliberative process of the President of the United States is completed or not. But it is on the very subject, on the very subject that is now under consideration by the President. That subject is resources, troops. But listen to what General McChrystal says. He said: Yes, there are going to be resources needed—without specifying what they are.

As far as we know, he has not, at least in the assessment that is unclassified. But then he says:

New resources are not the crux. To succeed, ISAF requires a new approach with a significant magnitude of change, in addition to a proper level of resource.

So it is not the crux. He says strategy is the crux. But the McCain amendment says: We want to hear from McChrystal by a specific date, whether

there has been a decision on the crux of the matter or not, which is the strategy. That is not me talking, that is General McChrystal who is saying: The crux of the matter is the strategy.

So now we have the White House—by the way, I am happy to interrupt my comments at any time if there is a unanimous consent agreement that has been reached. So if either the ranking member or Senator MCCAIN knows whether we are in a situation—I would tell you so everybody can know what the proceedings are here, that at any time there is a unanimous consent agreement that can be offered, I would be happy to interrupt.

Mr. MCCAIN. I ask unanimous consent to respond to my colleague on that issue.

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

Mr. MCCAIN. I would say to my colleague, we are asking if there are any other speakers. We should know that in a few more minutes. Then we would agree to a time agreement.

Mr. LEVIN. I thank my friend.

So now General McChrystal himself talks about the value of a policy debate. Here is what he said in the article in the New York Times: He welcomes alternative proposals for how to stabilize Afghanistan and Pakistan. Then he says: "This is the right kind of process." He says: "I have been given the opportunity to provide my input to the decision."

So we have this internal deliberation going on in the White House, which I think we would all agree is a matter of supreme importance; that is, whether we put troops in harm's way, and how many, what is the strategy they are following, what is their mission. That is the most important decision I believe a President of the United States can make. It should be a deliberative decision. It is going to be a deliberative decision. This President has made it clear.

There was a March strategy, but there are a number of things that have changed since March, including an election where there are significant allegations of fraud. When such an election takes place, that lowers the support of the people of Afghanistan for a strategy which involves them. They must succeed. It is the people of Afghanistan who have to succeed. It is the Army of Afghanistan that has to succeed. It is the police in Afghanistan. It is the civil administration which must succeed in Afghanistan.

If there is this question about an election which then might impact the support of the people for the very policies in Afghanistan, the institutions that need to be fought for, that could change things. There are events in Pakistan. The Pakistani Government is doing a lot better relative to some of the threats they face. That can make a change. But the President of the United States is committed to reviewing what has happened since March, to

see whether that strategy still applies or whether he wishes to change that strategy. It is a debate General McChrystal himself has said is warranted. There are a number of differences between the amendment which I am going to be offering and the pending amendment of Senator MCCAIN.

Madam President, I think we now have a unanimous consent agreement which has been cleared. I ask unanimous consent that amendment numbers 2593, which is the Levin amendment, and 2575, which is the McCain amendment, be debated concurrently for a period of 30 minutes, with the time equally divided and controlled between Senators Levin and McCain or their designees; that no amendments be in order to either amendment prior to a vote in relation thereto; that the vote sequence be as the amendments are listed above; further, that once this agreement is entered, Senator LEVIN be recognized to call up amendment 2593; and that prior to the second vote in the sequence, there be 2 minutes, equally divided and controlled, prior to each vote, with the second vote 10 minutes in duration; and that the votes in relation to the amendments be at 2 p.m. today; provided further that following this debate, the amendments be set aside until 2 p.m.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCAIN. Reserving the right to object, and I will not object, I ask the distinguished chairman, does that mean 30 minutes from now, equally divided, or the time that has already been consumed?

Mr. LEVIN. I understand it means from now.

Mr. MCCAIN. From now. I do not object.

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

#### AMENDMENT NO. 2593

Mr. LEVIN. I thank my friend from Arizona. I now call up amendment No. 2593.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 2593.

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

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

The amendment is as follows:

#### AMENDMENT NO. 2593

(Purpose: Relating to hearings on the strategy and resources of the United States with respect to Afghanistan and Pakistan)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) HEARINGS ON STRATEGY AND RESOURCES WITH RESPECT TO AFGHANISTAN AND PAKISTAN.—Appropriate committees of Congress shall hold hearings, in open and closed session, relating to the strategy and resources of the United States with respect

to Afghanistan and Pakistan promptly after the decision by the President on those matters is announced.

(b) TESTIMONY.—The hearings described in subsection (a) should include testimony from senior civilian and military officials of the United States, including, but not limited to, the following:

- (1) The Secretary of Defense.
- (2) The Secretary of State
- (3) The Chairman of the Joint Chiefs of Staff.
- (4) The Commander of the United States Central Command.
- (5) The Commander of the United States European Command and Supreme Allied Commander, Europe.
- (6) The Commander of United States Forces-Afghanistan.
- (7) The United States Ambassador to Afghanistan.
- (8) The United States Ambassador to Pakistan.

Mr. LEVIN. Madam President, I believe that the Congressional hearings, which are appropriate, should now be handled in the same way as was done when President Bush was deliberating on a surge strategy for Iraq. That is when the President has received his recommendations and has made a decision.

We will, at that point, properly have administration officials come up to Congress, explain the President's decision. We will hear from our military chain of command at that time, including General McChrystal but not limited to General McChrystal. We have a Secretary of Defense whom we need to hear from. We have a Chairman of the Joint Chiefs of Staff whom we need to hear from, as well as our CENTCOM commander and our Afghanistan commander.

First, we need to be clear on our strategy. I yield myself 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. LEVIN. We need to be clear on our strategy first, then address the question of the resources that are needed to be committed to that strategy.

Under the amendment which I am offering, which will be voted on concurrently, or at the same time as the McCain amendment, we are going to have, if this amendment is adopted, a hearing not just on resources but on strategy and resources.

We are going to have that hearing, if this amendment is adopted, at the appropriate time, not with an arbitrary deadline, which sets a very bad premise. I believe in this circumstance, similar to the Bush Iraq surge circumstance, where the President of the United States, be it President Bush or President Obama, has before him and is considering, in a very deliberative way, this kind of a life-and-death decision.

Under the Levin amendment, there will be a hearing without an arbitrary deadline, but the hearing will take place and could take place long before November 15. The hearing under my amendment will take place promptly after the decision is made by the President.

There is another difference between the two amendments. In addition to

the Levin amendment including a hearing on strategy as well as resources, again, General McChrystal says the strategy is the crux of the matter, not just resources. So under the Levin amendment, the hearing will look at both the decision on strategy as well as on resources.

Secondly, under the Levin amendment, the testimony will come after the decision of President Obama, just the way we had hearings after the decision by President Bush.

Third, the hearings will include testimony not only from the Central Command commander and from General McChrystal, our Afghanistan commander, and the Ambassador to Afghanistan, under the Levin amendment the hearing will also take testimony from senior civilian officials and military officials not included in the McCain amendment, including the Secretary of Defense, the Secretary of State, the Chairman of the Joint Chiefs of Staff, and the Ambassador to Pakistan. That is the third difference between the two amendments which we will be voting on at 2 o'clock.

Finally, in addition to outlining those three critical differences between the two amendments, I want to read from a letter received yesterday—or this morning from Secretary Gates by the majority leader.

I am writing in response to your request for an update on the . . . strategy and resource assessments prepared by General Stanley McChrystal.

He goes through a number of paragraphs describing pretty much what we all know, including that General McChrystal's initial assessment, which has been available to us, "will serve as the prime focus" of the review the President has undertaken, "although other options and perspectives will also be included." So in addition to General McChrystal's initial assessment, he will also be looking at other options and considering other perspectives.

Then Secretary Gates says the following in this letter to the majority leader:

The decisions that the President faces may be some of the most important on Afghanistan in his presidency, so it behooves us to take the necessary time to make sure we get this right. That said, there are a number of internal meetings scheduled over the next few weeks on this topic. I do not expect decisions on the overall strategy—or the resources necessary to carry it out—to take an extended period of time.

He concludes as follows:

Until the President makes his decision on the way forward in Afghanistan, it would be inappropriate for me—or our military commanders—to openly discuss the advice being provided or the nature of the discussions being carried out with the President. However, once the President acts, I will be happy to testify before the appropriate committees of the Congress and to facilitate similar testimony by commanders and other senior Department leaders.

I believe that is the right approach. It is the approach we took when President Bush was considering for 3 months

whether to surge troops in Iraq. We did not try to bring his Iraq commander before the Congress for public hearings, a commander who history has indicated—at least it was fairly clear at the time—had a very different perspective than his Commander in Chief. We did not put him in that position. We didn't do that to the President of the United States, to have his commander in the field come before us and say what his opinions were that he was giving to the President at that time. We should not do that now.

I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). Who yields time?

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I would like to point out what Admiral Mullen at the Joint Chiefs of Staff said: Time is not on our side. We cannot afford to leisurely address this issue. I believe the Congress needs to be involved. The Commander in Chief is the Commander in Chief. But the Congress has a role to play because only the Congress can provide needed funding and develop other policies as regards the responsibility we all have when our government decides to send young Americans into harm's way.

I have watched a lot of decisions being made in my time. I have agreed with some and disagreed with others. One of the earliest decisions I was involved in was many years ago when Ronald Reagan decided to send marines to Beirut. At the time, I thought the mission was not sufficiently resourced and I thought it would unnecessarily put young marines in harm's way. I objected; I spoke against it. Unfortunately, I was correct.

History does have a tendency to repeat itself. The fact is, unless this effort in Afghanistan is properly resourced, as recommended by General McChrystal, as recommended by Admiral Mullen and supported by history, we are doomed to failure. To think that a month and a half would elapse before that decision was made, because the strategy was decided on last March, and then to go through a bizarre sequence of events—I have never seen anything like it. First, General McChrystal was told not to send his troop request to Washington while these discussions were going on. After that was revealed to be the farce it was, now the Secretary of Defense is not going to forward the troop request to the White House as they make decisions on the number of troops needed. How does that work?

Let's get this straight. The Secretary of Defense has said he is not sending over the number of troops requested by General McChrystal, which is known to everyone as 30,000 to 40,000 troops. Apparently, it will be known to everyone except the President, who is supposed to make the decision. We have legitimate questions about a process such as that to start with. No Commander in Chief can make a decision about how to conduct a conflict unless that Commander in Chief knows what resources



are required. Without having the recommendation for the number of troops being transmitted to the Commander in Chief, there is no way a rational decision can be made.

What is going on here is pretty obvious. It is very obvious what is going on. The Chairman of the Joint Chiefs, General Petraeus, General McChrystal—all know we need additional troops in the range of 30,000 to 40,000, and the administration is backing off of that or trying to find the exit sign. It is well known. It had been broadcast all over television that there are individuals—including the Vice President, now, unfortunately, the National Security Adviser, the chief political adviser to the President, Mr. Rahm Emanuel—who don't want to alienate the left base of the Democratic Party. That is what this is all about.

The American people need to know what our military commanders, in their best judgment, think we need to defend this Nation. They need to know it within the next month and a half. Do I need to remind my colleagues we have 68,000 Americans there now? Just a few days ago, five brave young Americans died in 1 day. Admiral Mullen said in his testimony before the Armed Services Committee that the clock is ticking. We are running out of time. This is an urgent situation. This is not a decision as to whether to send troops into harm's way. Troops are already in harm's way. They are already there, and they are getting wounded and killed while, according to the President's National Security Adviser, we are considering all options. Shouldn't we consider seriously the option of the recommendations of military commanders? I am not saying they have the final say; I am saying they should be given great weight.

Here we are asking for testimony from those people who, again—the President fired the commander in the field to replace him with General McChrystal, and yet we are not transmitting the fundamental and most difficult aspect of General McChrystal's recommendations as to how to implement a strategy that was agreed on last March.

I fear that domestic political considerations are impacting a decision which has to do with the future security of the United States. Just recently, the former President of Pakistan, President Musharraf, said that American delay is being interpreted as a sign of weakness by countries in the region. We left Afghanistan once. We helped the brave Afghans drive out the Russians who were then trying to make Afghanistan part of the Soviet Union. We drove them out and we left. What happened? The Taliban took control. Al-Qaida cooperated with them, and the attacks on the United States of 9/11 took place by people who were trained in Afghanistan.

Let's have no doubt what is at stake. The American people and their representatives at least need to hear with-

in the next month and a half, 45 days, as to what the recommendations and strategy of our military leaders are. I emphasize, they are not the last word. The Commander in Chief has the last word. But the Commander in Chief, whatever decision he makes, also has to come to Congress for the necessary assets and authorization to do whatever his strategy is. So we do play a significant role. The American people and their elected representatives, as the chairman of the House Armed Services has said, as the majority leader of the House of Representatives has said, need to hear from these military leaders.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. LEVIN. I yield myself 2 minutes.

It is clear that a number of things are happening. One is, there is a deliberative process going on. There is not much doubt that the clock is ticking. That is clear. The question is—and this is what General McChrystal says—get your strategy straight. Take the time to get your strategy straight. He also recommends that there will be new resources, whatever the strategy. But he says the key here—these are his words—take the time to get your strategy right. We can either spend the time that the President deserves and President Bush took to get the strategy right or we will be jeopardizing the lives of the men and women who put on the uniform of the United States, if there is a wrong strategy in place.

The clock was ticking in Iraq. Back in September 2006, there was a recommendation that there be a change in strategy in Iraq, that there be a surge of troops. The recommendation was made by General Keane in September 2006, start a surge. For over 3 months, while the clock was ticking, President Bush considered whether to change the strategy in Iraq. He finally changed it in January of 2007, taking 3 or 4 months to make that decision.

Do you know what. He got the strategy right, finally, in January of 2007, because the surge had a positive effect. But he took the time to make a decision. We did not put pressure on him by calling a commander from the field, who apparently had a very different perspective, for hearings during that process. We respected that process. We did not try to put pressure on a President of the United States by calling the commander, General Casey, in to tell us: No, we do not need more troops, which is apparently what he would have told us, while the President of the United States was considering whether to send additional troops.

The analogy is incredibly close to what is going on now. We should be treating the President of the United States, President Obama, with the same respect for the deliberative process that we provided to President Bush.

Mr. President, I ask unanimous consent that a letter which was sent by Secretary Gates to the majority leader, Senator REID, be printed in the RECORD.

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

THE SECRETARY OF DEFENSE,  
Washington, DC, September 29, 2009.

Hon. HARRY REID,  
Senate Majority Leader, U.S. Senate,  
Washington, DC.

DEAR MR. MAJORITY LEADER: I am writing in response to your request for an update on the ongoing evaluation of the strategy and resource assessments prepared by General Stanley McChrystal, Commander, International Security Assistance Force (ISAF).

As we stay on the offense against Al-Qaeda, from here at home to around the world, the President and his national security team are in the midst of an ongoing evaluation of the mission in Afghanistan in order to assess the overall situation and our strategy following the Afghan elections. Those elections, as well as the evolving situation in Pakistan over the last number of months, require us to review the U.S. approach in the region to ensure that, first, we have the right strategy and, second, we have the necessary resources in place to carry it out.

You will recall that when the Administration announced the results of the initial review of Afghanistan strategy in March 2009, we also acknowledged the need to reassess our approach following the national elections this fall. Accordingly, the President has asked that we conduct a careful and thorough assessment of these questions in order to provide him with the considered best judgment of his national security team and military leadership. General McChrystal's initial assessment will serve as the prime focus of this review, although other options and perspectives will also be included.

The decisions that the President faces may be some of the most important on Afghanistan in his presidency, so it behooves us to take the necessary time to make sure we get this right. That said, there are a number of internal meetings scheduled over the next few weeks on this topic. I do not expect decisions on the overall strategy—or the resources necessary to carry it out—to take an extended period of time.

Until the President makes his decision on the way forward in Afghanistan, it would be inappropriate for me—or our military commanders—to openly discuss the advice being provided or the nature of the discussions being carried out with the President. However, once the President acts, I will be happy to testify before the appropriate committees of the Congress and to facilitate similar testimony by commanders and other senior Department leaders.

Sincerely,

ROBERT M. GATES.

Mr. LEVIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, again, unfortunately, a lot of the information we have to get is through the media rather than testimony before the Senate Armed Services Committee. I do think it is worthy of note that there is a story dated October 1, 2009, which says:

The top military commander in Afghanistan, Gen. Stanley A. McChrystal, rejected calls for scaling down military objectives

there on Thursday and said Washington did not have unlimited time to settle on a new strategy to pursue the eight-year-old war.

General McChrystal said that the situation in Afghanistan was serious and that "neither success nor failure can be taken for granted."

General McChrystal was asked by a member of an audience that included retired military commanders and security specialists whether he would support an idea put forward by Mr. Biden to scale back the American military presence in Afghanistan to focus on tracking down the leaders of Al Qaeda, in place of the current broader effort now under way to defeat the Taliban.

"The short answer is: no," he said. "You have to navigate from where you are, not where you wish to be. A strategy that does not leave Afghanistan in a stable position is probably a short-sighted strategy."

He did not mention Mr. Biden by name.

All of us here have great affection and appreciation for the Vice President. We have all gotten to know him and like him over the years. But the fact is, the Vice President of the United States, in the first gulf war, after Saddam Hussein had invaded Kuwait, voted against the resolution, saying it would be another Vietnam war. He has voted consistently against U.S. involvement. And the latest, of course, was when his idea was to divide Iraq into three different countries. So the Vice President does have a clear record of being consistently wrong. I hope that is taken into consideration when he comes up with his ideas about Afghanistan.

General McChrystal has been reported to be seeking as many as 40,000 additional American troops for the war, a number that has generated concern among other top American commanders.

But that number—which is known to everyone, and keeps being reported—that number is not going to be transmitted to the President by the Secretary of Defense. You can't make that up. Everybody knows it, but it is not going to be sent to the President by the Secretary of Defense.

Anyway:

In a confidential assessment of the war last month now under consideration by the Obama administration, General McChrystal said that he needs additional troops within the next year or else the conflict "will likely result in failure."

Mr. President, we have a limited amount of time, but I do not have to tell most people and colleagues here what the consequences of failure in Afghanistan might be. So what we are asking is, sometime within the next month and a half—the next month and a half—that we get General McChrystal in particular but also the most brilliant general I have ever encountered in my life, General Petraeus, and others, to testify before the Senate Armed Services Committee. Maybe the House Armed Services Committee, whose chairman said they needed that testimony, will proceed without us. I would feel very badly if the U.S. Senate were not given the same opportunity to have General McChrystal and General Petraeus appear before them, as the House Armed Services Committee chairman has said they want.

I want to emphasize to my colleagues, we are asking, sometime within the next 45 days, an appearance by the leaders we have put in charge of the lives of our young American men and women. We are just asking for them to come and testify before our committees of jurisdiction, to exercise our responsibilities as representatives of our States. That is all we are asking. That is all we are asking.

There are already 68,000 there. They are being wounded and killed as we speak. And as the Chairman of the Joint Chiefs of Staff has said: Time is not on our side. The situation is deteriorating.

Shouldn't the Senate Armed Services Committee and, through us, the American people and the Senate Appropriations Committee, which has its responsibilities, also hear from these great leaders who are in charge of the lives and safety and well-being of our men and women in uniform and are charged with achieving victory and not defeat, achieving success and not failure in Afghanistan?

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

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 3½ minutes.

Mr. LEVIN. Mr. President, the stakes here are truly huge. We obviously share one goal; that is, to succeed in Afghanistan. What General McChrystal has pointed out repeatedly in his assessment is that the way to succeed is not just with resources. He says the crux of the matter is to get a new strategy. His words: get a new strategy.

The question is, are we going to allow this President the same opportunity to put a strategy in place or to change it, as President Bush did in Iraq, as we have afforded to other Presidents, including President Bush?

The right strategy here is key, as well as the resources. And to set an artificial date is a terrible precedent. To put a commander in the field at a public hearing to try to pressure a Commander in Chief to reach a certain result is unacceptable, inappropriate. The Secretary of Defense is not going to allow it, nor should he, and we are not going to ask it, as chairman of the Armed Services Committee. I hope the Senate does not ask for that to happen either. We did not do that to President Bush. We should not do that to President Obama.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. Mr. President, how much time is remaining on both sides?

The PRESIDING OFFICER. Each Senator has 2 minutes remaining.

The Senator from Arizona.

Mr. MCCAIN. Well, Mr. President, let me say, if I could—I will use my remaining 2 minutes—I appreciate very

much the relationship I have developed over more than 20 years with the chairman of the committee. From time to time, we have had differences and vigorous debate. I want to emphasize, I respect the opinions and views and authority of the chairman of the committee. We just simply have an open and honest disagreement.

I hope my colleagues will understand the urgency of this situation and agree to my amendment that does not in any way diminish my respect and appreciation of the way the Senator from Michigan chairs the committee and acts on a bipartisan basis, which is a long tradition of the Armed Services Committee. I urge my colleagues to vote in favor of my amendment.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield my remaining 2 minutes to Senator KAUFMAN.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I cannot think of two better people to be involved in a discussion about what we should be doing in Afghanistan than Senator MCCAIN and Senator LEVIN.

Where I come down on this issue is with Senator LEVIN because I believe it is very important we give the President time to discuss this issue in detail. There are a lot of different pieces to this puzzle. It is not just General McChrystal's report. It is a report by Ambassador Eikenberry. It is a report by Ambassador Holbrooke. I think he would have a report from Ambassador Patterson from Pakistan. I think we need a report from the DOD in terms of force structure and what additional troops we would have beyond that.

There are a number of issues that have to be dealt with here. I think as in the past with President Bush, where there was a 3-month process before the surge—during that time, people were able to talk to the President, and to work their way up the chain of command in the military, and the civilians to work their way up in the Department of Defense, to talk to the President so the President could have their counsel before the President made his decision.

I think that is what we need here. I think one of the most important things President Obama said in his speech the other night to the joint session was: I am going to be here for a long time, so I want to get it right.

We have to get it right in Afghanistan. I think this is the obvious time to proceed. Clearly, the present election and the flaws in the election, in addition to General McChrystal's report which points out the rise of the Taliban, demonstrates it is time for us to sit down and take a hard look at what our strategy in Afghanistan is. I think the President is going to do that. He is going to go through a process. Many people have to be involved. Many

different issues have to be done. And then the President will come with his plan for Afghanistan.

At that time, after that happens, I think then—Chairman LEVIN is correct—we should have hearings, we should have people come and testify, and that will be the time to do it. In the meantime, I think we owe it to the military chain of command that everyone involved in that chain of command be allowed to come and talk to the President so he can make the best decision he can possibly make before the Senate gets an opportunity to deal with everyone who is going to be involved with the President.

So, again, I support Senator LEVIN's amendment. I think it is essential we have a process that allows it to go forward.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KAUFMAN. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that I be allowed to speak for 10 additional seconds.

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

Mr. LEVIN. Mr. President, I want to thank Senator McCain for his warm comments. I feel very strongly about our relationship. It is a great relationship. It could not be possibly affected by differences over policies. I have great respect for the Senator and the huge contributions he makes to this body and to the Nation.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, what is the order of business?

The PRESIDING OFFICER. The Levin amendment is the pending amendment.

#### AMENDMENT NO. 2569

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and amendment No. 2569 be called up.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2569.

Mr. COBURN. Mr. 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: To restore \$294,000,000 for the Armed Forces to prepare for and conduct combat operations by accounting for the August 2009 Congressional Budget Office economic assumptions and by reducing funding for congressionally directed spending items for low-priority research and development projects)

On page 239, beginning on line 21, strike "the total amount" and all that follows through "\$236,000,000" and insert "the total amount appropriated in title III of this Act

is hereby reduced by \$322,000,000, the total amount appropriated in title IV of this Act is hereby reduced by \$530,000,000".

Mr. COBURN. Mr. President, I have several amendments that go along this line, but my question to the Appropriations Committee is one of trying to clarify for the American people the numbers that were used to downsize the operation and maintenance account based on what the expected inflation rate was.

It is important to know. The O&M account is what runs everything. What came out of the bill was \$294 million because you chose to use an inflation rate that was less than what CBO and OMB had stated it would be. You did use the one that was the one prior. But the one presently would, in fact, add another \$294 million to the operation and maintenance account. I would be glad to hear the reasoning why we chose to use it. I think I know why the reasoning—because it allows more ability to do other things Members would like to do.

What this amendment is trying to do is to restore that money to truly reflect the inflation rate that OMB and CBO have said it would be. Three-tenths of 1 percent makes a big difference when you are talking about taking something from our military. I would remind my colleagues that last year the Navy ran out of O&M money and we needed an emergency supplemental to supply it. So by under-shooting what the real inflation factor is for their costs, both in fuel and maintenance and operations, if we undervalue that account, what it means is we are going to take away from readiness. I know that is not the intent of this committee. The intent of this committee is to make sure our military has the needs and the means with which to carry out their requirements.

Let me get a little more detailed on it. When the committee set the O&M number, they used a GDP index inflation rate from the Congressional Budget Office that was 3 months old, and they ignored the updated one for August, which was three-tenths of a percent higher. That means that if—and I agree, they are estimates; they may not be correct. What I would like to know is, what if you are wrong with the lower number you put in? Are we going to be coming back with a supplemental to be able to drive the O&M? For the American people what that means is, when we do a supplemental, it is outside the budget rules, which means we borrow it. We borrow the money.

This amendment says let's realistically predict what the inflation rate is going to be in the operation and maintenance account. Let's truly put the money there that should be there. What this amendment does is simply restore it.

We know, by history, that O&M has been rising faster than inflation for the past 9 years. We have not gotten it

right once, in terms of the actual amounts. How this amendment technically works is it restores \$294 million by striking part of section 8091 of the bill that reduces that funding.

I will not spend any more time on it. I will discuss it again later.

#### AMENDMENT NO. 2563

Mr. President, I ask unanimous consent that this pending amendment be set aside and amendment No. 2563 be called up.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2563.

Mr. COBURN. 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 require public disclosure of certain reports)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in this Act shall be posted on the public website of that agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

Mr. COBURN. Mr. President, this is a straightforward amendment, and the Appropriations Committees heretofore have agreed with it. This says, other than in terms of national security or something that should not be released for general circulation, the reports that are authorized and paid for in this bill, which are going directly only to the Senators on the Appropriations Committee, be made available to the rest of the Senators in the body as well as the rest of the American public. If there is a good national security reason not to do so, fine, there is no problem with that, but all the rest of the American people ought to see it. It is called transparency. The American people are paying for them. The American people have a right and an obligation to see them if they are going to be involved in the governance of our country. In fact, they are supposed to be in charge of the governance of our country.

So what it will do is allow the American citizens to see how their money is actually being spent and allow them to get to see the results of those reports. It is very simple.

My hope is the chairman and ranking member would be inclined to support this amendment.

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

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

AMENDMENT NO. 2565

Mr. COBURN. I ask unanimous consent that amendment No. 2565 be called up.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2565.

Mr. COBURN. 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 ensure transparency and accountability by providing that each member of Congress and the Secretary of Defense has the ability to review \$1,500,000,000 in taxpayer funds allocated to the National Guard and Reserve components of the Armed Forces)

On page 177, line 23, strike “the modernization” and all that follows through line 25 and insert the following: “and the Secretary of Defense, who upon completion of a thorough review, shall provide to each standing committee of Congress a modernization priority assessment for their respective Reserve or National Guard component.”.

Mr. COBURN. Mr. President, in this bill we are attempting to address what I agree is a very serious problem, the funding of our National Guard and Reserve. I do have some concerns, though, about how we are going about doing that.

I would love to be corrected by either the chairman or the ranking member. As I understand the bill, the \$1.5 billion in upgrades for the National Guard and Reserve actually bypasses the Department of Defense, bypasses the Joint Chiefs of Staff, and goes directly to the committee in terms of the approval of how they do that. I would inquire of the chairman if that is accurate.

Mr. INOUE. If I may, Mr. President.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. This matter has been requested by two Members of the caucus, the National Guard caucus. They would like to say a few words about it. If I may, can we set this aside?

Mr. COBURN. Absolutely. I am happy to do that.

I ask unanimous consent to set this amendment aside.

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

Mr. COBURN. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. 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

Mr. REID. Mr. President, I have listened with great interest to the con-

versation coming from the other side of the aisle this morning. A couple of things I have been watching make it very clear to me, and it is probably very clear to the American people: One side stands for changing the health care delivery system and the other side stands for keeping things the way they are.

We need to do something to keep our broken health care system from running off the tracks completely. It is already headed off the tracks. There is a wide range of ideas out there—a range as diverse as the people of this Nation—and that is the way it should be. I am confident those details will be worked out in the legislative process, and we are in the midst of that.

We Democrats fundamentally agree on one bottom line: We must act and we must act now to make it easier for people in America to live a healthy life.

I can't blame the American people for feeling somewhat frustrated because we have all these fake controversies, such as death panels—a way to divert attention from what we are trying to do. There are no death panels. The only thing that has been suggested is that people have an examination every year and sit down with their physician and find out what the future holds in the way of treatment. Death panels is a diversion.

The abortion issue is a diversion. We want to keep things the same way they have been in this country for a long time: Use the so-called Hyde amendment, which is now the so-called Capps amendment, which, in effect, just carries that over.

One of their real diversions in this is a bill to help undocumented, illegal aliens. All these are diversions. They have nothing to do with what we are trying to do: to improve the health care delivery system.

There are so many examples. A woman from Las Vegas came to see me yesterday. She was raised in Reno, now from Las Vegas, living a wonderful life. She gets sick. She has breast cancer at age 29. It changed her life dramatically. Because why? Her health insurance was so terribly inadequate. I am from Searchlight, NV. A woman whom I have known for many years, she is the assistant postmistress. She helps me at my home. I give her a few dollars every month. Her husband is retired. They have a 23-year-old son. Of course, he goes off their insurance when he is 23. He is young. He is healthy. Within 6 weeks of turning 23, he no longer has health insurance, he is diagnosed as having testicular cancer. He has no insurance. What does that do to that family?

What we are doing is we are trying to change that so that 29-year-old woman with breast cancer, the 23-year-old with testicular cancer has some coverage, insurance coverage. That is what we are trying to do.

We were here yesterday talking about four States: Oregon, Rhode Is-

land, Michigan, and Nevada, four States that have been hit so hard by this recession—I mean, so hard. Nevada has led the Nation in foreclosures for 31 months in a row. People on the other side of the aisle are complaining because, in the Finance Committee, they are trying to help Nevada, Oregon, Rhode Island, and Michigan. Does that mean those are the only States they are going to try to help? Of course not.

Every day in Nevada, 220 people lose their health insurance. People woke up this morning with insurance and they will go to bed tonight without it. That is 7 days a week they are losing their insurance in Nevada. Do we want to change that? Of course, we want to change that.

Thirteen percent of Nevadans are employed. More than 18 percent are uninsured. A lot of people have insurance that is inadequate. They are underinsured. It is not good insurance. We have had some come from the other side of the aisle over the last few days saying they don't care about Nevadans hurting. They think the status quo is just fine, and they refuse to help their fellow citizens who are suffering. They seem to want me to apologize for helping my constituents who are struggling. I am never going to apologize for trying to help the people of Nevada. I was born there. I am going to do everything I can to help the people in the State of Nevada.

Let me tell everyone within the sound of my voice something else. I was talking to one of my Republican colleagues recently. He is from the State of Georgia, a wonderful man, JOHNNY ISAKSON. I said: How about those rains? He said: Well, I have a rain gauge in my home. In 24 hours, it rained 18 inches. I can't comprehend that. In Las Vegas, the average rain fall per year is 4 inches, but he got 18 inches in 24 hours, and the next day I think he told me they got 8 inches. That torrential rain they had in Georgia has created problems the State can't handle, and they are asking for Federal emergency help. I want to help them. I am a Senator of the United States. I am not a Nevada Senator; I am a Senator of the United States. My first obligation is to help my people in Nevada, but if there is a problem in Georgia because of the rains or the fires in California, I am going to do everything I can to help them, just as I am going to do everything I can to help the people of Michigan, Oregon, and Rhode Island, as I spoke yesterday.

So we have to look out for each other. We have mutual responsibilities. I am disappointed that people would complain about the fact that we have situations in our States that we need help for. We have a lot of poor people and a lot of people getting poorer real quick.

It is becoming increasingly clear that Republicans simply don't have any ideas for helping the American people as it relates to health care, even people in their own States who are suffering

so desperately. It is another excuse. It is more of the same. It is more evidence that some on the other side think it will never be a good time—never be a good time—to reform the health care system.

For the latest episode on that, look what is going on in the Finance Committee. Are there constructive amendments offered? No. Just nitpicking, just a way to slow things down. It is more proof they want to defend the status quo, refuse to take care of their suffering and struggling constituents, and ignore the will of the American people—at any cost. We know that cost is great.

Mr. LEVIN. Mr. President, while the majority leader is on the Senate floor and talking so eloquently about the inadequacy of health insurance and specific examples, one of the statistics—and I know it is just a statistic, not a specific example—which has moved me so dramatically in the direction the majority leader described is, if I understand this correctly, the majority of people in this country go into personal bankruptcy because they cannot pay their health care costs. That is bad enough; nobody should go bankrupt because they cannot pay for health care. That is unacceptable in this country.

But what compounds that is that a majority of them do have health insurance. The American people focus on that statistic, and I know statistics are difficult to put our arms around. But the majority of people who go bankrupt because of not being able to pay health care bills have health insurance. This isn't just a matter of trying to get people covered who are not covered; it is a matter of also trying to fill in for the inadequacy of the uncertainty that exists, the instability that exists for people to have health insurance.

Mr. REID. Mr. President, if I may respond to my friend, President Obama told me on a telephone call 6 weeks ago to make sure when we finish this health care legislation it is not a program for only the poor but that it is a program for the American people; that in the process the poor and middle class will be taken care of. I agree with the President.

What the Senator has said is true. The majority of the people who file bankruptcy do so because of health care costs. That says it all.

Mr. LEVIN. I thank the leader. We are not going to be able to get to the needed health care reform without his leadership. He also pointed out a particular circumstance that a number of our States are in. I am grateful for this situation.

In Michigan, we are losing 27,000 jobs a month. I believe we have the highest unemployment rate in the country, which is 15.2 percent. It is growing, and it will continue to grow, apparently. People are losing their health care. The number of people eligible for Medicaid is increasing.

The bill before the Finance Committee has a provision in it that we

will have more people eligible for Medicaid. That is critically important. That is one way to get more people eligible for health care. But what the Finance Committee does in its current mark is also say that certain States—including Nevada, Oregon, Rhode Island, and Michigan—are suffering particularly, and in particular ways, and we are a long way from economic recovery. So the additional Medicaid support for those States is highly appropriate. There are reasons for that.

The majority leader talks about the flooding in Georgia or the disaster we had in Louisiana a few years ago or the fires in California. We have an economic fire taking place in my home State of Michigan. I thank the majority leader for his willingness not just to grapple with the entire issue of health care reform but to also recognize not just the situation in his own State, with all the foreclosures they have been facing, but the situation we face in a number of other States economically. We are very grateful.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I join the majority leader and the chairman of the Armed Services Committee to express my appreciation to colleagues who will support the provisions for Federal assistance for high-need States. Rhode Island is one of those high-need States.

One of the key targets to being a high-need State is a high unemployment rate. Right now, ours in Rhode Island is about 12.8 percent—nearly 13 percent. Since the beginning of this crisis, we have either been the second or third highest unemployment State in the Nation, only behind Senator LEVIN's State of Michigan. It is the highest level of unemployment Rhode Island has seen since World War II, in a generation. It amounts to, in our very small State with a population of fewer than 1 million people, 73,000 people who are unemployed. That is only counting the ones who qualify as unemployed under the labor standards; for people out too long, they are even more. After a while, they don't count them any longer in the statistics. It is actually more than 73,000 people unemployed in a State of less than 1 million; 73,000 families are facing unemployment and are worrying about how to care for their loved ones.

We know this is a national problem, and we know many States are suffering. To be in this category of these four States that are high-need States and that are getting a little extra attention in the Finance bill is not something we want. I would love for Rhode Island to have a 7- or 8-percent unemployment rate. I would be delighted. This is a real trial for the people of Rhode Island, and I appreciate that there are people, including our distinguished majority leader, who are reaching out to try to help Rhode Island while we are in this period of intense economic suffering.

From my perspective, I have supported others when we went to help the States that depended on the auto industry. I have watched billions of dollars flow across this floor to support those big auto States. I have watched and supported billions of dollars flowing across this floor to support the big finance industry States—Wall Street—and to protect our banking industry. I have supported it when billions of dollars flowed across this floor to support coastal States that were hit hard by storms and hurricanes. I watched billions of dollars flow through here for the States hit by flooding recently with the terrible floods in the South and a little while ago when the terrible floods hit the upper Northwest. I have watched enormous support go to States when they experienced wildfires, and when our distinguished leader on the Budget Committee, Senator CONRAD, argued so effectively for the States affected by drought.

I am on the Environment and Public Works Committee. The coal States are getting taken care of in amazing ways. Over and over again, when we have seen our fellow States in trouble, we have been willing to help them out. All I am asking is, from Rhode Island's perspective, we have watched all of these things go by, and there is yet to be anything for Rhode Island.

I hope very much that my colleagues will not take this opportunity to turn what has been a very collegial atmosphere about helping each other's States when they are in trouble and, for purposes of politics, pile onto little Rhode Island. This is something that we need. This is something that is important to us.

Do we depend on coal? No. Do we depend on the auto insurance industry? No. Do we depend on Wall Street? No. Have we had a big hurricane? No. Nor have we had flooding, wildfires, or drought. But the condition of our people, economically, is just as bad as if those things had occurred.

Rhode Island is at nearly 13 percent unemployment. I urge my colleagues to stand with the leader and with the tradition of kindness and collegiality that has always characterized this body when a State is experiencing particular distress and difficulty.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, I listened to my leader with great admiration. I wish him to know that I support his action in support of the health reform measures before us.

The leader touched upon two problems. One was that each day in the State of Nevada, 221 men, women, and children will go to bed and the next morning find themselves without health insurance coverage. I believe it should be noted that, as we speak, over 15,000 men, women, and children of the United States will wake up in the morning finding that they have no insurance coverage—15,000 a day. That

means close to half a million every month. This is not acceptable. I don't think we should tolerate this and set it aside.

Mr. President, my leader, the very distinguished Senator from Nevada, brought up the matter of the death panel. It is the responsibility of physicians throughout this land, when confronted with terminal cases, to tell their patients of the condition. They should also notify the patients that as long as they want care and life-sustaining medicine, it will be done. But I believe it is the right of the patients to suggest that they would like to rest.

Three years ago, I lost a wife. We were married for 57 years. It wasn't an easy moment, believe me. One evening—and I have never discussed this publicly before—as I sat near her, she said, “I have something I would like to discuss with you that is very important.” She looked at me and said, “I will be dead in 10 days.” I said, “Now, you must be kidding.” She said, “No, I have discussed this matter with the doctor. We all know it is terminal. This cancer is beyond control, and I don't wish to continue this agony. I hope you will support me.” She said, “I will be OK for a week, but on the seventh day I will go into a coma. During those 7 days, I would like to discuss with you certain things, such as where my funeral services should be held.”

She kept all these details. There was no death panel. What the doctor did was to provide her with comfort—comfort of her emotions, her senses. She passed away happy. She knew that things were going to be done.

I am sorry to see—and it hurts me to see—fellow Americans distort a good aspect of health care and turn it into something murderous. They should be ashamed of themselves.

Mr. President, our leader is a good man.

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. MERKLEY. 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. MERKLEY. Mr. President, it has become clear that our health care debate is entering the twilight zone. We have such a challenge in this Nation of individuals who have no health care, small businesses struggling to provide health care, and large businesses that are having a difficult time competing and producing products in America for the world because of the accelerating price of health care.

So often, over the last couple of months, I have heard colleagues come and attack this effort to repair our broken system. Those repairs are essential to our family members. They are essential to our workers, to our small businesses, and to our big businesses. We have had very strange stories shared in

this Chamber—stories, as my colleague from Hawaii mentioned, about death panels, a creation in the mind of the former Governor from Alaska, having nothing to do with anything that happens to be in any bill before this body. We have had strange stories about benefits provided to individuals who are here undocumented, in direct opposition to the straightforward language that is in the House bills and the Senate bills.

We have had strange stories about a murky government takeover, when the heart of this plan is to create the same sort of marketplace that gives 8 million Federal workers access to multiple private plans, to create that same marketplace and access for every single American. Now, in the last day, there is something even more strange: an attack on States that are having the most difficult time in this recession.

We are deep in the twilight zone when Members come to this body to attack efforts to assist the States most severely damaged by this recession—the States of Michigan, Rhode Island, Nevada, and my home State of Oregon.

Oregon is having a difficult time for a host of reasons. We are a State that does a lot of trading, and a lot of the countries we trade with have had year-over-year recessions even worse than our own. For example, South Korea, 20-percent year-over-year drop in gross domestic product.

We have a timber industry that provides a lot of dimensional lumber to build houses and build commercial buildings around this Nation. The collapse of building has damaged it severely.

We have a wonderful section of our economy involving growing fruits and growing Christmas trees, and the Mexican tariffs have hit that very hard. Add it all up and Oregon is one of the four States worst hit.

I read a few weeks ago that if we include the underemployed as well as the unemployed, Oregon is the single worst hit State in our Nation.

I applaud the efforts of Members of this Chamber to say we have a broken health care system and we are going to repair it. They are absolutely right. I am pleased to be a member of that team working to make those repairs.

I applaud the Members of this Chamber who said we must help those States worst hit by this recession, continuing a great American tradition. When a State is hard hit by drought, we reach out and assist. When a State is hard hit by a hurricane, we reach out as a nation to gather and assist. When a State is hard hit by a flood, there is a natural disaster called, and we as a nation respond. When an earthquake strikes, as a nation we are there.

Now we have another disaster, an economic disaster, that is hitting particularly hard in four States. I applaud the efforts to reach out and assist those States together as a nation, as we have so many other States in so many other circumstances.

Let's pull this conversation out of the “Twilight Zone.” Let's come together, as we have so many times before, to take on the challenge of a broken health care system, to take on assistance to the worst hit States and help them adjust to providing Medicaid that is so urgently needed by their populations.

Thank you, Mr. President.

The PRESIDING OFFICER. (Mr. UDALL of New Mexico). The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I commend Senator MERKLEY, Senator WHITEHOUSE, and Senator REID of Nevada for their eloquent and accurate description of the situation that faces several States.

Throughout this country, there is a crisis in unemployment. But in States such as Michigan, Oregon, Nevada, and Rhode Island, it is a catastrophe—over 12 percent unemployment.

As my colleague pointed out, that is just the official number. That number does not include those who have lost their job, but not filed their official employment status. That number does not include those people who are looking for work and not finding employment. It is a situation that is extremely difficult on the individuals and families of Rhode Island.

We are engaged in a very serious debate about health care reform. There seems to be a consensus that the status quo will not work. Yet our proposals to change it are dismissed without appropriate response in terms of alternatives. Our colleagues in the minority are simply saying the status quo is bad, but it is good for us.

We have to make changes, and we have to make those changes that recognize not only the inefficiencies in our medical care system but also the overall economic system.

One of the impetuses for this reform is not just access and affordability of health care, it is the economic future of the country. Again, in States such as Rhode Island, Michigan, Oregon, and Nevada, this is an issue that is incredibly important.

We understand that some States have taken a much more aggressive approach to their Medicaid populations. In recognition of our costly health care system, they have tried to enroll as many people as they could. They recognize a higher level of poverty, one that I think is going to be recognized in federal reform initiatives. But effectively, these States, unless they are given some help, will be punished for being ahead of their colleagues, for trying to extend health care coverage before the Nation was ready to do that. In that sense, we have to also recognize the need to support the Medicaid Program and also support particularly those States that are in this economic catastrophe.

As Senator WHITEHOUSE pointed out, we routinely come together and recognize the special needs of regions and States—wildfires in California, agricultural disasters throughout the middle



of the country and elsewhere, the great crisis of Katrina. To say now that we cannot recognize something as extraordinarily important, such as health care, to several States, including my own of Rhode Island, is, I think, neglecting what we do here on a relative routine basis.

The other fact is that some of the criticism directed at proposals that have been made in the Finance Committee have been made by Governors who simply say you cannot shift the burden to us, and that is particularly the case in Rhode Island. We are facing a significant crisis in State funding. If we give them a responsibility without resources at a time of this great unemployment crisis, it would add a further burden. We would be, I think, not only disadvantaged by the economic situation but, as I suggested before, punished for a good deed, which is to try and incorporate more people into our Medicaid system.

We have to support the Finance Committee's approach. In fact, I thank the Finance Committee and Senator BAUCUS for considering this issue. This is critical. Again, we all wish we would be in a situation where unemployment could confidently be seen in the future as not a factor to support the States, but we know it is going to be.

The support the chairman and the members of the Finance Committee have given is appropriate. I strongly support it and urge my colleagues to do so, as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

AMENDMENT NO. 2578

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 2578.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Delaware [Mr. KAUFMAN], for himself, Mr. LUGAR, Mr. BAYH, and Mr. REED, proposes an amendment numbered 2578.

Mr. KAUFMAN. 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 for continuing support of certain civilian-military training for civilians deploying to Afghanistan)

At the appropriate place, insert the following:

SEC. \_\_\_\_ The Secretary of Defense shall, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, continue to support requirements for monthly integrated civilian-military training for civilians deploying to Afghanistan at Camp Atterbury, Indiana, including through the allocation of military and civilian personnel, trainers, and other resources for that purpose.

Mr. KAUFMAN. Mr. President, I am grateful to the Senator from the State

of Hawaii and the Senator from the State of Mississippi for their work on this very important bill. I also thank Senator JACK REED from Rhode Island, Senator LUGAR, and Senator BAYH for their support of this amendment, which instructs the Secretary of Defense, in consultation with the Department of State and USAID, to continue to support the integrated civilian-military training for all civilians deploying to Afghanistan, occurring once a month in Indiana at Camp Atterbury.

The civilian role in Afghanistan is absolutely critical to achieving the broader goals of counterinsurgency. As we discuss the way forward in Afghanistan, it is essential to remember that troop levels are only one part of that strategy.

In order to cultivate support among the population and implement an effective counterinsurgency, civilians from across government agencies must continue to partner and work in tandem with the military.

In May, I offered an amendment to the supplemental which aimed to ensure that civilians deploying to Afghanistan receive training that cultivates greater civilian-military unity of mission and which emphasized the importance of counterinsurgency and stability operations.

Prior to passage of this amendment, joint civil-military training was only occurring once every 9 months to coincide with scheduled military deployments. Since then, officials throughout the government—and especially the State Department—realized this was insufficient to meet the increased needs presented by the civilian surge in Afghanistan.

As such, the joint training schedule was increased to once a month, and Ambassadors Eikenberry and Holbrooke recently mandated that all civilians working in the field in Afghanistan must receive this training prior to deployment.

On Monday, I visited Camp Atterbury to observe and express my support for the training, to thank these brave men and women for their service, and to emphasize the key role of our civilians in Afghanistan.

Civilians from across the interagency process—including the Department of State, U.S. Agency for International Development, and the Department of Agriculture—have come together in Camp Atterbury for a 1-week intensive course with the military, where they simulate real life experiences in Afghanistan.

This includes participating in vignettes with role players and the military to brainstorm ways to help their Afghan partners deliver essential services, security, and economic opportunity.

This essential skill set and level of familiarity with the military would take weeks to achieve once in theater. But the integrated training at Camp Atterbury allows our civilians heading to Afghanistan to hit the ground running.

Given the increased demand for this training, I am offering an amendment to ensure that training at Camp Atterbury continues to receive the support it needs in terms of military and civilian personnel, trainers, and other resources.

With a new mandate from Ambassadors Holbrooke and Eikenberry, the class size for this training has obviously increased. As we continue with the civilian surge, I hope the training at Camp Atterbury will receive a commensurate level of increased funding and support which it needs.

We owe it to our brave men and women in Afghanistan to get this right. It is critical to remember that our strategy in Afghanistan is not just about the troops; it is also about the civilians.

Just as we seek to ensure our troops headed to the field have the proper preparation and equipment, it is critical our civilians have the same level of training to ensure their effectiveness and security.

As the number of civilians in Afghanistan continues to grow—up to nearly 1,000 by the end of the year—our support for this mandatory training must also increase.

Integrated civilian-military training is a great example of steps being taken to improve our counterinsurgency strategy. In order to succeed in Afghanistan, civilians must successfully partner with the Afghans to help provide essential services, to promote economic development, and to improve systems of governance.

I am especially grateful to the Indiana National Guard, General Umbarger, adjutant general of the Indiana National Guard, and General Touley are so involved in this and doing such a wonderful job. They are to be commended. I also am grateful to the staff at Camp Atterbury and the broader training support team from the Departments of State, Defense, and USAID.

Most important, I am extremely grateful to the thousands of our brave men and women—civilian and military—who are serving in Afghanistan.

I believe this amendment is non-controversial, and with support of the bill managers, I will be more than happy to adopt it by voice vote at the appropriate time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

AMENDMENT NO. 2592

Mr. CASEY. Mr. President, I come to the floor to speak about an amendment, one we are going to be spending more time on in the next couple hours—amendment No. 2592. I will not call it up at this time, but I will speak about it.

First, I am very honored that our assistant majority leader, Senator DURBIN, has worked with me and our staffs have worked together on this amendment. I ask unanimous consent that Majority Leader REID, Senator KERRY

of Massachusetts, and Senator BILL NELSON of Florida be added as cosponsors of amendments Nos. 2591 and 2592, which I filed for consideration during the debate on H.R. 3326, the Defense Appropriations Act.

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

Mr. President, the first amendment I will speak about is 2592.

This amendment has three major goals:

First, this amendment will make sure the shoddy electrical work on American military bases gets fixed immediately. When I say shoddy electrical work, in some of the circumstances I will describe, that is an understatement.

Second, it would also ensure that the brave men and women serving in war zones have clean water. It is kind of hard to believe we have to have an amendment to deal with that. We should have that anyway. But once again, it is something we have to correct and fix.

Third, the amendment would establish and enforce strict standards for preventing and prosecuting sexual assault on Army bases.

These are the three goals and objectives of this amendment. These simple, commonsense reforms are long overdue. These problems should have been corrected a long time ago, but they haven't, so we have to take action.

For the moment, I would like to focus on the first provision of the amendment, which requires immediate correction of substandard electrical work.

Since the 2003 invasion of Iraq, 10 brave servicemembers and civilian contractors in Iraq have died—have died—as a result of electrocutions that could have been prevented. This includes SSG Ryan Maseth of Shaler, PA, which is in the southwestern corner of our State.

Ryan died on January 2, 2008, when he was electrocuted while showering in his barracks in Iraq. It is hard to describe in a short presentation and a few number of words the horrific nightmare he had to live through and was killed by and the nightmare his family has lived through ever since. His mother Cheryl Harris is someone I have come to know. She has been a strong advocate not just for finding out what happened to her son but also making sure this doesn't happen to other sons and daughters serving in harm's way.

Just imagine this: A brave soldier, willing to take on the enemy and trained to do that, willing to go into the battlefield and endure a firefight, is killed in a shower because someone didn't do their job in ensuring a shower was grounded or installed correctly to prevent shock or electrocution and death.

Ryan was not killed in combat. He was killed by the mistakes of others in a place where he should have had a reasonable expectation of safety and security away from the battlefield. In one

of those few moments when our soldiers can relax and get a breather, he was killed. So this amendment is necessary because Ryan's tragic death could have been prevented if the bad electrical work had been fixed in a timely manner.

Ryan's case is not an isolated incident. Other incidents involve servicemembers and contractors from all over the country, including Georgia, Texas, California, Nevada, Oregon, Hawaii, Minnesota, and, as I mentioned, my home State of Pennsylvania. The risk continues to persist, and it has been going on since 2004.

Ryan died in January of 2008, but the risk is still there for our soldiers. On September 1 of this year, the beginning of last month, a civilian contractor, Adam Hermanson, died as a result of being electrocuted—again, just like Ryan—while showering.

Adam grew up in San Diego and Las Vegas. He served three tours in Iraq—three tours—with the Air Force before leaving at the rank of staff sergeant. Adam Hermanson was planning to move to Pennsylvania with his wife Janine. Janine is currently living in our State with her parents and searching for an explanation—an explanation as to why this happened to her husband. The Departments of Defense and State have an obligation to provide this explanation.

We have had lots of investigations and lots of reviews but not enough in the way of answers. We have an obligation in the Senate as well to prevent any further electrocutions of our troops in these circumstances.

This amendment attempts to right a wrong by ensuring that the Army reviews the language of a contract at the time of formation of that contract to ensure that it includes explicit language that clearly requires contractors to immediately correct deficiencies, such as improperly ground equipment or facilities which could cause the death or serious bodily harm of a soldier. This review should be happening already, but the facts make clear that it isn't. The Senate needs to take concrete steps now to reduce and ultimately eliminate this danger to our troops. No family should have to endure the pain suffered by Ryan's mother Cheryl Harris or Adam's wife Janine Hermanson or any other family members of the other eight fallen soldiers.

Americans serving in this theater of war or any theater of war face challenges on the battlefield that most of us can't even imagine. I know Chairman INOUE understands what I am talking about. He served in combat and we know of his great heroic story. He can understand it, but I am not sure I can, not having faced those challenges myself. But the risk of death should not follow these brave men and women into the barracks, where they should have a reasonable expectation of safety and security away from the battlefield.

Mr. President, I ask unanimous consent to have printed in the RECORD the

names of the 10 servicemembers and contractors who have died in Iraq as a result of electrocutions.

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

#### ELECTROCUTION DEATHS IN IRAQ

Since the March 2003 invasion, 19 people have died from electrocution, including 10 from the Army, 5 from the Marine Corps, 1 from the Navy, 2 military contractors and 1 State Department contractor.

According to the Inspector General of the United States Department of Defense, nine of the 19 electrocutions involved accidental deaths that resulted from the victims touching or coming into contact with live electrical power lines. The Inspector General's report on these incidents concluded that "[w]hether equipment maintenance complied with proper electrical standards or grounding requirements were not issues in these nine electrocutions, and the investigations conducted in the cases sufficiently established responsibility for the deaths."

The remaining ten electrocutions involved equipment malfunctions that could have related to whether equipment maintenance complied with proper electrical standards or whether the respective chain of command acted responsibly in protecting Service members.

1. Army Spc. Marvin A. Camposiles, 25, of Austell, Georgia: Army Spc. Camposiles died in Samarra, Iraq, when he was electrocuted while performing routine generator maintenance. He was assigned to 1st Battalion, 26th Infantry Regiment, 2nd Brigade, 1st Infantry Division, Schweinfurt, Germany. Died on April 17, 2004.

2. Marine Pfc. Brian K. Cutter, 19, of Riverside, California: Marine Pfc. Cutter died in Al Asad, Iraq, after being electrocuted while working on a cooling system for a tent, only two days after arriving in Iraq. He was assigned to 3rd Assault Amphibian Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, California. Died on May 13, 2004.

3. Spc. Marcus "O." Nolasco, 34, of Chino, California: Spc. Marcus Nolasco died in Baji, Iraq, when he was electrocuted while showering. He was assigned to Battery B, 1st Battalion, 33rd Field Artillery, 1st Infantry Division, Bamberg, Germany. Died on May 18, 2004.

4. Navy Petty Officer 3rd Class David A. Cedergren, 25, South St. Paul, Minnesota: Petty Officer 3rd Class Cedergren died near Iskandariyah, Iraq, died as a result of being electrocuted. He was assigned to the 2nd Marine Division Fleet Marine Forces Atlantic. Died on September 11, 2004.

5. Spc. Chase R. Whitham, 21, of Harrisburg, Oregon: Spc. Whitham died in Mosul, Iraq when an electrical current surged through a swimming pool in which he was swimming. Died on May 8, 2005.

6. Sohan Singh, Civilian Contractor Employee: Mr. Sohan Singh was electrocuted while attempting to enter his quarters at Fallujah Surgical, Camp Fallujah, Iraq, on July 19, 2005. Mr. Singh was a third country national from India.

7. Staff Sgt. Christopher L. Everett, 23, of Huntsville, Texas: Staff Sgt. Everett died in Al Taqqadum, Iraq, when he was electrocuted while power washing sand from a Humvee. He was assigned to the Army National Guard's 2nd Battalion, 112th Armor Regiment, 56th Brigade Combat Team, Arlington, Texas. Died on September 7, 2005.

8. Army Sgt. Michael J. Montpetit, 31, of Honolulu, Hawaii: Army Sgt. Montpetit died when he was electrocuted while working on a

generator outside of Baghdad. He was assigned to the 15th Forward Support Battalion, 2nd Brigade Combat Team, 1st Cavalry Division, Fort Hood, Texas. Died on June 22, 2007.

9. Staff Sgt. Ryan Douglas Maseth, 24, of Shaler, Pennsylvania: Staff Sgt. Maseth was electrocuted while showering in his barracks in Baghdad in January 2, 2008.

10. Adam Hermanson, 25, of Las Vegas, Nevada: While working as a State Department contractor, Adam was electrocuted on September 1, 2009 while showering in Baghdad. According to press reports, military medical examiner told her that preliminary findings indicate that Adam died from low voltage electrocution. Adam served three tours in Iraq with the Air Force before leaving at the rank of staff sergeant. Died on September 1, 2009.

Mr. CASEY. Mr. President, let me conclude with a couple of remarks.

The Associated Press published a story written by Kimberly Hefling on September 8, 2009, and I ask unanimous consent to have this article printed in the RECORD.

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

[From the Associated Press, Sept. 8, 2009]

STATE DEPARTMENT CONTRACTOR  
ELECTROCUTED

(By Kimberly Hefling)

WASHINGTON.—A State Department contractor apparently has been electrocuted while showering in Baghdad even as U.S. authorities in Iraq try to remedy wiring problems that have led to the deaths of American troops there.

The contractor, Adam Hermanson, 25, died Sept. 1, his wife, Janine, said Tuesday. She added that a military medical examiner told her that preliminary findings indicate her husband died from low voltage electrocution.

Electrical wiring has been an ongoing problem in Iraq. At least three troops have been electrocuted in the shower since the start of the Iraq War, while others have been electrocuted under other circumstances such as while operating a power washer. Inspections and repairs are under way at 90,000 U.S.-maintained structures there.

Hermanson grew up in San Diego and Las Vegas. He joined the military at age 17, and did three tours in Iraq with the Air Force before leaving at the rank of staff sergeant. He returned to Iraq as an employee of the Herndon, Va.-based private contractor Triple Canopy.

Jayanti Menches, a spokeswoman for Triple Canopy, said in an e-mail that the company was saddened by his death but would not be commenting further until an investigation was complete.

State Department spokesman Robert Wood also offered condolences to the family, but would not elaborate further on the cause of death, pending an investigation.

Janine Hermanson said her husband took the contracting job so they would have money to buy a house in Muncy, Pa., where they were planning to live. She said she'd already moved there and was living with her parents.

The two would have celebrated their fourth wedding anniversary on Sunday.

"He was supposed to come back and we had a lot of plans," said his wife, who also served in Iraq with the Air Force.

Besides three Iraq tours, Adam Hermanson served in Uzbekistan with the Air Force. His mother, Patricia Hermanson, 53, of Las Vegas, said everyone in her family was struggling to understand how he could sur-

vive four war tours, then die suddenly in a seemingly safe place.

"We all know that Adam was as strong as a tank," his mother said. "He was in good health."

In July, the Defense Department's inspector general said that of the 18 electrocution deaths of U.S. soldiers and contractors in Iraq, eight involved possible equipment faults or malfunctioning that caused or contributed to the electrocutions. The accidental touching of live wires was blamed in about half the deaths.

Mr. CASEY. Mr. President, I won't read all of this Associated Press story but will just make note of two statements by two people who loved Adam Hermanson very much.

There is a statement in this story about his wife and his mother. His wife said, when reflecting upon what had happened to her husband and the circumstances: He was supposed to come back, and we had a lot of plans. So after serving three tours as a soldier and then going back as a contractor, he would have hoped to have come back to be with his wife, and she says in the story that they had a lot of plans. And then Adam's mother, Patricia Hermanson of Las Vegas, said everyone in her family was struggling to understand how he could survive so many tours of duty and then die suddenly in a seemingly safe place. That is a question all of us should ask and have answered—those who are family members who have lived through this nightmare and those who are Senators trying to do something about it.

I know there are many people here in this Chamber who want to do something about this, so I ask my colleagues to support this amendment.

Mr. President, I hope someone can tell me whether we can call it up at this time.

Mr. INOUE. Will the Senator yield?

Mr. CASEY. I will.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. I commend the Senator from Pennsylvania for his amendment. I support the intent and the purpose of that amendment. However, I have been advised there are certain technical changes that have been recommended for better acceptance by this body. So if I may ask that the Senator's staff and the staff of the committee get together, I think we can work it out.

Mr. CASEY. I thank the chairman for his comments, and we will certainly act in accordance with his statement.

Mr. INOUE. I thank the Senator.

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

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

AMENDMENT NO. 2578, AS MODIFIED

Mr. KAUFMAN. Mr. President, I ask unanimous consent that amendment

No. 2578 be modified with the changes at the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. The Secretary of Defense may, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, continue to support requirements for monthly integrated civilian-military training for civilians deploying to Afghanistan at Camp Atterbury, Indiana, including through the allocation of military and civilian personnel, trainers, and other resources for that purpose.

Mr. KAUFMAN. Mr. President, I ask for a voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment at this time?

Mr. KAUFMAN. Mr. President, I yield the floor, and 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. INOUE. 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. INOUE. Mr. President, I would like to advise the Senate that the committee has no objection to the Kaufman amendment and we accept it.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 2578), as modified, was agreed to.

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

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 2567

(Purpose: To prohibit the use of funds for the Center on Climate Change and National Security of the Central Intelligence Agency)

Mr. BARRASSO. I ask the pending business be set aside and I be allowed to call up my amendment, No. 2567, and make it pending.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Wyoming [Mr. BARRASSO] proposes an amendment numbered 2567.

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. No amounts appropriated or otherwise made available by this Act may be available for the Center on Climate Change and National Security of the Central Intelligence Agency.

Mr. BARRASSO. Mr. President, on September 25 the Central Intelligence Agency announced the creation of the CIA Center on Climate Change and National Security. I am proposing an amendment today to the fiscal year 2010 Defense appropriations bill that would prevent funds in this bill from going to that center. The CIA is responsible for gathering foreign intelligence information for the United States. We have threats from around the world. The most immediate of these threats is the prevention of future terrorist attacks on U.S. soil. I do not believe that creating a Center on Climate Change is going to prevent one terrorist attack.

Why is this administration having our intelligence officials, the men and the women who protect this country, have these men and women staff and operate a climate change center? The creation of this center appears to elevate the issue of climate change to the level of terrorism and foreign espionage.

To me, this raises a number of questions. The CIA always claims to have scarce resources and competing priorities. What are the costs going to be of creating this new climate center? Isn't there a more efficient way to achieve the same results using existing resources? Why can't the CIA get this information through traditional channels, such as the State Department officials in the field, the EPA, the National Ocean and Atmospheric Administration, and other Federal agencies?

How does the CIA get information about other issues—world hunger, disease, financial markets—to make their decisions? Do they have centers for all of these issues as well? Is this center going to make demands on the current CIA bureaucracy? Will they use existing personnel? Will they hire new people? Will necessary personnel have tasking authority?

Tasking authority means the ability to take satellites off of watching terrorists and having them instead watching arctic ice sheets. Will someone sitting in a dark room watching satellite video of northern Afghanistan now be sitting in a dark room watching polar ice caps?

The priorities seem to be out of focus. I believe the Senate should support this amendment and bring the focus back in line with America's national security interests. The CIA has an important job to do. It must not be distracted by being forced to deal with climate change.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. 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. BOND. Mr. President, I have two things to do. First, there is an amendment from the Senator from Oklahoma on the National Guard REA accounts. I think the amendment would miss the point and make a faulty assumption that the National Guard/Reserve equipment accounts do not go through a process.

The Secretary of Defense and service chiefs already review the unfunded list that the NGREA funds are put toward. The Air National Guard and Army National Guard, working closely with their major command counterparts, have been able to use these funds on critical capability requirements by leading with funding for integration and procurement of various weapons systems capabilities.

The Army and the Air Force are responsible for equipping their Reserve components, and they do so within budgetary constraints.

We know historically that the Air National Guard has been equipped at a level significantly lower than the Active components and, constitutionally, the Congress has the explicit power to provide for equipping the militia. Even in recent history the Air National Guard's equipment requirements are placed in the supplemental or in the outyears, which often do not survive.

Congress has traditionally understood that the Army cannot meet the Reserve component's equipment requirements. The National Guard has a Federal "wartime" mission as an operational Reserve and, in order to ensure that the Reserve component, specifically the Guard, can meet both its Federal and domestic missions, Congress provides the NGREA.

After Katrina, the Guard had only 33 percent of the homeland equipment needed to respond to its State emergency response mission. The Guard primarily focuses its NGREA procurements on critical dual-use items that support both the Chief and the National Guard Bureaus' "Essential 10" capabilities—their overseas military responsibility—and the Governors.

The funding provides for the modernization, unfunded MTOE equipment requirements, and items of equipment that are not managed by the Army G4 or G8.

With all that said, I hope my colleagues will continue to recognize that investments in our citizen soldiers and airmen provide the best bang for the taxpayers' hard-earned dollars and, further, that the funds in the National Guard and Reserve equipment account are subject to an internal process review by the Secretary of Defense and respective Guard Chiefs.

Mr. President, I also will ask to call up another amendment that I have. I believe it is at the desk. This is an amendment on behalf of the citizen airmen in the Air National Guard.

At present, the Air Force possesses sufficient numbers of fighter aircraft

to accomplish its national military strategy objective which, as its first priority, is the defense of the homeland. However, even with an aggressive strategy to reflow legacy aircraft to Air Guard units, the Air Guard will experience a significant drawdown of fighters as existing fighters reach the end of their service life.

Unfortunately, this is the result of year after year of failing to recapitalize our fighter fleet. This is due to cost growth and production delays of the so-called fifth generation aircraft that have resulted in reduced purchases of aircraft and chronic delivery delays which threaten to put a tremendous bathtub in the available craft needed by the Air Guard for its mission.

Most of us all know what happens when the pot shrinks in the Pentagon. The Guard gets the short end of the stick. The Air Force must recapitalize its older fighter force, the F-15s and F-16s. Fifth generation aircraft investment, proposed investment, is crowding out other Air Force priorities with limited resources when we have to have the resources now for work that the Guard is continuing to do.

Of the F-16s in the Air National Guard, 80 percent will begin to reach the end of their service life in less than 8 years. The net result is the Air Guard is facing a major gap between when the jets are retired and when aircraft to replace them are available.

That is the fighter gap. The result is units would not be capable of supporting the Air Sovereignty Alert; that means defending the skies of the Homeland.

Currently, the Guard covers series 16 of 18 sites where units stand alert 24 hours a day, 7 days a week, 52 weeks a year. Recapitalizing the Air National Guard and modernizing must occur proportionally and in parallel with the total Air Force; otherwise, mission gaps, such as the all-important Air Sovereignty Alert, will come down and the absence of necessary aircraft will leave many units eviscerated.

There is no program or plan that prevents the fighter gap from occurring. I was very pleased to hear the Air Force Chief of Staff, GEN Norton Schwartz, announce at the National Guard Association his intent to work with the Guard to develop a preservation strategy.

The strategy is being developed. At the time, it will be presented to the Air Force, the Guard, and the Adjutant Generals in November. Senator LEAHY and I have continued to endorse the procurement of 4.5-generation aircraft to address the shortfall.

I believe we will have to consider purchasing more F-16s, F-15s or F/A-18s that are relevant to the current and foreseeable war on terror, are cost-effective, and are available to bridge the Guard through the fifth generation.

The Air Guard absolutely needs to be a part of the fifth-generation missions but not at the expense of the vast majority of units it would lose due to a

lack or delay in follow on. We do not need to accept a smaller Air Force, particularly when it is not based on thoughtful analysis but based on the need to cut budgets and cost growth in the procurement of the new planes that are so far behind schedule, underperformance, and overbudget.

We will see too many units shut down. That is why Senator LEAHY and I have offered an amendment to restrict the retirement of the current generation aircraft until the Secretary reports to the Congressional Defense Committees a detailed plan on how the Secretary of the Air Force will fill the force structure, a description of the follow-on missions, an explanation of the criteria for selecting the bases, a plan for the reassignment of regular and Reserve Air Force personnel, and an estimate of the cost avoidance to be achieved by the retirement of such tactical air.

Many of the efforts we have had to wage over the last few years have been the result of the Guard getting shut out of key decisions on resources and equipment. America's oldest fighting force is now more relevant than ever. In today's world, the need for a National Guard is greater than ever before. The Guard has experienced and capable fighting units. There is no program or plan that prevents this fighter gap from occurring. Unless we pass this amendment, the issue remains unresolved. This amendment will prevent the loss of any additional force structure until we get the information needed.

I ask unanimous consent to set aside the pending amendment and call up this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. I reserve the right to object. Let me inquire as to what is pending now.

The PRESIDING OFFICER. The pending amendment is the Barrasso amendment No. 2567. Five other amendments are also pending.

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BOND. I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, as we consider the Defense Department Appropriations bill, the most important question we face concerns our military operations in Afghanistan. That is why I have filed an amendment which commends the President for focusing on Afghanistan and Pakistan and for developing a comprehensive, interagency strategy for the region. It also expresses the sense of the Senate that the President should provide Congress and the American people with some basic information before he authorizes any potential increase in troop levels in Afghanistan. In particular, it urges the President to inform Congress how much such an increase would cost, how long he expects it to last, the likeli-

hood that it will have any impact on our ability to confront the al-Qaida safe haven in Pakistan, and the likelihood that it will actually destabilize one or both countries. I realize that we cannot know these things with absolute certainty, but we should have some idea of the expected costs, duration, and likelihood of success or failure before embarking on such a significant undertaking. The President should not send tens of thousands of brave young men and women into harm's way, if he so decides, without first answering these questions, and Congress should not support such a decision without first obtaining this information.

My amendment, which is nonbinding, does not attempt to pressure the President to make a decision about troop levels. I, for one, am pleased to see that this administration is apparently asking some very tough questions about our Afghan strategy. I think it is unfortunate that some, including in this body, have suggested that any delay in responding to General McChrystal's request is unacceptable. The stakes are too high for a rushed decision, and not only for the troops who could be deployed. After 8 long years of war, we need to question all our assumptions and rethink our approach from top to bottom. What was possible and desirable 5 or even 2 years ago may now be neither. Getting Afghanistan right has serious implications for our national security, and the answers to the questions I raise in my amendment will help us, and the people we represent, to know whether we have done so.

Eight years ago, I voted in favor of the authorization to use military force against those who planned and carried out the 9/11 attacks. Since then, I have remained focused on that goal and have noted with alarm the resiliency of al-Qaida's leadership in Pakistan and its growing footholds in Yemen, Somalia, North Africa and elsewhere. The decision to go to war in Iraq was a tragic mistake that undermined our ability to go after al-Qaida. That initial mistake was compounded by flawed thinking as too many people focused narrowly on "getting Iraq right" without realizing that the key to getting Iraq right was to place it in the context of a comprehensive, global strategy to defeat al-Qaida. So, too, we cannot simply focus on getting Afghanistan right, we need to make sure that our Afghan approach is part of, and contributes to, that broader strategy I just mentioned.

This administration sees that bigger picture, which is why it has begun to redeploy troops from Iraq, though not as quickly as I would prefer. And President Obama has brought needed focus and attention to the Afghanistan-Pakistan region, but I am concerned that our current and proposed military strategy Afghanistan may play into al-Qaida's hands. Our current approach has mobilized a tribal network in the Afghan-Pakistan border region that does not share al-Qaida's international

terrorist agenda but nonetheless opposes our massive military presence in the region. It has driven people into the arms of the Taliban even while Taliban and al-Qaida leadership remains out of reach in Pakistan. And it risks further destabilizing Pakistan, a nuclear-armed country where al-Qaida is now based. Rather than continue down this road, we need a smart, targeted strategy to pursue al-Qaida and Taliban leadership without provoking further militancy in both countries.

Our enemy is agile. It has a network that spans the globe, receives financing from individuals around the world and has a presence in even the most developed nations. We have expanded our ability to go after these networks, working with allies and cutting off the flow of funds. Chasing after elusive Taliban foot soldiers in Afghanistan will not defeat al-Qaida; rather, we must use all elements of our national power to target al-Qaida without getting bogged down in massive military operations with unrealistic goals and potentially dangerous unintended consequences.

Armed nation-building in a country hostile to foreign interventions and with a feckless, corrupt central government is at best an experiment and at worst a dangerous distraction. Rather than looking desperately for a quick fix to the problems that plague that country, we must acknowledge the limits of our ability to radically remake Afghan society no matter how many billions of dollars and tens of thousands of troops we may commit to the cause. Instead, we should pursue a sustainable, civilian-focused strategy to support the emergence of legitimate governance. This is the surest way to defeat the Taliban in the long term.

Unfortunately, while the decision to go to war in Afghanistan was the right one, the exigencies of our military operations are now undermining our ability to help promote such legitimate governance. We have looked the other way when our supposed allies committed human rights abuses, sold drugs or embraced corruption. As General McChrystal stated in his assessment, we have embraced "problematic" relationships with "polarizing and predatory" power brokers, including in the Afghan National Security Forces, who "have been major agents of corruption." He reported that "extortion associated with large-scale development projects undermines the economy in Afghanistan." Additionally, he notes, the Afghan public "perceives that ISAF is complicit in" the abuse of power and corruption.

Some who want to persist with our current strategy are calling for a rapid increase in the size of the Afghan security forces. But without a legitimate, functioning national government, a rapid expansion of these forces is likely to provoke further instability.

Currently, the only face of the Afghan government in many parts of the country is the Afghan police force which is itself beset by corruption.

While our current strategy depends upon our ability to address the corruption that plagues the Afghan government, no one has explained how we can achieve this goal. With the input of millions of dollars, international pressure and additional U.S. troops, we did not even have the ability to prevent wide-scale fraud in the recent presidential election. In the absence of a legitimate local partner, our counterinsurgency goals, while perhaps laudable, appear unrealistic.

Rather than further aligning ourselves with this badly flawed government, we should focus on targeting our aid to those actually working to promote good governance and the rule of law. This does not require a massive military presence. Indeed, attempting to accelerate this process with an increase in U.S. troop levels may well be counterproductive. Countries are typically built by their own people, over time, through a process of building a national consensus. This cannot be imposed by foreigners, especially when they are active participants in an ongoing war in a country that is highly resistant to foreign occupation. And we cannot afford to link this lengthy and unpredictable process to an open-ended and unsustainable military escalation.

General McChrystal has argued that we should significantly increase our military resources in Afghanistan for the purpose of "protecting" the Afghan population. However, he acknowledges that, if we endorse his proposal, it "is realistic to expect that Afghan and coalition casualties will increase." This does not make sense. Occupying the population centers of southern Afghanistan is likely to provoke greater resentment and increase the danger to our troops and to the Afghan public. The majority of Afghans oppose an increase in foreign troops and want to see foreign troops leave the country within 2 years. Without giving the American and Afghan people a sense that our military operations will not go on indefinitely, we are unlikely to gain the support needed to accomplish our goals, particularly if we know going in that civilian casualties will only increase in the short term. That is why I have called for a flexible timetable to draw down our troop presence in Afghanistan.

Rather than risking more American lives and spending more American dollars in support of an illegitimate partner in Afghanistan, we must find a way to relentlessly pursue al-Qaida without further destabilizing Afghanistan and its nuclear-armed neighbor. Our massive, open-ended military footprint is not only unnecessary and unlikely to accomplish this goal, it may well be counterproductive.

Now, some will argue that anything short of a troop escalation means "abandoning" Afghanistan. That same argument was made about Iraq, and it is just as phony now as it was then. The question is not about abandoning Afghanistan, it is about correctly de-

fining and achieving our goals there. Unlike Iraq, we also hear arguments pointing out that the 9/11 attacks were launched from Afghanistan, which is absolutely true.

But the leaders of al-Qaida and the leaders of the Taliban are in Pakistan, they are not in Afghanistan. We should be concerned about al-Qaida potentially re-establishing a safe haven in Afghanistan, but we should be even more concerned about al-Qaida's current safe haven in Pakistan. Pakistan is home to a witches' brew of militancy, radicalism, terrorism, nuclear weapons and weak civilian leadership, and getting this country right will be even more challenging, and more important, than Afghanistan.

Our primary goal should be to help support the emergence of a civilian government in Pakistan that is effective, democratic and a reliable partner. It has been widely reported that elements of the Pakistani security services continue to provide support to militants. Our ability to pressure the Pakistani security forces to hold those elements accountable is undermined by our focus on military operations in Afghanistan, specifically our dependence upon our supply line running through Pakistan. Some have suggested that if we redeploy troops from Afghanistan, the Pakistanis will decide we are not committed to the region, and we will lose what leverage we have over them. In fact, we should consider whether drawing down our troops in Afghanistan would help enable us to deal with Pakistan from a position of strength.

The Director of National Intelligence summarized the depth of the problem earlier this year during his testimony before the Senate Select Committee on Intelligence. He stated that:

No improvement in the security in Afghanistan is possible without . . . Pakistan taking control of its border areas and improving governance, creating economic and educational opportunities throughout the country. . . . [M]ounting economic hardships and frustration over poor governance have given rise to greater radicalization. . . . Islamabad needs to make painful reforms to improve overall macroeconomic stability. . . .

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senator be given 3 additional minutes.

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

Mr. FEINGOLD.

Among the needed reforms are measures to improve the transparency of government expenditures and impose taxes on wealthy landowners. Such reforms would reduce the opportunities for corruption among Pakistani political leaders, help to establish a more level political playing field, and help build the confidence of average Pakistanis in their government.

As Admiral Blair's testimony illustrates, militancy in the region stems from an incredibly complicated set of problems, few of which are amenable to a military solution. Now that the United States is focused on its rela-

tionship with the civilian government in Pakistan after too many years in which we placed all our chips on an unreliable, unpopular and undemocratic strongman, we are finally on the right track, trying to support the emergence of a legitimate government that, in the long run, is more likely to support our counterterrorism goals and provide the stability that country needs.

Progress on this front, however, may well be compromised by our massive presence in Afghanistan. During a recent Senate Foreign Relations Committee hearing, former British foreign service officer, Rory Stewart testified that "U.S. operations in Afghanistan may, in fact, contribute to the destabilization of Pakistan." Special Envoy Holbrooke and Admiral Mullen have also acknowledged to me in appearances before the Foreign Relations Committee that there is a danger that our operations in Afghanistan will further destabilize Pakistan by pushing militants into that country. We must carefully consider the alternatives before we pursue a significant escalation in Afghanistan that is not likely to fix the governance problems in that country or to address the al-Qaida presence in Pakistan, and that could further destabilize the entire region.

Over the last 8 years, we have committed tremendous resources in an effort to dramatically rework Afghan society. We have doubled our troop levels over the past year and, this year alone, we will spend over \$50 billion in that country. This has already become the deadliest year for U.S. troops in Afghanistan. Rather than doubling down on a strategy with objectives that may well be unachievable, we should focus on relentlessly pursuing al-Qaida's network in Pakistan and around the world, and set realistic goals for providing civilian assistance to legitimate actors within the Afghan and Pakistani governments. My amendment asks tough questions about any potential military escalation to ensure that we carefully consider the costs of the proposed strategy, its likelihood of achieving our counterterrorism goals, the potential pitfalls and the alternatives. I hope my colleagues will ask themselves these questions as they consider whether to support the underlying bill, which funds a military approach in Afghanistan that is badly in need of rethinking.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. I ask unanimous consent to set aside the pending amendment and call up my amendment at the desk, No. 2588.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Reserving the right to object, I have no objection to the Senator from Minnesota offering his amendment. I wanted to get two other amendments pending. I ask that I be included in the request.

The PRESIDING OFFICER. Is there objection to modifying the request?



Mr. FRANKEN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRANKEN. I would like to get my amendment in.

Mr. COBURN. If the Senator objects for me, then I will object to him getting his.

The PRESIDING OFFICER. Objection is heard.

#### AMENDMENT NO. 2593

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment 2593 offered by the Senator from Michigan, Mr. LEVIN.

Mr. LEVIN. Mr. President, there are two amendments that we will be voting on next to each other, side by side, relating to the appearance of not only General McChrystal but, if my amendment is passed, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Commander in CENTCOM and General McChrystal, both. That was the approach we used when President Bush, for 3 months, had under consideration an Iraqi surge. Nobody tried to have a hearing at that time to bring in his commander while the President was deliberating to give us the commander's views that he was sharing with his Commander in Chief. As a matter of fact, that commander, General Casey, had views which ran very contrary to his Commander in Chief. But we should follow that same pattern here. We should allow this deliberative process to take place. We should not try to intrude upon it or to put the commander in the field in a position where he is testifying in public relative to what he is advising his Commander in Chief.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I hope everybody had a chance to read the wording of this amendment that says "appropriate committees of Congress shall hold hearings," et cetera, "promptly after the decision by the President on those matters is announced." In other words, we don't have any input into the decisionmaking process. We don't get to hear from the Secretary of Defense on down while the decision is being made by the President as a coequal branch of government. This is bizarre. I have never seen a requirement that we can't call witnesses and won't call witnesses on an issue about sending young Americans into harm's way. This is a remarkable statement that we are not going to be in on the takeoff and so therefore we will not be in on the landing. We aren't going to have a hearing on one of the most pressing and incredible emergencies of our time? We aren't going to have any witnesses before the appropriate committees until after the decision is made? I am not ready to abdicate those responsibilities that I have to the citizens of Arizona who are in harm's way. I urgently ask colleagues to vote against this bizarre amendment.

The PRESIDING OFFICER (Mr. FRANKEN). The question is on agreeing to amendment No. 2593.

Mr. LEVIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

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

The result was announced—yeas 60, nays 39, as follows:

#### [Rollcall Vote No. 304 Leg.]

##### YEAS—60

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Bayh	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson	Reed
Bingaman	Kaufman	Reid
Boxer	Kerry	Rockefeller
Brown	Kirk	Sanders
Burr	Klobuchar	Schumer
Byrd	Kohl	Shaheen
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dorgan	Lincoln	Voinovich
Durbin	McCaskill	Warner
Feingold	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

##### NAYS—39

Alexander	Crapo	LeMieux
Barrasso	DeMint	Lugar
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brownback	Graham	Murkowski
Bunning	Grassley	Risch
Burr	Gregg	Roberts
Chambliss	Hatch	Sessions
Coburn	Hutchison	Shelby
Cochran	Inhofe	Snowe
Collins	Isakson	Thune
Corker	Johanns	Vitter
Cornyn	Kyl	Wicker

##### NOT VOTING—1

Dodd

The amendment (No. 2593) was agreed to.

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

Mr. NELSON of Nebraska. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Republican leader is recognized.

#### SENATOR ORRIN HATCH'S 12,000TH VOTE

Mr. MCCONNELL. Mr. President, I rise to honor our colleague and good friend, the senior Senator from Utah, who is about to cast his 12,000th vote. Today, Senator HATCH becomes part of a small group. He is now one of fewer than 15 Senators in history, and the only Senator in the history of Utah, to have cast 12,000 votes in the well of the Senate.

The people of Utah have elected ORRIN HATCH to this body six times, and I am sure they couldn't be more proud to see him reach this milestone. For more than 32 years, he has been a phenomenal representative of the Bee-

hive State. He has made sure no one in Washington, as he likes to put it, has been able to push Utah around. He has also made a lot of sacrifices in the process. A few years ago, when Senator HATCH was deciding whether to run for reelection, his wife Elaine asked him if maybe it was time to leave Washington so they could have a life. ORRIN responded with the words of a public servant: "This is our life," he said. "My life is a life of service."

It actually started out early. As a young man growing up in Pittsburg, ORRIN was elected to the student Senate and then as student body president at Baldwin High School. Later, at Brigham Young University, thanks to an alphabetical seating chart, he met Elaine Hansen. It was probably the only thing he ever got in his life simply by way of good luck.

ORRIN was always a hard worker. As a boy, he sold eggs from his family's chickens. He worked as a janitor in college. He left Brigham Young with a degree in history and went on to make some history himself, becoming the longest serving Senator in the history of Utah and one of the most influential and well-known Senators of our time.

Politics came naturally and quickly. Before winning a Senate seat, he had never held elected office. A tireless campaigner, ORRIN set out across his State to meet the people of Utah and to tell them how he could help them in Washington. His message and his work ethic earned him their respect and it earned him 54 percent of the vote.

From the moment he was sworn in, ORRIN kept his early pledge. He has helped the people of Utah and all Americans keep more of their hard-earned money by sponsoring tax relief legislation. He has been a champion of health care reform, particularly children's health, through his work on the Finance and Health, Education, Labor, and Pensions Committees.

Senator HATCH is also known to millions of Americans as a veteran member of the Judiciary Committee. He has been involved in the debate over eight—eight—sitting Supreme Court Justices.

He has been a major player in recent debates over national security, energy, labor, the second amendment, and the current debate over health care, and he has done it all in the spirit of bipartisanship, earning the friendship and respect of every Senator in this Chamber. No one who has ever met ORRIN HATCH isn't struck by his courtesy and the dignity with which he carries out his duties. For Republicans, he is a good friend, a constant ally, and one of the best advocates we have. To Americans, he is the very picture of a Senator.

Incidentally, he is also one of the most prolific songwriters ever to serve in Congress. He wrote all 13 songs from one of his albums over the course of one weekend, and well-known musicians such as Gladys Knight have sung his songs. But he will never be accused of false modesty when it comes to his

talents as a songwriter. ORRIN once told a reporter: Everybody loves my music.

In everything else, though, ORRIN is happy to share the credit. He will be the first to tell you that his success wouldn't be possible without his family. So today we also honor Elaine, their 6 children, and their 23 grandchildren on this very historic occasion.

These milestones are important because they testify to hard work and commitment. But they also give us an opportunity to recognize colleagues whom we admire and respect, colleagues such as the senior Senator from Utah.

(Applause, Senators rising.)

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I have looked forward for the last half-hour or so to this occasion, recognizing that ORRIN was going to be making his 12,000th vote the next vote.

The people of Utah are proud of Senator HATCH for a lot of reasons. His name is synonymous with Utah. Even though he spent a lot of his growing up in Pennsylvania, the name "Hatch" is a prominent name throughout Utah. They even have a town named Hatch. His great-grandfather, Jeremiah Hatch, helped found the town of Vernal. ORRIN, I have to say this: My staff preparing this said the beautiful town of Vernal. I had to change it to say the interesting town of Vernal. But it is an indication of the roots of the Hatch family in Utah. That town of Vernal, UT, was founded more than 130 years ago by Jeremiah, and the heart of every Hatch since then was been part of the State of Utah.

Senator HATCH has chaired the Judiciary Committee on more than one occasion. He spent 7 years at the helm of that panel during some of the most difficult times we have had in the Senate dealing with judicial appointments. He served as chairman of the HELP Committee. In that post, he sat alongside his friend, Ted Kennedy, for almost two decades. Senator HATCH has a lot to be proud of in his legislative record. One of the things that is a hallmark of Senator HATCH: He is the reason we have a Surgeon General's warning on cigarette packages and advertisements. That is because of Senator HATCH.

He has not only been a good Senator, he is also a terrific lawyer. He excelled in his younger days as a basketball player, has fought in the ring, and as we have heard from the Republican leader, he is an accomplished musician, and he really is. He recently wrote a song in honor of Senator Kennedy. It is not the first song he has written about his friend.

ORRIN HATCH has dedicated his life to people, period. As a young man, he took 2 years out of his life to serve as a Mormon missionary in the States of Indiana, Ohio, and Michigan. That is, as some say, similar to going into the Army and not having a gun to carry. It is a very strict 2 years. They have very

strict assignments and a routine they go through, and it prepared him well for what we do in the Senate. But during his heavy load in the Senate, he has rarely not been a Sunday school teacher or doing other things with the church.

I think we on this side would agree that ORRIN HATCH on occasion can be fairly partisan, but I would also say that is not always the case. He has almost, nearly alone on a number of occasions, broken away and been responsible for important legislation in recent years, including the Children's Health Insurance Program. Many educational issues, including Leave No Child Behind, have been as a result of his stepping out.

ORRIN and I are not political soulmates, but we are soulmates. He is a wonderful man and a good friend. As we have heard, he is the father of 6, the grandfather of 23, and a great-grandfather. He is one of the most senior Members of this body and one of the most respected.

I think truly the reason that ORRIN is the person he is is because of Elaine. He has an angelic wife, a woman who is at his side, supportive of him through good times and bad. She is a wonderful woman.

I am happy to have as one of my neighbors from the State above ours, Utah, ORRIN HATCH, who will truly go down as one of Utah's outstanding, great Senators, and that is the way it should be.

The PRESIDING OFFICER. The junior Senator from Utah.

Mr. BENNETT. Mr. President, I will not prolong this a great deal, but I need to stand as ORRIN's junior colleague and acknowledge not only all the things the two leaders have acknowledged, but the great friendship I have experienced coming here as a Senator.

ORRIN, we shall now reveal, was somewhat enamored of my opponent when I ran the first time. He, at the same time, in great fairness, reached out to me to become acquainted with me, and after we had a particular problem arise in that campaign, ORRIN reached out to my opponent and settled that problem with the kind of diplomacy and capacity he always has. From that time forward, I could not have had and could not have wished for a more reliable or more supportive senior colleague than ORRIN HATCH.

I am senior to him when it comes to age. You wouldn't think that, but it happens to be true. But never at any time has he treated me as anything but a complete equal. He has acted as a mentor.

I am grateful to the two leaders for their setting aside this time. I wish to join with them in congratulating ORRIN on his 12,000th vote.

The PRESIDING OFFICER. The senior Senator from Utah.

Mr. HATCH. Well, thank you so much to the two leaders. This is embarrassing, but it is very moving to

have all my friends and colleagues here. This means so much to me. I didn't realize it was such a big deal, to cast 12,000 votes, but I am grateful the people of Utah have given me this privilege and this opportunity to serve in the greatest legislative body on Earth today, with the most wonderful people I know on both sides of the floor. I appreciate each and every one of you, and as long as I am here, I am going to try to do the very best job I can.

I am very grateful to BOB BENNETT as well. He is a wonderful colleague and a wonderful companion here in the Senate. He has been a wonderful guide, and he has helped me as well.

This body means a great deal to me. We all saw what it meant to Ted Kennedy and the great accolades he received throughout his lifetime. It was a real privilege to be close to him, as I am to almost all of you and will be to all of you. This is a tremendous body. I just wish we could get rid of some of the partisanship as well as work together a little bit better than we have. To the extent that I can, I will certainly try to do that.

I wish to thank my friends on the Democratic side for their patience and their tolerance and kindness and my friends on the Republican side for putting up with me all these years. I am very grateful to you.

By the way, I have three great-grandchildren as well, so I have 26 grandchildren, and I think probably more on the way by now.

When I was a missionary in Ohio, Indiana, and Michigan, they once called me to start the congregation in Sandusky, OH.

We had four members there who hadn't been to church in less than 10 years. Within a month we had 30, all women, of course, and children. I became the first branch president, pastor of that congregation. We have the longest serving woman's organization in the world in the Mormon church, and it is called the Relief Society, which is presided over by women. I don't want you to misconstrue this, but I was also a part of and the president of the Relief Society as well in that small branch of the church.

From those humble beginnings, I have to say I received some of the greatest experiences of my life. That mission was important to me. This is important to me. I love each and every one of you. I think I have expressed that to you in various ways, even at times when I am sure you wondered about it. I am sorry I took so long, but I am moved by this nice care that you have all shown to me. Thank you so much.

(Applause, Senators rising.)

AMENDMENT NO. 2575

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 2575, offered by the Senator from Arizona, Mr. MCCAIN.

Mr. MCCAIN. Mr. President, this amendment says within 45 days that we should have testimony from our military leaders, whom we have given the responsibility for combat operations in Afghanistan.

We have just abrogated the Senate's obligations and constitutional authority for advice and consent, because now, thanks to the passage of the Levin amendment, we will not have testimony from those commanders in the field. I take special exception to it, and so should most people who have their young citizens over there in harm's way today fighting and dying.

What we are going to do is say we cannot have any hearing as regards to strategy concerning how we are going to succeed in Afghanistan. So we are not in on the takeoff, and a lot of us may have trouble being in on the landing. This is an issue regarding which the Senate should have a role—at least of being informed.

I guess maybe we will be restricted to interviews with General McChrystal on "60 Minutes." I urge my colleagues to vote in favor of the amendment.

Mr. LEVIN. Mr. President, I very much oppose the amendment. Secretary Gates opposes it. It would be totally inappropriate, in the middle of a deliberative process, to pit a commander of our troops in the field against the Commander in Chief. We did not do this when President Bush was President and General Casey was the commander. Apparently, he had very different views about the surge. Three months went by while President Bush deliberated on whether to surge troops. We never put General Casey at a hearing to tell us what he was advising President Bush, asking why we heard he might be advising a very different course of action. We never did that to President Bush. We should extend the same courtesy to President Obama during this deliberative process.

There are good reasons why Secretary Gates opposes bringing his commander in front of a public hearing at this time. We should show the same respect for the President of the United States now as we did when President Bush was President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. MCCAIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), is necessarily absent.

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

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 305 Leg.]

#### YEAS—40

Alexander  
Barrasso  
Bennett  
Bond  
Brownback  
Bunning  
Burr  
Chambliss  
Coburn  
Cochran  
Collins  
Corker  
Cornyn  
Crapo

DeMint  
Ensign  
Enzi  
Graham  
Grassley  
Gregg  
Hatch  
Hutchison  
Inhofe  
Isakson  
Johanns  
Kyl  
LeMieux  
Lugar

McCain  
McConnell  
Murkowski  
Risch  
Roberts  
Sessions  
Shelby  
Snowe  
Thune  
Vitter  
Voinovich  
Wicker

#### NAYS—59

Akaka  
Baucus  
Begich  
Bennet  
Bingaman  
Boxer  
Brown  
Burris  
Byrd  
Cantwell  
Cardin  
Carper  
Casey  
Conrad  
Dodd  
Dorgan  
Durbin  
Feingold  
Feinstein  
Franken

Gillibrand  
Hagan  
Harkin  
Inouye  
Johnson  
Kaufman  
Kerry  
Kirk  
Klobuchar  
Kohl  
Landrieu  
Lautenberg  
Leahy  
Levin  
Lieberman  
Lincoln  
McCaskill  
Menendez  
Merkley  
Mikulski

Murray  
Nelson (NE)  
Nelson (FL)  
Pryor  
Reed  
Reid  
Rockefeller  
Sanders  
Schumer  
Shaheen  
Specter  
Stabenow  
Tester  
Udall (CO)  
Udall (NM)  
Warner  
Webb  
Whitehouse  
Wyden

#### NOT VOTING—1

Bayh

The amendment (No. 2575) was rejected.

Ms. LANDRIEU. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The junior Senator from Minnesota is recognized.

#### AMENDMENTS NOS. 2588, 2596, 2585, AND 2566, EN BLOC

Mr. FRANKEN. Madam President, I ask unanimous consent that the pending amendment be set aside, and on behalf of myself and Senators BOND and COBURN, I call up the following amendments en bloc, and ask that once they have been reported by number, they be set aside.

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

Mr. FRANKEN. I call up amendments Nos. 2588, 2596, 2585, and 2566.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. FRANKEN] proposes an amendment numbered 2588.

The Senator from Minnesota [Mr. FRANKEN], for Mr. BOND, for himself and Mr. LEAHY, proposes an amendment numbered 2596.

The Senator from Minnesota [Mr. FRANKEN], for Mr. COBURN, proposes an amendment numbered 2585.

The Senator from Minnesota [Mr. FRANKEN], for Mr. COBURN, proposes an amendment numbered 2566.

The amendments are as follows:

#### AMENDMENT NO. 2588

(Purpose: To prohibit the use of funds for any Federal contract with Halliburton Company, KBR, Inc., any of their subsidiaries or affiliates, or any other contracting party if such contractor or a subcontractor at any tier under such contract requires that employees or independent contractors sign mandatory arbitration clauses regarding certain claims)

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) None of the funds appropriated or otherwise made available by this Act may be used for any existing or new Federal contract if the contractor or a subcontractor at any tier requires that an employee or independent contractor, as a condition of employment, sign a contract that mandates that the employee or independent contractor performing work under the contract or subcontract resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) The prohibition in subsection (a) does not apply with respect to employment contracts that may not be enforced in a court of the United States.

#### AMENDMENT NO. 2596

(Purpose: To limit the early retirement of tactical aircraft)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) LIMITATION ON EARLY RETIREMENT OF TACTICAL AIRCRAFT.—The Secretary of the Air Force may not retire any tactical aircraft as announced in the Combat Air Forces structuring plan announced on May 18, 2009, until the Secretary submits to the congressional defense committees the report described in subsection (b).

(b) REPORT.—The report described in this subsection is a report that sets forth the following:

(1) A detailed plan for how the Secretary of the Air Force will fill the force structure and capability gaps resulting from the retirement of tactical aircraft under the structuring plan described in subsection (a).

(2) A description of the follow-on missions for each base affected by the structuring plan.

(3) An explanation of the criteria used for selecting the bases referred to in paragraph (2) and for the selection of tactical aircraft for retirement under the structuring plan.

(4) A plan for the reassignment of the regular and reserve Air Force personnel affected by the retirement of tactical aircraft under the structuring plan.

(5) An estimate of the cost avoidance to be achieved by the retirement of such tactical aircraft, and a description how such funds would be invested under the period covered by the most current future-years defense program.

#### AMENDMENT NO. 2585

(Purpose: To restore certain funds for the Armed Forces to prepare for and conduct combat operations by accounting for the August 2009 Congressional Budget Office economic assumptions and by reducing funding for congressionally directed spending items for low-priority research and development projects)

On page 239, beginning on line 22, strike "\$294,000,000" and all that follows through "\$236,000,000" and insert "\$194,000,000, the total amount appropriated in title III of this Act is hereby reduced by \$322,000,000, the total amount appropriated in title IV of this Act is hereby reduced by \$336,000,000".

## AMENDMENT NO. 2566

(Purpose: To restore \$166,000,000 for the Armed Forces to prepare for and conduct combat operations, by eliminating low-priority congressionally directed spending items for all operation and maintenance accounts)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. No amounts appropriated or otherwise made available by this Act may be obligated or expended to fund any congressionally directed spending item included in the report of the Committee on Appropriations of the Senate (Senate Report 111-74) with respect to any account as follows:

- (1) Operation and Maintenance, Army.
- (2) Operation and Maintenance, Navy.
- (3) Operation and Maintenance, Marine Corps.
- (4) Operation and Maintenance, Air Force.
- (5) Operation and Maintenance, Defense-Wide.
- (6) Operation and Maintenance, Army Reserve.
- (7) Operation and Maintenance, Navy Reserve.
- (8) Operation and Maintenance, Marine Corps Reserve.
- (9) Operation and Maintenance, Air Force Reserve.
- (10) Operation and Maintenance, Army National Guard
- (11) Operation and Maintenance, Air National Guard.

The PRESIDING OFFICER. The Senator from Minnesota.

## AMENDMENT NO. 2588

Mr. FRANKEN. Madam President, the amendment I offer today is inspired by the courageous story of a young woman who has dedicated 4 years of her life to making sure no other woman lives through her nightmare.

Four years ago at the age of 19, Ms. Jamie Leigh Jones signed a contract to become an employee of KBR, then a Halliburton subsidiary. That contract contained a clause which required her to arbitrate any future dispute against her employer—this means to force her to give up her right to seek redress in court if she was wronged. At the time, Ms. Jones had no idea what implications this seemingly innocuous fine-print clause would have.

Ms. Jones arrived in Iraq in July of 2005. Immediately, she complained to supervisors about the hostile conditions imposed by KBR. She was constantly being harassed by her male colleagues and was housed in barracks with 400 men and only a few women. Her pleas for safer housing were ignored.

Four days after her arrival, Ms. Jones was drugged and gang-raped. She requested medical attention, and a doctor administered a rape kit. Parts of that rape kit have since mysteriously disappeared.

After Ms. Jones reported the rape to her supervisors, she was locked in a shipping container with an armed guard and prohibited any contact with the outside world. They locked her in a container. It was only after she convinced one of the guards to lend her a cell phone that she was able to talk to her father, who enlisted the help of Representative TED POE, a Republican

Congressman from Texas, to arrange for her safe return to the United States.

But Ms. Jones' horrific plight did not end there. Having survived this ordeal, most of us would expect that she would have had her day in court to seek justice for the actions and inactions of her employer. Instead, KBR sought to enforce the arbitration clause in Ms. Jones' contract and tried to force her into arbitration. So over the past 3 years, Ms. Jones has been fighting for her right to bring a lawsuit, and KBR has been fighting her every step along the way. This is simply too long for a rape victim to wait, just to have her day in court.

The only thing more outrageous than KBR's actions is that Ms. Jones' story is not an isolated one. Since Ms. Jones courageously shared her story, many more women have come out of the shadows saying the same thing happened to them. And, yes, some of these women are still waiting for their day in court too. Others were forced into arbitration, and their outcome remains secret due to the nondisclosure clauses in the arbitration agreement.

Arbitration has its place in our justice system. For two companies haggling over the price of goods, arbitration is an efficient forum, and the arbitrator will undoubtedly have the appropriate expertise. The privacy that arbitration offers can protect their proprietary business information. But arbitration has its limits. Arbitration is conducted behind closed doors and doesn't bring persistent, recurring, and egregious problems to the attention of the public. Arbitration doesn't ever allow a jury of your peers. Arbitration doesn't establish important precedent that can be used in later cases.

Many of our Nation's most cherished civil rights were established by individuals bringing claims in court, the court ruling in their favor, and then extending the protection of those rights to anyone in a similar situation. Arbitration does have a place in our system, but handling claims of sexual assault and egregious violations of civil rights is not its place.

Ms. Jones won a small but important victory just a few weeks ago. The conservative Fifth Circuit Court, encompassing Texas, Louisiana, and Mississippi, ruled that most of Ms. Jones' claims do not belong in arbitration, and she is entitled to her day in court. The Fifth Circuit ruled that even when you sign an employment contract requiring arbitration, there are some rights to sue your employer that can't be signed away. These include assault and battery, infliction of emotional distress, false imprisonment, and negligent hiring, retention, and supervision. But the Fifth Circuit's ruling only applies to the Fifth Circuit's jurisdiction, so it is not settled law throughout the United States. Who can say what might happen to claims filed in other circuits?

My amendment seeks to extend much of the Fifth Circuit's reasoning to gov-

ernment contractors who continually subject workers to these so-called mandatory arbitration clauses. The government shouldn't be doing business with defense contractors such as KBR as long as they continue this practice.

The amendment I am offering today seeks to narrowly target the most egregious violations. The amendment applies to defense contracts, many of which are administered abroad, where women are the most vulnerable and least likely to have support resources. The amendment will apply to many contractors that have already demonstrated their incompetence in efficiently carrying out defense contracts and have further demonstrated their unwillingness and their inability to protect women from sexual assault.

I urge my colleagues to support this amendment.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, it is my understanding the Senator from Louisiana is going to be the next speaker, but I ask unanimous consent at the conclusion of her remarks that the Senator from Georgia be recognized, and that I be recognized after him.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I understand there are several colleagues wishing to speak on the underlying bill. I am going to speak for a minute on an event that happened last night to honor many of our constituents who were here in Washington for a special event. But before I do, and before the Senator from Minnesota leaves the floor, I want to thank him for bringing the amendment he just brought to the bill and to ask that my name be added as a cosponsor.

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

Ms. LANDRIEU. Madam President, I sincerely appreciate the work that has gone into that amendment and hope it will see a significant vote on the Senate floor and that it will help not only the individual he spoke of but perhaps hundreds, if not thousands, of other people who might find themselves in similar situations.

## CONGRESSIONAL COALITION ON ADOPTION

Madam President, I see my good friend, Senator INHOFE, on the Senate floor today. He and I have the privilege and honor of cochairing the adoption caucus, and I wanted to speak briefly and to thank the 43 Senators who participated in this annual event by honoring individuals in their States—and, Madam President, you participated as well—for something special they had done on behalf of adoption or foster care in the United States or abroad.

This event is in its eleventh year. Collectively, the Members of Congress—Democrats and Republicans—have honored over 1,500 Americans—

some judges, some social workers, parents, advocates, lawyers in the system—who are helping to find permanent homes for orphans in America and around the world. We have approximately 500,000 children in foster care. That is a large number, but actually a small percentage if you think about all the children in our country—about 100 million. This represents less than one-half of 1 percent. But these children are in the custody of the government. Governments don't, by their nature, love children, human beings do, and parents particularly. So our job as Senators and Congressmen is to try to break down barriers, legal and otherwise, so we can find these orphans permanent homes.

In the last 20 seconds that I have, I want to submit for the RECORD the names of the 43 Senators and their angels from a variety of States in the Union. I want to acknowledge the three national angels: Judge Michael Nash of California, nominated by the Senators from that State and from all of us who started National Adoption Day, where judges such as Judge Nash took the liberty to hold adoptions on Saturdays so we could move a backlog of children. Because of his action, 350 communities now hold adoptions on Saturday.

Al Roker, who greets most Americans in the morning, an adoptive father, is now using his position of power to advocate on behalf of orphans.

And Sean and Leanne Toohey, who adopted a young man at 16 years old, are a couple who had raised two biological children, then adopted a young man who was going nowhere, on a dead-end street. Because of their love and because of their mutual support, he now is the No. 1 draft choice and is going to play for the Baltimore Ravens—a young man with a great deal of potential who just simply didn't have any parents who believed in him. Now he does.

That is the work we do. We honor all of our angels who were here for many days, understanding they are not alone in this fight to find homes for orphans.

Madam President, I ask unanimous consent to have printed in the RECORD the 2009 Congressional Coalition on Adoption Institute Angels in Adoption.

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

2009 CONGRESSIONAL COALITION ON ADOPTION  
INSTITUTE ANGELS IN ADOPTION

ALABAMA

Linnie and Debbie Dickson; AGAPE of North Alabama, Inc.

ALASKA

Elaine Cordova; Mechele and Ricky Adams.

ARIZONA

James and Virginia Avelar.

ARKANSAS

Christie Erwin; Keith Morrison.

CALIFORNIA

Dan and Brook Meehan; Wanda Bonnell; Christine Devine; Mark D. Widelock; Kimberly Felder; Olive Crest; Knotts Family

Agency; Mimi Katz; John and Kathy Prosser; Patrick and Judy Dahlson; Kathy Van Osten.

CONNECTICUT

Haley Dunning.

FLORIDA

Ione and Don Hemby; Michael and Patricia Iania; Sarah and Johnnie James; George and Barbara Kadzis; Dean and Debbie Heaton; Frances P. Allegra; Sarah Franco; Jodi Sue Rutstein, MSW, Esq.; Gia Tutalo-Mote; Shirley Dunlap; Children's Home Society of Florida; Karen and John Burns.

GEORGIA

Rachel Ewald; Mr. Everett Expose'.

IDAH0

Al Barrus.

ILLINOIS

David and Christine McCarty; Lloyd and Gloria Otterson; Jim and Andrea Thome and Paul and Jennifer Konerko; CASA Kane County.

INDIANA

Ben and Debbie Evans; Theresa and Michael Teders; Stacy Lynn Taylor; The Villages.

IOWA

Gary and Sandy Launderville; Ray and Joanne Walton;

KANSAS

Brandon and Melissa Hoffman; Dr. Kimberlee Murphy.

KENTUCKY

Lea Ann Gollihue; Terry Winterberg.

LOUISIANA

Lisa Gould; Edith H. Morris; Barbara Thompson; Irene Williams; Ada Burson.

MAINE

Jaimie and Belinda Erskine.

MARYLAND

Samuel and Mildred Stewart; Lori Weinstein.

MASSACHUSETTS

Etta Lappen Davis; Mary Gambon.

MICHIGAN

Kimberly Roberson and Carroll Baker; Robert and Caroline Deppe; Steve and Sarah Rosinski; Belinda Geertsma; Addie D. Williams; Christ Child House.

MINNESOTA

Dean and Teresa Julkowski; Heidi Reitz; Kari Fletcher.

MISSISSIPPI

Patricia Digby.

MISSOURI

John and Christie Hancock; Anthony and Jennifer Dattoli; Keith and Tami Hoskins; Mike and Holly Hyde; Mary Beck; Fran Albrecht.

NEBRASKA

Sara and Junior Heredia; Steven and Shelley Brune; Boys Town.

NEVADA

Roberta and Merrill Simon; Deanna Workman and Denise Gernant.

NEW JERSEY

Ted and Marsha Burke; Alice Nadelman; Victoria Howard; Brenda Mirly.

NEW MEXICO

Ginni Jones.

NEW YORK

David and Eileen Shifter; Caren Sue Peet; Archbishop Voni Johyn; Frederick J. Magovern; Claudette and Jean Adrien.

NEW HAMPSHIRE

Gail DeGoosh.

NORTH CAROLINA

Ross and Diane Moreton; Dawn Davenport; Walter Johnson; Ken Tutterow.

NORTH DAKOTA

Robert and Vicki Thu; Leanne Johnson.

OHIO

Peter and Angela Schoepflin; Larry and Vicki Palur; Carole Adlard.

OKLAHOMA

Duane and Cathy Shipman.

OREGON

Zak and Alexa Knight; Rose McBride.

PENNSYLVANIA

Thomas and Theresa Stacy; Charles and Shannon Eder; Mary Ann Petrillo; Tom and Patti Long.

RHODE ISLAND

Adoption Rhode Island.

SOUTH CAROLINA

Bob Porterfield.

SOUTH DAKOTA

Bob and Donna Burke; Dan and Becky Foster.

TENNESSEE

Mark, Janet, and Nathan Carlton; Josh and Katrina Hildabrand; Smoky Mountain Children's Home; Michael McDonald.

TEXAS

Holli and Eric Kounce; Jenny L. Womack; A World For Children; Dell and Gladys LeFever.

VERMONT

Lund Family Center.

VIRGINIA

Linda and Vic Sisson; Loren M. Walck, Sr.; Captain Sean Welch.

WASHINGTON

Randy S. Perin; Antioch Adoptions.

WEST VIRGINIA

David and Dawn Heatwole.

WISCONSIN

Marshall and Marjorie Barlow; Aaron and Laura Maki.

WASHINGTON, DC

Michele Zavos.

Ms. LANDRIEU. Madam President, I thank my colleagues for the opportunity to speak briefly and to take the time from this important bill.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Madam President, I would first like to commend the Senator from Louisiana for her great work on this issue of adoption. She has been very diligent over the years in promoting the issue of adoption of needy children across America, and I am very pleased to be a part of that caucus and commend her and thank her for her great work there.

Madam President, what is the status of the business before the Senate?

The PRESIDING OFFICER. The last offered amendment is the Coburn amendment, No. 2566.

AMENDMENT NO. 2608

Mr. CHAMBLISS. Madam President, I ask unanimous consent that the pending amendment be set aside and that I be allowed to call up amendment No. 2608.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS], for Mr. KYL, proposes an amendment numbered 2608.

The amendment is as follows:

(Purpose: To appropriate an additional \$900,000,000 for the Afghanistan Security Forces Fund)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. The amount appropriated by title IX under the heading "AFGHANISTAN SECURITY FORCES FUND" is hereby increased by \$900,000,000.

Mr. CHAMBLISS. Madam President, very quickly, this amendment restores the amount of money for the training of the Afghan security police and military back to the level that was requested both by the President in his budget submitted to this body, as well as restores the number that was approved in the Defense authorization bill that has previously been voted on by this body and is now in conference with the House.

The fiscal year 2010 Defense appropriations bill takes \$900 million from the President's request for Afghan security forces at a point in time when our troops are in the trenches fighting and defending us, defending the Afghan people from both the Taliban and al-Qaida, and there is no more critical issue out there right now than training both the Afghan military as well as the Afghan security police.

We have just received General McChrystal's assessment, and let me quote a portion of that assessment where he states as follows:

Failure to provide adequate resources also risks a longer conflict, greater casualties, higher overall cost, and ultimately a critical loss of political support. Any of these risks, in turn, are likely to result in mission failure.

General McChrystal's No. 1 issue is the training of the Afghan military and the Afghan security police because of the fact, if we are ever going to achieve success over there, we have to know that once we root out the bad guys, once we take out the Taliban and al-Qaida, that we can turn that country over to the Afghans, as we are doing in Iraq today, and we can remove our troops with the confidence that the Afghan military and the Afghan security police will be able to maintain security within that country as well as to protect the Afghan people from external sources. But the only way we will be able to do that is to train the military as well as to train the security police.

The President's budget that came over for this particular issue requested \$7.5 billion. That is a lot of money—a lot of money for any issue—but certainly a lot of money for training. But it is obviously absolutely necessary if we are going to complete the job.

We are at a very critical crossroads in Afghanistan right now. The President has under consideration the issue of whether to call for additional troops to be sent into Afghanistan. He is obviously weighing that very heavily. While he should, I would hope he is going to make a very quick decision on

that particular issue. But whatever the decision is, and whenever he makes it, we know for a fact that the Afghan military and the Afghan security police have to continue to receive the training our troops are providing for them today.

Let me just quote a couple of other statements from other very high-profile individuals who are very knowledgeable and very thorough in their assessment of the situation with respect to the Afghan military and the Afghan security police. First of all, Admiral Mullen, during testimony before the Senate Armed Services Committee on September 15, said the following in response to Chairman LEVIN:

I share your view that larger and more capable Afghan national security forces remain vital to that nation's viability. We must rapidly build the Afghan army and police.

Senator LEVIN, chairman of the Senate Armed Services Committee, at that same hearing stated:

We basically need a much larger Afghan army, much quicker. That is the bottom line. That is the winning strategy.

Senator LIEBERMAN said in July that the commitment to the expansion of Afghan forces "is a decision that we have avoided making for far too long. Every day we continue to drag our feet and fail to commit to the indigenous security forces hinders the fight against the extremists and delays the pullout of U.S. troops in Afghanistan."

Lastly, the outgoing Supreme Allied Commander for Europe—the SACEUR—GEN John Craddock, said during his testimony this summer:

I don't think the intent there is to ever occupy and stay. The key, as has been pointed out, is the enabling of development of the Afghan national security forces. As the SACEUR for the last 2½ years, I repeatedly told NATO nations the very first thing we need are more trainers for the army and the police, particularly the police.

Madam President, what this amendment does is add \$900 million basically back to the top line. The reason we can do that is that under the appropriations bill, as has been passed, and as compared to the President's budget and the budget passed here, this bill is about \$3.5 billion under the budget. So there is room to add this \$900 million back in to make sure we are giving the Afghan people the ability to protect themselves from external forces as well as the ability to protect themselves from dangers within their own country.

Last, let me say the President has been very critical of the reduction of this \$900 million. In the statement of administration policy, or the SAP that was put out on the 25th of September, here is what the President said:

The administration opposes the reduction of \$900 million for ANSF sustainment. Accelerating the growth in size and capability of the Afghanistan National Security Forces is a key component of the U.S. strategy in Afghanistan. The President's full request reflects his commanders' plan for Afghan forces to assume a greater share of responsibility for security as quickly as possible.

Simply stated, it is critically important that this training proceed at a

very rapid pace. In order to do that, we have to resource the training that our troops are doing today and we will need to continue to do over the next fiscal year.

I ask this amendment be called up at the appropriate time for a vote by this body and that our colleagues will support the amendment.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, let me first comment on the comments made by the Senator from Georgia, because I was privileged to be in Afghanistan several years ago with the Oklahoma 45th, which actually took a great responsibility in the training over there and also turning over some of the training to the Afghans. They have done a good job, but as the Senator pointed out, this takes resources and it takes equipment and it takes money. I applaud him and join him in this effort to provide the resources necessary to make that happen.

Let me make a couple of comments. We will have some amendments coming up concerning the C-17. I wish to share maybe an opposing view to some of the things we have heard. I was deeply distressed, I guess it was in April, when we got the defense portion of the President's budget and the termination of such programs as the F-22, next generation bombers, the Future Combat System, and particularly doing away with our commitment to Poland and the Czech Republic to have an opportunity there to knock down a missile, an ICBM coming to the United States from Iran, when we know they should be having that capability by around 2015.

Today I want to mention a couple of things about the C-17. The Air Force budget justification documents state:

The C-17 can perform the entire spectrum of airlift missions and is specifically designed to operate effectively and efficiently in both strategic and theater environments.

I can remember when the first C-17 came in. The training takes place actually in my State of Oklahoma at Altus Air Force Base, and in 1995, it was the spring of 1995, the first C-17 swept into Altus Air Force Base. At that time the chief was General Fogleman, and I was honored to accompany him and actually sit in the right seat and see what this new spectacular airplane was.

We never dreamed at that time we would have the use of the C-17 to the extent we did in Bosnia and Kosovo, missions we did not dream at that time we would have to be confronted with.

Every time you watch the news or see a disaster or emergency of some type anywhere in this Earth where our military is involved, you are going to see the C-17. The country and its military must be able to engage globally, and the C-17 enables that engagement.

In my 22 years on the Hill, I have seen our airlift requirements increase, not decrease. I have had experience. Sometimes you talk about a system, a platform such as the C-17. Our dealing



with that doesn't happen in a vacuum. Right now we have other lift vehicles. We have the C-130s, better ones, the C-130Js and the C-130Es, which are getting old and outdated. I actually had two experiences on two of my trips coming into and out of Baghdad. One experience was when we actually lost not one engine but two engines. We are talking about some pretty old, beat-up E models that should not be flying right now.

The very next trip, I remember, was the first trip of our recently retired Senator from Florida when we actually received some SAM activity. We had to fire the flares. The reason we did, it was 8 minutes after taking off from Baghdad and the engines should have had us out of SAM's range. However, the E models are getting old and tired. So it is life threatening. I say that even though I am here to talk about C-17s.

We can absorb a lot of deficiencies we have in other areas by increasing our number of C-17s. Currently it is the only aircraft capable of performing every airlift mission, whether ferrying troops and supplies to remote airfields overseas or returning wounded servicemembers back home.

The Congressional Research Service has indicated that the C-17 was designed to fly 1,000 hours a year over 30 years. However, as our overseas commitments have grown since 2001, the fleet has averaged 1,250 hours per year instead of 1,000 hours a year. Some aircraft have even reached as high as 2,400 hours in a single year.

A November 2008 GAO study stated the C-17:

—production line is currently scheduled to close in September 2010 with the supplier base and portions of the line closing sooner.

The study concludes that:

Analysis indicates that once closed it would not be feasible or cost effective to restart the production due to the costs for hiring and training a new workforce, re-installing tooling, and reestablishing the supply base.

That is what the study concluded. The GAO estimates that restarting the line could cost up to \$1 billion.

This is something we are always concerned with when you talk about altering the life of a particular platform, but this is one I don't see how we can get along without. I know we have the C-5. I remember the old C-141—a lot of lift capacity—a lot of tired C-130s, but the prize of all these capabilities is the C-17. While the administration objects to funding 10 additional C-17s based on 205 C-17s and the existing fleet of C-5 aircraft, the Air Force has cut the number of C-5s it plans to fully modernize by more than half because of substantial cost increases in the modernization efforts. In testimony to the House Armed Services Committee in May of 2009, the Air Force said it will fully modernize only 52 of the 40-year-old C-5s.

While we are upgrading some of these aircraft, some of these, specifically the

C-5A, had to be retired. However, this Congress, by bill language, is preventing the Air Force from retiring any of the C-5s. In terms of cost, the GAO calculated “the DOE would need to fully modernize 7 C-5s to obtain the equivalent capability achieved from acquiring 1 C-17 and the costs would be 3 times more.”

It found the unit cost of modernizing one C-5 is \$132 million, while the unit cost of one new C-17 is \$267 million.

To put it another way, it would take seven modernized C-5s to provide the capability equivalent to one new C-17, or \$924 million worth of work on modernizing the C-5 to provide the capability equivalent to procuring one additional new C-17 at \$276 million. I am hoping when this issue does come up we will have a chance to think that through.

I would say this: Even if we were inclined to do that, to go along with the smaller number, it would seem to me that we should not be doing that until we have the Quadrennial Defense Review and the upcoming Mobility Capability and Requirements Study. It is my understanding these would come sometime early in 2010. I suggest we at least wait until we have the benefit of that report before taking such drastic action.

Let me mention one other thing that happened last night, for clarification. At midnight last night the highway program of the American people suffered a major loss because of a calculated decision that politics should trump common sense.

I have often thought that congressional inaction is a good thing sometimes, but in this case we failed miserably to do our job. As a result, we are unable to pass the 3-month extension of the highway program that Senator BOXER and I were pushing. It is very interesting when you have a combination such as that. Senator BOXER is a very proud liberal Democrat, I am a very proud conservative Republican, and we both agree one of the major functions of government is infrastructure, and right now we have a crumbling infrastructure. So our failure to work together to fix the rescission, which was \$8.7 billion of highway money, before midnight yesterday has resulted in the following: Up to 17,000 jobs could be lost because States may be forced to cancel \$500 million worth of projects. We are now stuck with a 30-day extension that cuts highway spending by 25 percent compared to 2009. The 3-month extension would have funded the 2010 equal to 2009.

The short length of this extension is now going to create uncertainty and erratic funding for States that are going to delay projects and gear down the letting of contracts.

I have to say this, too. There will be contracts, due to this 25-percent reduction, that are going to have to be defaulted. There are going to be lawsuits. There will be all kinds of problems that will result from this. It is not just my

State of Oklahoma. I am sure the State of Alabama and other States have a crumbling infrastructure that needs to be addressed.

I was on the phone with Gary Ridley, who was our highway director for many years, and I always said he was the best highway director in the country. He is now Oklahoma's transportation secretary. He gave me the impact of our failure to act, just on my State of Oklahoma. He said we would normally receive \$53.6 million of Federal money but instead are likely only to receive \$36 million. That is the 25-percent reduction. They have a \$28 million bond obligation which leaves them only about \$8 million for letting projects, instead of \$26 million. This means that they will likely only be able to let three or four projects in November, the first letting of the year, and probably none in December. That is my guess. That was his guess.

Here is the real-world impact of what we do here. This will be devastating for construction workers in Oklahoma and will be repeated in every State. This may come as a surprise to those in the other body who have said that this will have no effect on States. They are the ones over there in the House who have made it impossible for us to send something over there and get it complied with. I have been trying to pass a long-term extension with rescission fix since July. At that time opposition from Congressmen and Senators from both sides of the aisle prevented taking care of the problem.

Our attempts to set a prudent length for highway extension has been plagued by some people's unrealistic expectation that we can complete a 6-year transformational highway bill and plug a \$150 billion shortfall in the next 3 months if we “keep the pressure” on. We do not even have the 3 months now, as of midnight last night. We are looking at 30 days, so it obviously cannot be done. We may have to repeat what we did a few years ago. Between the years of 2003 and 2005 we had a series of short-term extensions where you can't do any funding, planning in advance. That is kind of where we are today.

I was proud to be the chairman of the Environment and Public Works Committee in 2005 when we had a very robust transportation reauthorization bill.

Taking up an extension is always problematic. Unfortunately, some view this as an opportunity to make a point. There are those on my side of the aisle who will not hesitate to hold the entire highway program hostage in order to enumerate yet again their distaste for congressionally directed spending on highway projects. At the same time, the majority leadership has known for months this was coming but was unable to force the issue and take the time to have votes on this important issue. This could have been resolved weeks ago if they had been invested in it.

Fixing the rescission would increase the deficit by just under \$500 million.

This is very significant. The other body wanted an offset for this, and they were right. So did I. I wanted an offset. I think the most reasonable offset is the unused stimulus funds. I have stated all along that there was not enough there in the stimulus bill to actually stimulate the economy. In fact, I had amendments during the debate on the stimulus bill that would almost triple the amount of money that would go into highway construction. Those are real jobs. That would be very meaningful. But according to CBO's most recent analysis that was done a month ago, only \$85 billion of stimulus funds has actually been spent. Furthermore, less than 60 percent of the stimulus funds has even been obligated, leaving \$150 billion in unobligated balances.

Money being unobligated means they do not have a plan for how they are going to spend it and are now nowhere near doing so.

This is clearly not stimulating the economy. It makes sense to move a fraction of this money to something that will actually save jobs—in this case, 17,000 jobs we can identify. It is something that would stimulate the economy and give us something at the end of the day for our money. It is a perfect source to pay for fixing the rescission.

In fact, Senator VITTER's approach from last July was to actually give President Obama's OMB, the Office of Management and Budget, the discretion to pick which stimulus funds would be cut. So he did not care which ones were cut; just we need to put these stimulus funds to work to create jobs. So they couldn't cut the things that were not working or were just congressional pet programs. This is simply cutting the worst 1 percent of the stimulus—something everybody should be able to agree to whether or not you voted for the stimulus, which I did not. But the other side blocked this approach in a show of partisanship. So Senator BOXER and I brokered a bipartisan agreement to use TARP funds, the Troubled Asset Relief Program. To me, this made sense because this would have offset the amount of money that would be lost in the rescission fix, as a way of doing it, and it would have actually taken care of the problem.

Some people thought this would have somehow affected the deficit, but it would not. It meant we would reduce TARP authority by \$8.7 billion, which would reduce the deficit by \$4.35 billion, according to CBO. Putting aside politics, penciling this out shows that \$4.35 billion in deficit reduction, minus the cost of the rescission—\$500 million—means a deficit savings of just under \$4 billion. I thought this was a good thing. We would preserve up to 17,000 jobs and reduce the deficit—clearly a win-win solution, I thought. I thought this up until late last night because I thought we were going to be able to do it. But there were objections.

We reduced funding for a program that was a bad idea from the inception.

I opposed it initially. We are talking about TARP. I voted against it. A lot of those people who are complaining about the amount of money being spent voted for a \$700 billion bailout, as it has been referred to. But I did not. I opposed it. Some people supported it, thinking the government buying so-called toxic assets was necessary. But then, when this money was given to unaccountable bureaucrats, it was used for buying insurance companies, car companies, and bailing out banks.

But some of my conservative colleagues opposed this approach because they want to use TARP money for debt reduction. I agree with that. As I pointed out, the compromise Senator BOXER and I were pushing would have resulted in a net reduction of the deficit of about \$4 billion.

Even as I say this, I honestly don't understand their opposition. Those who talk about using TARP funds were willing to stimulate the funds, but the Democrats refused to do that. So we came up with another idea: Let's go ahead and use stimulus funds. If we used stimulus funds, I thought that would have overcome the objections that were on the floor last night, and I thought that was a good idea. Unfortunately, the Democrats did not want to do that.

So I think we have tried. I think it kind of demonstrates that it is a serious problem. We had a fix, and the Republicans and the Democrats were equally responsible for not getting it. Now we are going to pay the price. I don't know that the problem is worse in Oklahoma. It is probably not. It is about the same throughout the Nation. But speaking now as a conservative, one who is always ranked in the top two or three conservatives, I have always felt conservatives can be big spenders in some areas. One is defending America, as I talked about a few minutes ago, and the other is in our infrastructure. That is a function our government is supposed to perform.

So I think we failed last night. Hopefully, we will find some way to overcome this problem and get back on track.

I thank Senator BOXER and Secretary LaHood. They both tried very hard. We talked and worked for many hours. There are countless others on both sides of the aisle who worked together and tried to fix this problem. We didn't do it. Let's hope we can do it shortly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Madam President, what is the pending business?

The PRESIDING OFFICER. Amendment 2678 is the pending business.

Mr. SHELBY. I ask unanimous consent that the current amendment be set aside.

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

AMENDMENT NO. 2594

Mr. SHELBY. I call up my amendment No. 2594 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 2594.

Mr. SHELBY. Madam 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:

AMENDMENT NO. 2594

(Purpose: To require reports on certain elements of the ballistic missile defense system)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) REPORT ON GROUND-BASED INTERCEPTOR MISSILES.—Not later than 60 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report on the utilization of funds to maintain the production line of Ground-Based Interceptor (GBI) missiles. The report shall include a plan for the utilization of funds for Ground-Based Interceptor missiles made available by this Act for the Midcourse Defense Segment, including—

(1) the number of Ground-based Interceptor missiles proposed to be produced during fiscal year 2010; and

(2) any plans for maintaining production of such missiles and the subsystems and components of such missiles.

(b) REPORT ON GROUND-BASED MIDCOURSE DEFENSE SYSTEM.—Not later than 120 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report setting forth the acquisition strategy for the Ground-Based Midcourse Defense (GMD) system during fiscal years 2011 through 2016. The report shall include a description of the plans of the Missile Defense Agency for each of the following:

(1) To maintain the capability for production of Ground-Based Interceptor missiles.

(2) To address modernization and obsolescence of the Ground-Based Midcourse Defense system.

(3) To conduct a robust test program for the Ground-Based Midcourse Defense system

Mr. SHELBY. Iran and North Korea continue to pose a threat to our Nation and our allies because of their intense efforts at ballistic and nuclear development. My amendment before the Senate now supplements the committee's additional \$50 million for ground-based midcourse defense.

The amendment before the Senate is simple. It requires the Missile Defense Agency to conduct two reports related to the ground-based midcourse defense. We need to know the agency's plan for the ground-based interceptor funds in this bill before us. This report would provide further details into exactly what that plan is. I believe this is imperative. Congress and our Nation must fully understand how the Missile Defense Agency will utilize this critical capability for our Nation. The second report asks the Missile Defense Agency to outline the acquisition strategy for the ground-based midcourse defense system over the next 6 years from fiscal year 2011 to 2017.

North Korea and Iran will continue their ballistic efforts, and I believe we must be able to counter those threats.

In its budget request for the year 2010, the administration proposed several funding cuts and eliminations impacting our national missile defense, including a \$700 million reduction to GMD. I appreciate Chairman INOUE and Ranking Member COCHRAN including an additional \$50 million in the bill before the Senate for GMD, which will hopefully keep our GBI production line from going cold.

Yet the threat is not diminishing. We must have a plan for countering nations that threaten our security. We need to know the Missile Defense Agency's plan for this fiscal year as well as the next years. Our enemies are still our enemies, and now so more than ever we should be cognizant of the fact that Iran and North Korea are working hard at technological advancement designed to destroy us and our allies.

Despite nearly unanimous opposition in the international community, Iran has pressed on with nuclear ambitions and has shown no intention that I have known of abandoning this reckless path. Every day, Iran continues to add to the thousands of centrifuges it already has to enrich its uranium. It continues to test its ballistic missiles. In fact, the International Atomic Energy Association recently released a report stating that Iran is now working to conjoin ballistic and nuclear capabilities. I believe we need an integrated, layered national missile defense to deter this threat, and we need it now.

Moving forward, I hope that the Missile Defense Agency will ensure our Nation's production line for ground-based interceptors and that their subsystems and components will not die on the vine if we ever have to meet this threat.

The ground-based midcourse defense system and the interceptors in particular are valuable national assets. And I will continue to work with Chairman INOUE, Senator COCHRAN, and others on the Appropriations Defense Subcommittee to ensure that we have here in the United States a robust national missile defense system.

It is my understanding in talking to the chairman that this amendment has been agreed to by Senator INOUE and Senator COCHRAN. I hope they will adopt it.

I yield the floor.

The PRESIDING OFFICER. If there is no further debate on the amendment, without objection, the amendment is agreed to.

The amendment (No. 2594) was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 2617.

Mr. SANDERS. I ask unanimous consent to lay aside the pending amendment and call up my amendment No. 2617.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 2617.

Mr. SANDERS. 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:

AMENDMENT NO. 2617

(Purpose: To require a report on Federal contracting fraud)

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) The Secretary of Defense shall conduct a study on defense contracting fraud and submit a report containing the findings of such study to the congressional defense committees.

(b) The report required under subsection (a) shall include—

(1) an assessment of the total value of Department of Defense contracts entered into to with contractors that have been indicted for, settled charges of, been fined by any Federal department or agency for, or been convicted of fraud in connection with any contract or other transaction entered into with the Federal Government; and

(2) recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government.

Mr. SANDERS. Madam President, in recent weeks there has been some discussion about what types of organizations might or might not receive Federal funding. I think that is a very appropriate discussion for this legislation which obviously expends many hundreds of billions of taxpayer dollars.

One of the concerns I have is that a number of the largest defense contractors in this country, it turns out, over a period of years, have, time after time, been involved in illegal behavior. I think the American people and the taxpayers of this country want to know how it happened that year after year we continued to do business, to the tune of tens and tens of billions of dollars, with large corporate interests—in this case, defense contractors—that were then found guilty of defrauding the American people. How many times do you have to be found guilty before we say enough is enough? Let me give you a few examples—really, quite a few—of what I am talking about.

According to the Project on Government Oversight, the three largest government contractors—Lockheed Martin, Boeing, and Northrop Grumman—have a history riddled with fraud and other illegal behavior. Combined, these companies, these three companies, have engaged in 109 instances of misconduct since 1995 and have paid fees and settlements totaling over \$2.9 billion. Despite this history, these organization received over \$77 billion in government contracts in 2007 alone.

Let me repeat. Three major defense contractors—Lockheed Martin, Boeing, and Northrop Grumman—have engaged, combined, in 109 instances of

misconduct since 1995 and have paid fees and settlements totaling \$2.9 billion. This is not a videotape on a TV show having some people say stupid things. These are people who have been found guilty of defrauding the taxpayers of this country and have paid fees and settlements totaling \$2.9 billion.

Let me give you some specificity here.

The largest contractor, Lockheed Martin, has engaged in 50 instances of misconduct since 1995, paying fines and settlements totaling \$577 million. Yet in 2007 it still received \$34 billion of government contracts.

According to the U.S. Attorney's Office, in 2008 Lockheed Martin Space Systems Company paid \$10.5 million to settle charges that it defrauded the government by submitting false invoices for payment on a multibillion-dollar contract connected to the Titan IV space launch vehicle program.

According to the Department of Justice, in 2003 Lockheed Martin paid \$38 million to resolve allegations that it fraudulently inflated the costs of performing several Air Force contracts for the purchase and navigation and targeting pods for military jets.

In 2001, Lockheed Martin paid \$8.5 million to settle criminal charges that it lied about its costs when negotiating contracts for the repair and restoration of radar pedestals installed in U.S. warships, costing the Navy millions of dollars, also according to the Department of Justice.

But this behavior is not unique to Lockheed Martin. Boeing, the world's leading aerospace company and the largest manufacturer of commercial jetliners and military aircraft, has engaged in 31 instances of misconduct since 1995 and paid \$1.5 billion in fines and settlements.

I know people here have expressed concerns about what one group did in, clearly, stupid behavior. But what about a company such as Lockheed Martin which has paid \$8.5 million to settle criminal charges? What about companies such as Boeing which has engaged in 31 instances of misconduct since 1995 and paid \$1.5 billion in fines and settlements? In 2000, for example, according to the Department of Justice, Boeing agreed to pay \$54 million to settle charges that it defrauded the Army by selling it more than 140 helicopters containing defective gears, putting the lives of the men and women in the Air Force in danger. These defective gears resulted in the deaths of at least five servicemen. We are not talking ACORN here. We are talking about \$54 million to settle charges and actions that may have resulted in the death of at least five servicemen. How many years does this have to go on before we begin to deal with it? In 2007, Boeing received \$24 billion in Federal contracts.

Finally, Northrop Grumman, the third largest contractor, has a similar history, with 27 instances of fraud totaling \$790 million over the past 15

years. In 2003, according to the Project on Government Oversight, Northrop Grumman paid \$111.2 million to settle charges that a subsidiary overcharged the United States on government contracts; i.e., ripping off the taxpayers. According to the Department of Justice, the Northrop Grumman subsidiary engaged in five separate schemes that increased the cost the Government paid for space projects.

Also in 2003, according to the Department of Justice, Northrop Grumman paid the United States \$80 million to settle charges that it overcharged the government and knowingly installed substandard parts in target drones designed for the Navy.

Over and over and over again, year after year after year, the largest defense contractors engage in illegal activity to rip off the taxpayers and, in some instances, put in danger the lives of the men and women in the Armed Forces.

These are only a few snapshots of what appears to be a culture of fraud and entitlement within the military contracting community. We owe it to taxpayers to begin to get to the bottom of the situation. To reform the culture of greed, of illegal behavior, we have to expose it first. For that reason, I am offering an amendment under which the Secretary of Defense would calculate the total amount of money that goes to companies that have engaged in fraud against the United States and then make recommendations about how to penalize repeat offenders. We have an expression when we deal with criminal justice. We say: Three strikes, you are out.

A lot of these guys are getting a lot more than three strikes. They keep striking out and they come back and get lucrative defense contracts. How many times do they have to strike out?

I hope very much this study will be a first step in the process of cleaning up the world of defense contracting. I look forward to continuing to work to make absolutely sure the money we have set aside for our national defense is, in fact, spent on national defense, on protecting the men and women who bravely serve us in the Armed Forces and is not frittered away on fraudulent bids, illegal behavior, and wasteful projects.

I hope very much that when the amendment comes up, we will have bipartisan support. I cannot understand why anybody would be opposed to having us finally address this outrage. I hope the Senate will pass it.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Ohio.

Mr. BROWN. I ask unanimous consent to speak for 10 minutes as in morning business.

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

#### HEALTH CARE REFORM

Mr. BROWN. Madam President, I support the Sanders amendment and thank him for his good work on these issues.

I come to the floor pretty often to share letters from people in my State. As the Presiding Officer receives letters from New Hampshire, I get letters from people in Ohio who are increasingly dissatisfied not with their health care from the doctor and hospital but with the insurance system and what has happened to so many people who were generally satisfied with their insurance until they got sick and their insurance wasn't as good as the insurance company had promised. I would like to share four letters I have received today from people in my State.

Alan from Logan County in northwest Ohio, northwest Columbus, writes:

A few years ago, my 57-year-old diabetic sister was found in a diabetic coma by co-workers. She had "good" insurance and spent two weeks in the ICU and, thereafter, spent weeks in the regular hospital unit for care and [rehabilitation]. Her doctors indicated that she needed to remain in the hospital for another month and then be transferred to a nursing home for further rehab, even while she was unable to walk. A few days after receiving her doctor's care plan, I was notified by the hospital that my sister was being released the next day because the insurance company denied further payments to the hospital. I drove to the hospital, wheeled her to my car, brought her home where she was bedridden for the next several months. She eventually recovered, but suffered nerve damage and is permanently disabled and unable to walk again.

Alan's sister is another victim of a health care system where someone thought she had good insurance and got a very expensive illness and, as a result, her insurance was taken away. What that did was cost her her health because she didn't get the rehabilitation her doctor knew she needed. That kind of tragedy should not happen in the richest country in the world. It should not happen when somebody such as Alan's sister plays by the rules, works hard, and has decent insurance but not as good insurance as she thought she had.

One of the most important things our bill will do is enact insurance reform. No more denial of care for preexisting conditions, no more denial of care because it got too expensive when someone got sick and their policy was rescinded. "Rescission" is the technical term the insurance company uses. No more will someone be discriminated against because of gender or geography or disability. At the same time, we are introducing the public option in our legislation that will keep the insurance companies more honest, that will inject competition so people can choose the public option or they can choose CIGNA or Aetna or, in Ohio, Medical Mutual, any one of these, but the public option will keep the insurance companies a bit more honest.

Becky from Cincinnati on the Ohio River writes:

As a veteran, I get great health care through the VA system. But my story is about my daughter. She works for a small company who pays for her family's insurance. But their plan doesn't cover emergency

care and the yearly deductible is so high they might as well not have health insurance at all. They would like to have another child, but they don't think they can afford the cost of pregnancy alone [because of inadequate insurance]. I'm glad health care reform won't take away my benefits [with the VA], but what about my daughter and her family?

Becky is exactly right. The VA system has the lowest rate of medical errors in the country of any major health care system. The VA buys its prescription drugs at a third or half the cost most of us have to pay because they use the size of the purchasing pool of government to get much better deals from the drug companies. We have VA clinics in Ohio—in Zanesville and Mansfield and Parma and Lima and Findlay, all over the State—community-based outreach clinics that matter for people's care. At the same time, what our legislation will do is help small business. Becky's daughter's employer probably wants to cover her and give her better coverage: emergency care, maternity care, pregnancy care. It doesn't because it is a small business and can't afford it. Our bill will give a tax credit to small businesses and will allow small businesses to pool with other employers so one particularly sick patient or sick employee doesn't shoot up prices so much that the insurance company with the small business can't afford to provide insurance for their employees. That is why this legislation makes so much sense for small business.

Kristin from Cuyahoga County writes:

My mother has stage 4 cancer and my father is a diabetic. They have a \$6,000 deductible; co-pays are \$30-\$50 a visit. Last December, my mother was pushing for more chemo before the first of the year. They met their deductible and she wanted to get any treatment she could get prior to the end of the year. Instead of her enjoying her limited time with us, she is constantly worrying about the high deductible and funeral costs. I am a nurse and [I] see the stress of the health care costs and the impact it makes in a family's financial situation is astounding. We need reform, reform, reform.

Think about that. Kristin is a nurse. Kristin knows health care from the inside out. Kristin's mother has cancer. Her father is diabetic. A \$6,000 deductible hardly counts as insurance. The mother wants to get all the expensive care in December before the end of the year because she has already paid the deductible, the \$6,000 that year, but not have to get it at the beginning of the year because she can't afford another \$6,000, not to mention the \$30 to \$50 out of pocket every visit.

My mother recently died in February. She had good health insurance. She had a family who loved her and was with her during hospice home care. I am sure Kristin's family is the same, but I also know it was traumatic enough as a family for my 88-year-old mother who was sick to not have to worry about the funeral costs and a high deductible. It is outrageous that this health care system doesn't take care of people better than that.

Denise from Ashland, a town not far from my hometown of Mansfield in north-central Ohio, writes:

This past February, my husband was laid off from his job. At the end of March our insurance through his employer was canceled. In April we were forced to go onto COBRA which cost us \$800 a month. Thankfully, President Obama's plan helped reduce that amount by nearly \$300, but that won't last much longer. It's been difficult to save money because since April, I've had two major surgeries and now face higher co-pays and medications. My husband is a diabetic and his medicines are very costly. We are fighting foreclosure, our budget is stretched, and we are considering dropping coverage in October. What happens then?

Denise is in a situation that so many are in right now. Ohio's unemployment rate is over 10 percent. Denise's situation is similar to many. Her husband lost his job and his insurance was dropped, although he was able to keep the insurance through COBRA. But when you have COBRA, it is very expensive because you are paying your own part of the insurance that you paid as an employee and you are also paying the employer's part of the insurance. It is a good program, but not many people can afford it. President Obama and all of us together in the stimulus bill passed earlier in the year provided some subsidies for people who use COBRA, but that will not last forever, as Denise pointed out. Under our legislation, people would not see their insurance run out. People, depending on their income, at a certain price will be able to buy insurance and keep that insurance regardless of whether they lose their job. Life is traumatic enough for people when the major breadwinner loses his or her job. Losing your insurance at the same time, with all the other problems that come—potential foreclosure, the stretching of the budget, generally—is so unfair for those who have worked so hard, paid taxes, been good citizens, and lived by the rules.

That is why I think our legislation is so important. I expect the bill will be voted out of the Finance Committee in the next week or so—maybe even this week. We will continue to fight for the public option, which certainly a majority of the Senate supports. A strong majority of the House of Representatives supports the public option. A survey of doctors recently showed 70 percent of them in the country support a public option. Two-thirds of the voters consistently all year have supported a public option.

A public option will make the insurance companies more honest. It will inject competition into the system so people will have more choices, not fewer choices such as the Republican opponents of the public option want. They only want the insurance companies to be players in this, not any public agency that can compete in a Medicare-like program that can compete with the private insurance companies. It will help keep costs down so the insurance companies do not continue to cause the problems they do.

In addition, you are not going to see anybody denied who has a preexisting condition in the public option anymore than you are going to see somebody denied care because of a preexisting condition in Medicare. That is why this legislation is so important. That is why the version of this bill that passed out of the Health, Education, Labor, and Pensions Committee will serve the public. It will mean that people who are happy with their insurance can keep it. It will mean if you are uninsured, you will get some assistance. It will mean consumer protections so people will not be thrown off their insurance because of an expensive illness or because of discrimination. It will mean assistance for small business so employers can insure their employees, like most employers want to do.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Madam President, let me concur with the remarks of the Senator from Ohio. The letters he is receiving from Ohio are exactly the same types of letters I am receiving from Vermont. The time is long overdue for this Congress to pass real health care reform and join the rest of the industrialized world, which guarantees health care for all their people. I congratulate the Senator from Ohio for his leadership position on this issue.

Mr. BROWN. I thank the Senator.

AMENDMENTS NOS. 2559 AND 2601

Mr. SANDERS. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendments Nos. 2559 and 2601.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments will be reported by number.

The bill clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes amendments numbered 2559 and 2601.

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

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

The amendments are as follows:

AMENDMENT NO. 2559

(Purpose: To make available from Research, Development, Test, and Evaluation, Army \$12,000,000 for the peer-reviewed Gulf War Illness Research Program of the Army)

At the appropriate place, insert the following:

SEC. \_\_\_\_ Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", \$12,000,000 shall be available for the peer-reviewed Gulf War Illness Research Program of the Army run by Congressionally Directed Medical Research Programs.

AMENDMENT NO. 2601

(Purpose: To make available from Overseas Contingency Operations \$20,000,000 for outreach and reintegration services under the Yellow Ribbon Reintegration Program)

At the appropriate place, insert the following:

SEC. \_\_\_\_ (a) FUNDING FOR OUTREACH AND REINTEGRATION SERVICES UNDER YELLOW RIBBON REINTEGRATION PROGRAM.—Of the amounts appropriated or otherwise made available by title IX, \$20,000,000 shall be available for outreach and reintegration services under the Yellow Ribbon Reintegration Program under section 582(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 125; 10 U.S.C. 10101 note).

(b) SUPPLEMENT NOT SUPPLANT.—The amount made available by subsection (a) for the services described in that subsection is in addition to any other amounts available in this Act for such services.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I ask unanimous consent to address the Senate for no more than 3 minutes as in morning business.

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

COMMENDING THE LAKE ERIE CRUSHERS

Mr. BROWN. Madam President, I rise to honor the Lake Erie Crushers, the 2009 Frontier League Champions. While it looks like the Cleveland Indians will not be playing in October, the Lake Erie Crushers of Avon, OH, in which I live, will spend the month relishing their improbable run to the championship in just their first year in the Frontier League.

The Crushers clinched the championship with a come-from-behind, 13-to-10 victory over the home team River City Rascals of O'Fallon, MO.

Despite being down two games to none in the best-of-five series, the Crushers demonstrated their resilience and composure to win three straight games.

With clutch hitting from series MVP Andrew Davis, Arden McWilliams, Tyler Johnson, Todd Baldof, and Eddie Tisdale, the Crushers put together a seven-run fifth inning outburst to help pitchers Paul Fagan and Cardoza Tucker clinch the championship.

During the celebration after the game, manager John Massareilli said that "doing this in year one, building a championship [team] from scratch, that's what made this so special."

The Frontier League is made up of teams from across the heartland—in Kalamazoo, Waterford, and Traverse City, MI; Washington, PA; Evansville, IN; Florence, KY; and the team I mentioned in Missouri.

Players in their early to mid twenties travel from town to town, chasing the dream of one day playing in the Major Leagues.

My wife and I are season ticket holders of the Crushers, and we have enjoyed cheering on our hometown team during their inaugural season. We are proud our community is home to the Crushers, where fans from across northeast Ohio can travel down I-90 and Route 611 to root for a championship team.

I commend the dedicated fans, the outstanding players and coaches, and owner Steve Edelson for their commitment to our city—both on and off the field.

I am pleased to honor the 2009 Frontier League Champions, the Lake Erie Crushers from Avon, OH.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 2598

Mr. BROWNBACK. Madam President, it is tough to follow that act, but I ask unanimous consent that the pending amendment be set aside and call up amendment No. 2598 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 2598.

Mr. BROWNBACK. 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: To acknowledge a long history of official depredations and all ill-conceived policies by the Federal Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . APOLOGY TO NATIVE PEOPLES OF THE UNITED STATES.**

(a) ACKNOWLEDGMENT AND APOLOGY.—The United States, acting through Congress—

(1) recognizes the special legal and political relationship Indian tribes have with the United States and the solemn covenant with the land we share;

(2) commends and honors Native Peoples for the thousands of years that they have stewarded and protected this land;

(3) recognizes that there have been years of official depredations, ill-conceived policies, and the breaking of covenants by the Federal Government regarding Indian tribes;

(4) apologizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States;

(5) expresses its regret for the ramifications of former wrongs and its commitment to build on the positive relationships of the past and present to move toward a brighter future where all the people of this land live reconciled as brothers and sisters, and harmoniously steward and protect this land together;

(6) urges the President to acknowledge the wrongs of the United States against Indian tribes in the history of the United States in order to bring healing to this land; and

(7) commends the State governments that have begun reconciliation efforts with recognized Indian tribes located in their boundaries and encourages all State governments similarly to work toward reconciling relationships with Indian tribes within their boundaries.

(b) DISCLAIMER.—Nothing in this section—

(1) authorizes or supports any claim against the United States; or

(2) serves as a settlement of any claim against the United States.

Mr. BROWNBACK. Madam President, this is an amendment for which the cosponsors include the chairman of the committee and the chairman of the Indian Affairs Committee, Senator DOR-

GAN, as well. It is an amendment that has been cleared through the authorizing committee a multiple of times and it has been cleared through this body previously and we have cleared it on both sides of the aisle.

With the passage of this amendment, we officially apologize for the past ill-conceived policies by the U.S. Government toward the Native Peoples of this land and reaffirm our commitment toward healing our Nation's wounds and working toward establishing better relationships rooted in reconciliation.

Apologies are often times difficult, but like treaties, go beyond mere words and usher in a true spirit of reconciling past difficulties and help to pave the way toward a united future. Perhaps Dr. King said it best when he stated, "The end is reconciliation, the end is redemption, the end is the creation of the beloved community." This is our goal, with this resolution today.

Native Americans have a vast and proud legacy on this continent. Long before 1776 and the establishment of the United States of America, Native peoples inhabited this land and maintained a powerful physical and spiritual connection to it. In service to the Creator, Native peoples sowed the land, journeyed it, and protected it. The people from my State of Kansas have a similar strong attachment to the land.

Like many in my State, I was raised on the land. I grew up farming and caring for the land. I and many in my State established a connection to this land as well. We care for our Nation and the land of our forefathers so greatly that we too are willing to serve and protect it, as faithful stewards of the creation with which God has blessed us. I believe without a doubt citizens across this great Nation share this sentiment and know its unifying power. Americans have stood side by side for centuries to defend this land we love.

Both the Founding Fathers of the United States and the indigenous tribes that lived here were attached to this land. Both sought to steward and protect it. There were several instances of collegiality and cooperation between our forbears—for example, in Jamestown, VA, Plymouth, MA, and in aid to explorers Lewis and Clark. Yet, sadly, since the formation of the American Republic, numerous conflicts have ensued between our Government, the Federal Government, and many of these tribes, conflicts in which warriors on all sides fought courageously and which all sides suffered. Even from the earliest days of our Republic there existed a sentiment that honorable dealings and a peaceful coexistence were clearly preferable to bloodshed. Indeed, our predecessors in Congress in 1787 stated in the Northwest Ordinance:

"The utmost good faith shall always be observed toward the Indians."

Today we live up to this goal, today we right a wrong that has been committed in this nation.

Many treaties were made between the U.S. Government and Native peo-

ples, but treaties are far more than just words on a page. Treaties represent our word, and they represent our bond. Unfortunately, again, too often the United States did not uphold its responsibilities as stated in its covenants with Native tribes.

I have read all of the treaties in my State between the tribes and the Federal Government that apply to Kansas. They generally came in tranches of three. First, there would be a big land grant to the tribe. Then there would be a much smaller one associated with some equipment and livestock, and then a much smaller one after that.

Too often, our Government broke its solemn oath to Native Americans. For too long, relations between the United States and Native people of this land have been in disrepair. For too much of our history, Federal tribal relations have been marked by broken treaties, mistreatment, and dishonorable dealings.

This amendment extends a formal apology from the United States to Tribal Governments and Native peoples nationwide—something we have never done; something we should have done years and years ago.

Further, this resolution will not resolve the many challenges still facing Native Americans, nor will it authorize, support or settle any claims against the United States. It doesn't have anything to do with any property claims against the United States. That is specifically set aside and not in this bill. What this amendment does do is recognize and honor the importance of Native Americans to this land and to the United States in the past and today and offers an official apology for the poor and painful path the U.S. Government sometimes made in relation to our Native brothers and sisters by disregarding our solemn word to Native peoples. It recognizes the negative impact of numerous destructive Federal acts and policies on Native Americans and their culture, and it begins—begins—the effort of reconciliation.

President Ronald Reagan spoke of the importance of reconciliation many times throughout his Presidency. In a 1984 speech to mark the 40th anniversary of the day when the Allied armies joined in battle to free the European Continent from the grip of the Axis powers, Reagan implored the United States and Europe to "prepare to reach out in the spirit of reconciliation."

I do not pretend that this apology is a panacea, but perhaps it signals the beginning of the end of division and a faint first light and first fruits of reconciliation and the creation of beloved community Dr. King so eloquently described.

This is an apology and a resolution of reconciliation. It is a step toward healing the wounds that have divided our country for so long—a potential foundation for a new era of positive relations between tribal governments and the Federal Government.

It is time, as I have stated, for us to heal our land of division, all divisions,



and bring us together and I am proud that today we are closer to that goal.

Madam President, I understand the amendment has been cleared, and I ask unanimous consent for its immediate adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. INOUE. We support the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, without objection, the amendment is agreed to.

The amendment (No. 2598) was agreed to.

Mr. BROWNBACK. Thank you very much, Madam President.

I wish to thank my colleagues for being willing to consider this amendment in an expedited fashion, but it is actually an issue for which there have been hearings held, research done, and has been voted on by this body over 5 years. So I am delighted we could move it on through.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

#### AMENDMENT NO. 2571

Mr. INOUE. Madam President, on behalf of Senator BYRD, I call up amendment No. 2571 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for Mr. BYRD, proposes an amendment numbered 2571.

The amendment is as follows:

(Purpose: To require a report on the use by the Department of Defense of live primates in training programs relating to chemical and biological agents)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) REPORT ON USE OF LIVE PRIMATES IN TRAINING RELATING TO CHEMICAL AND BIOLOGICAL AGENTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a detailed description of the requirements for the use by the Department of Defense of live primates at the United States Army Medical Research Institute of Chemical Defense, and elsewhere, to demonstrate the effects of chemical or biological agents or chemical (such as physostigmine) or biological agent simulants in training programs.

(b) ELEMENTS.—The report required by subsection (a) shall include, at a minimum, the following:

(1) The number of live primates used in the training described in subsection (a).

(2) The average lifespan of primates from the point of introduction into such training programs.

(3) An explanation why the use of primates in such training is more advantageous and realistic than the use of human simulators or other alternatives.

(4) An estimate of the cost of converting from the use of primates to human simulators in such training.

Mr. INOUE. Madam President, this amendment has been cleared by both sides, both leaders. It is a good amendment. I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 2571) was agreed to.

Mr. INOUE. Thank you, Madam 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.

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

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

#### AMENDMENT NO. 2567

Mrs. FEINSTEIN. Madam President, I rise to oppose the Barrasso amendment No. 2567, which would ban funding to the CIA's new Center on Climate Change and National Security. I make these remarks as chairman of the Intelligence Committee and one who strongly supports the new Climate Change center at the CIA.

The Center on Climate Change and National Security that the CIA recently established is fully consistent with the intelligence community's mission of protecting the United States.

It is important to note what the Center will not do. It will not do the science of climate change. It will not make judgments about how or whether the climate is changing. It will not make judgments about why the climate is changing. That work will be done where it belongs, with the scientific community.

The Center will have three tasks. One, it will continue the decade-long program of declassifying imagery for passage to climate change scientists.

Let me give you an example of some of that imagery. It is here on my right, as shown in these photographs. This is Barrow, AK. This is Barrow. This is the Chukchi Sea. As shown here, this is July of 2006. In this picture, this is that same area in July of 2007. You see the decomposition of the ice. They point out its variation by time and, therefore, you can track the impact of the change brought about by global warming from our satellites. So our satellites are used to measure and predict change.

Here is another one. This is the Beaufort Sea in August of 2001. You see the melt ponds in the center, and you see the ice. You see it here—winter in August of 2007. This is from a satellite.

The third one is much more difficult to see, but it is the Bering Glacier in Alaska. Here it is in May of 2005. Here are the big chunks that have broken off. Here they are there. As shown here, this is another satellite photo of the Bering Glacier in Alaska.

The second task of the CIA Center on Climate Change and National Security will be to assess the plans and intentions of other countries, and it will help the administration design verification regimes for any climate change treaties so policymakers can negotiate

from a position of strength. This is, in fact, a traditional role for the intelligence community on a wide range of foreign policy issues.

Thirdly, the Center on Climate Change and National Security will assess the national security implications of climate change, which many experts believe will be significant. This will include assessing the national security implications of increased competition for resources, population shifts, water shortages, changes in crop yields, and the spread of climate-sensitive diseases such as malaria.

This is the work that the IC is better positioned than anyone else in the government to do and where CIA's contacts in the academic and think tank communities will pay big dividends.

On September 25, the CIA announced it was going to launch this new center and tackle the devastating long-term challenges that climate change might present to our Nation's security. In other words, this will give the intelligence community the opportunity to collect information and predict how change is going to affect certain countries—the movement of populations, the devastation of crops, the disappearance of water supplies—to be able to anticipate what impact that will have on the Nation's policy and on our national security.

I have no doubt climate changes are going to have an impact on our Nation's security. I also have no doubt our satellites can give us a very positive—meaning in the sense of crisp and delineated—view of these changes as our satellites track climate change across the years.

I believe very strongly the Center on Climate Change is warranted. I believe it will produce intelligence dividends for the Nation, and I believe it is entirely appropriate. Therefore, I would oppose the Barrasso amendment, which would effectively eliminate this new center.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Madam President, I join the distinguished Senator from California in opposing the Barrasso amendment.

The Director of the Central Intelligence Agency recently created the Center for Climate Change and National Security. The mission of this center is fully consistent with the mission of the intelligence community.

The center has three main tasks. As pointed out by the Senator from California, the first is to continue the decades-long program of declassifying imagery for use by the scientific community. Second, the center will assess the plans and intentions of other countries and assist the administration to design verification regimes for any climate change treaties so that policymakers can negotiate from a position of strength. Third, as noted by the Senator from California, this center will assess the national security implications of climate change, which many

believe will be very significant. This will include assessing the national security implications of increased competition for resources, population shifts, water shortages, changes in crop yields, and the spread of climate-sensitive diseases such as malaria.

This center will not work on the science of climate change. That work will be done where it belongs—with the scientific community. This center will continue in the traditional role of the intelligence community to support policymakers on a wide range of foreign policy issues.

Therefore, I join my colleague from California in urging my colleagues to oppose the Barrasso amendment.

Madam President, I yield the floor, and 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. INOUE. 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. INOUE. Madam President, I would like to say a few words on a few of the contentious issues before us.

The administration requested \$7.4 billion for the Afghanistan security forces fund in fiscal year 2010. This is an increase of \$1.8 billion over fiscal year 2009 levels. This is to continue to train and equip the Afghan National Army and the Afghan National Police.

The committee was informed by officials of the Department of Defense that \$1.8 billion of this request would not be spent until fiscal year 2011. I would like to repeat that. This amount will not be spent until 2011. And there was \$1.9 billion remaining from the fiscal year 2009 appropriations.

At the same time, the committee was also aware of a validated urgent but unfunded requirement from the Department of Defense for additional all-terrain MRAP vehicles for our troops in Afghanistan, something that the military has been asking for with great urgency.

Recognizing that these funds would not be obligated until fiscal year 2011—the funds I mentioned earlier—and were not required for long lead equipment of infrastructure projects, the committee transferred \$900 million from the Afghan security forces fund to the MRAP fund to pay for this urgent requirement.

The redirecting of funds was not an attempt to curtail our efforts to train and equip the Afghan security forces. It was solely based on the Department's ability to execute the required resources during fiscal year 2010 and the urgent unfunded and validated requirement to procure additional all-terrain MRAPs for our troops in Afghanistan.

There is a tremendous amount of debate in both the Halls of Congress and the Pentagon over the size of the Afghan security forces—how fast they

can be trained, equipped, and executing missions independent of coalition forces.

While many would like to grow the Afghan security forces beyond the current plan, the Department of Defense has not been able to say that they can absorb additional resources in fiscal year 2010 or that they can source additional trainers to reach these new levels. This is a situation where, yes, we need the money, but we cannot spend it. We want you to appropriate it so we can leave it in the bank. That is a hell of a way to run the government.

Since 2005, Congress has appropriated nearly \$19 billion for the training and equipping of the Afghan security forces. These funds have greatly increased over the years, starting from \$1.3 billion in fiscal year 2005 to \$5.6 billion in fiscal year 2009 to \$7.4 billion in fiscal year 2010.

Of the \$5.6 billion appropriated in the last fiscal year, nearly \$1.9 billion remains unobligated, and the Department of Defense does not anticipate obligating these funds until July of 2010.

The \$7.4 billion fiscal year 2010 request for the Afghan security forces fund is projected to obligate \$5.6 billion in fiscal year 2010 and \$1.8 billion in the next fiscal year, 2011.

The Afghan security forces fund is a 2-year funding account to enable long lead equipment procurement and infrastructure projects that obligate over a 2-year period. The funds transferred from the Afghan security forces trust fund to meet the urgent operational requirement of additional all-terrain MRAPs for Afghanistan were taken from sustainment requirements of the Afghan National Army and the Afghan National Police which would have been obligated in fiscal year 2011 and do not require long lead appropriations. We took money they did not need or can use.

Areas funded through the sustainment program include fuels, salary, incentive pay, clothing, individual equipment, rental equipment—all of which do not require long lead time. Therefore, the fiscal year 2010 sustainment request for the Afghan National Army is a 45-percent increase over 2009 and a 108-percent increase over fiscal year 2009 for the Afghan National Police.

Even with the decrease in this fund, there is substantial flexibility and resources in the Afghan security forces fund to meet unanticipated requirements of the security forces and to expedite the growth of the Afghan National Army and Afghan National Police.

Madam President, I decided to share these numbers with my colleagues to make certain they know the committee has acted on this very carefully. When we were convinced that the Department of Defense could not use that money, we decided to use it for some other more urgent purpose.

I should point out once again this bill was passed by the committee, made up

of Democrats and Republicans, conservatives and liberals, by a vote of 30 to 0. Unanimous.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I ask unanimous consent that Senators MCCASKILL and DEMINT be added as cosponsors to amendment No. 2560 to H.R. 3326, the 2010 Department of Defense Appropriations Act.

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

The Senator from Illinois.

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

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

#### YOUTH VIOLENCE PANDEMIC

Mr. BURRIS. Madam President, last Thursday, just outside of a Chicago community center, a 16-year-old honor student was beaten to death. His name was Derrion Albert. There had been a shooting at the school earlier in the day. Afterwards, two rival groups of teens confronted each other in the street. Derrion was not a part of either group. He just happened to be passing in the area on his way home from school.

In the violent chaos of that confrontation, as other teenagers punched and kicked each other, young Derrion got caught in the middle. He was beaten to death with railroad ties.

The shocking murder was caught on video. It is extremely difficult, Madam President, if you have watched that film clip. But when you see this terrible scene unfold, you are struck by several things. No. 1, this did not happen in some distant country; it happened in our backyard, right outside of a community center on a populated street. It did not even happen at night. Derrion was murdered in broad daylight with people all around to witness the scene. And it did not happen to them. It did not happen to people unlike ourselves. It happened to us. Derrion Albert could have been anybody's son, grandson, nephew, brother, or friend.

Just the other night, in a different Chicago neighborhood, another young boy was beaten within inches of his life. This violence is not confined to a single area or group of people. The problem is pervasive and it touches all of us.

It is tearing apart families, communities, and our own sense of security. These acts are committed against our community by our community. In the last school year alone, 36 Chicago students were shot to death. This number does not include those who survived shootings in other violence. That statistic would be far higher.

In the wake of last year's murders, the local government and Chicago police tried to put a stop to the terrible cycle of violence. But now, only a few weeks into the new school year, another young boy has been taken from us.

I am thankful the suspects in Derrion's murder have already been arrested and charged with the crime. I am proud of the job our local law enforcement officers have done to make sure justice is served. But that is not enough. That is just not enough. It will never be enough.

This problem is not unique to Chicago or Illinois. A national pandemic of violence has taken hold in every major city across the country. We can no longer stand by as an entire generation of young men and women fall victim to these senseless crimes.

Government cannot do it all. Law enforcement can only do so much. That is why it is time for us to stand together as a community and as a nation to end youth violence.

The old saying, "It takes a village to raise a child," is very true. It takes a community to protect them. Our communities must take responsibility for our youngsters. We cannot tolerate violence any longer. Our parents must take ownership of their children and shoulder the responsibility of steering them away from gangs and violence. We cannot stand by and hope this problem resolves itself. We cannot expect someone else to find a solution. It is time to join with one voice and say: Enough is enough. This cannot stand. This cannot continue.

It is time to take back our streets, our schools, our community centers, and our children. It is time for parents, teachers, neighbors, and friends to join with community leaders to put an end to the violence. It means afterschool programs to keep kids involved and off the streets. It means seeking opportunities for youth who are at risk. It means being present in young peoples' lives. Ask if your son's homework is done. See which school subject your daughter enjoys the most. Encourage kids to continue their education, to play a sport, or to go out and get a part-time job if they can find it. Be a good role model for your children and your neighbor's children. Be involved, but do not settle for the status quo. Do not let the young people of America continue to cut each other down in the streets.

This will not go away on its own, and it is not someone else's problem. This youth violence that has gone on in our country is our problem, our future, and we must work together to solve it. The only way we are going to solve it is working together and recognizing that across this country there is a problem with our young people, and we can no longer tolerate that.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Madam President, at this moment—and I repeat, at this moment—there are 10 amendments ready for voting—10. I have been advised that most of them will require rollcall votes. So may I advise my colleagues to prepare themselves for a long evening.

In addition to that, there are 10 other amendments that we are in the process of discussing and negotiating which may require rollcall votes. So this may be a long night.

The leadership has advised me that voting should begin in about 15 minutes, at 5:30. Since we have some time, and in anticipation that one of the amendments would be the one from the Senator from Oklahoma, I wish to say a few words about that.

#### AMENDMENT NO. 2569

Madam President, I rise to oppose the amendment of the Senator from Oklahoma which seeks to increase the operation and maintenance funding by \$294 million in the Department of Defense bill by reducing the funds available for research and development activities by that same amount. I understand the Senator incorrectly assumes that the operation and maintenance account is underfunded due to a change in current year inflation.

Economic recovery means that projected inflation is now higher than anticipated a few months ago. My colleague is correct that inflation assumptions have changed. However, the budget adjustment the Senator finds objectionable does not only correct for the current year inflation; in fact, the committee reviews the historical price growth embedded in the budget baseline. Due to the recession, inflation in fiscal years 2008 and 2009 was below the levels built into the budget. Therefore, the fiscal year 2010 budget base was inflated over actual experience. The bill before us adjusts for that baseline error.

The operation and maintenance title is fully funded to meet the Department's needs. There is no shortage. Let me repeat that: The O&M account—or the operation and maintenance account—is fully funded. The committee is deeply concerned that the critical operational needs of our soldiers, sailors, airmen, and marines are financed. We want to be certain that every member has the equipment, gear, training and support they need. The bill meets these needs. And we fully fund family support programs, base operations, and major equipment maintenance.

The proposed amendment would add \$294 million in unneeded funds, an action that could promote waste and expenditures on low priority programs. I note the amendment does not specify what program is underfunded or would benefit from this transfer. This amendment would move funds for unidentified purposes, which undermines the careful program-by-program review which the committee accomplished.

On the other hand, it unduly penalizes the resource and development activities of the Department. The R&D title is already below the President's requested funding level. Research and development is the seed corn for the future. It is the basis of all the technological improvements that have proved invaluable in making our fighting forces the most capable in the world.

This blunt axe approach to cut funds and undermine the future is uninformed, unexplained, and untargeted. Therefore, I urge my colleagues to oppose this measure.

I yield the floor.

Madam President, I have been advised that the statement I made that we may begin voting at 5:30 has slightly changed. We will now begin voting about 6 o'clock.

So may 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. COBURN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. COBURN. Madam President, I think the leadership has been working on some amendments and agreements. I don't think any of our amendments are going to come up for votes tonight, but I did want to take a couple of moments talking about several of them.

#### AMENDMENT NO. 2560

One is a McCain amendment I am a cosponsor on, amendment No. 2560, on competitive bidding.

Every time we bring this amendment to the floor we get a side-by-side amendment so everybody on the other side who does not want us to competitively bid earmarks can have cover to say they voted for competitive bidding. The fact is, in this bill are directed earmarks that are not competitively bid to individuals and companies out there, for specialization of what one Senator may want in their home State.

There is nothing wrong with wanting to help your home State. What is wrong is to not competitively bid. If it is something we need, why shouldn't we use a competitive bidding process to get the best quality and the best value for all this money we are going to spend?

We are going to see again on the McCain amendment the competitive bidding amendment—I have offered this on many of the appropriations bills we have—a side by side. America should not be fooled. If you do not vote for the McCain amendment and you vote for the side by side, what you are saying is you still want your earmarks protected and not competitively bid. That is what it says.

I have another amendment that addresses earmarks. The problem with earmarks is it takes our eye off the ball. It is not they are not good ideas, but we vote on bills on the basis of having an earmark in the bill rather than on the total bill and what is in the best interest of the country, not our particular parochial State.

The competitive bidding amendment, when it has the side by side, what you are going to see is you are going to see the true competitive bidding amendment defeated and the false competitive bidding amendment win. That is

because if you count the number of Senators who actually have earmarks that are not competitively bid, you get the majority of the Chamber. That is true on every appropriations bill. So we will not ever pass it until the Members start thinking about the long term and what is best for the country, rather than what is best for them. I thought that explanation needed to be made.

AMENDMENT NO. 2565

I also want to discuss for a moment an amendment, Amendment No. 2565, a very simple amendment. We know the National Guard has gotten short-changed a lot of times in terms of equipment. I don't think there is anything wrong with setting aside money for the National Guard. But the way the bill is written is the chain of command in the U.S. Government, in terms of our military, will be excluded from the decisions made on how to spend this \$1.5 billion.

The Secretary of Defense, who is ultimately responsible for the defense of the Nation—even though we use National Guard, and part of this money is going to be used for our Army Reserve, a very small amount—is not going to be able to have any input. The only people who are going to have input is the Appropriations Committee.

What that says is the American people are not going to get to know, we are not going to have the judgment of the people with the best experience to comment on it. I am not even saying they have to veto it. What we are saying is they have to be aware of it, they have to be part of the process. Yet they are not. So the more concern I have with our amendment the more concern I have about what is happening with this \$1.5 billion. My hope is we will eventually find out. We may not find out until after the \$1.5 billion will have been spent. But the problem is will it be spent efficiently and properly for the National Guard and the Reserve? The secrecy that shrouds this process is somewhat concerning, and also the reaction that we would offer an amendment that says we want somebody in the chain of command to be involved in this, outside just the Appropriations Committee and the individual guard units.

AMENDMENT NO. 2562

On another amendment, amendment No. 2562, other than national security issues, why should not every report in this bill be made available to every American? It is a real straightforward amendment. If we want transparency in our Government, then the reports that do not have anything to do with anything that would be a national security risk, for example, ought to be made available to the other Senators in the Chamber and the body as well as the American people. That is a pretty hard amendment to say “No, you don't,” because there is not a good defense to that if it is not related to a national security concern, and, Americans—43 cents out of every dollar we

are spending we are borrowing from our grandkids. We ought to be proud to let them see what we are doing with the money.

AMENDMENT NO. 2569

Finally, I have an amendment that is a prohibition. We have this operation and maintenance account that has been robbed heartily for earmarks. I know I will never win the battle on earmarks. But should not we say it comes from somewhere else, other than to fund the actual day-to-day operation and maintenance of our military? We have already cut into the amount of money that is in the O&M account because we are using a false inflation number, to the tune of about \$300 some odd million—\$294 million. Shouldn't we say, if we are going to take that, let's take it from somewhere else in the military rather than operations and maintenance? What is a greater priority than making sure the troops on the ground have what they need on a timely basis?

It was just last year that the Navy ran out of O&M money. They restricted flight training. They restricted training on the ships. We had to pass an emergency supplemental because we did not authorize them enough, we didn't appropriate them enough money to adequately operate and maintain their force structure. Yet we have all this money, including other money that is related to other amendments, that comes out of their operation and maintenance account. If we want to do something that is outside the scope and outside what the military wants to have done, let's not make two wrongs. Let's not take the money from O&M. What this amendment would do is simply prohibit any directed earmark from coming from O&M funds.

Our military needs us to be efficient. I think overall on this bill the appropriators have done a good job. I think there is tons of waste we could get out of the Defense Department. I think it is about \$50 billion a year that we could actually squeeze, which would make plenty of money for earmarks, it wouldn't hurt operation and maintenance, yet we will not have the oversight, we will not do the things that are necessary to lessen the waste that is in the military. My hope is, as we come back next week—I notice we are going to have a couple of votes here in a little while; not on these amendments. No. 1, my hope is the American people will let us know about priorities and what we ought to be doing. I think these are straightforward amendments.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2621, AS MODIFIED

Mr. CHAMBLISS. Madam President, I ask the pending amendment be set aside and that my amendment No. 2621, as modified, at the desk, be called up, please.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS] proposes an amendment numbered 2621, as modified.

The amendment is as follows:

(Purpose: To express the Sense of the Senate on Joint STARS re-engining)

At the appropriate place, insert the following:

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

(1) Real time intelligence, surveillance, and reconnaissance (ISR) is critical to our warfighters in fighting the ongoing wars in Iraq and Afghanistan.

(2) Secretary of Defense Gates and the military leadership of the United States have highlighted the importance of collecting and disseminating critical intelligence and battlefield information to our troops on the ground in Iraq and Afghanistan.

(3) The Chief of Staff of the Air Force, General Norton Schwartz, has stated that the Air Force is “all-in” for the joint fight.

(4) One of the most effective and heavily tasked intelligence, surveillance, and reconnaissance assets operating today is the Air Force's E-8C Joint Surveillance Target Attack Radar System, also known as Joint STARS.

(5) Commanders in the field rely on Joint STARS to give them a long range view of the battlefield and detect moving targets in all weather conditions as well as tactical support to Brigade Combat Teams, Joint Tactical Air Controllers and Special Operations Forces convoy overwatch.

(6) Joint STARS is a joint platform, flown by a mix of active duty Air Force and Air National Guard personnel and operated by a joint Army, Air Force, and Marine crew, supporting missions for all the Armed Forces.

(7) With a limited number of airframes, Joint STARS has flown over 55,000 combat hours and 900 sorties over Iraq and Afghanistan and directly contributed to the discovery of hundreds of Improvised Explosive Devices.

(8) The current engines greatly limit the performance of Joint STARS aircraft and are the highest cause of maintenance problems and mission aborts.

(9) There is no other current or programmed aircraft or weapon system that can provide the detailed, broad-area ground moving target indicator (GMTI) and airborne battle management support for the warfighter that Joint STARS provides.

(10) With the significant operational savings that new engines will bring to the Joint STARS, re-engining Joint STARS will pay for itself by 2017 due to reduced operations, sustainment, and fuel costs.

(11) In December 2002, a JSTARS re-engining study determined that re-engining provided significant benefits and cost savings. However, delays in executing the re-engining program continue to result in increased costs for the re-engining effort.

(12) The budget request for the Department of Defense for fiscal year 2010 included \$205,000,000 in Aircraft Procurement, Air Force, and \$16,000,000 in Research, Development, Test, and Evaluation, Air Force for Joint STARS re-engining.

(13) On September 22, 2009, the Department of Defense reaffirmed their support for the President's Budget request for Joint STARS re-engining.

(14) On September 30, 2009, The Undersecretary of Defense (Acquisition, Technology, and Logistics) signed an Acquisition Decision Memorandum directing that the Air Force proceed with the Joint STARS re-engining effort, to include expenditure of procurement and research, development, test, and evaluation funds.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) Funds for re-engining of the E-8C Joint Surveillance Target Attack Radar System (Joint STARS) should be appropriated in the correct appropriations accounts and in the amounts required in fiscal year 2010 to execute the Joint STARS re-engining system design and development program; and

(2) the Air Force should proceed with currently planned efforts to re-engine Joint STARS aircraft, to include expending both procurement and research, development, test, and evaluation funds.

Mr. CHAMBLISS. Madam President, I ask unanimous consent that Senators BILL NELSON, INHOFE, DODD, ISAKSON, and LIEBERMAN be added as cosponsors.

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

Mr. CHAMBLISS. Madam President, this amendment is a sense-of-the-Senate amendment on a weapons system that is critical to the U.S. Air Force from an intelligence gathering standpoint. It has to do with the re-engining of the Joint STARS weapons system. Real-time intelligence is critical to our warfighters in fighting the ongoing wars in Iraq and Afghanistan, just as in all other military conflicts. Secretary Gates and our military leadership have consistently highlighted to us the importance of collecting and disseminating critical intelligence and battlefield information to our troops on the ground and theaters of conflict, such as Iraq and Afghanistan.

One of the most effective ISR assets operating today is the Air Force's E-8C Joint Surveillance Target Attack Radar System, also known as Joint STARS, or more succinctly, JSTARS.

I ask unanimous consent a memorandum signed yesterday from Ashton Carter, Under Secretary of Defense, addressing JSTARS be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. CHAMBLISS. JSTARS has proven itself to be a critical asset to our military since deploying to Iraq in 1991. It is one of the most highly tasked systems in our fleet today. Our commanders in the field are constantly asking for JSTARS so they can access its tremendous ISR capability to give them a long-range view of the battlefield and detect moving targets in all weather conditions. There is no other current or programmed aircraft or weapons system that can provide the detailed, broad-area ground-moving target indicator and airborne battle management support for the warfighter than JSTARS provides.

The Chief of Staff of the Air Force, GEN Norton Schwartz, has stated that the Air Force is "all-in" for the joint fight. JSTARS is truly a joint platform. Flown by a mixed active-duty Air Force/Air Guard unit, it operates with an Army and Air Force mission crew and, in Afghanistan, also with a Marine. It also supports missions of all the military services.

With over 55,000 combat hours and 900 sorties flown by only a handful of airplanes over Iraq and Afghanistan, JSTARS has directly contributed to the discovery of hundreds of IEDs.

Having flown with the 116th Air Control Wing out of Robins Air Force Base in Warner Robins, GA, I have seen firsthand the remarkable capability that JSTARS can bring to the battlefield in support of our warfighters. Although developed and built to fight the Cold War for tracking Soviet troop movements, JSTARS is an integral part of today's battlefield and will be even more relevant in the near future.

JSTARS needs to be modified with new engines to keep this critical asset available to better support our soldiers. Air Force studies show the airframe is sound and will be useful well beyond 2050. JSTARS faces limitations in operational restrictions because the engines are the original 1960s-era engines. They have never been replaced. They are old and expensive to operate and maintain. Replacing them is a safety issue as well as an operational necessity.

What this sense-of-the-Senate resolution does is to emphasize the importance of funding the re-engining of the JSTARS weapons system.

And it is my hope that in conference, the chairman and the ranking member will do what they can to make sure this funding is available. I have talked with Senator INOUE as well as Senator COCHRAN about this. They are well aware of the value of this weapons system. It has been funded in the House appropriations bill. By adopting this sense-of-the-Senate amendment, it sends a strong message for the conferees to do everything possible to make sure the appropriate funding will be available when this conference report returns to the Senate.

#### EXHIBIT 1

THE UNDER SECRETARY OF DEFENSE  
FOR ACQUISITION, TECHNOLOGY  
AND LOGISTICS,

*Washington, DC, September 30, 2009.*

MEMORANDUM FOR SECRETARY OF THE AIR  
FORCE

SUBJECT: E-8C Joint Surveillance Target Attack Radar System (JSTARS) Acquisition Decision Memorandum (ADM)

I designate JSTARS as a special interest program.

I direct the Air Force to continue the JSTARS re-engining System Design and Development phase, including the development, flight testing, and production of the initial increment of re-engine shipsets. The Air Force should immediately identify and obligate RDT&E and procurement funding necessary to execute this direction. Report back to me when this is accomplished with the

amounts and timing of RDT&E and procurement funding obligations.

My point of contact for this ADM is Mr. David Ahern, Director, Portfolio Systems Acquisition (OUSD (AT&L)).

ASHTON B. CARTER.

Mr. CHAMBLISS. I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUE. Madam President, I thank the distinguished Senator from Georgia for presenting his amendment. I am pleased to advise him that Senator COCHRAN and I have discussed this matter. We would like to see this passed. We agree with the Senator.

Mr. CHAMBLISS. At the appropriate time, I will ask for a voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2621), as modified, was agreed to.

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

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

#### AMENDMENT NO. 2592, AS MODIFIED

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

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

Mr. CASEY. Madam President, I ask unanimous consent to call up amendment No. 2592, which is at the desk and has modifications at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. CASEY], for himself and Mr. DURBIN, Mr. REID, Mr. KERRY, and Mr. NELSON of Florida, proposes an amendment numbered 2592, as modified.

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

The amendment, as modified, is as follows:

#### AMENDMENT NO. 2592, AS MODIFIED

(Purpose: To ensure that work under contracts under the Logistics Civil Augmentation Program complies with certain standards)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) LIMITATION ON AVAILABILITY OF FUNDS FOR EXECUTION OF CONTRACTS UNDER LOGCAP.—No later than 90 days after enactment of this Act none of the funds appropriated or otherwise made available by this Act may be obligated or expended for the execution of a contract under the Logistics Civil Augmentation Program (LOGCAP) unless the Secretary of the Army determines that the contract explicitly requires the contractor—

(1) to inspect and immediately correct deficiencies that present an imminent threat of death or serious bodily injury so as to ensure compliance with generally accepted electrical standards as determined by the Secretary of Defense in work under the contract;

(2) monitor and immediately correct deficiencies in the quality of any potable or non-potable water provided under the contract to ensure that safe and sanitary water is provided; and

(3) establish and enforce strict standards for preventing, and immediately addressing and cooperating with the prosecution of, any instances of sexual assault in all of its operations and the operations of its subcontractors.

(b) **WAIVER.**—The Secretary of the Army may waive the applicability of the limitation in subsection (a) to any contract if the Secretary certifies in writing to Congress that—

(1) the waiver is necessary for the provision of essential services or critical operating facilities for operational missions; or

(2) the work under such contract does not present an imminent threat of death or serious bodily injury.

Mr. CASEY. I rise to speak about an amendment Senator DURBIN, the assistant majority leader, and I have worked on, as well as getting support and cosponsorship by the majority leader, Senator REID, and by Senator KERRY and Senator NELSON of Florida. It has three fundamental goals. The first is to deal with the horrific situation our troops have faced where we have a number of troops who have died in Iraq, not as a result of enemy fire or in combat but in a circumstance in which they should have a reasonable expectation of safety. In the case of one of my constituents, SSG Ryan Maseth, Ryan was from the city of Shaler, PA, out in western Pennsylvania. He was taking a shower in Iraq, in his barracks, and was killed, was electrocuted because of shoddy electrical work. So the first part of this amendment speaks to that fundamental problem we still have today. The second part of the amendment ensures that our brave fighting men and women serving in war zones have clean water. Thirdly, this amendment would establish strict standards for preventing and prosecuting sexual assaults on Army bases.

These are all commonsense reforms. I will focus principally in my remarks—I know we have limited time—on the issue of electrocution.

As I mentioned, SSG Ryan Maseth died on January 2, 2008. He was electrocuted in his barracks in Iraq. Unfortunately for his family, who have been seeking answers to why he was killed in that way, the nightmare has not ended, nor for a lot of other families. Families from Georgia, Texas, California, Nevada, Oregon, Hawaii, Minnesota, and Pennsylvania, all of those States, have been affected by these deaths.

It continues into last month. On September 1 of this year, Adam Hermanson, who grew up in San Diego and Las Vegas, served three tours of duty in Iraq with the Air Force and then went back to work for a contractor. He, too, lost his life in a horrific way, by electrocution. His wife Janine is waiting for answers. I spoke to her earlier today.

Fundamentally, what this amendment does as it relates to the electro-

cution problem is attempt to right a wrong by ensuring that the Army reviews the language of the contract at the time of formation to ensure it includes explicit language that clearly requires contractors to immediately correct deficiencies such as improperly grounded equipment or facilities. We are talking about basic electrical work here being done in a way that would protect anyone's safety in a way that they should have a right to expect.

So when I think of Ryan and his family and his mother Cheryl Harris and I think of Mr. Hermanson and his family, his wife Janine, we are not just thinking about some far-off concept here, we are talking about a real problem that is not yet corrected and still threatens our fighting men and women.

Let me conclude my remarks by saying, in addition to urging my colleagues to support this amendment, which I think is so fundamental it does not require a lot of explanation, our troops ought to be able to take a shower or engage in other activities of daily life in Iraq or Afghanistan or anywhere around the world with that reasonable expectation of safety. We can't guarantee that right now, unfortunately. This amendment will take a step in that direction.

Obviously, the other parts, the other two elements in the amendment are that our troops should have the ability to drink clean water and, finally, that no women serving in the military should ever fear the potential or the threat of sexual assault.

All of these parts of this amendment are vitally important. I don't understand why anyone would not support it.

I have already submitted for the RECORD earlier the Associated Press story about the death by electrocution of Adam Hermanson. I wanted to cite two statements, two reflections by Adam's wife and his mother. His wife said, when talking about their plans to move back to Pennsylvania:

He was supposed to come back and we had a lot of plans.

After three tours of duty in Iraq as a soldier and then another tour as a contractor, they were looking forward to his coming back to the United States and, in this case, coming back to Pennsylvania. They had a lot of plans. Those plans were completely destroyed. His life was ended because of a fundamental problem in our system of how we ground electrical outlets, how we install showers in Iraq and threaten troops in the process. We have to correct it for Adam in his memory and for Ryan and so many others, as well as for those they left behind; in this case, Adam's wife Janine.

I will conclude with what his mother Patricia said, as she was reflecting on what happened to Adam. She said everyone in their family was struggling to understand how he could survive four war tours—three as a soldier, one as a contractor—and then die suddenly in a seemingly safe place.

We should make sure, by way of this amendment and anything else we can

do, that our troops are at least safe when taking a shower or in a barracks or living in a situation where they are away from the battlefield, away from a fire fight, away from the threat of enemy fire. That is the least we can do as legislators. I urge my colleagues to support the amendment, hoping we can deal with this amendment in the next hour or so.

I yield the floor.

Mr. DURBIN. Madam President, it is time to address some serious problems that have plagued the LOGCAP contract that the Army uses to supply our troops in Iraq and Afghanistan.

For years, this work has been managed by the former subsidiary of Halliburton, KBR.

The controversies surrounding these two companies are many. Senator CASEY and I have offered an amendment to help deal with some of the worst failures and protect the safety of our troops and others.

The amendment would prevent the Army from spending funds on a LOGCAP contract unless the Army Secretary determines that the contract explicitly requires the contractor to ensure safe electrical work, ensure safe and sanitary water, and establish and enforce strict sexual assault prevention policies.

It also allows the Secretary an opportunity to waive the restriction, if that is necessary to the provision of essential services.

In 2001, the Army awarded a sole-source contract to Halliburton-KBR to provide housing, meals, water, trash collection, and other support services for American troops abroad.

By the start of this year, the Army had paid KBR more than \$31 billion under the contract, known as LOGCAP.

KBR has had tremendous difficulty executing government contracts properly. One of the many failures of this company has led to the death of U.S. troops.

With our constituents' taxes, our Nation has paid billions of dollars to KBR to provide support to our troops deployed in harm's way. Some of the funds were designated to provide a safe place for our troops as they go about their daily business—to provide them the safe food and shelter they need as they put their lives on the line for us.

We, and all taxpayers, have a right to expect that this company would use those hard-earned tax dollars for the safest and best support we can provide.

What we didn't expect is for KBR, through its negligence, to provide conditions that would injure or kill our troops in their showers. But that is what has happened.

Since March 2003, at least 16 service members and 3 contractors have been killed by electrocution in our own facilities in Iraq.

It wasn't a problem that was hidden for years and then suddenly emerged as a surprise. As early as 2004, Army experts warned that negligent electrical work created potentially hazardous conditions for American personnel.



While we don't whether every single one of those deaths was the fault of KBR, we do know that KBR has been given major contracts involving wiring facilities for our troops in Iraq.

We know that in 2008, 94 troops stationed in Iraq, Afghanistan or other Central Command countries sought medical treatment for electric shock, according to Defense Department health data.

And we know from military records that KBR's database lists 231 electric shock incidents in the facilities the company runs in Iraq.

So we know that our soldiers are being injured and sometimes killed as a direct result of KBR's shoddy electrical work in our facilities.

This is clearly a problem that needs some tough questions answered. How does it come to pass that we put our personnel in unnecessary harm's way so often?

The DOD inspector general sought to answer this question and looked at a particular case I would like to share with my colleagues. The case is that of SSG Ryan Maseth, and it demonstrates the level of KBR's negligence.

In January 2008, Sergeant Maseth was killed in Iraq. This decorated service member was not killed by the bullets or bombs of Iraqi insurgents. He became another victim of contractor negligence when he was electrocuted in a shower at a U.S. base in Baghdad that once was one of Saddam Hussein's palaces.

On July 24 of this year, the DOD inspector general released a scathing report describing the negligence of KBR that contributed to Sergeant Maseth's senseless death. The IG catalogued a distressing litany of KBR negligence and malfeasance. It found that "KBR did not ground equipment during installation or report improperly grounded equipment identified during routine maintenance"; "KBR did not have standard operating procedures for the technical inspection of facilities"; KBR personnel "had inadequate electrical training and expertise"; and "Operations and maintenance contractor facility maintenance records were incomplete and lacked specificity, precluding the identification and correction of systemic maintenance problems."

We have paid KBR billions and billions of dollars, and this is what they have given us in return.

It is tragic. It is wrong. And it has to stop.

In March of this year, DOD launched an emergency effort to examine every facility in Iraq to determine the scope of the problem.

The results of those inspections are disturbing. According to Task Force Safety Actions for Fire and Electricity, SAFE, of the 20,340 facilities maintained by KBR and inspected immediately, 6,935 failed the government inspection and required major electrical repairs.

Think about that for a moment. For years, KBR has been making money

hand over fist in Iraq, providing maintenance and support for what grew to a portfolio of almost 90,000 facilities. Yet nearly one-third of the facilities included in this emergency inspection failed the inspection.

So for years our brave service members have used these facilities, expecting that they were safe, expecting that the billions of dollars we were spending on war support was devoted to their safety. Little did they know that—thanks to KBR's callous carelessness—what they were really doing was playing "Russian roulette" every time they stepped into a shower.

You don't have to take my word for the level of incompetence demonstrated by KBR. Listen to the experts.

Listen to Jim Childs, a master electrician hired by the Army to review KBR's electrical work with Task Force SAFE. He called KBR's work "the most hazardous, worst quality work" he'd ever seen.

Mr. Childs found that even when KBR tried to fix problems, they couldn't—that the rewiring work done in buildings that were previously safe resulted in the electrical system becoming unsafe.

Or listen to Eric Peters, a master electrician who worked for KBR in Iraq as recently as this year. Mr. Peters testified that 50 percent of the KBR-managed buildings he saw were not properly wired. Mr. Peters estimated that at least half the electricians hired by KBR would not have been hired to work in the United States because they were not trained to meet U.S. or U.K. electrical standards.

He characterized KBR managers as "completely unqualified."

American soldiers—and their loved ones back home—placed themselves—placed their loved ones—in the hands of what was then a subsidiary of Halliburton known by the acronym KBR, and this is what they received.

Shock. Electrocution. And in some cases death.

Why? Because of a careless disregard for the safety of our troops.

We must stop the negligence and ensure that U.S. contracts keep our soldiers safe.

The story is not much better when it comes to the water KBR has provided to our troops.

Here in America, we tend to take clean water for granted. We turn on the tap and, with rare exceptions, clean water flows out.

It is not that simple in a war zone.

The Federal Government entrusted to Halliburton subsidiary KBR the job of providing our troops with clean, safe drinking water.

What the company supplied to our troops, instead, was unsafe, unhealthy, and potentially dangerous water.

A basic necessity of life, a critical commodity in the desert heat of the Middle East, and KBR failed to get it right, even though we were paying them top dollar for the privilege of serving our troops in harm's way.

According to a Department of Defense inspector general report, dozens of soldiers fell sick between January 2004 and February 2006 due to "unmonitored and potentially unsafe" water supplied by Halliburton-KBR to fulfill its contract with the Department of Defense.

Water used for washing, bathing, shaving, and cleaning did not meet minimum safety standards set forth in military regulations.

KBR reportedly failed to perform quality control tests, resulting in the use of unsafe water by our troops.

DOD noted that KBR's failure to do its job may have resulted in soldiers suffering skin abscesses, cellulitis, skin infections, diarrhea, and other illnesses.

I do not understand how a company could demonstrate such a callous disregard for the health and welfare of our troops in Iraq. But that is what they did, time and time again.

If it weren't for a whistleblower, we might not know about Halliburton-KBR's mishandling of the water contract. But Ben Carter, a former Halliburton employee and water purification specialist, blew the whistle on KBR's malfeasance.

In January 2006, Mr. Carter testified about his experiences working at Camp Ar Ramdi, home to 5,000 to 7,000 U.S. troops.

Mr. Carter was appalled by what he found there. According to Mr. Carter's testimony:

KBR [had] exposed the entire camp to water twice as contaminated as raw water from the Euphrates River. KBR was apparently taking the waste water . . . which should have been dumped back in to the river, and using that as the non-potable water supply. Such problems had been happening for more than a year . . . No trained specialist could claim that the water was fit for human consumption.

KBR's response to Mr. Carter's discovery of this substandard, potentially life-threatening situation? Employees of KBR instructed Mr. Carter to keep it quiet. Thank goodness he didn't.

This dirty water problem was not limited to Camp Ar Ramdi. Another whistleblower, Wil Granger, KBR's overall water quality manager for Iraq, reported that there were deficiencies in providing safe water in camps across Iraq.

For example, Granger reported that water used for showering was not being disinfected. According to Mr. Granger, "This caused an unknown population to be exposed to potentially harmful water for an undetermined amount of time."

Mr. Carter says it best:

Our men and women overseas deserve the best our taxpayer dollars can buy, and it saddens me to report that we're falling short on something as simple and essential as providing them with clean, safe water.

If only KBR had seen it that way. But our troops did not receive the clean water supplies they deserved, even though KBR made its profits.

Rape has long been outlawed as an instrument of warfare. But for Halliburton subsidiary KBR, it has become

an all too common occurrence. Too often, KBR employees have been the accused perpetrators, while the victims have been pressured to keep silent.

Dawn Leamon is one of my constituents. She is a 42-year-old paramedic who hails from Lena, IL. She has two sons who have served as soldiers in war zones.

On February 3, 2008, she was working for Service Employees International, Inc., a foreign subsidiary of KBR. She was assigned to Camp Harper, a remote military base near Basra, Iraq. That night she was brutally raped and sodomized by a U.S. soldier and a KBR colleague.

After she reported the attack to KBR employees, she was discouraged from reporting it to the authorities. She was told to keep quiet.

Later, when she spoke out, KBR asked her to sign a nondisclosure agreement.

She bravely testified at a Senate hearing in April of last year, telling the story of this awful incident and the terrible treatment she suffered at the hands of KBR after the attack.

Dawn testified at the hearing:

I hope that by telling my story here today, I can keep what happened to me from happening to anyone else.

Mary Beth Keniston testified at that same hearing in April 2008. Ms. Keniston worked as a truck driver for KBR, also in Iraq. She testified about being raped in the cab of her truck by a coworker who was the driver of a vehicle that was parked behind her tanker as they waited one night to fill up with water from the Tigris River.

Ms. Keniston reported the attack immediately. But no one at KBR suggested an investigation, referred her for medical treatment, or even offered to escort her back through the dark to her quarters that night.

As Ms. Keniston testified at the hearing:

I am in a war zone—and, I have to worry about being attacked by my coworkers.

When Jamie Leigh Jones went to Iraq in 2005, she surely did not expect that the most serious threat she would face would come from Halliburton-KBR coworkers. But that is exactly the threat she faced in Iraq in July 2005.

This young woman from Texas was drugged and then brutally gang raped by KBR employees while she was unconscious.

Rather than support her after she reported the attack, KBR put her under guard in a shipping container with a bed, and warned her that if she left Iraq for medical treatment, she would be out of a job.

Ms. Jones has formed a nonprofit organization to support the many other women with similar stories. She reports that she has spoken to more than 40 women like herself, like Mary Beth Keniston, like Dawn Leamon. She says:

Part of the reason I am going forward with this case is to change the system. Who knows how many of us rape victims are out there?

Certainly the perpetrators of these violent crimes should be held accountable for their criminal actions. These women deserve justice.

But KBR should not escape accountability for its actions. These women were brutally violated by KBR employees—by people whom KBR placed in their orbit.

Rather than taking some measure of responsibility to help prosecute the crimes and comfort the women who had been attacked, it looks like KBR attempted to hide the offenses and punish the women for wanting to report them. Instead of being a champion for its employees, KBR perpetuated the nightmare for each one of these women.

It is time to hold this contractor accountable and demand reforms to ensure employees are protected.

That is why Senator CASEY and I offered this amendment. I urge the Senate to adopt it.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Vermont.

AMENDMENT NO. 2617

Mr. SANDERS. Let me congratulate Senator CASEY for that very good amendment. I look forward to supporting it.

Mr. President, I wish to say a few words on amendment No. 2617, which is pending, and talk about why I offered it.

This is a very important amendment. Everybody in the country is concerned that we have today a \$12 trillion national debt. Everybody is concerned that this year we will run up the largest deficit in the history of the country. What that means is the taxpayers rightfully and absolutely want to know that the money we expend, whether it is for defense, which is what we are discussing this evening, whether it is for housing, education, any other purpose, they want to know that every nickel of Federal dollars spent is expended as wisely and as cost-effectively as possible. They also want to know that the corporations and the institutions and the individuals who receive that Federal funding are honest and trustworthy in terms of how they can expend those Federal dollars. That is what the people want, and they certainly have every right to those expectations.

Several weeks ago, the Senate voted to prohibit any funding going to an organization called ACORN. That decision was largely motivated by a videotape which showed employees of ACORN involved in an outrageous and absurd discussion with actors who were posing as a prostitute and a pimp. Those employees, appropriately enough, were fired for their outrageous behavior. My understanding is that over a period of 15 years, ACORN received about \$53 million to promote affordable housing, encourage voter registration, and other things. I voted against the ACORN resolution, not because I condoned the behavior of these employees or other problems associ-

ated with the organization over the years. I don't. I opposed it because we need a process to determine what the criteria are in terms of defunding an organization engaged in improper or illegal behavior.

Frankly, I don't think a videotape on TV is good enough justification. We need a process, and that is what this amendment is about.

The sad truth is, virtually every major defense contractor has, for many years, been engaged in systemic illegal and fraudulent behavior while receiving hundreds and hundreds of billions of dollars of taxpayer money. We are not talking here about the \$53 million that ACORN received over 15 years. We are talking about defense contractors that have received many billions of dollars in defense contracts and, year after year, time after time, have violated the law, ripping off the taxpayers big time.

In some instances, these contractors have done more than steal money from taxpayers. In some instances, they have actually endangered the lives and well-being of the men and women who serve our country in the Armed Forces.

Let me cite a few examples. According to the Project on Government Oversight, a nonpartisan, widely respected organization focusing on government waste, the three largest government defense contractors, Lockheed Martin, Boeing, and Northrop Grumman, all have a history riddled with fraud and other illegal behavior. Combined, these companies have engaged in 109 instances of misconduct since 1995. This is going back to 1995, 109 instances of misconduct, and have paid fees and settlements for this misconduct totaling \$2.9 billion.

Let me repeat that. These three companies—Lockheed Martin, Boeing, and Northrop Grumman—have engaged in 109 instances of misconduct since 1995 and have paid fees and settlements for this misconduct totaling \$2.9 billion. Here is the kicker: Despite violating the law time after time after time, despite being fined time after time after time, guess what the penalty has been.

Here is what the penalty is. It is a pretty harsh penalty. In 2007, their punishment was \$77 billion in government contracts. That is a pretty steep penalty, I have to admit, \$77 billion. This is not ACORN. They were defunded immediately because of a 2-minute videotape. These are guys who time after time violated the law, ripped off the taxpayers, and their punishment was in 2007, 1 year alone, not \$53 million over 15 years but \$77 billion in 1 year.

Based on a video on TV, we took away funding for ACORN. What are we going to do with the major defense contractors who have been found guilty in courts of law, not on a videotape, time after time?

Let me give a few specifics so we know what we are talking about. Lockheed Martin, the largest defense contractor in the country, has engaged in

50 instances of misconduct since 1995, paying fines and settlements totaling \$577 million. Yet it received \$34 billion in government contracts in 2007. That is telling them who is boss. That is sticking it to them for violating the law.

Here is the type of behavior we are talking about. According to the U.S. Attorney's Office, in 2008, Lockheed Martin's Space Systems Company paid \$10.5 million to settle charges that it defrauded the government by submitting false invoices for payment on a multibillion-dollar contract connected to the Titan IV space launch vehicle program. According to the Department of Justice, in 2003, Lockheed Martin paid \$38 million to resolve allegations that it fraudulently inflated the cost of performing several Air Force contracts for the purchase of navigation and targeting pads for military jets.

In 2001, Lockheed Martin paid \$8.5 million to settle criminal charges that it lied about its costs when negotiating contracts for the repair and restoration of radar pedestals installed in U.S. warships.

But in fairness to Lockheed Martin, we should be clear that they are not the only defense contractors involved in fraud. Frankly, it is endemic in the industry. Boeing is the world's largest aerospace company and the largest manufacturer of commercial jet liners and military aircraft. Since 1995, Boeing has either been found guilty, liable, or reached settlements in 31 instances of misconduct and, as a result, paid \$1.5 billion in fines, judgments, and settlements. I am talking about real money.

In 2000, according to the Department of Justice, Boeing agreed to pay \$54 million to settle charges that it placed defective gears in more than 140 CH-47D Chinook helicopters and then sold the defective helicopters to the U.S. Army. When one of the gears failed in flight, it caused an Army Chinook helicopter to crash and burn while on a mission in Honduras, and five servicemen aboard were killed. We are not just talking about fraud; we are talking about activities which resulted in the death of U.S. servicemen.

In a report made public this past Tuesday, the DOD inspector reported that Boeing may have recovered \$271 million in "unallowable costs" from the government. That is this last Tuesday. Still, Boeing received \$24 billion in Federal contracts in 2007.

Finally, Northrop Grumman, the third largest contractor, has a similar history, with 27 instances of misconduct totaling \$790 million over the past 15 years. It is not just the big three. On June 9, 2004, KBR overbilled for dining facilities by at least 19 percent, according to KBR's own studies, and it could be as high as 36 percent. As reported in its 2005 10-K, the government eventually agreed to withhold \$55 million from KBR.

United Technologies reached a settlement amounting to over \$50 million.

A few weeks ago the Senate voted to strip funding from an organization

called ACORN which received \$53 million in Federal funds for a period of 15 years. What do we do with some of the largest defense contractors that have time after time after time been involved with fraud?

I think one has to be pretty obtuse not to perceive that this type of behavior, this recurrent behavior, is systemic in the industry and it is part of the overall business model. Let me add, what I describe now is what these companies have been caught doing. We do not know what they have done in which they have not been caught.

The time is long overdue for us to get to the bottom of this situation. We owe that not only to the taxpayers of the country but to the men and women in our Armed Forces.

For that reason, I am proposing an amendment today under which the Secretary of Defense would calculate the total amount of money that goes to companies that have engaged in fraud against the United States, and then make recommendations about how to penalize repeat offenders. In other words, they have to be held accountable. It is absurd that year after year these companies continue doing the same things—illegal behavior, fraudulent activities—and year after year they keep getting away with it, and year after year they come back and they get hundreds of billions of dollars in Federal funds.

I hope very much this study will receive strong bipartisan support and will be a first step in moving us forward to cleaning up the world of defense contracting.

Mr. President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

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

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

#### HONDURAS

Mr. DEMINT. Mr. President, I want to take a few moments in the middle of the debate on the Defense appropriations bill to talk about a situation in Honduras and, maybe equally important, a situation here in the Senate.

Honduras has come to the attention of many Americans because of the change in government there and the questions about whether this was done constitutionally. I had arranged a trip, along with a few House Members, to go to Honduras and meet with officials and find out more about the situation. Unfortunately, I found out this afternoon that the chairman of the Foreign Relations Committee was blocking my trip, along with the State Department.

It is very concerning since no Member of the Senate has taken the time to go to Honduras, which is a very close ally to this country, where we have a military base. And they certainly depend on our support. I have a growing concern of what appears to be intimidation and bullying from our adminis-

tration, and I wanted to have a fact-finding trip. This body normally accords fellow Members the courtesy, and this was very disturbing that we would use politics to block a trip such as this.

But I wish to give a little bit of background on Honduras. Since so many other things are going on, not many people here in the Senate seem to even be aware of the situation.

On June 28, then-President Manuel Zelaya was removed from office and arrested by the Honduran military, on orders from the Honduran Supreme Court, and in accordance with the Honduran Constitution.

Charged with crimes of both public corruption and abuse of power, President Zelaya was attempting to subvert the Honduran Constitution and install himself as a dictator in the mold of his close friend Hugo Chavez.

Within hours, the Obama administration made an uninformed decision to call this constitutional process a "coup," despite no one at the State Department or the White House having made a thorough review of the facts and the law.

Instead, we simply follow the lead of the Western Hemisphere's most corrupt and anti-American tyrants: Fidel Castro of Cuba, Daniel Ortega of Nicaragua, and Hugo Chavez of Venezuela. The President sided with these thugs and against Honduras—a poor, loyal, and democratic friend of the United States.

To date, I am unaware of any provision in the Honduran Constitution that was violated in Zelaya's removal from office, except perhaps removing him from the country instead of putting him in jail.

The Congress, of Zelaya's party, the Supreme Court, the Attorney General, the Supreme Electoral Tribunal, and the vast majority of the Honduran people support Zelaya's removal.

The Honduran military has remained at all times under civilian control. The November 29 elections remain on schedule. Interim President Roberto Micheletti is not on the ballot. The nominees for the major political parties are campaigning, and the country's citizens are preparing for a free, fair, and transparent election.

If that does not sound like a coup to you, you are not alone. Last month, a thorough report—and I have it here—by the Congressional Research Service found that the removal of Zelaya and the actions of the Congress and Supreme Court were both legal and constitutional—a very detailed evaluation which apparently the administration has not taken the time to see. There was no coup. But the Obama administration, nevertheless, has cut off Honduras from millions of dollars of badly needed United States aid.

The trip I planned—which is tomorrow—along with three Members of the House of Representatives was to get to the bottom of this so we could report back to the Senate and the House as to what was going on.

Our trip met every necessary criteria. I have scheduled meetings with President Micheletti, the Supreme Court, and the leading candidates in next month's Presidential election. I was going to meet with the business and civic leaders.

This afternoon, I was informed that the Senator from Massachusetts, Senator KERRY, chairman of the Foreign Relations Committee, was blocking the trip. No reason was given, except that there were concerns at the State Department. If I were the Obama State Department, I would have concerns too, concerns the American people might find out the truth about what we are doing to the Honduran people.

To date, not a single Member of the Senate has assessed the situation in Honduras firsthand, and the Obama administration refuses to allow Honduran leaders and even private citizens to come here to talk to us. What are they afraid of? Are they afraid of the world discovering that their policy is based on a lie concocted by Hugo Chavez and the Castro brothers? That we are backing a corrupt would-be tyrant?

This administration is only too eager—or at least seems to be too eager—to talk to any anti-American tyrant on Earth, but not even Members of Congress may visit a loyal ally 3 hours away.

I want to take this opportunity to thank the Republican leader, Senator MITCH MCCONNELL, for stepping in and authorizing the trip. He would like to get to the bottom of this as well.

The trip is back on, and I look forward to reporting back to the Senate next week after my return. But this is an outrage, if not a surprise. For 8 months, President Obama has circled the globe, apologizing for America, appeasing our enemies, and insulting our friends. Meanwhile, the President has spent more time lobbying for the Olympics and appearing on late-night comedy shows than meeting with his advisers about the troop surge in Afghanistan.

Apparently, the administration is upset with me because I am asking for a debate and vote on two nominations they want for the State Department. Indeed, I was told today if I lifted my holds, the trip would be authorized by the Foreign Relations Committee.

The two nominees are Thomas Shannon, currently Assistant Secretary of State for Latin America, President Obama's nominee to be Ambassador to Brazil, and Arturo Valenzuela, currently an academic nominated to replace Shannon at the Latin American desk.

I am asking for debate and a vote on Mr. Shannon's nomination because he has supposedly been behind our policy in Latin America in recent years. Our mistakes in Honduras occurred on his watch, and with his advice. He was a Bush appointee, but I have a lot of questions about what is going on in Honduras. He supports the Obama aid cutoff and the "coup" classification.

He hardly deserves now to represent America in the largest country in Latin America, at least without a debate and a vote.

Mr. Valenzuela shares these positions, even though he admitted at his confirmation hearing he was not up to date on the facts.

Unless and until the Obama administration reverses its ill-informed and baseless claim that Zelaya's removal was a coup and also restores American aid, I will continue to ask for a debate and vote on these nominees so we can discuss the issue openly on the floor of the Senate.

This country also needs to recognize the upcoming election, which has been going on. The campaign is open and transparent, but the Obama administration is threatening not to recognize the election, which is destabilizing the country and threatening to do more harm not only in Honduras but throughout Latin America. This policy is confirming Hugo Chavez. It certainly is not confirming a constitutional form of government.

I look forward to reporting back to my fellow Members what I find in Honduras. I again thank MITCH MCCONNELL for taking the initiative to make sure the trip is authorized.

With that, Mr. President, I yield back.

Mr. INOUE. 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. SESSIONS. Mr. President, I ask unanimous consent that the quorum call be rescinded.

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

Mr. SESSIONS. Mr. President, I was concerned to learn on September 17 of the President's decision to forgo the deployment of 10 long-range, ground-based interceptors in Poland and a radar site in the Czech Republic which was designed for the defense of Europe and the United States against long-range Iranian ballistic missiles.

Just a few days ago, the Iranians demonstrated their determination, even after they agreed to meet with the United States, to deploy such a system by launching their top mid-range missile. That is not long from, of course, a long-range missile.

The Senate Armed Services Committee held a full committee hearing on the subject last week, and it did little to quell my initial concerns and has, in fact, added apprehension about the lack of specifics in the plan we are hearing will now be employed. More important, the geopolitical implications of reneging on prior U.S. commitments to key allies should not be underestimated.

With respect to the so-called "Phased Adaptive" approach, President Obama would have us believe that "this new approach will provide capabilities sooner, build on proven systems, and

offer greater defenses against the threat of missile attack than the 2007 European Missile Defense Program."

I will add, parenthetically that the Europeans did agree and NATO did agree to the deployment of ground-based interceptors in Poland and the radar in the Czech Republic.

The reality is more complicated than the President indicates. I have to say, frankly, first, it is not clear this new approach will provide capabilities sooner. In fact, it does not appear to.

Under the first phase of this new plan, which is essentially underway, the United States would defend our allies against short-range threats by providing "SM-3 Block 1A capable warships when necessary for the protection of parts of Southern Europe." That would mean we would deploy an Aegis cruiser armed with SM-3 missiles. But this is no different from what the previous plan called for. To suggest that is some new plan is inaccurate. To be sure, even today, we have AEGIS ships with SM-3 missiles plying the waters of the Mediterranean, and Patriot units deployed in and around Europe for our defense against short-range missiles.

In phase 2 of this new plan, which is, we are told, going to be completed by 2015, a more advanced version of the theater SM-3, the IB, would be deployed at sea and on land. Likewise, under the old plan, the IB missile would be deployed and fielded by 2015, though perhaps not on land. But it had been discussed. In fact, the last budget prepared by the previous administration called for an increase in the inventory of THAAD and SM-3 missiles to over 440 missiles in the European area by 2015, 2016.

I have not seen any inventory projection for this new plan, but I would be surprised to learn their numbers are significantly greater than what was previously planned. In fact, the administration has not gotten off to a good start in this respect, as the fiscal year 2010 budget request includes no funding for a new SM-3 or THAAD purchases. This is the only budget year request we have been presented by the administration, and they are not requesting any new THAAD and any new SM-3 missiles.

The administration's request funds previous purchases of missiles but requests not a single new interceptor that would be deployed. By 2018, in the third phase of the new plan—2018, over 8 years from now—a newly developed SM-3 block IIA missile would be added to the inventory to protect all of Europe against intermediate-range Iranian missiles—the kind of intermediate range the Iranians just tested Monday. This is by 2018.

Under the old plan, the plan we have been working on for quite a number of years, this SM-3 IIA capability was meant to complement the deployment of 10 ground-based interceptors in Poland, which would have provided protection for most of Europe and the United States against long-range Iranian missiles in the 2015 timeframe. In

other words, these 10 interceptors would have been capable of protecting all of Europe and the United States. If a missile were launched from Iran aimed at hitting the United States, it would fly basically over Poland and Central Europe. As a result, this would be a prime place to deploy a defensive missile system. The ground-based interceptor that would have been used would have essentially been the same missile we currently have deployed in Alaska. Our Presiding Officer, Senator BEGICH, has been very engaged in that, and I know we both are concerned to see the number of interceptors planned for that site being reduced. The key difference in the missiles is that our interceptors in Alaska and California are three-stage missiles, while two-stage missiles would be used to fit our needs in Europe.

Finally, the new plan would call for the development of IIB missiles by 2020, which would “further augment the defense of the U.S. homeland from potential ICBM threats.” That is what they are telling us would happen. But I have been around here a while, and we don’t have this SM-3 IIB missile even on the drawing board. They just conjured up this idea a few days ago—at least that is the first I have heard about it. So we have to build this new missile—not build on the one we have already emplaced in Alaska and are building now, but build a whole new missile. That will take 10 years. And who is to say the Congress will be faithful to this 10-year plan? I will tell you one thing: President Obama will not spend a dime of his money on it. This is in the distant future. That worries me because my experience is that plans like this don’t always come to fruition. When you abandon a proven technology, that we are almost ready to deploy now, after some hope in the future, this makes me nervous.

The two-stage GBI intended for Poland in the old plan would have been fielded by 2015, 5 years earlier than this vision of a IIB, if the ratification of all the agreements had occurred and we pushed for that. The 2015 date is important because Iran may have, by then, long-range missiles capable of reaching all of Europe and the United States.

In March of this year, General Craddock, then-commander of U.S. European Command, testified before Congress,

By 2015, Iran may also deploy an intercontinental ballistic missile capable of reaching all of Europe and parts of the United States.

That was his testimony, given under oath.

In May of this year, 2009, an unclassified intelligence report issued by the National Air and Space Intelligence Center stated:

With sufficient foreign assistance, Iran could develop and test an ICBM capable of reaching the United States by 2015.

In the final analysis, it is not clear that the new plan will field capabilities any sooner—and indeed it appears later

than the previous plan—which may leave us with a gap in coverage in Europe for at least 5 years if we were to move forward with the plan to develop this missile. So forgive me if I am not buying into this. This plan sounds like an excuse for giving up on the European site for the GBI.

The President also claims that his approach is based on proven technology—the assumption being, perhaps, that the previous plan was fraught with technological risk. Again, that claim is not correct.

The administration argues that its approach to providing defense of Europe with SM-3 block IIA, and ultimately augmented with this IIB system in 2020, is based on proven technology of the currently deployed SM-3 IA missile. Well, that is just not accurate. The SM-3 that would be effective against an ICBM is much larger in diameter. It is an entirely new missile. Just because the SM-3 is performing very well for theater defense doesn’t mean they can build an entirely new SM-3 and it is going to be as effective. I assume they could, and move forward with it, but it is not a sure thing.

While I have confidence in the ability of the SM-3 missile to eventually evolve into an ICBM interceptor, I would note that the two-stage GBI intended for Poland is also based on proven technology of the three-stage GBI now deployed in Alaska and California, which, according to General Cartwright, has a 90-percent probability of intercepting a rogue missile—presumably coming in from North Korea.

This is a great system. We have invested decades of effort in it, over 20 years. Thirty-plus years have gone into developing an antimissile system. We have finally got it so that we have a 90-percent chance of having one of these interceptors—knockdown, hit-to-kill technology—in space over the Pacific Ocean to obliterate an incoming missile. We have the radar system designed to pick up these missiles on launch, to track them, and to guide the missile into that kill system.

It is certainly questionable to me whether the SM-3 block II variant, which requires new boosters and a new kill vehicle, is less technologically risky than a two-stage GBI, which is scheduled for flight testing in the coming years.

Finally, the President contends that his approach would offer greater defense than the previous approach. Here he assumed the old approach included only 10 ground-based interceptors in Poland and that his new approach would provide more theater defense on land and on sea.

I would just say that this bothers me because that has never been our plan. Our plan always has been to emplace ICBMs or theater missiles in Europe, as well as the 10 interceptors in Poland that would protect us from a rogue attack from a country like Iran, which seems determined to do this.

So this is where we have been. And I am pleased to see my colleague, Sen-

ator LIEBERMAN, who throughout his time in the Senate has maintained a superb understanding of national missile defense as part of his duties on the Senate Armed Services Committee. He is probably the most knowledgeable person in the Senate on that issue, and I think he shares some of my concerns.

I thank the Senator for coming, and I would be pleased to join with him in an amendment that could improve our situation today. I will be glad to yield to my colleague. The only thing I see new in this plan is the abandonment of the Polish site, the ground-based interceptor, which indeed is capable of knocking down a missile from Iran.

Mr. President, I yield the floor, and I would be pleased to hear Senator LIEBERMAN share some of his thoughts.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair, and I thank Senator SESSIONS, my colleague from Alabama, for the statement he made and for his leadership on this issue. I am proud to join with him and a number of Senators—Senators BAYH, MCCAIN, INHOFE, VITTER, KYL, and BENNETT—to introduce this amendment.

Mr. President, has the amendment actually been called up?

The PRESIDING OFFICER. It has not.

AMENDMENT NO. 2616

Mr. LIEBERMAN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2616.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself, and Mr. SESSIONS, proposes an amendment numbered 2616.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that further reading of the amendment be waived.

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

The amendment is as follows:

(Purpose: Relating to the two-stage ground-based interceptor missile)

At the appropriate place, insert the following:

SEC. \_\_\_\_ (a) FUNDING FOR TWO-STAGE GROUND-BASED INTERCEPTOR MISSILE.—Of the amounts appropriated or otherwise made available by this Act for a long-range missile defense system in Europe, or appropriated or otherwise made available for the Department of Defense for a long-range missile defense system in Europe from the Consolidated Security Disaster Assistance, and Continuing Appropriations Act of 2009 (Public Law 110-329) and available for obligation, \$151,000,000 shall be available for research, development, test, and evaluation of the two-stage ground-based interceptor missile.

(b) PROHIBITION ON DIVERSION OF FUNDS.—Funds appropriated or otherwise made available by this Act for the Missile Defense Agency for the purpose of research, development, and testing of the two-stage ground based interceptor missile shall be utilized solely for that purpose, and may not be reprogrammed or otherwise utilized for any other purpose.

(c) REPORT.—Not later than February 1, 2010, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report setting forth the following:

(1) A comprehensive plan for the continued development and testing of the two-stage ground-based interceptor missile, including a description how the Missile Defense Agency will leverage the development and testing of such missile to modernize the Ground-based Midcourse Defense component of the ballistic missile defense system.

(2) Options for deploying an additional Ground-based Midcourse Defense site in Europe or the United States to provide enhanced defense in response to future long-range missile threats from Iran, and a description of how such a site may be made interoperable with the planned missile defense architecture for Europe and the United States.

Mr. LIEBERMAN. Mr. President, this bipartisan amendment is both a response to the administration's decision to cancel the ground-based midcourse missile defense system that was going to be in Poland and the Czech Republic and the subsequent decision of our friends and colleagues on the Appropriations Defense Subcommittee to withdraw a significant amount of money that the administration has said it still wanted to be preserved for the ground-based interceptors; that is, the interceptors that would have been launched from Poland at a missile presumably from Iran headed toward Europe, the Middle East, or particularly toward the United States.

Let me explain some background here as quickly as I can.

I was disappointed by the administration's decision to cancel the planned deployment of this missile defense system to Poland and the Czech Republic. This system would have provided our European allies and others with a first line of defense against short- and medium-range ballistic missiles that Iran already possesses and could fire at our allies in the region and in Europe. But the point I want to focus in on here is that the—I am going to call it the GMD—it is the ground-based midcourse missile defense system, the GMD for Poland and the Czech Republic would also have provided a layer of what the military missile experts call redundancy for the defense of the United States against an intercontinental ballistic missile fired from Iran at us. This is not just sort of pie-in-the-sky kind of hyperanxiety, imagination. We know that Iranians are developing long-range ballistic missiles and, as I will mention in a moment, experts predict they will have that capacity by the middle of the next decade, 2015.

The Polish-Czech system would have provided, in addition to a defense of Europe, a redundant defense of the United States. What does redundancy mean in this case? It means we have more than one line of defense to protect us. Those of us who are privileged to serve on the Armed Services Committee or Appropriations Committee and others know our military tries to

build redundancy into equipment, for instance. I was up at the Sikorsky helicopter manufacturing facility in Stratford, CT, a little while ago. They are building a new model of helicopter. There are three or four levels of redundancy in that system, in that single helicopter. Why? So if one element breaks down, there are two or three other elements that will keep it going for the protection of our American military inside that helicopter.

In the same way, if an intercontinental ballistic missile is fired in 2015 toward the United States of America, we have one line of defense.

My friend from Mississippi, Senator COCHRAN, is here. I remember so well when he and I in the decade of the 1990s were trying to convince our colleagues to invest some money in developing a ballistic missile defense system. People said two things: No. 1, we were getting carried away with our fears and, No. 2, even if it was something to be concerned about, it was impossible to develop a ballistic missile defense system. I remember people said we are talking about trying to hit a bullet with a bullet.

Well, by God, American military, American innovation, American enterprise, American manufacturing have done it. We now have two ground-based missile defense systems, one in Alaska, one in California, to protect the American homeland from ballistic missile attack.

But we need redundancy. Just like the pilot and the crew in that Sikorsky helicopter need redundancy in that helicopter in case one of the lead systems goes, we want to know they have backup. If a missile is headed—well, probably with a nuclear weapon on it—toward the United States of America, I think we want some redundancy. We want more than one line of defense to protect our people and our country. Right now we just have that system in California and Alaska.

The ideal here, according to the people who think about this, is to have what they call a “shoot look and shoot” defense. A missile is fired from Iran. We gauge that it is heading toward the United States. The plan for the ground-based system in Poland and Czechoslovakia is we have our first shot at that missile heading toward us from Poland. Then we look. If we missed it, we have a second opportunity to knock it down from California or Alaska.

Unfortunately, the alternative system the administration has chosen, which has many positive aspects to it for the defense of Europe and the Middle East from Iranian short- and medium-range missiles, leaves most of the United States without that second shot at that incoming missile.

I do not have pictures with me from a report that the Congressional Budget Office did, a diagram, but the eastern part of the United States would have a redundant defense but everything pretty much west of the Mississippi would

not. That is serious stuff. That is why I am disappointed by the decision that was made.

I want to explain a little more about how the administration has dealt with that concern about America's homeland and what I think we can do about it. They have proposed—there is a lot of technical language here; let's see if I can do it without confusing everybody—that they would eventually develop—they have this SM-3 missile defense system that will be the basis of the alternative to the Polish-Czech defense, and that will be good for Europe and the Middle East. But the administration knows it leaves America without that second line of defense to a missile attack. So they are proposing to build Block IIA and Block IIB interceptors as part of this so-called SM-3, advanced developments of that system which, they argue, could protect the United States of America from a long-range missile fired from Iran.

The problem is the Block IIA and IIB of this SM-3 missile do not exist. They are on paper. General Cartwright acknowledged so much in testimony to us. The ground-based interceptor that was going to go into Poland exists. It has been manufactured. It was scheduled to go into testing this year. In the proposal the administration has made, they say the SM-3 Block IIA, the first one that could possibly defend the United States, will not be available until 2018, at the earliest. The Block IIB, even more sophisticated, will be available in 2020 at the earliest.

Let me try to explain through a quote what worries me about that. Earlier this year, in testimony before the Armed Services Committee, the then-commander of our European Command, the Supreme Allied Commander in Europe, Bantz Craddock, stated this:

By 2015 Iran may also deploy an intercontinental ballistic missile capable of reaching all of Europe and parts of the United States.

I know that is not a hard prediction, but that is the range that most people in the intelligence community, the military community, give, that sometime in the middle of the next decade, maybe a little later, the Iranians will have a long-range ballistic missile that can hit the United States of America.

Look, they can do better than that and may surprise us. We have been surprised before by the ballistic missile capabilities of our adversaries. The North Korean Taepodong test of 1998 comes to mind, of course, an unfortunate instance in which the North Korean Government tested a long-range missile 7 days after our intelligence community concluded that North Korea was another 3 years away from having that capability.

One of the reasons the administration has given for this change to the SM-3 defense is that it provides a quicker, better defense for Europe and the Middle East to short- and medium-range missiles, and the administration concludes the Iranians are making more progress more quickly on those



two, short- and medium-range missiles, than we thought they would. If they are making progress on the short- and medium-range missiles more quickly than we thought they would, they might also make progress more quickly on the long-range missile that could hit the United States of America.

Here is what I am worried about. I understand these are not exact numbers. By 2015, according to General Craddock, Iran may have a long-range ballistic missile that could hit the United States of America. At the earliest the SM-3 Block IIA missile, to give some protection, second line of defense to that missile, will not be available until 2018 at the earliest. Remember, this is now a paper missile. It has not been built, let alone tested. You have 3 years there, and probably more, where there will be a ballistic missile defense gap in which Iran could fire at us and only have to get by the ground-based missile defense systems in Alaska and California.

I think the administration, as testimony went on, understood our concern about that. In fact, when the Secretary of Defense Gates and General Cartwright rolled out the administration's new architecture for missile defense, canceling the Polish-Czech program and going to the new system, one of the points General Cartwright emphasized was that the administration would continue to develop the two-stage ground-based interceptor, the one that was supposed to go in Poland. He continued:

Those tests are funded, and will continue, so we will have two ways to address this threat.

The following week Under Secretary of Defense for Policy Michele Flournoy testified before the Senate Armed Services Committee and she also expressed a commitment to continue to develop this two-stage ground-based interceptor. Presumably the thought is it could be located at another site in Europe or perhaps somewhere on the east coast of the United States of America, to give that second line of defense to our entire country.

Secretary Flournoy said when they were discussing the canceling of the European missile defense program, Secretary Gates "had to be convinced of a couple of things." Those are her words, namely that "we could still"—I am quoting Secretary Flournoy—Secretary Gates wanted to know that:

we could still defend the United States homeland should an Iranian ICBM threat develop earlier than what was predicted [and] that we should have technical options should the development of later Blocks . . . of SM-3 missile, either fail or be delayed.

That is exactly what we have been talking about.

In response to these requirements, Secretary Gates told his staff—again I quote Secretary Flournoy:

we are going to continue the development of the 2-stage ground-based interceptor as a technological hedge—

against the failure to adequately develop these alternative long-range sys-

tems, the missile defense systems against an Iranian threat.

Here is the problem. Despite this administration's statements of support for continued development and testing of the two-stage ground-based interceptor, the Defense appropriations bill before us has reduced funding for that program by \$151 million.

I gather the Department of Defense has already appealed this reduction, arguing that it would force the cancellation or postponement of a pair of two-stage GBI tests soon, and that losing this funding could render the entire ground-based mid-course defense system less effective.

Now comes the amendment Senator SESSIONS and I and our cosponsors have offered, which would restore the funding by allowing the Missile Defense Agency to access no less than \$50 million and up to the original \$151 million of funds provided in fiscal year 2009–2010 Defense Appropriations Act for a long-range missile defense system and use those funds to support the continued development and testing of the two-stage ground-based interceptor. The amendment would also fence funding for the two-stage program to protect it from being reprogrammed and require a report detailing specific options for how the two-stage GBI can be used to enhance the defense of the United States against the emerging threat of Iranian long-range missiles.

Bottom line, this acknowledges on my part the disappointment at the decision the administration has made. It doesn't try to turn it around, but says OK, under the new administration program we are going to do at least as good, maybe a little better, at protecting Europe and the Middle East, but we are going to do worse at protecting the United States of America from a long-range missile, which the Iranians particularly are working so hard to develop. So let's at least keep testing this missile we have got, the ground-based interceptor, as a hedge so we are ready in case these other alternatives don't work, to put it in the ground in Europe or perhaps in the east coast of the United States to give the American people the two lines of defense they deserve against an Iranian long-range missile, and thereby to close what will now be a ballistic missile defense gap for the United States of America that will otherwise develop in the middle of the next decade and go on, in my opinion, for at least 3 years.

Again, I thank Senator SESSIONS. It is always a pleasure to work with him. This is complicated stuff. But it is the heart of our national security in the next decade. I hope my colleagues will support our amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I would like to say how much I have enjoyed the clarity and integrity with which Senator LIEBERMAN has stated the situation in which we find our-

selves. It comes from great experience over a number of years, both on the technical matters of missile defense and on the geopolitical threats this Nation faces. I certainly value his opinion.

I would share one thought with my colleagues. I hope my colleagues will understand this. What happened in this year's budget request was a major shift from a very long lead plan to develop a very robust missile defense system.

We can disagree about some of the details of this or that. But let me give some examples of what has occurred: In this year's budget request, the President canceled the Kinetic Energy Interceptor, the KEI. It was a high-speed missile that would be less expensive and have great capability, particularly in the ascent-phase of an attack against the United States. The president's budget zeroed that out. We have been working on that for quite a number of years.

They also are working toward and doing research on an MKV, a Multi Kill Vehicle, in which you can put on a single ground-based interceptor booster three or more kill vehicles, that could knock down multiple missiles or decoys. The budget zeroed that out.

We had a plan we have been developing for a number of years to develop an airborne laser, have a laser on an airplane that can fly in an area where you may expect a launch to occur. It does not have to be very close but in the region. They catch a missile in the boost phase. The laser can hit it and knock it out of the sky. It is a remarkable capability. That has been debated, I will admit, but it has been funded for a number of years. It will be tested this year.

The Defense Department expects that test to be successful. We did have enough money, or there was enough money in the bill to at least test it. But after that, zeroed out. No funding for ABL.

So what about our ground-based interceptors and GMD system that we have been working on for 30-plus years, spent over \$20 billion on, that was planned to implant 44 interceptors in Alaska—most of them in Alaska and some in California? That has been cut from 44 to 30.

What about the plan to deploy 10 in Poland and Europe to give us redundancy and protect Europe? Zeroed out.

So this is not just a little nibbling away in missile defense. This is an erroneous policy that makes me nervous. Because we have a system that is ready to go forward. We stop it. We promise we are going to have a new system out here 10 years from now. There's many a slip twixt the cup and the lip. I am not sure whether we will ever get that done waiting on some new system to come along.

As Senator LIEBERMAN noted, the administration requested \$151 million to be obligated for a long-range missile

defense system in Europe. They requested that that money be used for research and development and testing of this two-stage system.

This amendment that Senator LIEBERMAN and I have proposed would prohibit the diversion of that away from what the Obama administration initially requested and to require it to be spent on the two-stage GBI, including options for deployment in Europe and elsewhere. So why is it necessary? Well, the mark we are dealing with on the floor today cuts the \$151 billion from the BMD test and targets program element, and, though the language itself does not expressly target this cut against testing for the two-stage GBI, the Missile Defense Agency understands this is what the Senate Appropriations Committee intends. Hence, they have submitted to us an appeal letter and asked us not to do it.

MDA argues this cut will require cancellation of fiscal year 2010 testing activities related to two planned two-stage GBI flight and intercept tests. We have proven the technology of the three-stage interceptor. Therefore, it is simpler to have a two-stage one. We have to test it and develop it.

Such a cancellation, as occurs in this bill, will also impact data collection applicable to the three-stage GBI requiring further testing in the future at additional costs.

Reduced funding would increase, risk, and delay the proving out of the two-stage GBI avionics capabilities required for the European component and future three-stage avionics capabilities. Slowing the development and testing of the two-stage GBI is inconsistent with the administration's intent to continue such development as a hedge against developmental problems for the SM3 Block IIa and IIB, the ones that are intended in the distant future for Europe.

So General Cartwright, our commander in Europe, has indicated, by 2015, this would be a potential threat against the United States. That is why we have offered this language. I believe it is the right thing to do, to keep this program at least ongoing and not to waste the effort we have expended so far and complete the testing of the GBI, which can also be used in the United States as part of a layered defense against incoming missiles also.

In the appeal submitted to the committee from the Department of Defense, they note this language:

Cancelling fiscal year 2010 activities for these tests would have a major impact on the test program and on data collection applicable to two-stage and three-stage ground-based interceptors and associated M&S.

So they say it would have a major impact on the program and the administration has asked us to keep it. That is the purpose of this amendment. I was hoping we could reach some sort of accord that we could work on with the committee. I am not sure we have been able to do that at this stage. But the matter is important. I hate to have to

come to the floor and offer this amendment. I like to respect our committees. It is important. However, the concerns Senator LIEBERMAN and I have explained today are why we felt it necessary to do so.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I am pleased to say to my friend from Alabama that the leadership, the manager of the bill, Senator INOUE, has agreed, if we modify the amendment as we had agreed to modify it to say: Not less than \$50 million, and up to the \$151 million could be available for research, development, test, and evaluation of the two-stage ground-based interceptor missile, that the committee would accept our amendment by voice vote—if that is OK with my friend from Alabama.

Mr. SESSIONS. I thank Senator LIEBERMAN. I have confidence in the chairman and the ranking member on that committee. Of course, it is not much different than what the mark is today. It is below what President Obama requested. I think he has unwisely cut too much already from Defense. So I am uneasy about it.

But I am being a practical person, and knowing my colleagues would like to go home, Senator LIEBERMAN, I think that is maybe something I would agree to. Perhaps you and I could talk briefly if we have a quorum call.

Mr. LIEBERMAN. I am glad to do that. But at the moment, I ask unanimous consent that we modify our amendment with the changes that I believe are at the desk at this time.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 2616), as modified, is as follows:

#### AMENDMENT NO. 2616, AS MODIFIED

At the appropriate place, insert the following:

SEC. \_\_\_\_ (a) FUNDING FOR TWO-STAGE GROUND-BASED INTERCEPTOR MISSILE.—Of the amounts appropriated or otherwise made available by this Act for a long-range missile defense system in Europe, or appropriated or otherwise made available for the Department of Defense for a long-range missile defense system in Europe from the Consolidated Security Disaster Assistance, and Continuing Appropriations Act of 2009 (Public Law 110-329) and available for obligation, \$151,000,000 shall be available for research, development, test, and evaluation of the two-stage ground-based interceptor missile.

(b) PROHIBITION ON DIVERSION OF FUNDS.—Funds appropriated or otherwise made available by this Act for the Missile Defense Agency for the purpose of research, development, and testing of the two-stage ground based interceptor missile shall be utilized solely for that purpose, and may not be reprogrammed or otherwise utilized for any other purpose.

(c) REPORT.—Not later than February 1, 2010, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report setting forth the following:

(1) A comprehensive plan for the continued development and testing of the two-stage ground-based interceptor missile, including a description how the Missile Defense Agency

will leverage the development and testing of such missile to modernize the Ground-based Midcourse Defense component of the ballistic missile defense system.

(2) Options for deploying an additional Ground-based Midcourse Defense site in Europe or the United States to provide enhanced defense in response to future long-range missile threats from Iran, and a description of how such a site may be made interoperable with the planned missile defense architecture for Europe and the United States.

Mr. LIEBERMAN. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Pennsylvania.

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

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

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

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

#### AFGHANISTAN AND PAKISTAN

Mr. CASEY. I rise tonight, as we continue work on this Defense appropriations bill, to talk about the challenges we face in Afghanistan and Pakistan and will be sharing some thoughts tonight which I know are consistent with a lot of the concerns that have been expressed over the last couple days and weeks and months about the policy going forward and what we confront as a country when it comes to both the strategy going forward with Afghanistan and Pakistan.

As we do in any conflict, with any threat, we face the grave question of war and what will happen to our military strategy, what we will ask of our troops, what we will ask of the American people, both in terms of our blood and treasure, as well as what is the strategy going forward.

I think when we confront the grave question of war, we have to get it right. I believe the stakes are higher with regard to Afghanistan and Pakistan than they were even in the conflict we waged in Iraq. I believe the stakes are higher for our national security. So we have no choice but to get it right. And when I say "we," I think there is a lot of discussion, debate, and focus on President Obama and his administration. That is appropriate because he is the Commander in Chief.

But there is probably not enough discussion about what the Congress is going to do, what this Congress should do or not do and, in this case, what the Senate should do or should not do. I think we would be better off spending our time focusing on a substantive and thorough debate in the Senate rather than just pointing a finger at the President, the administration, and saying: They have to do this or the President must do this.

It is important, when we talk about getting this policy right, that the Senate gets it right. If the Senate puts the time in to debate and discuss these critical issues—and there is a lot to do in a rather short amount of time. I believe the President should be given a reasonable amount of time to review this policy.

As we know, he set forward a strategy this past spring, in March, our policy with regard to both Afghanistan and Pakistan. If you remember how he articulated the mission, he talked about defeating al-Qaida, disabling and dismantling al-Qaida, and he talked a lot in his remarks about Pakistan, about what would happen with regard to our strategy in Pakistan.

But I believe there has not been today in the Senate anything approaching a full and robust and thorough and substantive debate about what we are going to do going forward in Afghanistan or Pakistan. I hope people on both sides of the aisle, when we begin this debate—we have done some of it; we need to do a lot more—that we don't just dust off talking points from the war in Iraq, that we don't just dust off or employ sound bites. There is a time and place to use sound bites and discussions and debates. But if we are going to get this policy right, it is not going to be a Democratic solution or strategy only, and it will not be a Republican solution or strategy only. We have to get it right. That means we have to do a lot better than we did when it came to the debate before and during the war in Iraq, which is still a conflict that is ongoing, even as we draw down troops. We have to have a much better debate in the Senate on Afghanistan and Pakistan than took place here with regard to Iraq. That is an understatement. Sound bites will not do it. Political rhetoric and positioning will not do it because that is not a full debate.

In short, what we have to do—the administration has to do it, but we have to do it as well—in the Senate is get the strategy right and debate the strategy before we have a long debate about resources. That is critically important. I know there are a lot of people in Washington who want to focus on one or two issues and make it simple—you are either for or against this or that. We have a long way to go. We have not had a debate about strategy. We have had a lot of discussion and coverage of resources, be they troops or other resources, military or nonmilitary. We have not had a discussion about the strategy. We have to do that first—strategy before resources.

I had the opportunity, as many of our colleagues did in the summer, in August, to go to both Afghanistan and Pakistan for a limited period. But even in a short amount of time, one can learn a lot—2 days in Afghanistan, 1 day in Pakistan. One of the highlights of my visit to Afghanistan, after having been there in May of 2008, was the briefing from General McChrystal, a

tremendous and thorough overview of what is happening on the ground, the threat to our national security as he sees it, also a review not only of the military strategy and the military challenges but the nonmilitary as well.

Sitting at the same table with General McChrystal were distinguished Americans who are serving us in non-military capacities—the Department of State, the USAID, the Department of Agriculture, all kinds of help from various Federal Government agencies that involve the other part of counterinsurgency, not only the military campaign.

Obviously, we have to do more than that. General McChrystal, like many of his predecessors, is doing everything he can to get this right.

I, like others, have reviewed his classified report. We have heard him give a summary of the strategy. It is very important that we weigh those considerations and weigh that assessment seriously going forward. General McChrystal's report is one of the things we have to weigh. We have to weigh a lot of other things as well. We have to listen to experts within our government and outside, experts within the administration, experts in the Congress. The Senate is made up of so many Senators who have long records on foreign policy as well as national security and making sure we get this right. Some are Democrats, some are Republicans, and some are Independents. I will draw upon, as we all should, that experience. I will talk more about that in a moment.

One thing stressed by General McChrystal—and it has been stressed by President Obama and the administration and should be stressed by us—is this policy, this strategy going forward in Afghanistan has to involve a couple of basic elements. It obviously has to involve and be focused on security. That is essential, obviously. But in addition to security and the military challenge, we also have to be concerned about governance. And we are concerned about the results of the election. We are concerned about whether President Karzai is doing what he needs to do to govern his country, to have a strong judiciary, to deliver services to his people, to make sure the people of Afghanistan have confidence in his leadership.

So we have to be concerned about security and governance but also, thirdly, development, what is going to happen on the ground. A lot of people working as part of provisional reconstruction terms, so-called PRTs, are doing great work on the ground. It is not in the newspaper very often. It is not heralded like a battle is or like a controversy might be, but that is part of building up communities throughout the country in Afghanistan so people can take control of their own lives, take control of their own communities, and take control of their own security and their own future.

We also had a chance to talk at length about what is happening in

Pakistan and the threats that come across the border from Pakistan into Afghanistan, threats that involve al-Qaida or other extremist or insurgent groups that have some loose confederation with or connection to al-Qaida and threaten our national security, threaten the security of the Afghan people, and even threaten the security of the Pakistani Government. These are very difficult challenges we face. They do involve our national security. We have to get it right with regard to what we do in Afghanistan as well as in Pakistan.

I mentioned before there were a number of Senators in both parties who have been trying to begin and amplify the debate. I happen to be a member of the Foreign Relations Committee. Our chairman, Senator KERRY, has had a number of hearings on various aspects of this policy, not only going back the last 2 or 3 weeks but going back months. That informs this debate. Chairman KERRY has shown great leadership on these issues as well as broader national security issues.

Chairman LEVIN gave a speech recently that laid out a thoughtful approach. He talked about building up the Afghan Army and the National Police prior to a serious consideration of additional troops. He wants to accelerate, as we all do, the building up of the Army and Police in Afghanistan and maybe in a much shorter timeframe. That is critically important. We have to spend a lot more time talking about and debating and informing ourselves about how best to accelerate the training of the Afghan Army and Police. Chairman LEVIN, as well, has shown, through his leadership of the Armed Services Committee, how important these issues are.

On the other side of the aisle, I read a Wall Street Journal piece recently by JOHN MCCAIN, ranking member of the Armed Services Committee, Senator LINDSEY GRAHAM, and Senator LIEBERMAN. We have to consider those points of view, not just in that op-ed but in other discussions and debates on the Senate floor.

As I said before, there will not be one party that is going to solve this. There is not going to be one party to implement a counterinsurgency strategy because when it comes to war and when it comes to the nonmilitary challenges we have that are connected to a war or a campaign, there is not a Democratic or Republican way to fight a war. There is only an American way. We need an American solution. We need a kind of consensus that we may not need on some other issues, but on this one, to get it right, we are going to need both parties. And we will need the support of the American people to get it right.

Finally, let me say one more word about why we are doing this, why we should have a thorough debate going forward, why it is important we spend a lot of hours here, not just on the floor of the Senate but in hearings and

discussions and briefings with various experts who come before us, and to thoroughly question and ask the tough questions of the administration.

I was glad we voted today on a list of administration officials we want to come before the Senate after the President makes fundamental determinations about this policy. Once he has made a decision, then we should have a series of hearings where we can cross-examine not only General McChrystal and the underpinnings of his policy but so many others in the administration, a very strong administration, I would argue, on foreign policy and national security. I will not go through all the names tonight that would give evidence to that.

Finally, if we are going to get this right for the fighting men and women we send out on the battlefield, if we are going to get this right for taxpayers who will be financing this effort, whether it is military or nonmilitary, we do have to get it right. One thing we have to bear in mind is, when we send troops out to fight a battle, we have to make sure the policy that undergirds their fight, that the strategy that leads to a discussion about what the resources are to give them all the resources they need to fight a battle, whether it is very wide or very narrow in focus, whatever it is, we have to make sure what we do here is worthy of their sacrifice; that what we do in the Senate on strategy or policy is worthy of what we are asking them to do on the battlefield. We haven't done that yet. We are a long way from doing it.

I hope in the next couple of weeks, even as the President is asking tough questions and making determinations about policy, that we do our job in the Senate to ask those tough questions, to have that important debate, and make sure it is substantive and not political; make sure it is about strategy and not just the politics or the sound bites of the moment. To be worthy of their valor, those fighting men and women, and to be worthy of their sacrifice, we have to do our job in the Senate. That has not happened yet. We have to make sure we do that in short order.

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

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

AMENDMENTS NOS. 2563; 2585; 2617; 2559; 2562, AS MODIFIED; 2568; 2614; AND 2615

Mr. INOUE. Mr. President, I ask unanimous consent that the Senate proceed to consider the following list of amendments that I will identify, if not pending, then once this agreement is entered, the amendment be considered called up for consideration; and that the amendments be agreed to and the motions to reconsider be consid-

ered made and laid upon the table en bloc; that no amendments be in order to the amendments included in this agreement; further, that if there are modifications to any of the listed amendments, then the amendment be modified and agreed to, as modified: Nos. 2563, 2585, 2617, 2559, 2562, 2568, 2614, and 2615; and further that amendment No. 2569 be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments (Nos. 2563, 2585, 2617, and 2559) were agreed to.

The amendments (Nos. 2562, as modified; 2568; 2614; and 2615) were agreed to, as follows:

#### AMENDMENT NO. 2562, AS MODIFIED

(Purpose: To express the sense of Congress, and to require a report, on expanding the mission of the Nevada Test Site)

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) It is the sense of Congress that—

(1) All of the National Nuclear Security Administration Sites, including the Nevada Test Site, can play an effective and essential role in developing and demonstrating—

(A) innovative and effective methods for treaty verification and the detection of nuclear weapons and other materials; and

(B) related threat reduction technologies; and

(2) the Administrator for Nuclear Security should expand the mission of the Nevada Test Site to carry out the role described in paragraph (1), including by—

(A) fully utilizing the inherent capabilities and uniquely secure location of the Site;

(B) continuing to support the Nation's nuclear weapons program and other national security programs; and

(C) renaming the Site to reflect the expanded mission of the Site.

(b) Not later than one year after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a plan for improving the infrastructure of the Nevada Test Site of the National Nuclear Security Administration and, if the Administrator deems appropriate, all other Sites under the jurisdiction of the National Nuclear Security Administration—

(1) to fulfill the expanded mission of the Site described in subsection (a); and

(2) to make the Site available to support the threat reduction programs of the entire national security community, including threat reduction programs of the National Nuclear Security Administration, the Defense Threat Reduction Agency, the Department of Homeland Security, and other agencies as appropriate.

#### AMENDMENT NO. 2568

(Purpose: To make available from amounts available for the Office of the Secretary of Defense \$250,000 for the declassification of the 2001 nuclear posture review)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Of the amounts appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" and available for the Office of the Secretary of Defense, up to \$250,000 may be available to the Under Secretary of Defense for Policy for the declassification of the nuclear posture review conducted under section 1041 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-

398; 114 Stat. 1654A-262) upon the release of the nuclear posture review to succeed such nuclear posture review.

#### AMENDMENT NO. 2614

(Purpose: To make available from Operation and Maintenance, Defense-Wide, \$15,000,000 for implementation of the Military and Overseas Voter Empowerment Act)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Of the amount appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", up to \$15,000,000 may be available for the implementation by the Department of Defense of the responsibilities of the Department under the Military and Overseas Voter Empowerment Act and the amendments made by that Act.

#### AMENDMENT NO. 2615

(Purpose: To provide that none of the funds appropriated or otherwise made available by this Act may be used to dispose of claims filed regarding water contamination at Camp Lejeune, North Carolina, until the Agency for Toxic Substances and Disease Registry (ATSDR) fully completes all current, ongoing epidemiological and water modeling studies)

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. None of the funds appropriated or otherwise made available by this Act may be used to dispose of claims filed regarding water contamination at Camp Lejeune, North Carolina, until the Agency for Toxic Substances and Disease Registry (ATSDR) fully completes all current, ongoing epidemiological and water modeling studies pending as of the date of the enactment of this Act.

Mr. INOUE. I thank you, Mr. President.

Mr. COCHRAN. Mr. President, I want to congratulate the chairman of the committee for helping work out this agreement. We appreciate the cooperation of all Senators.

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

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

#### AMENDMENT NO. 2592, AS MODIFIED

Mr. CASEY. Mr. President, Senator DURBIN and I have an amendment, amendment No. 2592, and I ask that it be made pending.

The PRESIDING OFFICER. Without objection, the amendment is now pending.

Is there further debate on the amendment?

If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 2592) as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### SCAR PROGRAM FUNDING

Mr. GRAHAM. Mr. President, I would like to engage in a brief colloquy with

the esteemed Senator from Hawaii, the chairman of the Defense Appropriations Subcommittee, Senator INOUE.

The bill before us includes a significant cut of \$9 million from U.S. SOCOM's SCAR Program—special operations combat assault rifle. The SCAR was selected in a fair and open competition and has undergone some of the most rigorous testing of any small arms program in U.S. history. It is widely regarded as one of the best and most versatile weapons in the world. While this weapon has passed all tests, the only issue now is what mix of versatility—7.62mm models or 5.56mm models—they want to have at the ODA level operational detachment alpha—that is the Special Forces A team level which is as close to the ground level fight as you can get.

I understand there are recent concerns regarding contracting delays and the ability to obligate these funds. I have been assured by SOCOM that they will be able to spend all funds requested within the appropriate timeframe. The Special Forces is intensely engaged in combat operations all over the world including Afghanistan and they need the versatility and capability offered by this unique weapon system. The President's Budget included \$9.746 million for this program. The House-passed version of this bill fully funds the President's request. I would encourage the chairman to ensure this program is fully funded in the Senate as requested in the President's budget.

Mr. INOUE. I thank the Senator from South Carolina for his comments. I assure him that the reductions to the program were taken without prejudice, and the committee supports providing this capable series of rifles to Special Operations Command. His points on the importance of this program will be fully and carefully considered when this issue is addressed in conference on this bill.

#### TACTICAL WHEELED VEHICLE FUNDING

Mrs. HUTCHISON. Mr. Chairman, I request to enter into a colloquy concerning appropriations for the Army's medium tactical vehicle fleet.

Mr. INOUE. I am pleased to engage the senior Senator from Texas in a colloquy.

Mrs. HUTCHISON. Mr. Chairman, the Army has recently announced its decision on the future contract for the family of medium tactical vehicles, a major acquisition program in the Army's tactical wheeled vehicle fleet. Several Senators—some who may join us in this colloquy—are deeply concerned about the Army's decision. However, since the Army's announcement came after the committee finished its work on this bill, Members of the committee had no opportunity to express their concern or to question the decision. Consequently, I have asked the Government Accountability Office to conduct a review of the Army's tactical wheeled vehicle strategy. I would therefore like the chair-

man's commitment to having the Defense Subcommittee focus on this issue at the earliest possible opportunity.

Mr. INOUE. I would say to the Senator from Texas that I know she is greatly interested in how the Army's tactical wheeled vehicle budget is spent. I hope that we will be informed by the GAO review that she has requested, and I can pledge that the subcommittee will review this issue thoroughly as we go forward.

Mrs. HUTCHISON. I thank the Chairman for his leadership on this important issue.

Mr. KOHL. I appreciate the comments of the chairman and respect the work of the Senator from Texas on this issue. The Army's decision impacts both of our States, but it is imperative that GAO is allowed to conduct its investigation free of individual prejudices. The taxpayers and men and women of the Armed Forces deserve an objective review. I look forward to working with the Chairman and all my colleagues on this issue.

#### IN SUPPORT OF THE NCADE PROGRAM

Mr. TESTER. Mr. President, I rise to engage in a colloquy with the chairman and with my colleague Senator BAUCUS about funding in this bill for missile defense. It is my understanding that in testimony before the Senate Armed Services Committee earlier this year, Lieutenant General O'Reilly told the committee that the Missile Defense Agency requested \$3.5 million in fiscal year 2010 for the missile defense program known as Net Centric Airborne Defense Element, NCADE. It is my further understanding that the committee does not, at this point, have concerns with the allocation of funds to the NCADE program. Is that correct?

Mr. INOUE. The gentleman is correct. The bill before the Senate provides \$104.8 million for research, development, testing and evaluation of ballistic missile defense technology, which is the appropriate account for NCADE funding.

Mr. BAUCUS. Mr. President, NCADE is a missile defense concept that uses a modified AIM-9X seeker launched from an aircraft to intercept a boosting missile target. I am aware that the Missile Defense Agency has conducted several tests of this system and it continues to show progress. I believe it is important that the Missile Defense Agency continue to develop this technology. Short- and medium-range ballistic missiles pose a significant threat to the United States, our Armed Forces, and our allies around the world. Could the chairman clarify that the Missile Defense Agency could use funds provided in this bill for the continued development of NCADE, consistent with the budget request?

Mr. INOUE. Under the Senate bill, the MDA could continue to work on this interesting technology.

Mr. BAUCUS. I thank the chairman. This is very important work for our national security and we are pleased that some of it is being done in Montana.

Mr. TESTER. I want to echo the observations of my colleague. Work on the NCADE project is done in part in Montana and that work provides valuable employment opportunities in a part of the State where the unemployment rate is in double digits.

Ms. COLLINS. Mr. President, I rise today in support of the Fiscal Year 2010 National Defense Appropriations Act. Let me begin by thanking the committee's distinguished chairman, Senator INOUE, and ranking member, Senator COCHRAN, for their leadership in crafting this bill and for their strong commitment to our Nation's Armed Forces.

This legislation will provide funding for essential training, equipment, and support to our troops as they bravely and skillfully engage in national security efforts at home and abroad. This is a critical time in our Nation's history and the committee has, once again, demonstrated its strong support of our soldiers, airmen, sailors, and marines.

This legislation also will fund critical force protection and health care initiatives for our troops, while continuing development of important technologies and acquisition programs to counter existing and emerging threats.

The legislation before us includes a strong commitment to strengthening Navy shipbuilding. Our Nation needs a strong and modern naval fleet allowing us to project power globally and to respond to threats. This bill authorizes \$1 billion in funding for construction of the third DDG-1000, a priority of mine. The Pentagon's decision to have Bath Iron Works, BIW, build all three of the DDG-1000s demonstrates well-deserved confidence in BIW and will help ensure a stable work load for the shipyard and more stable production costs for the Navy.

In addition, this legislation authorizes \$2.2 billion for continued DDG-51 procurement and nearly \$150 million for the DDG-51 modernization program. The lessons and technology developed in the design of the DDG-1000 can be incorporated into the DDG-51 program to reduce crew size and to improve capabilities.

The legislation fully funds the F-35 Joint Strike Fighter request for both the Navy and the Air Force. This aircraft, powered by the superb engines made by Pratt & Whitney, will enable our service men and women to continue to maintain our air superiority.

An additional \$1.5 billion is included for the National Guard and Reserve equipment account, which should help sustain critical equipment such as combat vehicles, aircraft, and weapons. This funding should directly benefit the Maine National Guard's readiness posture as additional units prepare to deploy to Iraq and Afghanistan in the upcoming year.

At the request of Senator SNOWE and myself, the committee provides \$20 million for humvee maintenance to be performed at Maine Military

Authority's, MMA, Army National Guard Readiness Sustainment Site, RSMS, located in Limestone, ME. For nearly 13 years, the Army National Guard has relied on Maine Military Authority to provide a dependable service to our Nation's warfighters. The dedicated and talented professionals at MMA have demonstrated their value to the Army and to the Nation and consistently have performed humvee refurbishment at a lower cost than the Army's own depots. This funding would help to ensure that MMA's valued workforce and high quality product remain a national asset supporting the defense of our country.

The bill also provides \$240 million for cancer research through the Defense Health Programs with \$150 for the Breast Cancer Research Program, \$80 million for Prostate Cancer Research Program, and \$10 million for the Ovarian Cancer Research Program. I believe that there is simply no investment that promises greater returns for America than its investment in biomedical research. These research programs at the Department of Defense are important to our Nation's efforts to treat and prevent these devastating diseases that also affect our veterans and service members.

The bill provides \$307 million to address the Tricare private sector shortfall in fiscal year 2010 as identified by the Department of Defense. I know Tricare funding is vital to so many Maine veterans. We must continue to support robust funding for this important program and limit increases in Tricare premiums and copayments.

I strongly support the additional \$15.6 million to strengthen the Office of the Inspector General in order to keep pace with the growth in the size of the defense budget and the number of defense contractors. More vigorous oversight of defense contracts to prevent waste, fraud, and abuse of taxpayer dollars will complement the procurement reforms we approved earlier this year.

The Senate's fiscal 2010 Defense appropriations bill also includes funding for other defense-related projects that would benefit Maine and our national security. Funding is provided, for example, to Saco Defense in Saco, ME, to enable the company to continue manufacturing weapons that are vital to the Armed Forces.

In addition, at my urging, the legislation appropriates \$3.6 million for the University of Maine. This funding would support the development of LGX high temperature acoustic wave sensors and allow the University of Maine to continue to investigate fundamental sensor materials and design concepts as well as demonstrate functional prototypes of acoustic wave sensors that will be tested under extreme temperature environments. The funding for the university will also provide for woody biomass conversion to JP-8 fuel, which will provide affordable alternative sources for military aviation fuel.

The appropriations bill provides the vital resources that our troops need and recognizes the enormous contributions made by the State of Maine to our national security. From the Portsmouth Naval Shipyard in Kittery to the Pratt and Whitney engine plant in North Berwick to BIW's shipbuilders to the University of Maine's engineers to the Maine Military Authority in Aroostook, Mainers all over our State are leading the way to a stronger national defense.

Mr. REID. Mr. President, there has been a tremendous amount of work going into getting us to where we are now. It is long and tedious and one of the most complicated bills we do. It is the most complicated appropriations bill we do. So I very much appreciate the work done by Senators COCHRAN and INOUE. They are both experienced and terrific individuals and great Senators, their staffs, and all the floor staff.

Mr. President, I ask unanimous consent that when the Senate resumes consideration of H.R. 3326 on Tuesday, October 6, the following list of first-degree amendments be the only amendments remaining in order to H.R. 3326, other than any other pending amendments, if not listed, and the committee substitute amendment; that no second-degree amendment or side-by-side amendment be in order to any of the listed amendments, except as provided below:

Franken amendment No. 2588; Barrasso amendment No. 2567; Bond amendment No. 2596; Coburn amendment No. 2565; Coburn amendment No. 2566; Kyl amendment No. 2608; that once agreement is entered into, it will be withdrawn; Sanders amendment No. 2601; Inhofe amendment No. 2618; McCain amendment No. 2580; McCain amendment No. 2584; McCain amendment 2560, with an Inouye side-by-side amendment in order and would be voted prior to the vote in relation to amendment No. 2560; McCain amendment No. 2583; Lieberman-Sessions amendment No. 2616, as modified; that it be in order for the managers to offer managers' amendments, which have been cleared by managers and leaders, and that if offered, the amendments be considered and agreed to and the motion to reconsider laid on the table; that in the case in which the managers are agreeable with a modification of a listed amendment, then the amendment be so modified with the changes agreed upon; that upon disposition of the listed amendments, the committee-reported substitute, as amended, be agreed to, and the motion to reconsider be laid on the table; that the bill, as amended, be read the 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, 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 sub-

committee 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 to be offered, minus the offending provision; that the new substitute be considered and agreed to, no further amendments be in order, with provisions in this agreement listed after adoption of the original substitute amendment remaining in effect; that the vote sequence with respect to the listed amendments be entered later and that the only debate time remaining be 2 minutes, equally divided in the usual form, prior to each vote; and that on any sequenced votes, the vote time be limited to 10 minutes each after the first vote; further, that the cloture motions be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 2847

Mr. REID. Mr. President, I ask unanimous consent that at 4 p.m., Monday, October 5, the Senate proceed to the consideration of Calendar No. 87, H.R. 2847, the Commerce, Justice Appropriations Act; and that once the bill is reported, there be debate only, with no amendments in order except the committee-reported substitute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### MORNING BUSINESS

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

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

#### NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH

Mr. REID. Mr. President, I rise today in recognition of National Disability Employment Awareness Month. This annual observance is an opportunity for us to celebrate the achievements of people with disabilities, whose contributions to the workforce have strengthened our Nation. During the month of October, we pay tribute to these men and women while renewing our commitment to ensuring opportunity and inclusion for all Americans—regardless of their ability or disability.

National Disability Employment Awareness Month originated in 1945 when Congress designated a week in October as a time to educate the public about the employment issues facing people with disabilities. Eventually expanded to the entire month of October, the observance has become a valuable tool to enhance the American people's understanding of these issues. It is also



an important opportunity to mark the progress we have made and the steps forward yet to be taken.

Today, more people with disabilities than ever are graduating from school, participating in their communities, and succeeding in the labor market. For the tens of millions living in the United States with a disability, realizing the American dream is a real possibility that often did not exist a generation ago. I am especially heartened by the growing recognition that tapping these individuals' talent, character, and hard work is as important to the Nation's future as it is to theirs.

At the same time, we must acknowledge the sobering reality that faces too many people with disabilities, including our brave servicemembers and veterans returning from war with severe injuries and conditions. While people with disabilities have long experienced far higher unemployment rates, they are also particularly hard hit by the current economic downturn. Physical, financial, and social barriers to employment remain, as well as the discrimination and prejudice that keep some from competing in the American economy on equal footing as everyone else. Moreover, many individuals with disabilities struggle to afford good, continuous health coverage, a hardship given their intensive health care needs.

Clearly, we have much work ahead of us in order to fulfill the promise of National Disability Employment Awareness Month. I am pleased that Congress is continuing to work toward this priority, most recently with the enactment of the ADA Amendments Act and the Higher Education Opportunity Act. On behalf of all Nevadans, I look forward to building on these successes in the 111th Congress.

#### TRIBUTE TO JOHN C. HOUBOLT

Mr. DURBIN. Mr. President, on July 20, 2009, we celebrated the 40th anniversary of the first time man set foot on the Moon. On that day 40 years ago, an estimated 500 million people around the world watched as the crew of Apollo 11, Neil Armstrong, Michael Collins, and Edwin "Buzz" Aldrin, made history. It was a remarkable accomplishment, the magnitude of which has not diminished over the years.

As part of the anniversary festivities, Congress awarded John Glenn, the first American to orbit the Earth, and the crew of Apollo 11 the Congressional Gold Medal. I cosponsored the legislation and am pleased that they were recognized with it.

Most recently I had the chance to meet two Illinois astronauts, Scott Altman and John Grunsfeld, whom earlier this year successfully completed the last service mission of the Hubble Telescope. We will be able to explore even deeper into the mysteries of our universe for many years to come because of their incredible work.

Today, I wish to recognize Dr. John C. Houbolt, a scientist born and raised

in Joliet, IL, who has received far less acclaim, but who deserves our Nation's gratitude for making the Moon landing possible.

One of the most important and hotly debated technical decisions during the Apollo Program was how to land on the Moon and return safely to Earth. Amid many ideas and obstacles, Dr. Houbolt recognized that the most efficient way to execute the Moon landing was with a lunar-orbit rendezvous plan.

His concept involved a mother craft that would orbit the Moon while a lighter craft descended from it to the surface of the Moon carrying some of the astronauts. Eventually, the smaller aircraft would lift off and rendezvous with the mother ship.

For many years NASA's leadership favored other concepts to reach the lunar surface. But, Dr. Houbolt's determination, persistence, and perseverance moved this innovative concept forward. As former NASA Deputy Director George Low noted, without Dr. Houbolt's efforts, NASA "might not have chosen the Lunar Orbit Rendezvous Mode" and "had the Lunar Orbit Rendezvous Mode not been chosen, Apollo would not have succeeded."

On the 40th anniversary of the lunar landing, as we celebrated with the crew of Apollo 11 in Washington, DC, a new exhibit aptly named "The Soaring Achievements of John C. Houbolt" opened at the Joliet Area Historical Museum. I encourage my fellow Illinoisans, especially students, to visit this exhibit.

Dr. Houbolt's inspiring story, like the stories of Neil Armstrong, Michael Collins, Buzz Aldrin, and John Glenn, is a testament to what we can achieve with persistence and the passion to reach for new heights.

#### ADDITIONAL STATEMENTS

##### REMEMBERING JAMES D. RANGE

• Mr. ALEXANDER. Mr. President, earlier this year, we lost a great Tennessean and champion of the great American outdoors. James D. Range was a lifelong outdoorsman who loved America's wild spaces. He grew up in Johnson City, TN, hunting and fishing in the backwoods of the Appalachian Mountains. It was in his those early years that Jim—who was also an Eagle Scout—became passionate about preserving our outdoors for future generations.

He became a passionate advocate for the country's fish and wildlife and their habitat and a true champion of natural resource conservation.

Jim was a trusted advisor and counsel to Senate majority leader Howard Baker and the Senate Environment and Public Works Committee, where he served with integrity and distinction. As a Senate staffer, Jim was instrumental in the crafting and passage of a string of landmark laws, including the Clean Water Act.

After Jim left the Senate, he continued to pursue his love for the outdoors by cofounding and serving as chairman of the Theodore Roosevelt Conservation Partnership, an organization that is dedicated to the stewardship of America's natural landscape, helping to expand fish and wildlife habitat and increasing public access to quality hunting and fishing.

Jim didn't stop there. He furthered his commitment to the cause of conservation through service on the boards of directors for Trout Unlimited, Ducks Unlimited, the Wetlands America Trust, the Recreational Boating and Fishing Foundation, the American Sportfishing Association, the American Bird Conservancy, the Pacific Forest Trust, the Yellowstone Park Foundation, the Bonefish and Tarpon Trust, the National Fish and Wildlife Foundation, the Interstate Commission on the Potomac River Basin, the Sportfishing and Boating Partnership Council, and the Valles Caldera Trust.

Jim was so instrumental in the conservation movement in this country that he was awarded the U.S. Department of the Interior's Great Blue Heron Award, was named Conservationist of the Year in 2003 by Outdoor Life magazine and received the Norville Prosser Lifetime Achievement Award from the American Sportfishing Association.

Both our natural and political environments are better because of Jim Range. Tennesseans, and all Americans, owe Jim a great debt of gratitude. His leadership serves as a great example to all of us.●

#### TRIBUTE TO CECIL EYESTONE

• Mr. BROWNBACK. Mr. President, today I recognize a great Kansan for his long service to the youth of the State of Kansas.

"Teaching by example," was Cecil Eyestone's philosophy in his 31-year Kansas 4-H career. He served 12 years as a Montgomery County club agent and 19 years as a State 4-H specialist. He was a pioneer for leadership opportunities for teens. Cecil initiated the first junior leaders club for the teens in Montgomery County. His determined attitude for developing teen leaders through hands-on experiences resulted in 80 percent of Kansas counties adopting the concept. A State Junior Leadership Camp was held in 1959 at Rock Springs 4-H Center that continued for 15 years with annual participation of 200-300 youth. Cecil and his brother Merle have sponsored a 4-H leadership scholarship for 24 years.

Cecil was Collegiate 4-H Club adviser for 16 years, reaching over 4,000 students. He organized eight collegiate clubs at other Kansas universities and colleges. Cecil guided the animal science 4-H program and helped develop horse, dog and rabbit projects. He created the Horse Panorama to teach horse care and judging.

Retired in 1977, Cecil volunteers for the Governor's Mental Health Advisory, National Active and Retired Federal Employees, Sertoma, Riley County Flint Hills AMI, Methodist's Men and First United Methodist Church, Flint Hills Veterans Coalition and KSU WWII Veterans Memorial. He stays busy with his family, but finds time to judge 4 to 10 county fairs annually.

Last year, Cecil was inducted into the National 4-H Hall of Fame. This Sunday, October 4, 2009, Cecil will be honored at a special reunion of the 4-Hers he mentored during his time as the Montgomery County 4-H agent. During this reunion, the first two recipients of a scholarship named in Cecil's honor will be announced. These scholarships were made possible by donations from the 1946-1957 Montgomery County 4-H alumni.

As a former 4-H member myself during Cecil's tenure as the State 4-H specialist, it is an honor for me to speak on behalf of the thousands of Kansas 4-Hers who were touched by Cecil's commitment to the Kansas 4-H program. It is a privilege for me to honor this fine Kansan for his leadership and service and to join in congratulating him on his induction into the National 4-H Hall of Fame.●

#### REMEMBERING HARVEY STOWER

● Mr. FEINGOLD. Mr. President, it is with great sadness that I pay tribute to a dear friend and a great Wisconsinite who passed away earlier this week. Harvey Stower was an extraordinary man; he was a deeply principled legislator, a dedicated mayor, and a beloved friend to those of us lucky enough to know him.

I was honored to serve with Harvey in the Wisconsin Legislature, where he worked tirelessly for the progressive values he held dear. His commitment to representing family farmers and protecting the environment were an inspiration to countless Wisconsinites.

He then served as the mayor of Amery, where he and his wife Marilyn, who sadly passed away in 2008, were pillars of the community. Harvey was such a wonderful mayor because he understood the strength of our small towns, and cherished the sense of community they create.

Harvey was also an ordained United Methodist minister, and an active member of his community in countless ways, both through his work as mayor and through many community organizations.

He also remained active on issues on a statewide level, through his service on the Wisconsin Land & Water Conservation Board and the boards of the Wisconsin Federation of Cooperatives, the Western Wisconsin Intergovernmental Collaborative, Wisconsin Church and Society—the United Methodist Church, and Inter-County Cooperative Publishing Association.

Harvey's passing is an immeasurable loss for his family, for the people of

Amery, and for our State. He was truly one of the nicest people I have come across in many years in public life. I respected Harvey so much, and I will always think of him as someone who represented the very best of Wisconsin. I join people across our State in remembering him today and honoring the many contributions he made to his State and his community.●

#### TRIBUTE TO MARY PAPPEY

● Mr. KERRY. Mr. President, all of us in public life have been privileged to have very special people come into our public lives who dedicate their time, energy, and passion to helping us serve, but even among these special people, there are those who stand out. I am speaking today of just such a person—my friend, Mary Pappey. And I am speaking today because it is a special day for this special person—it is her 85th birthday.

Mary has served on my staff in Boston since 1988, longer than just about anybody who has ever worked with me. It is often said that when God closes one door, He opens another. And that is how Mary came to us. She was a homemaker whose happy life was upended when her husband Nicholas passed away in 1988. To help fill the void, she asked if she could volunteer in our office a couple of days a week. And she has been there ever since.

It is hard to remember a time that Mary hasn't been there in my Boston office, whether answering phones, handling mail, or just making sure everyone is OK doing whatever had to be done. She is an incredible mother to her children; in so many ways she has also been a mother to our Boston office family. And always, she has been a calming presence in what can be a hectic environment. It helps, too, that she bakes a mean baklava that can bring some needed sweetness to the most frenetic of work days.

But that isn't all. Far from it. Mary has had a very special job in my Boston office. Since joining my staff, she has advanced all the applications we have received from students seeking appointments to the military service academies. She has made sure the applications are complete, all deadlines are met and, when necessary, held the hands of anxious applicants and even more anxious parents of applicants. For 21 years, Mary has handled this job with special skills and sensitivities. And, in fact, she has shepherded through an entire generation of service academy appointees from Massachusetts.

Mary's grandchildren, the joys of her life, call her "Yaya," which is Greek for grandmother. I think we could all call her that, because she has been a kind of grandmother to all of us—someone who offers reassurance when it is needed, someone who puts her heart and soul into everything she does, someone to watch over all of us, with kindness and affection. I can't re-

call a time I didn't get a huge hug from Mary whenever I came by the office.

I should also mention that Mary has a special way with words, or rather, with one word in particular the word "dear." At some point, she has referred to everyone in the office as "dear," especially when they are having a rough day. That is not surprising. But what is surprising is how, when she is helping with the phones, Mary often addresses the caller as "dear." Again, that is not surprising, except when you consider that sometimes it is an anonymous caller, someone so frustrated by what they just saw on television or by the run around they are getting from Federal bureaucracies that can at times seem unreasonably cold, that they don't want to identify themselves. But it is hard for them to stay mad with Mary calling them "dear." She brings out the very best in all of us.

So, I want to thank "dear" Mary for her devotion to the people of Massachusetts, for all her years of service on my staff and for being such a wonderful, generous friend. And I especially want to wish "dear" Mary all of my best and hope that this will be a very happy birthday.●

● Mr. LIEBERMAN. Mr. President, I ask to have printed in the RECORD a poem written by Mr. Albert Carey Caswell. Mr. Caswell is a valued tour guide of the U.S. Capitol whose great enthusiasm and love of our country has inspired him to compose over 500 poems. Mr. Caswell wrote this poem in tribute to the remarkable life and work of our beloved late colleague Senator Ted Kennedy.

The information follows.

#### UPON THIS FLOOR

Upon this floor . . .  
From our forefathers so bore . . .  
A dream, for all our futures to ensure . . .  
Now in history, the world's greatest of all  
democracies . . .  
Upon this floor . . .  
For as the years have played out . . .  
The United States Senate, would so tout!  
Some of the greatest, from Clay, Calhoun to  
Webster no doubt . . .  
Men of conscience and of faith, who would so  
debate . . .  
Who but in their hands, were but put our na-  
tion's future fate.  
Upon this floor!  
Who all but for the greater good, did but all  
they could . . .  
Giants one and all, who but heard our na-  
tion's call . . .  
Her call to public service, upon this  
floor . . .  
And now as the years have gone by . . .  
A new great, a new giant has so arrived . . .  
A name we now so utter with tear in eye . . .  
Edward M. Kennedy, who upon this floor  
spoke so eloquently!  
Whose word, was one to be cherished and re-  
spected!  
The most effective Senator, as John McCain  
expressed this!  
For legislation can be a blood sport . . .  
For only those of great heart and courage,  
will like lions roar!  
And yet, in all that heat . . . it takes a lead-  
er who can make minds meet!  
As was this man, so charming and sweet!  
And leave their most hallowed marks upon  
this floor . . .

With Teddy's passing, I rise to state . . .  
 Without objection, we have lost one of the truly greats!  
 There will be no quorum call, or voice vote expected!  
 Or a bill, for The President to sign . . . stating of such perfection!  
 For he, was A Man For All Seasons . . .  
 Who knew how to debate, and more importantly how to reason!  
 A giant among mere men, who with his principles would so splendidly and steadfastly defend!  
 Motivating women and men, with but his heart of a champion . . .  
 Time and time again, upon this floor . . .  
 Ted, you are gone, but not forgotten . . .  
 For history and heaven so holds a place, for the champions of the downtrodden!  
 For artists, who know how to so create . . . and legislate!  
 Whether, with a voice of a lion making the Senate quake!  
 Or like a fine surgeon, so delicately legislation you'd manipulate . . .  
 Yea, Teddy . . . Daniel Webster ain't got nothing on you!  
 And in the Senate reception room . . .  
 And upon this floor my son . . . history will you so view!  
 One of the greatest who's who!  
 Now, up in Heaven . . . it's the greatest of debates between Daniel and you!

In honor of and in memory of Senator Edward M. Kennedy—Albert Carey Caswell.●

#### TRIBUTE TO KEVORK S. HOVNANIAN

● Mr. MENENDEZ. Mr. President, I wish to pay tribute to the memory of Kevork S. Hovnanian, a friend and New Jersey businessman and community leader. A hard working Armenian immigrant, Mr. Hovnanian embodied the American dream. Already the owner of a successful construction company in Iraq in 1959, Mr. Hovnanian was forced to flee Iraq and arrived in New Jersey to rebuild his life, and rebuild it he did.

He started another construction company and, along with his brothers, committed himself to making affordable housing available to young families and first-time home buyers—first in New Jersey, then nationwide. He built a successful business and, at the same time, gave something back to the community, to New Jersey, and to the Nation. Through his chosen profession, he shared his realization of the American dream by helping others establish themselves in their own homes and took pride in having helped. As his business grew, Mr. Hovnanian never forgot his adopted community and generously supported numerous charities and organizations. His philanthropy touched the lives of all of us in New Jersey. Every child who enters the K. Hovnanian Children's Hospital at Jersey Shore University Medical Center benefits from his generosity. Every worshiper who enters St. Stepanos Armenian Church in Elberon, New Jersey knows Kevork Hovnanian generously supported its construction in memory of his mother. He remained committed to bringing the Armenian genocide to light and supporting Armenian autonomy. He was a man who worked hard,

achieved his dreams, but always believed in the concept of community, each of us working together for the betterment of all.

As we celebrate Kevork Hovnanian's life and memory, our heartfelt thoughts and prayers are with his family and friends, his beloved wife Sirwart, and his sons, daughters, and grandchildren who will miss his love and laughter. May he rest in peace.●

#### RECOGNIZING SMRT

● Ms. SNOWE. Mr. President, on Thursday, October 8, citizens of the city of Portland will gather at the steps of City Hall to witness the proclamation of John Calvin Stevens Day on the 154th anniversary of his birth. The most renowned architect in Maine's history, Mr. Stevens' distinctive style is recognizable in numerous structures throughout the region. Today, I rise to acknowledge the company he founded, now known as SMRT, as we celebrate the 125th anniversary of its founding.

SMRT's founder, John Calvin Stevens, was born in Boston in 1855, and moved with his family to Portland 2 years later. On July 4, 1866, Mr. Stevens witnessed the devastating Great Fire of Portland, which was responsible for 1,800 buildings burning to the ground, as well as the subsequent reconstruction of the city. After completing high school, he joined Francis H. Fassett's architectural firm, which did much of the work to rebuild the city in the fire's aftermath.

Following a decade at the Fassett firm, Mr. Stevens founded his own one-man architectural firm, John Calvin Stevens Architects, in 1884 in Portland. Mr. Stevens ran this business until his death in 1940, during which time he received over 300 commissions to design or update a variety of structures on the Portland peninsula alone, from government buildings to churches to residential houses. The Stevens family remains involved in the company's day-to-day operations, as Mr. Stevens' great-grandson, Paul Stratton Stevens, is one of the company's principals.

Above all other techniques, John Calvin Stevens is known as a pioneer and promoter of the quintessentially New England "shingle" style. Most often associated with the Maine coast and the Boston area, the practice is essentially an adaptation of the Victorian-era Queen Anne architectural style with the additional of shingles. The cottage-like houses built in the style frequently feature wide porches, broad gables, graceful and distinct profiles, and, of course, wooden shingles lining the roofs and sides. Because of Mr. Stevens' diligent efforts, this style became a mainstay of seaside and residential homes across the region.

As the continuation of Mr. Stevens' multidisciplinary brainchild, SMRT—previously known as Stevens Morton Rose & Thompson to represent the last names of the company's partners—is a

widely recognized expert in the areas of architecture, engineering, planning, and interior design. SMRT designs and constructs functional spaces and aesthetically pleasing edifices for its plentiful clientele. The company now has additional offices in Manchester, NH; North Andover, MA; and Albany, NY.

Throughout its lengthy history, SMRT has been responsible for designing, building, altering, or restoring countless landmark buildings across the State of Maine. SMRT lent its architectural talents to the new Dorothy Walker Bush Pavilion at Southern Maine Medical Center in Biddeford, as well as the Eastern Maine Medical Center pediatrics wing in Bangor. The company has also had a hand in a diverse range of interior design projects at Bowdoin College in Brunswick, Fairchild Semiconductor in Portland, and the Burton M. Cross State Office Building in the State capital of Augusta. Additionally, the firm has completed projects for other companies in a variety of industries, including: bioscience and healthcare, food and beverage, as well as clean manufacturing and electronics.

One area where SMRT has distinguished itself is in green design, particularly as a member of the U.S. Green Building Council, which oversees the Leadership in Energy and Environmental Design, LEED, accreditation process. The LEED, green building certification system aims to provide energy savings through building design that reduces carbon dioxide emissions and improves overall indoor environmental quality. SMRT offers its clients the opportunity to engage in the LEED certification process, and consistently keeps energy concerns at the forefront when planning new buildings by utilizing natural daylight and employing cutting-edge technologies. In fact, the Maine General Medical Center's Harold Alfond Center for Cancer Care in Augusta, which was designed by SMRT, recently received a LEED silver certification, and is the first health care facility in Maine to achieve the status.

In short, John Calvin Stevens is responsible for much of the way Portland looks today—from the Old Port to the houses of the Western Promenade—and his legacy is carried on today in the company he founded, SMRT, and the intricate and stunning work they do. I am proud that John Calvin Stevens saw it fitting to choose Portland for his company's home 125 years ago, and I am delighted that it has remained a bedrock of our State's architectural heritage through all of these years. Congratulations to everyone at SMRT on this monumental anniversary, and best wishes for continued success. ●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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.)

## MESSAGES FROM THE HOUSE

At 10:56 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1289. An act to improve title 18 of the United States Code.

S. 1707. An act to authorize appropriations for fiscal year 2010 through 2014 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1053. An act to require the Office of Management and Budget to prepare a cross-cut budget for restoration activities in the Chesapeake Bay Watershed, to require the Environmental Protection Agency to develop and implement an adaptive management plan, and for other purposes.

H.R. 1333. An act to amend chapter 40 of title 18, United States Code, to exempt the transportation, shipment, receipt, or importation of explosive materials for delivery to a federally recognized Indian tribe or agency of such a tribe from various Federal criminal prohibitions relating to explosives.

H.R. 1727. An act to establish a national criminal arsonist and criminal bomber registry program and establish guidelines and incentives for States, territories and tribes to participate in such program.

H.R. 1771. An act to reauthorize the Chesapeake Bay Office of National Oceanic and Atmospheric Administration, and for other purposes.

H.R. 3663. An act to amend title XVIII of the Social Security Act to delay the date on which the accreditation requirement under the Medicare Program applies to suppliers of durable medical equipment that are pharmacies.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 51. Concurrent resolution recognizing the 50th anniversary of the signing of the Antarctic Treaty.

At 11:48 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, with amendments, in which it requests the concurrence of the Senate:

S. Con. Res. 41. Concurrent resolution providing for the acceptance of a statue of Helen Keller, presented by the people of Alabama.

At 1:30 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, an-

nounced that the House disagrees to the amendment of the Senate to the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, and agrees to the conference asked by the Senate on disagreeing votes of the two Houses thereon, and appoints the following Members as managers of the conference on the part of the House: Mr. PRICE of North Carolina, Mr. SERRANO, Mr. RODRIGUEZ, Mr. RUPPERSBERGER, Mr. MOLLOHAN, Mrs. LOWEY, Ms. ROYBAL-ALLARD, Mr. FARR, Mr. ROTHMAN, Mr. OBEY, Mr. ROGERS of Kentucky, Mr. CARTER, Mr. CULBERSON, Mr. KIRK, Mr. CALVERT, and Mr. LEWIS of California.

At 2:47 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 151. Concurrent resolution expressing the sense of Congress that China release democratic activist Liu Xiabo from imprisonment.

The message also announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1053. An act to require the Office of Management and Budget to prepare a cross-cut budget for restoration activities in the Chesapeake Bay watershed, to require the Environmental Protection Agency to develop and implement an adaptive management plan, and for other purposes; to the Committee on Environment and Public Works.

H.R. 1333. An act to amend chapter 40 of title 18, United States Code, to exempt the transportation, shipment, receipt, or importation of explosive materials for delivery to a federally recognized Indian tribe or an agency of such a tribe from various Federal criminal prohibitions relating to explosives; to the Committee on the Judiciary.

H.R. 1727. An act to establish a national criminal arsonist and criminal bomber registry program and establish guidelines and incentives for States, territories and tribes to participate in such program; to the Committee on the Judiciary.

H.R. 1771. An act to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration; and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 51. Concurrent resolution recognizing the 50th anniversary of the signing of the Antarctic Treaty; to the Committee on Foreign Relations.

## 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-3194. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed agreement for the export of defense articles or services to Saudi Arabia relative to the maintenance of the S-92A helicopter, SA-92 Ground Based Trainer, and night vision goggles in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3195. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the assembly in Canada of 25mm HEI-T and TP-T Ammunition; to the Committee on Foreign Relations.

EC-3196. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services relative to the RD-180 Liquid Propellant Rocket Engine Program to Russia in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3197. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of defense articles, including, technical data, and defense services to the Republic of Korea relative to the manufacture of AH-64D fuselages and fuselage parts in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-3198. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the transfer of defense articles, including, technical data, and defense services to Australia relative to the F/A-18 Program in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-3199. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services relative to the manufacture of the Mini-Pointer/Tracker Assembly, for the Large Aircraft Infrared Countermeasure System for end-use by the U.S. Department of Defense in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-3200. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Japan relative to the manufacture of the J79 engine parts in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-3201. A communication from the Assistant Secretary, Bureau of Legislative Affairs,

Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services relative to the manufacture of sixteen CH-47F Chinook Helicopters for the Italian Ministry of Defense in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-3202. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of defense articles, including, technical data, and defense services relative to the Proton launch of the W7 Commercial Communications Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3203. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services relative to the manufacture of the New Dawn commercial communication satellite, ground system equipment and associated software, and the Dynamic Satellite Simulator for Mauritius in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3204. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, including, technical data, and defense services relative to the Proton launch of the EchoStar XV Commercial Communication Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3205. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, including, technical data, and defense services to Japan relative to the JCSAT-13 Commercial Communications Satellite in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3206. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services to Saudi Arabia relative to the Saudi Arabia National Guard Tactical Communications Systems in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3207. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the proposed removal from the U.S. Munitions List of a differential electronic preamplifier originally designed for use on a submarine towed array; to the Committee on Foreign Relations.

EC-3208. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the proposed removal from the U.S. Munitions List of a particular valve regulated, sealed lead

acid aircraft battery; to the Committee on Foreign Relations.

EC-3209. A communication from the General Counsel of the Department of Defense, transmitting proposed legislation relative to the transfer of certain naval vessels by grant and by sale; to the Committee on Foreign Relations.

EC-3210. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Japan relative to F100 Air Turbine Engines and Parts in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3211. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to the Commonwealth of Australia relative to MK 32 MOD 9 Surface Vessel Torpedo Tubes; to the Committee on Foreign Relations.

EC-3212. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed transfer of major defense equipment with an original acquisition value of more than \$14,000,000 for Chile; to the Committee on Foreign Relations.

EC-3213. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Anglo-Irish Agreement Support Act of 1986 and Executive Order 12163, certification that the Board of the International Fund for Ireland (the Fund) is, as a whole, broadly representative of the interests of the communities in Ireland and Northern Ireland and fiscal years 2008 and 2009 U.S. contributions to the Fund; to the Committee on Foreign Relations.

EC-3214. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thiamethoxam; Pesticide Tolerances" (FRL No. 8436-5) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3215. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "User Fees for Agricultural Quarantine and Inspection Services" (Docket No. APHIS-2009-0048) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3216. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Commuted Traveltime" (Docket No. APHIS-2009-0055) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3217. A communication from the Commission on Wartime Contracting in Iraq and Afghanistan, transmitting, pursuant to law, a report entitled "Defense Agencies Must Improve Their Oversight of Contractor Business Systems to Reduce Waste, Fraud, and Abuse"; to the Committee on Armed Services.

EC-3218. A communication from the Deputy Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to the Inventories of Contracts for Services of (14) Department of Defense Agencies and Activities; to the Committee on Armed Services.

EC-3219. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8095)) received in the Office of the President of the Senate on October 1, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3220. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Reimbursements for Providing Financial Records; Recordkeeping Requirements for Certain Financial Records" (Regulation S; Docket No. R-1325) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3221. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Ireland; to the Committee on Banking, Housing, and Urban Affairs.

EC-3222. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Special Regulations; Areas of the National Park System" (RIN1024-AD79) received in the Office of the President of the Senate on October 1, 2008; to the Committee on Energy and Natural Resources.

EC-3223. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, the Commission's Strategic Plan for fiscal years 2009-2014; to the Committee on Energy and Natural Resources.

EC-3224. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the Strategic Petroleum Reserves 2008 Emergency Test Exchanges to mitigate the petroleum shortages following Hurricanes Gustav and Ike; to the Committee on Energy and Natural Resources.

EC-3225. A communication from the Regulatory Affairs Division Chief, Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Minerals Management: Adjustment of Cost Recovery Fees" (RIN1004-AE01) received in the Office of the President of the Senate on September 26, 2009; to the Committee on Environment and Public Works.

EC-3226. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting a report entitled "Interim Guidance Providing Communities with Opportunities for Independent Technical Assistance in Superfund Settlements"; to the Committee on Environment and Public Works.

EC-3227. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting a report entitled "Lead Dust Hazard Standards and Definition of Lead-Based Paint; TSCA Section 21 Petition; Notice of Receipt and Request for Comment"; to the Committee on Environment and Public Works.

EC-3228. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Update to Materials Incorporated by Reference" (FRL No. 8952-8) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Environment and Public Works.

EC-3229. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Revised Format for Materials Being Incorporated by Reference for New Hampshire" (FRL No. 8955-9) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Environment and Public Works.

EC-3230. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions" (FRL No. 8937-8) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Environment and Public Works.

EC-3231. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Mandatory Reporting of Green House Gases" (FRL No. 8963-5) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Environment and Public Works.

EC-3232. 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 "TD-9465—Determination of Interest Expense Deduction of Foreign Corporations" (RIN1545-BF71) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Finance.

EC-3233. 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 "Extension of Replacement Period for Livestock Sold on Account of Drought in Specified Counties" (Notice 2009-81) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Finance.

EC-3234. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Package Use-Up Rule for Roll-Your-Own Tobacco and Pipe Tobacco (2009R-368P)" (RIN1513-AB75) received in the Office of the President of the Senate on September 28, 2009; to the Committee on Finance.

EC-3235. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, the biennial report entitled "The Impact of the Caribbean Basin Economic Recovery Act"; to the Committee on Finance.

ferred or ordered to lie on the table as indicated:

POM-84. A joint resolution adopted by the General Assembly of the State of Tennessee urging the Department of Veterans Affairs (VA) to accept Rhea County's proposed donation of its old hospital building, facilities, and campus to the VA and to utilize such building, facilities, and campus to locate a VA medical facility at such site; to the Committee on Veterans' Affairs.

#### HOUSE JOINT RESOLUTION No. 546

A Resolution relative to the location of a U.S. Department of Veterans Affairs medical facility in Rhea County.

Whereas, East Tennessee is in great need of a medical facility to serve its brave veterans; and

Whereas, because of Rhea County's central location, the location of a U.S. Department of Veterans Affairs (VA) hospital there would serve approximately 30,000 veterans from East Tennessee, North Georgia, and Northern Alabama; and

Whereas, presently, veterans living in East Tennessee must travel 150 miles to the Alvin C. York VA facility in Murfreesboro for medical treatment; this extensive travel creates a hardship for most of these veterans; and

Whereas, Rhea County has recently opened a new hospital and has generously offered to donate its old hospital building, facilities, and campus to the VA for the express purpose of locating a much needed medical facility there to serve the veterans of East Tennessee; and

Whereas, the Old Rhea County Medical Center building could be easily modified to house 150 beds, and the building is still equipped with modern technology and modern operational systems; and

Whereas, easily accessible from U.S. Highway 27, the old Rhea County hospital property includes 132 vacant acres that could be utilized for expansion in the future; and

Whereas, in addition to serving the medical needs of our East Tennessee veterans, the location of a VA medical facility in Rhea County would create new jobs in the area; and

Whereas, our veterans have sacrificed a great deal in defending and protecting our Nation, and the State of Tennessee and the Federal Government should work together to adequately provide for the medical needs of these valiant citizens; Now, therefore, be it

*Resolved by the House of Representatives of the one hundred sixth General Assembly of the State of Tennessee, the Senate concurring,* That this General Assembly strongly urges and encourages the U.S. Department of Veterans Affairs to accept Rhea County's proposed donation of its old hospital building, facilities, and campus to the VA and to utilize such building, facilities, and campus to locate a VA medical facility at such site. Be it further

*Resolved,* That this General Assembly urges each member of Tennessee's Congressional delegation to use the full measure of his or her power and influence to facilitate the location of a VA medical facility at the old Rhea County hospital campus; and be it further

*Resolved,* That an enrolled copy of this resolution be transmitted to the Honorable Barack Obama, President of the United States; the U.S. Secretary of Veterans Affairs; the Speaker and the Clerk of the U.S. House of Representatives; the President and the Secretary of the U.S. Senate; each member of Tennessee's Congressional delegation; and the Honorable Phil Bredesen, Governor of Tennessee.

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 327, a bill to amend the Violence Against Women Act of 1994 and the Omnibus Crime Control and Safe Streets Act of 1968 to improve assistance to domestic and sexual violence victims and provide for technical corrections (Rept. No. 111-85).

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Joseph A. Greenaway, Jr., of New Jersey, to be United States Circuit Judge for the Third Circuit.

Roberto A. Lange, of South Dakota, to be United States District Judge for the District of South Dakota.

Irene Cornelia Berger, of West Virginia, to be United States District Judge for the Southern District of West Virginia.

Charlene Edwards Honeywell, of Florida, to be United States District Judge for the Middle District of Florida.

David Lyle Cargill, Jr., of New Hampshire, to be United States Marshal for the District of New Hampshire for the term of four years.

Timothy J. Heaphy, of Virginia, to be United States Attorney for the Western District of Virginia for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### 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. BURR (for himself and Mrs. HAGAN):

S. 1735. A bill to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes; to the Committee on Indian Affairs.

By Mr. LAUTENBERG (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Ms. LANDRIEU, Mr. MENENDEZ, Mr. FEINGOLD, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. REID):

S. 1736. A bill to provide the spouses and children of aliens who perished in the September 11 terrorist attacks an opportunity to adjust their status to that of an alien lawfully admitted for permanent residence; to the Committee on the Judiciary.

By Mr. FRANKEN (for himself, Mr. MURKOWSKI, and Mr. BINGAMAN):

S. 1737. A bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to increase the number of children eligible for free school meals, with a phased-in transition period; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. CANTWELL (for herself, Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. LIEBERMAN, Mr. CARDIN, Mr. KAUFMAN, Mr. DURBIN, Mr. WEBB, Mr. MERKLEY, Mrs. BOXER, Mr. WHITEHOUSE, Mr. KERRY, Mr. SCHUMER, Mr. LAUTENBERG, Mr. AKAKA, Mr. DODD, Mr. BURRIS, Mr. MENENDEZ, Mr. HARKIN, Mr. WARNER, Mr. REED, Mrs. MURRAY, Mrs. HAGAN, Mr. BROWN, and Mrs. GILLIBRAND):

S. 1738. A bill to provide lasting protection for inventoried roadless areas within the National Forest System; to the Committee on Energy and Natural Resources.

#### PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was re-

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:



By Mr. DODD:

S. 1739. A bill to promote freedom of the press around the world; to the Committee on Foreign Relations.

By Mrs. MURRAY (for herself, Mr. BROWN, and Mr. DODD):

S. 1740. A bill to promote the economic security and safety of victims of domestic violence, dating violence, sexual assault, or stalking, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 1741. A bill to authorize States or political subdivisions thereof to regulate fuel economy and emissions standards for taxicabs; to the Committee on Commerce, Science, and Transportation.

By Mr. WHITEHOUSE (for himself, Mr. CASEY, and Mr. SPECTER):

S. 1742. A bill to amend the Public Health Service Act to provide assistance for graduate medical education funding for women's hospitals; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN (for herself and Ms. SNOWE):

S. 1743. A bill to amend the Internal Revenue Code of 1986 to expand the rehabilitation credit, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. GILLIBRAND):

S. 1744. A bill to require the Administrator of the Federal Aviation Administration to prescribe regulations to ensure that all crewmembers on air carriers have proper qualifications and experience, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. MCCASKILL:

S. 1745. A bill to expand whistleblower protections to non-Federal employees whose disclosures involve misuse of Federal funds; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DORGAN:

S. 1746. A bill to amend title XVIII of the Social Security Act to exempt small pharmacies from certain Medicare accreditation requirements for the purpose of providing diabetic testing strips under part B; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 1747. A bill for the relief of Javier Lopez-Urenda and Maria Leticia Arenas; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 1748. A bill to establish a program of research, recovery, and other activities to provide for the recovery of the southern sea otter; to the Committee on Commerce, Science, and Transportation.

By Mr. SHELBY (for himself, Mr. VITTER, and Mr. ROBERTS):

S.J. Res. 20. A joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 percent of the gross national product of the United States during the previous calendar year; 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. WEBB:

S. Res. 297. A resolution to recognize the Dyke Marsh Wildlife Preserve as a unique

and precious ecosystem; to the Committee on Energy and Natural Resources.

By Mr. REID (for himself, Ms. CANTWELL, Mr. AKAKA, Mr. ENSIGN, Mr. INOUE, and Mr. MENENDEZ):

S. Res. 298. A resolution recognizing Filipino American History Month in October 2009; considered and agreed to.

By Mr. CARDIN (for himself and Mr. BURR):

S. Res. 299. A resolution expressing support for the goals and ideals of National Infant Mortality Awareness Month 2009; considered and agreed to.

By Ms. COLLINS (for herself, Mr. CARPER, Mr. DODD, Mr. MCCAIN, and Mr. LIEBERMAN):

S. Res. 300. A resolution supporting the goals and ideals of Fire Prevention Week and the work of firefighters in educating and protecting the communities of this Nation; considered and agreed to.

By Mr. SESSIONS (for himself and Mr. SHELBY):

S. Con. Res. 42. A concurrent resolution providing for the acceptance of a statue of Helen Keller, presented by the people of Alabama; considered and agreed to.

By Mr. MCCONNELL (for himself and Mr. REID):

S. Con. Res. 43. A concurrent resolution authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to former Senator Edward Brooke; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 254

At the request of Mrs. LINCOLN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 456

At the request of Mr. DODD, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 493

At the request of Mr. CASEY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 493, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of ABLE accounts for the care of family members with disabilities, and for other purposes.

S. 524

At the request of Mr. FEINGOLD, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 524, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority.

S. 604

At the request of Mr. SANDERS, the names of the Senator from Mississippi

(Mr. WICKER) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 850

At the request of Mr. KERRY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

S. 870

At the request of Mrs. LINCOLN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 870, a bill to amend the Internal Revenue Code of 1986 to expand the credit for renewable electricity production to include electricity produced from biomass for on-site use and to modify the credit period for certain facilities producing electricity from open-loop biomass.

S. 883

At the request of Mr. KERRY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 991

At the request of Mr. INHOFE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 991, a bill to declare English as the official language of the United States, to establish a uniform English language rule for naturalization, and to avoid misconstructions of the English language texts of the laws of the United States, pursuant to Congress' powers to provide for the general welfare of the United States and to establish a rule of naturalization under article I, section 8, of the Constitution.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of

their dedicated service during World War II.

S. 1215

At the request of Mr. CASEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1215, a bill to amend the Safe Drinking Water Act to repeal a certain exemption for hydraulic fracturing, and for other purposes.

S. 1375

At the request of Mr. ROBERTS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1375, a bill to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs.

S. 1379

At the request of Mr. WHITEHOUSE, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1379, a bill to encourage energy efficiency and conservation and development of renewable energy sources for housing, commercial structures, and other buildings, and to create sustainable communities.

S. 1532

At the request of Mrs. MURRAY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1532, a bill to establish partnerships to create or enhance educational and skills development pathways to 21st century careers, and for other purposes.

S. 1652

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1652, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1683

At the request of Mr. BENNET, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1683, a bill to apply recaptured taxpayer investments toward reducing the national debt.

S. 1692

At the request of Mr. LEAHY, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1692, a bill to extend the sunset of certain provisions of the USA PATRIOT Act and the authority to issue national security letters, and for other purposes.

S. 1709

At the request of Ms. STABENOW, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1709, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes.

S. RES. 263

At the request of Mr. GRASSLEY, the name of the Senator from Montana

(Mr. TESTER) was added as a cosponsor of S. Res. 263, a resolution designating October 2009 as "National Medicine Abuse Awareness Month".

S. RES. 295

At the request of Mr. BAYH, the names of the Senator from Montana (Mr. TESTER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. Res. 295, a resolution designating October 13, 2009, as "National Metastatic Breast Cancer Awareness Day".

S. RES. 296

At the request of Mrs. LINCOLN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. Res. 296, a resolution designating October 2009 as "National Work and Family Month".

AMENDMENT NO. 2555

At the request of Mr. SPECTER, his name was added as a cosponsor of amendment No. 2555 proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2560

At the request of Mr. COCHRAN, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of amendment No. 2560 intended to be proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2561

At the request of Mr. CASEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 2561 intended to be proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2562

At the request of Mr. ENSIGN, his name was added as a cosponsor of amendment No. 2562 proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2582

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 2582 intended to be proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRANKEN (for himself, Ms. MURKOWSKI, and Mr. BINGAMAN):

S. 1737. A bill to amend the Richard B. Russell National School Lunch Act

and the Child Nutrition Act of 1966 to increase the number of children eligible for free school meals, with a phased-in transition period; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FRANKEN. Mr. President, in a country as wealthy as ours, it is shameful to let any child go hungry. That is why today, Senator MURKOWSKI and I are introducing the Expand School Meals Act. By eliminating the reduced price meals category and replacing it with the free meal program, this legislation will ensure that low-income children are not denied nutritious food during the school day if their family can't afford to pay for it.

It is important to remember that this will improve student readiness for school. Parents have long known, and recent studies confirm, that children cannot learn on empty stomachs. Hungry children perform worse on achievement tests, have trouble concentrating, and are more likely to act out in school. Securing access to healthy foods for low-income children is therefore not only a means of reducing child hunger, but also an important strategy for narrowing the achievement gap.

There are 3.1 million low-income children across the Nation, and 54,000 children in Minnesota are eligible for reduced-price school meals. This means that the families of these children pay for part of their children's school meals. Currently, these families must pay 40 cents for each lunch and 30 cents for each breakfast their children eat at school. While this may not sound like a lot of money to members of Congress, to a family that is barely scraping by, especially in today's economy, the cost can be prohibitive.

In this tough economy, a growing number of these families simply can no longer afford to pay. Low-income children in Minnesota and across the country are increasingly being turned away from school lunch counters because they don't have enough money in their meal accounts. In some districts, children in the reduced price meal program are humiliated when they are forced to pay small fees in front of their peers, or when they are handed cheese sandwiches instead of regular meals on the days they cannot afford to pay. It then becomes abundantly clear to all of their peers in the lunchroom that they are in the reduced price program. Teachers in Minnesota and elsewhere have reported that many children choose to avoid this stigma by just skipping meals.

The indecency of turning away children from the school lunch counter becomes all too evident when one hears the stories of the food service workers and teachers who have to confront these children directly. In the Roseville, Minnesota, school district, for example, schools recently reported that parents with health problems showed up at the district office unable to pay for reduced-price lunch. The families,

however, had too much income to qualify for the free lunch program. The district policy is that children who cannot pay for school lunches can receive cheese sandwiches for three days, and then must be turned away. Roseville cashiers and food service managers have been using their own money to cover children who they know cannot pay.

This situation is entirely unacceptable. It is unacceptable not only because we are allowing children to go hungry today, but also because we know the impact of this hunger on their future. We know that insufficient access to food will negatively affect their development, as well as their educational outcomes, which together will have a lasting impact on their ability to reach their potential.

Recent studies show just how devastating the impact of food insecurity is on the academic and social outcomes of school children. For example, researchers at Cornell and the University of Michigan found that children ages 6 to 11 who lacked sufficient food had significantly lower arithmetic scores, and were more likely to have repeated a grade than their peers. Furthermore, they found that teenagers who lacked sufficient food were almost three times as likely to have been suspended from school. Similarly, researchers at Harvard Medical School, and Massachusetts General Hospital found that children who, according to their parents, were experiencing hunger, were two to four times more likely than other children to repeat a grade, access special education services, or receive mental health counseling.

Based on this research, it is clear that child hunger must be one of the factors that we address if we are serious about closing the achievement gap and giving every child in America a genuine opportunity to succeed.

I would like to conclude by commending my colleagues on both sides of the aisle for their leadership in advocating for the extension of free school meals to children of the working poor. These efforts began with Senator Elizabeth Dole, who in 2003 introduced a bill that would have also phased out the reduced price meals category. And in 2004, Senator Dole advocated for a provision to be included in the Child Nutrition and WIC Reauthorization Act that authorized a 5 State pilot project to test the feasibility of eliminating the reduced price category. Funding for this project, unfortunately, was never appropriated.

Some States and districts therefore decided to take matters into their own hands. I am proud to represent a State that decided to eliminate the reduced price category for school breakfasts. Based on the experience of these localities, we have learned that expanding eligibility for free meals to children in the reduced price category significantly increases their participation in school breakfast and lunch programs.

In light of the experiences of these localities, and the difficult economic

times, I am hopeful that this will be the year that we expand eligibility for free school meals. I urge all of my colleagues to join us in this endeavor and do right by our children.

By Mrs. FEINSTEIN:

S. 1747. A bill for the relief of Javier Lopez-Urenda and Maria Leticia Arenas; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am introducing a private relief bill on behalf of Javier Lopez-Urenda and his wife, Maria Leticia Arenas. Mr. Lopez-Urenda and his wife are Mexican nationals living in Fremont, California, and the loving parents of three U.S. citizen children, Bryan, age 16, Ashley, age 12, and Nancy, age 6.

I have decided to introduce this private bill to ensure that this family stays together because they have demonstrated an extraordinary commitment to each other and the greater community in the Bay area. I believe Mr. Lopez-Urenda and Ms. Arenas merit Congress' special consideration for such an extraordinary form of relief as a private bill.

Javier Lopez-Urenda was born in Michoacán, Mexico. When he was 19 years old, his father was stabbed and murdered while working as a cab driver. In 1990, at the age of 23, Mr. Lopez-Urenda came to the United States to find a higher paying job to support his extended family. Leticia Arenas came to the U.S. at the age of 17 after her mother died of cancer. Mr. Lopez-Urenda and Ms. Arenas have now been living in the U.S. for almost 20 years.

Mr. Lopez-Urenda is the sole financial provider for his wife and three U.S. citizen children and owns his own home. For over 17 years, Mr. Lopez-Urenda has worked at Full Bloom Baking Company, a commercial bakery in San Mateo, California, and was the second employee that they hired. With Mr. Lopez-Urenda's help, the company grew to one of the largest commercial bakeries in the Bay Area, which currently employs approximately 385 people in the bay area.

Full Bloom Baking Company has stated:

Javier is critical to the operation of our business. . . . He holds a tremendous amount of 'institutional knowledge' that can never be replaced. He mentors and develops Team members, conducts training classes, and has deep understanding of complex industrial baking equipment and is an expert on how to produce wonderful artisan quality products from the intricate interactions of formula, people and equipment.

Mr. Lopez-Urenda's coworkers have also written to me about his value to the company. Coleen Donnelly writes:

I am lucky enough to have worked with Javier briefly at the bakery he helped build from the ground up. I always knew he was in the room before I saw him. His presence is such a positive force. He has the natural ability to manage and lead people and make it all seem like play, not work. Without Javier at the bakery, the lives of hundreds of people will change.

With the encouragement of his employer, Mr. Lopez-Urenda sought legal

advice in 1996 in an attempt to legalize his status. However, the enactment of the Illegal Immigration Reform and Immigration Responsibility Act, IIRIRA, eliminated his ability to apply for suspension of deportation.

Mr. Lopez-Urenda also attempted to legalize through his employer, but the labor certification remained unadjudicated for nearly three years. Once the Department of Labor granted his labor certification, Mr. Lopez-Urenda could have legalized his status but for the fact that his removal case had already been resolved against him due to the change in law.

When the Ninth Circuit Court denied his appeal, the Court acknowledged the compelling circumstances of Mr. Lopez-Urenda's case. The court stated:

We are not unmindful of the unique and extremely sympathetic circumstances of this case. By all accounts, Petitioner has been an exemplary father, employee, and member of his local community. If he were to be deported, he would be separated from his wife, three U.S. citizen children, and the life he has worked so hard to build over the past seventeen years. In light of the unfortunate sequence of events leading up this juncture and Petitioner's positive contributions to society, Petition may very well be deserving of prosecutorial grace.

Unfortunately, Mr. Lopez-Urenda faces deportation today despite his sympathetic circumstances and the significant positive contributions that he and his family have made to society.

These contributions to the San Mateo and Fremont communities have truly been exceptional. He is an active volunteer for the Women's Foundation of California, Lance Armstrong's Livestrong Foundation, the Saint Patrick Proto Cathedral Parish, the American Red Cross, and just last year he was one of the key organizers of the California AIDS Ride.

Ms. Arenas has also volunteered in the community as a religious school teacher at Our Lady of the Rosary Church, a health promoter at the Tiburcio Vasquez Health Center, and a sexual assault counselor at Bay Area Woman Against Rape.

My office has received 46 letters of support on behalf of this family staying together in the community that they have helped build. Below are a few notable excerpts from the letters I have received reflecting the impact of this family on the community:

Patricia W. Change, CEO of Feed the Hunger Foundation, former President/CEO of the Women's Foundation of California, and a prior San Francisco Commissioner and U.S. Commissioner writes:

Mr. Urenda has always operated with the highest integrity. Asking Mr. Urenda to leave the United States would deprive his children of their father, an upstanding resident of the country. It would deprive the community of an active participant, leader, and volunteer.

The Bay Area Women Against Rape indicates that Leticia has been "successful, available, [and] committed to the cause of breaking the silence of sexual abuse in our community."

Judy Patrick, President/CEO of the Women's Foundation of California, writes:

Javier Urenda is fulfilling tremendous needs within his community. He is a model participant in this society.

Christine Bozzini, a friend and former coworker of Mr. Lopez-Urenda, writes:

Javier strives to create a meaningful and rewarding life with his children, focusing on supporting them in their studies, as well as a variety of athletic pursuits and personal interests. For example, over the last few years he has taken great pride in traveling to various U.S. monuments in order to teach his children about the birth of their country.

One of the other compelling reasons for permitting these parents to remain in the United States is the impact that deportation would have on their three U.S. citizen minor children, Bryan, Ashley, and Nancy.

All too often, U.S. citizen children face the loss of a parent through deportation. A January 2009 report by the Department of Homeland Security Office of Inspector General found that, over the last 10 years, 108,434 immigrant parents of U.S. citizen children were removed from this country.

A separate report completed this year by Dorsey & Whitney LLP for the Urban Institute affirms what many of us know—the deportation of a parent is deeply traumatic and causes long-lasting harm to U.S. citizen children.

Mr. John Arthur Balano, Head Coach and Faculty Instructor at the City College of San Francisco, has known Mr. Lopez-Urenda through his volunteer work at Washington High School in Fremont, California. He has stated that Mr. Lopez-Urenda “actively participates in the daily life of his children. Be it school, domestic, or extracurricular activities, socialization and citizenship, Javier is always furthering their growth.”

In addition, Ms. Marlene Davis, the Principal of Patterson Elementary School, where two of the Lopez-Urenda children currently attend, has written me, stating that:

Mr. Lopez-Urenda and his wife are very involved in their children's lives and school work. If they were not, the children would not be doing as well as they are. I think without his presence, the children would definitely fare very poorly indeed both because of the psychological shock of having their father taken away but also academically because their mother would not be as available and one half of their scholastic support would be missing. . . . This would be a terrible strategy which could be avoided if the children are able to remain in the same stable environment with two loving and supportive parents who are committed to their children's success.

Enactment of the legislation I am introducing today on behalf of Mr. Lopea-Urenda and Maria Leticia Arenas will enable this family to continue to remain in the U.S. and make positive contributions to each other and their extensive community in Fremont, California.

Mr. President, I urge my colleagues to support this private bill.

Mr. President, I ask unanimous consent that the text of the bill and let-

ters of support be printed in the RECORD.

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

S. 1747

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PERMANENT RESIDENT STATUS FOR JAVIER LOPEZ-URENDA AND MARIA LETICIA ARENAS.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Javier Lopez-Urenda and Maria Leticia Arenas shall each be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Javier Lopez-Urenda or Maria Leticia Arenas enter the United States before the filing deadline specified in subsection (c), that alien shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only to an application for issuance of an immigrant visa or an application for adjustment of status that is filed, with appropriate fees, within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Javier Lopez-Urenda or Maria Leticia Arenas, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of that alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of that alien's birth under section 202(e) of such Act (8 U.S.C. 1152(e)).

FULLBLOOM BAKING COMPANY,  
Newark, CA, July 20, 2009.

Senator DIANNE FEINSTEIN,  
San Francisco, CA.

DEAR SENATOR FEINSTEIN: I am writing you to ask for your help to support my key employee and friend, Javier Lopez-Urenda, and his family in their efforts to lawfully remain in the United States. Mr. Lopez-Urenda's case is extremely sympathetic. He had the misfortune of beginning the process of legalizing his status in the summer of 1996. It was prior to the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). As you know, IIRIRA brought a sea of change to our immigration laws, which has now left Javier, his wife and their three U.S. citizen children facing the imminent prospect of being forced to leave the U.S., essentially forever.

Mr. Lopez-Urenda challenged the retroactive application of IIRIRA to his case, but the Ninth Circuit Court has recently ruled against him. While the Ninth Circuit case was pending, based on humanitarian concerns and his extensive community involvement, he sought deferred action of his removal from the U.S. Immigration and Customs Enforcement (USICE). He requested that the agency exercise its prosecutorial

discretion to grant a request for deferred action, considering Javier's immigration history, length of U.S. residence, criminal history, and cooperation with law enforcement, future admissibility, community attention and humanitarian concerns. However, the agency denied his request and has issued a surrender notice for Monday, May 24, 2004.

The Labor certification that my company, FullBloom Baking Company filed for Javier on April 26, 2001, after 3 long years, was finally granted on March 19, 2004. We immediately filed a petition to immigrate Javier with the California Service Center. Our lawyers have also filed a motion to reopen and request for stay at the Board of Immigration Appeals (BIA) for Javier, but I am told that it is unlikely the BIA will grant such a motion if the USICE does not join or does not oppose this motion. Therefore, I am requesting that you call officials at USICE and urge them join or to not oppose Javier's motion to reopen now pending before the BIA. (Contact names and numbers attached). We acknowledge that this type of action is only taken in the most extraordinary cases, but as you will see below, Javier is an extraordinary individual and a very well-respected member of his community.

Javier, a 42-year-old native of Mexico, first came to the U.S. in March of 1990 and resides in Fremont, CA with his wife and three U.S. citizen children, Bryan who is sixteen, Ashley who is twelve, and Nancy who is six. In 1996, Javier sought the advice of an immigration attorney and started the process to legalize his status. Javier appeared at an immigration hearing on January 29, 1999, where he attempted to file for suspension of deportation but was informed that because his court proceedings did not begin until September 7, 1997; he was not eligible for that relief. However, the Immigration Judge remarked that “[t]he Court believes that . . . he would have been a good candidate for that relief and appears to be a good person who would contribute to this country in a meaningful and positive way.” Javier appealed the decision to the Board of Immigration Appeals (BIA), but the BIA dismissed the case on February 14, 2002. Javier's employer, FullBloom Baking Company, filed a labor certification for Javier on April 26, 2001 which would make him eligible for permanent residence, but the application has not yet been approved. On March 15, 2002, Javier filed a Petition for Review with the Ninth Circuit, which was dismissed. He subsequently filed a petition for rehearing en banc which was dismissed on January 2, 2004.

Javier has been a resident of the U.S. for more than 19 years, and has never departed the U.S. since his first entry. He has worked at FullBloom for the past 17 years where he now is the Production Process Manager, managing the transition of recipes from the R&D bench top prototypes to fully scaled up production runs. He supervises four line supervisors and up to 210 production employees in the company's daily production of more than 346,000 pieces of artisan organic and natural pastries that are distributed to a wide range of grocery stores & cafes including FullBloom's largest client, Starbucks Coffee Company (Nationally). Javier is critical to the operation of our business which has grown from an idea in 1989 to a run rate of over \$55MM/year in gross revenue. He holds a tremendous amount of “institutional memory” that can never be replaced. He mentors and develops Team members, conducts training classes, has deep understanding of complex industrial baking equipment and is an expert on how to produce wonderful artisan quality products from the intricate interactions of formula, people and equipment.

He is an outstanding member of his community; Javier has helped to raise money for

numerous local organizations and participates in the annual AIDS Ride. He volunteers regularly with his son's swim team, the local homeless shelters; Lance Armstrong's Livestrong Foundation and is an active member of his local church. He has absolutely no criminal history and has always attended his court hearings and, with the help of his employer, has tried repeatedly to legalize his status, but has been the victim of changes in the law and a slow-moving labor certification system. Moreover, Javier's removal from the U.S. would render him effectively ineligible for future immigration as he has more than one year of unlawful presence and is subject to the ten-year bar to admissibility. Most importantly, Javier's removal from the U.S. would cause emotional and financial hardship to his family, especially his three U.S. Citizen children. If his family remains in the U.S. and he is removed, they would be unable to support themselves, and more importantly, his U.S. citizen children would be separated from their devoted father at a critical point in their lives. On the other hand, if his children accompany him to Mexico, they would suffer extreme hardship in adjusting to life in a completely foreign country at the ages of sixteen, twelve and six.

I thank you for your interest in and willingness to review Javier's case. I will contact you to further discuss this case once you have had a chance to review this letter. You may also feel free to contact me at any time.

Sincerely,

KAREN TRILEVSKY,  
Founder & CEO.

JULY 22, 2009.

Senator DIANNE FEINSTEIN,  
San Francisco, CA.

DEAR SENATOR FEINSTEIN: In February of this year, I stood and applauded as you accepted the Anne B. Stanton Award for Extraordinary Leadership and Dedication to Bay Area Youth given to you by Larkin Street Youth Services. It was a great moment, knowing the history of your involvement with the agency and how it has allowed Larkin Street to survive and flourish. As everyone knows, your actions were critical in securing the future of this organization and the futures of the many people it serves.

I am asking you now to consider another very important intervention. Javier Urenda is set to be deported from this country next week after 19 years of living here as a responsible citizen. This action defies reason. He has a family, a career, owns his home and gives back to the community through volunteer work. He is exactly the kind of person this country needs more of, not fewer!

I am lucky enough to have worked with Javier briefly at the bakery he helped build from the ground up. I always knew he was in the room before I saw him. His presence is such a positive force. He has the natural ability to manage and lead people and make it all seem like play, not work. Without Javier at the bakery, the lives of hundreds of people will change.

His family has relied on him to provide for them and he has never let them down. The Urendas are part of their community, part of what makes up this country as it has evolved. To send him away is moving backwards. I urge you to take action to reverse this destructive trend towards tearing apart families that have the same right to be here as you and I do.

Senator Feinstein, this is a defining moment. Javier is not the only one unfairly facing deportation. Many before have been forced to leave and if this practice is left unchecked many more will follow.

Please help. All of us who care about this issue are grateful for your consideration.

Sincerely,

COLEEN DONNELLY.

FEED THE HUNGER FOUNDATION,  
San Francisco, CA, July 22, 2009.

Senator DIANNE FEINSTEIN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR FEINSTEIN: I am respectfully writing to you, as a citizen, a prior San Francisco Commissioner and a Commissioner of the United States, a former President & CEO of the Women's Foundation of California, and the current CEO of Feed The Hunger Foundation. I am writing in support of Javier Urenda Lopez and urging you to allow Mr. Urenda to remain in the United States as a lawful permanent resident, eligible for citizenship to the United States of America.

Mr. Urenda deserves to be in the United States on both procedural as well as personal grounds.

Mr. Urenda recently received an approved labor certification (pending for the last three years), and is finally eligible for adjustment of status. However, the recently issued "surrender notice" takes effect on July 29, 2009. Had the approved labor certification been approved in a timely manner, this current ordeal would have been unnecessary. If the Board were to reopen his case, he could adjust his status immediately and be a lawful permanent resident.

I have had the honor and pleasure of knowing Mr. Urenda over the past ten years as an employee of FullBloom Baking Co., a volunteer of the Women's Foundation of California, an active community member and a friend.

Mr. Urenda has, in the time that I have known him, been the Managing Director of FullBloom Baking Co., supervising and mentoring over 190 employees. His intellect, ability and hunger to learn, and perhaps most importantly, his motivation and spirit, has enabled FullBloom Baking Co. to become a multi-million dollar business and a major contributor to communities in California. FullBloom Baking Company is a leader in the field of small businesses both in terms of its treatment and advancement of employees, and in being a model corporate citizen. No other company of which I am aware, provides free bilingual courses in both English and Spanish, computers, dentistry, a matching pension program, and numerous gifts to all of their employees and to their respective family members as FullBloom Baking Co. In addition, this company contributes nearly \$1 million per year to the community. Mr. Urenda has made this possible.

I first met Mr. Urenda when he personally delivered baked goods to the graduation party of 50 participants of the Women's Foundation of California's welfare to work program. Mr. Urenda could have sent one of his company's drivers to deliver these donated goods. However, he wanted to support those individuals who were struggling to gain skills and become active contributors to the economy of this country—just as he has done. Mr. Urenda has, since that time, become a volunteer to the Women's Foundation of California, serving on a committee determining which non-governmental organizations would receive funding and assistance from the foundation as well as mentoring young adults. Mr. Urenda has always operated with the highest integrity. He is reliable, hard working, and creative.

Mr. Urenda is an individual who contributes all of himself to all of his endeavors. He has involved himself in the arena of sports: engaging in five day bike-a-thons to raise money for AIDS; running in races for his

community and others; and coaching swimming and soccer meets. He consistently takes classes at night to improve his skills and resources in management, business development, and in the arts.

On top of all that I described, Mr. Urenda is a devoted father to three children of the United States who he is teaching to be upstanding citizens of this country. Asking Mr. Urenda to leave the United States would deprive his children of his guidance, love, and mentorship. It would deprive his children of their father, an upstanding resident of this country. It would deprive the community of an active participant, leader, and volunteer. It would deprive FullBloom Baking Co. and its employees of an unparalleled decision maker, manager, and mentor. And it would deprive our country of an individual who lives up to the very values and standards that make the United States a great nation.

If Mr. Urenda's family were to leave with him, it would cause an extreme hardship to his wife and three children, aged 6, 12 and 16. His children would leave the only country they have ever known, to go to a country that they have never visited and where they do not speak the language. Bryan, his eldest son, would be unable to receive treatment for a learning disability for which he has been diagnosed.

Thank you for your kind attention and assistance to this matter. If you have any questions about Mr. Urenda, please do not hesitate to contact me.

Sincerely,

PATRICIA W. CHANG,  
President & CEO.

JULY 21, 2009.

Re request for assistance in the case of  
Javier Lopez-Urenda and family.

Senator DIANNE FEINSTEIN,  
San Francisco, CA.

DEAR SENATOR FEINSTEIN: It is with the utmost faith that I submit this letter to you, with the hope that you will prevent a potentially devastating tragedy with exponential ramifications from occurring by sponsoring a private bill for my former coworker and friend, Javier Lopez-Urenda. It is my understanding that at this time, the only hope for this upstanding family man, leader, and community volunteer to remain in the U.S. is through a private bill. Please sponsor this outstanding person and prevent the senseless tragedy of losing such a valuable contributor to our country.

During these past years of a complex legal battle, I have often reflected on the irony that a person who so greatly embodies the ideal citizen could be ejected from our country. Javier is more than a model citizen. He goes beyond what any average person would do to better his community, his workplace, the lives of his family members, and himself. Every year, Javier participates in charity events such as the AIDS ride and the Provident Relay supporting organ donation, as well as being an active member in his church and a frequent contributor to many local food banks. At FullBloom Baking Company, where we worked together for eight years, Javier's leadership helped to launch the company and to propel it into its newest phase of growth and success in a new cutting edge facility, where staff and production levels have recently doubled.

I've literally never known a more dedicated and loving father. Javier strives to create a meaningful and rewarding life with his children, focusing conscientiously on supporting them in their studies, as well as a variety of athletic pursuits and personal interests. For example, over the last few years he has taken great pride in traveling to various U.S. monuments in order to teach his

children about the great country of their birth. I can think of nothing more destructive and unfair to Bryan, 16; Ashley, 11; and Nancy, 5; than to either face separation from their father, or to be forced to leave their country of origin, the only country they have ever known.

During the years I've known Javier, he has been a great inspiration to me and many others, sharing his captivating warmth, his compassionate support for those who need help, and his passion for learning (English, French, neuroscience, politics—you name it!). To this day, I attribute my fluency in Spanish to him, telling people, "Everything I know, I learned from Javier". The thought that he, a person who exemplifies the spirit and the triumph of America, is threatened with deportation brings tears to my eyes and keeps me up at night. It is utterly unfathomable the extent to which our legal system has failed Javier and his family, leading to this urgent plea for your support to quite literally "save" them.

Please help to prevent this potentially disgraceful tragedy through your crucial sponsorship.

Sincerely,

CHRISTINA BOZZINI,  
*Psychotherapist.*

DEPARTMENT OF PHYSICAL  
EDUCATION, ATHLETICS AND DANCE,  
*San Francisco, CA, July 22, 2009.*

Senator DIANNE FEINSTEIN,  
*San Francisco, CA.*

U.S. DEPARTMENT OF JUSTICE,  
*Immigration and Customs Enforcement,*  
*Sansome Street, San Francisco, CA.*

DEAR SENATOR FEINSTEIN: I am exceedingly humbled by opportunity to write this letter on behalf of Javier Urenda. It has been my good fortune to know Javier the past 18 years. During this time I have been continually astounded at his remarkable embrace of the very values we all share as citizens of our great land.

As a person committed to his family, their wellbeing, and Javier actively participates in the daily life of his children. Be it school, domestic, or extra-curricular activities, socialization and citizenship, Javier is always furthering their growth. His belief in family as a solid foundation, where meals and private time is shared. Javier fundamentally understands that these critical, formative years are critical to his children's future so that they may fully embrace the untold opportunities our great country affords our citizens. Javier's belief is that when children feel truly loved in the home, with a solid foundation of right and wrong therefore, creating an intrinsic obstacle to the many pestiferous temptations that the youths of today encounter.

As well, Javier is a good husband, who works hard to provide not only the material but, assuring that there is always calm, reason, and attentiveness. Javier affection can be found in simply hand picking flower rather than the ostentatious. I have witnessed thoughtful his response in uncomfortable situations rather than pugnacious. Always respecting and embracing the other point of view, nurturing too, the love of his wife. It's that constant striving for synergy that constantly amazes me.

As a member of academia, I am proud that Javier continually seeks knowledge and makes time to further his education. He fundamentally understands that knowledge is power and with that, his affect and direct contribution to society magnified. I subscribe to the notion that each and every single citizen contributes to our society; and the more knowledgeable the individual, society's enrichment as a whole is not insignificant. In my lifetime, with extreme con-

fidence, Javier is a shining example to that end.

The strong sense of community in Javier is expressed by his deeds. He was volunteer coach for me when I was the Head Track and Field Coach at Washington High School in Fremont, California. There, Javier assisted with the distance runners who had many levels of athleticism and talent. His grassroots approach and caring for each student/athlete as an individual and maximizing their own individual potential made that diverse group flourish. Beyond the track, they had the highest GPA on the team. To this day, I firmly believe that Javier's influence in embracing challenge and to look at it not as an obstacle but, as an opportunity, played a significant role in their academic success.

Holding dear the notion of our country's diversity, Javier has participated in several AIDS Rides, personally raising thousands of dollars to contribute to fighting that virulent disease. Annually, he volunteered for a transition station with the Provident Relay which supports organ donation. At present he continues to support a myriad of other events and community fund-raisers through his running and cycling efforts. He lends time too, to the less fortunate in feeding the homeless within the community. All the while, Javier shuns kudos for his efforts and is embarrassed by any attention as he believes that is what a neighbor typically does for his fellow human being.

Penning this letter to you gives me great pride. In our United States, during these very trying times, Javier Lopez-Urenda is a beacon for responsibility, accountability, compassion, and active citizenship.

I hope that I have conveyed to you my thoughts on Javier and why he should remain a part of our country. He has contributed to our society immensely thus far by being who he is; a person with strong family values understands the significance of education, volunteerism, and hard work in making the United States the leader of the free world it is today. It is those very tenets that many of us hold dear; yet Javier embodies them. He has been encouraging to each person he meets, be it in passing or those in need and a trusted and loyal friend.

There are citizens in our land from all walks of life, from every possible background and social status that comprise the bedrock in continuing to make our country strong. Javier is the type of person that makes us a better land and continues to remain a shining light of limitless opportunity.

I pray that the good Lord will allow for the rendering of a favorable decision to allow Javier to remain in the country that I love.

Thank you so very much in allowing me to be a voice for my dear friend.

Respectfully,

JOHN ARTHUR BALANO,  
*City College of San Francisco.*

PATTERSON SCHOOL,  
*Fremont, CA, August 25, 2009.*

Re Javier Lopez-Urenda.

Senator DIANNE FEINSTEIN,  
*San Francisco, CA.*

DEAR SENATOR FEINSTEIN, I am writing on behalf of Javier Lopez-Urenda's United States citizen children. They have all attended Patterson Elementary School. Nancy, the youngest, is currently in first grade this year. Ashley graduated from sixth grade last year. Bryan graduated about five years ago.

The Lopez-Urenda children have sometimes struggled academically, particularly Bryan. However, as a result of keen parental involvement, they are doing well. Mr. Lopez-Urenda has volunteered his time as a coach for after-school sports that Bryan was involved in. Teachers have reported that he

and his wife are actively involved in their children's school activities and meet with teachers in order to support their children's schoolwork and try to help them address areas of concern.

All the children have been a pleasure to have in school. As an educator, I can tell you that I have witnessed the spectrum of parental involvement from parents who are actively involved in their children's lives to those who are at best minimally engaged in their children's activities. Javier Lopez-Urenda and his wife are very involved in their children's lives and schoolwork. If they were not, the children would not be doing as well as they are. I think without his presence, the children would definitely fare very poorly indeed both because of the psychological shock of having their father taken away but also academically because their mother would not be as available and one half of their scholastic support would be missing. In my experience, that void is generally filled with bad behavior, bad influences, poor decisions and academic deterioration. With three children who struggle in school already, I honestly cannot foresee anything positive for the children in the future if their father is no longer living with them and supporting their academic milestones. Rather, I imagine it would be quite possible that they would drop out or flunk out. This would be a terrible tragedy which could be avoided if the children are able to remain in the same stable environment with two loving and supportive parents who are committed to their children's success.

Sincerely,

MARLENE C. DAVIS,  
*Principal.*

BAY AREA WOMEN AGAINST RAPE,  
*Oakland, CA, July 21, 2009.*

U.S. Citizenship and Immigration Service,  
*St. Albans, VT.*

TO WHOM IT MAY CONCERN: This letter pertains to Javier L Urenda and it gives me great pleasure to furnish you with pertinent facts and information about this extraordinary supporter of the oldest rape crisis center in the nation, Bay Area Women Against Rape (BAWAR).

I have known Mr. Urenda for nearly a year. I had the privilege of meeting Mr. Urenda through his wife Leticia Arena at that time when she was taking our intensive state certified rape crisis training. One of the things that is crucial towards the successful completion of our training is the support that trainees receive from their family members. Not only are participants trained for three months, but they are also in commitment to volunteer 36 hours per month for 9 consecutive months after their certification. I believe that without the support that Mr. Urenda gave to Leticia during her training and during her volunteer activities at our agency she would not have been as successful, available or committed to the cause of breaking the silence of sexual abuse in our community.

In addition, Mr. Urenda not only gives constant support to his wife's social responsibility, but he also is an active participant in our fundraising events. Mr. Urenda has shown to be a strong supporter for our walkathon in benefit of sexually assaulted youth. Just last month, Mr. Urenda went to his employer at Full Moon and bravely asked for an in-kind donation of 500 delicacies to be given away to walkers the day of the event. This came to BAWAR's great surprise since we did not expect this massive contribution. Mr. Urenda has far exceeded our expectations and by far surpassed the in-kind donations that other advocates have tried to acquire from local donors. It was for this reason that Mr. Urenda holds a very special place in our agency.



To this end and without reservation, I strongly believe that Mr. Urenda will be a wonderful and positive addition to our community. If you have further questions or concerns, please feel free to contact me.

Sincerely,

KRISTINA MOLINA,  
*Latina Outreach Coordinator.*

THE WOMEN'S FOUNDATION OF  
CALIFORNIA,

*San Francisco, CA, July 22, 2009.*

Senator DIANNE FEINSTEIN,  
*San Francisco, CA.*

DEAR SENATOR FEINSTEIN: On behalf of the Women's Foundation of California, we are writing to convey our support for Javier Urenda to remain in the United States and become a lawful permanent resident.

Javier is a vital member of his community who participates at all levels: he is a hard-working and dedicated employee of FullBloom Baking Company, a Newark, California based company which did \$58 million in business last year; he is a devoted husband and father to three US citizen children; and he is an important role model to community members and co-workers. Javier was the second person hired by FullBloom and has helped grow FullBloom to a company which now has 388 employees. Javier's dedication, technical know-how and effective management abilities have been critical to FullBloom's success. The local community has been well served by FullBloom, which provides employment, health benefits and educational opportunities to its employees and their children. Javier's community would also be severely impacted if it were to lose his volunteer efforts in his children's schools and his tireless fundraising for charity.

The Women's Foundation of California has a long history of supporting immigrants and immigrant communities throughout the state. Through our research, grantmaking, and other programs, we have seen many of the benefits that new Americans give to our economy, society, and our overall infrastructure. The state's economy would suffer tremendously without the incredible achievements of immigrants.

Javier has recently received an approved labor certification (which had been pending for nearly three years) and is now eligible for adjustment of status. However, he has been issued a "surrender notice" which takes effect on July 29, 2009. If he is forced to leave the country, he would be barred from returning for 10 years causing his children and his employer enormous hardship. If Javier were granted a stay of his deportation order, he could adjust status immediately and be a lawful permanent resident.

We understand that the Immigration and Naturalization Service has established immigration policy to meet the needs of this country and others. Javier Urenda is fulfilling tremendous needs within his community. He is a model participant in this society and deserves to remain here legally.

Thank you for your consideration.

Sincerely,

JUDY PATRICK,  
*President and CEO.*

By Mrs. BOXER:

S. 1748. A bill to establish a program of research, recovery, and other activities to provide for the recovery of the southern sea otter; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, I rise to speak on the introduction of the Southern Sea Otter Recovery and Research Act.

The southern sea otter is a keystone species that plays a critical role in central California's kelp forest ecosystem. By maintaining a healthy and productive ecosystem capable of supporting many other marine species, they also contribute to California's \$22 billion ocean tourism, recreation, and fishing industries.

Already listed as threatened under the Endangered Species Act, southern sea otters recently experienced their largest population decline in over a decade. They face a variety of threats, including food limitation, disease, and habitat degradation—but the exact causes of their decline are unknown.

Sea otters are a sentinel species that serve as an indicator of ecosystem health, so this population decline is extremely alarming. Understanding and addressing the causes of this decline would help us protect the health of our kelp ecosystems as a whole.

My legislation would require the Department of the Interior to monitor the population of southern sea otters and assess the major factors limiting their recovery. It would also establish a competitive grant program for research and recovery projects.

The language has been drafted in consultation with numerous scientists, agency officials, conservation groups, and fishermen. Companion legislation was reported by the House Natural Resources Committee by voice vote in May, and passed the full House of Representatives in July. I look forward to working with my colleagues to achieve a successful outcome in the Senate.

With this legislation, we can finally put the southern sea otter on a path to recovery—and restore central California's magnificent kelp forests to a healthy, thriving condition.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 297—TO RECOGNIZE THE DYKE MARSH WILDLIFE PRESERVE AS A UNIQUE AND PRECIOUS ECOSYSTEM

Mr. WEBB submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 297

Whereas the Dyke Marsh Wildlife Preserve on the west bank of the Potomac River just south of Alexandria in Fairfax County is one of the largest remaining freshwater tidal marshes in the Greater Washington, DC, area;

Whereas Congress expressly designated the Dyke Marsh ecosystem for protection in 1959, fifty years ago, under Public Law 86-41 "so that fish and wildlife development and their preservation as wetland wildlife habitat shall be paramount";

Whereas the Honorable JOHN D. DINGELL of Michigan, the late Honorable John P. Saylor of Pennsylvania, and the late Honorable Henry S. Reuss of Wisconsin were instrumental in passing this legislation and in preventing proposed development along the Potomac River, thereby protecting the Dyke Marsh ecosystem from further dredging, fill-

ing, and other activities incompatible with a preserve;

Whereas Dyke Marsh is 5,000 to 7,000 years old and is a unique natural treasure in the national capital region, with more than 6,500 species of plants, insects, fish, birds, reptiles and amphibians contained within an approximately 485-acre parcel;

Whereas the Dyke Marsh Wildlife Preserve is a significant element in the historic character of the Mount Vernon Memorial Parkway;

Whereas freshwater tidal marshes are rare, and the Dyke Marsh Wildlife Preserve is one of the few climax, tidal, riverine, narrow-leaved cattail wetlands in the United States National Park Service system;

Whereas wetlands provide ecological services such as flood control, attenuation of tidal energy, water quality enhancement, wildlife habitat, nursery and spawning grounds, and recreational and aesthetic enjoyment;

Whereas the Dyke Marsh Wildlife Preserve serves as an outdoor laboratory for scientists, educators, students, naturalists, artists, photographers, and others, attracting people of all ages; and

Whereas the Friends of Dyke Marsh is a conservation advocacy group created in 1975 and dedicated to the preservation and restoration of this wetland habitat and its natural resources: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the Dyke Marsh Wildlife Preserve of Fairfax County, Virginia, as a unique and precious ecosystem that serves as an invaluable natural resource both locally and nationally;

(2) recognizes and expresses appreciation for Representative JOHN DINGELL's, Representative John Saylor's, and Representative Henry Reuss's leadership in preserving this precious natural resource;

(3) celebrates the 50th anniversary of the Federal legislation designating the Dyke Marsh Wildlife Preserve as a protected wetland habitat;

(4) expresses the need to continue to conserve, protect and restore this fragile habitat, in which a diverse array of plants, animals and other natural resources is threatened by past dredging and filling, a gradual depletion in size, urban and suburban development, river traffic, stormwater runoff, poaching, and non-native invasive species; and

(5) commends the Friends of Dyke Marsh for its longstanding commitment to promoting conservation and environmental awareness and stewardship, so that the Dyke Marsh Wildlife Preserve may be enjoyed by generations for the next 50 years and into the future.

### SENATE RESOLUTION 298—RECOGNIZING FILIPINO AMERICAN HISTORY MONTH IN OCTOBER 2009

Mr. REID (for himself, Ms. CANTWELL, Mr. AKAKA, Mr. ENSIGN, Mr. INOUE, and Mr. MENENDEZ), submitted the following resolution; which was considered and agreed to:

S. RES. 298

Whereas the earliest documented Filipino presence in the continental United States was on October 18, 1587, when the first "Luzones Indios" set foot in Morro Bay, California, on board the Manila-built galleon ship Nuestra Señora de Esperanza;

Whereas the Filipino American National Historical Society recognizes the year of 1763 as the date of the first permanent Filipino settlement in the United States in St. Malo, Louisiana, which set in motion the focus on

the story of our Nation's past from a new perspective by concentrating on the economic, cultural, social, and other notable contributions that Filipino Americans have made in countless ways toward the development of the history of the United States;

Whereas the Filipino-American community is the second largest Asian-American group in the United States, with a population of approximately 3,100,000 people;

Whereas Filipino-American servicemen and servicewomen have a longstanding history serving in the Armed Services, from the Civil War to the Iraq and Afghanistan conflicts, including the 250,000 Filipinos who fought under the United States flag during World War II to protect and defend this country;

Whereas 9 Filipino Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force that can be bestowed upon an individual serving in the United States Armed Forces;

Whereas Filipino Americans are an integral part of the United States health care system as nurses, doctors, and other medical professionals;

Whereas Filipino Americans have contributed greatly to the fine arts, music, dance, literature, education, business, literature, journalism, sports, fashion, politics, government, science, technology, and other fields in the United States that enrich the landscape of the country;

Whereas efforts should continue to promote the study of Filipino-American history and culture, as mandated in the mission statement of the Filipino American National Historical Society, because the roles of Filipino Americans and other people of color have been overlooked in the writing, teaching, and learning of United States history;

Whereas it is imperative for Filipino-American youth to have positive role models to instill in them the importance of education, complemented with the richness of their ethnicity and the value of their legacy; and

Whereas Filipino American History Month is celebrated during the month of October 2009: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the celebration of Filipino American History Month 2009 as a study of the advancement of Filipino Americans, as a time of reflection and remembrance, and as a time to renew efforts toward the research and examination of history and culture in order to provide an opportunity for all people in the United States to learn and appreciate more about Filipino Americans and their historic contributions to the Nation; and

(2) urges the people of the United States to observe Filipino American History Month 2009 with appropriate programs and activities.

#### SENATE RESOLUTION 299—EXPRESSING SUPPORT FOR THE GOALS AND IDEALS OF NATIONAL INFANT MORTALITY AWARENESS MONTH 2009

Mr. CARDIN (for himself and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 299

Whereas infant mortality refers to the death of a baby before his or her first birthday;

Whereas the United States ranks 29th among industrialized nations in the rate of infant mortality;

Whereas premature birth, low-birth weight, and shorter gestation periods account for more than 60 percent of infant deaths in the United States;

Whereas high rates of infant mortality are especially prevalent in communities with large minority populations, high rates of unemployment and poverty, and limited access to safe housing and medical providers;

Whereas premature birth is a leading cause of infant mortality and, according to the Institute of Medicine, costs the United States more than \$26,000,000,000 annually;

Whereas infant mortality rates can be substantially reduced through community-based services such as outreach, home visitation, case management, health education, and interconceptional care;

Whereas support for community-based programs to reduce infant mortality can result in lower future spending on medical interventions, special education, and other social services that may be needed for infants and children who are born with a low-birth weight;

Whereas the United States Department of Health and Human Services, through the Office of Minority Health, has implemented the "A Healthy Baby Begins With You" campaign;

Whereas public awareness and education campaigns on infant mortality are held during the month of September 2009; and

Whereas September 2009 has been designated as National Infant Mortality Awareness Month: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of National Infant Mortality Awareness Month 2009;

(2) supports efforts to educate Americans about infant mortality and its contributing factors;

(3) supports efforts to reduce infant deaths, low-birth weight, pre-term births, and disparities in perinatal outcomes;

(4) recognizes the critical importance of including efforts to reduce infant mortality and its contributing factors as part of prevention and wellness strategies; and

(5) calls upon the people of the United States to observe National Infant Mortality Awareness Month during September 2009 with appropriate programs and activities.

#### SENATE RESOLUTION 300—SUPPORTING THE GOALS AND IDEALS OF FIRE PREVENTION WEEK AND THE WORK OF FIREFIGHTERS IN EDUCATING AND PROTECTING THE COMMUNITIES OF THIS NATION

Ms. COLLINS (for herself, Mr. CARPER, Mr. DODD, Mr. MCCAIN, and Mr. LIEBERMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 300

Whereas since the organization of the first fire departments during the colonial era of this Nation, firefighters have maintained their dedication to protecting the health and safety of the American public;

Whereas firefighters presently provide a multitude of services to our communities, including emergency medical services, special rescue response, hazardous material and terrorism response, and public safety education;

Whereas 103 firefighters lost their lives in the line of duty in 2008;

Whereas the Nation's fire departments respond to emergency calls nearly once per second and are dispatched to fire emergencies every 22 seconds;

Whereas approximately 1,145,000 fires were reported in 2008;

Whereas firefighters always respond with courage, whether they are confronted with acts of terrorism, natural disasters, or other emergencies;

Whereas Fire Prevention Week is the longest running public health and safety observance on record, as firefighters have been honored for their role in educating the American public since the first Fire Prevention Week was declared by President Warren G. Harding in 1922;

Whereas the National Fire Protection Association has designated the week of October 4 through October 10, 2009, as Fire Prevention Week; and

Whereas educating all Americans to "Stay Fire Smart" continues to be a priority for all firefighters: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the work of firefighters in educating and protecting the communities of this Nation; and

(2) supports the goals and ideals of Fire Prevention Week.

#### SENATE CONCURRENT RESOLUTION 42—PROVIDING FOR THE ACCEPTANCE OF A STATUE OF HELEN KELLER, PRESENTED BY THE PEOPLE OF ALABAMA

Mr. SESSIONS (for himself and Mr. SHELBY) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 42

Whereas Helen Keller was born in Tuscumbia, Alabama on June 27, 1880, and at the age of 19 months lost her sight and hearing as a result of meningitis;

Whereas Helen was liberated from the "double dungeon of darkness and silence" by her teacher, Anne Sullivan, when she discovered language and communication at the water pump when she was 7 years old;

Whereas Helen enrolled in Radcliffe College in 1900 and graduated cum laude in 1904 to become the first deaf and blind college graduate;

Whereas Helen's life served as a model for all people with disabilities in America and worldwide;

Whereas Helen became recognized as one of Alabama's and America's best known figures and became "America's Goodwill Ambassador to the World";

Whereas Helen pioneered the concept of "talking books" for the blind;

Whereas LIFE Magazine hailed Helen as "one of the 100 most important Americans of the 20th Century—a national treasure"; and

Whereas Helen's presence in the Capitol will become an even greater inspiration for people with disabilities worldwide: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That—

#### SECTION 1. ACCEPTANCE OF HELEN KELLER, FROM THE PEOPLE OF ALABAMA, FOR PLACEMENT IN THE CAPITOL.

(a) IN GENERAL.—The statue of Helen Keller, furnished by the people of Alabama for placement in the Capitol, in accordance with section 1814 of the Revised Statutes of the United States (2 U.S.C. 2131), is accepted in the name of the United States, and the thanks of Congress are tendered to the people of Alabama for providing this commemoration of one of Alabama's most eminent personages.

(b) PRESENTATION CEREMONY.—The State of Alabama is authorized to use the Rotunda of the Capitol on October 7, 2009, for a presentation ceremony for the statue. The Architect of the Capitol and the Capitol Police

Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

(c) **DISPLAY IN ROTUNDA.**—The Architect of the Capitol shall provide for the display of the statue accepted under this section in the Rotunda of the Capitol for a period of not more than 6 months, after which period the statue shall be displayed in the Capitol, in accordance with the procedures described in section 311(e) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 2132(e)).

## SEC. 2. TRANSMITTAL TO GOVERNOR OF ALABAMA.

The Secretary of the Senate shall transmit an enrolled copy of this concurrent resolution to the Governor of Alabama.

## SENATE CONCURRENT RESOLUTION 43—AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR THE PRESENTATION OF THE CONGRESSIONAL GOLD MEDAL TO FORMER SENATOR EDWARD BROOKE

Mr. MCCONNELL (for himself and Mr. REID) submitted the following concurrent resolution; which was considered and agreed to:

### S. CON. RES. 43

Whereas Edward William Brooke III was the first African American elected by popular vote to the United States Senate and served with distinction for 2 terms from January 3, 1967, to January 3, 1979;

Whereas on March 29, 2007, the United States Senate passed S. 682, sponsored by the late Senator Edward M. Kennedy with 68 co-sponsors, by unanimous consent, to award Senator Brooke the Congressional Gold Medal;

Whereas on June 10, 2008, the House passed S. 682 under suspension of the rules by voice vote and a similar measure, H.R. 1000 was introduced in the House by Representative ELKANOR HOLMES NORTON with 286 co-sponsors; and

Whereas the President signed the bill on July 1, 2008, and it became Public Law 110-260: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),*

## SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL FOR THE PRESENTATION OF THE CONGRESSIONAL GOLD MEDAL.

The rotunda of the United States Capitol is authorized to be used on October 28, 2009, for the presentation of the Congressional Gold Medal to former Senator Edward Brooke. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2588. Mr. FRANKEN (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

SA 2589. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2590. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2591. Mr. CASEY (for himself, Mr. DURBIN, Mr. REID, Mr. KERRY, Mr. NELSON of

Florida, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2592. Mr. CASEY (for himself, Mr. DURBIN, Mr. REID, Mr. KERRY, Mr. NELSON, of Florida, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2593. Mr. LEVIN (for himself, Mr. WEBB, and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2594. Mr. SHELBY (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2595. Mr. LIEBERMAN (for himself, Mr. SESSIONS, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2596. Mr. BOND (for himself, Mr. NELSON, of Florida and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2597. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2598. Mr. BROWNBACK (for himself, Mr. DORGAN, and Mr. INOUE) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2599. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2600. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2601. Mr. SANDERS (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2602. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2603. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2604. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2605. Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2606. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2607. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2608. Mr. KYL (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2609. Mr. SESSIONS (for himself, Mr. LIEBERMAN, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2610. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2611. Mr. WYDEN (for himself, Mr. FRANKEN, Ms. KLOBUCHAR, Mr. ROBERTS, Mr. HARKIN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him

to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2612. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2613. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2614. Mr. NELSON of Nebraska (for himself, Mr. CORNYN, Mr. SCHUMER, Mr. CHAMBLISS, Mr. BENNETT, Mr. JOHANNES, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2615. Mrs. HAGAN (for herself and Mr. BURR) submitted an amendment intended to be proposed by her to the bill H.R. 3326, supra.

SA 2616. Mr. LIEBERMAN (for himself, Mr. BAYH, Mr. MCCAIN, Mr. INHOFE, Mr. VITTER, Mr. KYL, Mr. SESSIONS, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2617. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2618. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2619. Mr. INHOFE (for himself, Mr. WARNER, Mr. WEBB, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2620. Mr. CHAMBLISS (for himself, Mr. DODD, Mr. LIEBERMAN, Mr. NELSON of Florida, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2621. Mr. CHAMBLISS (for himself, Mr. DODD, Mr. LIEBERMAN, Mr. NELSON of Florida, Mr. INHOFE, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2622. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 2610 submitted by Mr. SESSIONS and intended to be proposed to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2623. Mr. INOUE submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 2588.** Mr. FRANKEN (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) None of the funds appropriated or otherwise made available by this Act may be used for any existing or new Federal contract if the contractor or a subcontractor at any tier requires that an employee or independent contractor, as a condition of employment, sign a contract that mandates that the employee or independent contractor performing work under the contract or subcontract resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) The prohibition in subsection (a) does not apply with respect to employment contracts that may not be enforced in a court of the United States.

**SA 2589.** Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. None of the funds appropriated or otherwise made available by this Act or any other Act may be used for the program described on page two of Annex II to the Classified Annex to S. 1494 (111th Congress, agreed to in the Senate on September 16, 2009) prior to the date that the staff of the Select Committee on Intelligence of the Senate is provided access to such program, as described in such Classified Annex.

**SA 2590.** Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense 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) FINDINGS.—The Senate makes the following findings:

(1) The President has emphasized the need for a comprehensive, regional, inter-agency strategy for Afghanistan and Pakistan.

(2) The President has rightly focused on the need to address the threat emanating from the Afghanistan-Pakistan border region.

(3) On September 20, 2009, the President stated that he will ask how any proposed strategy ensures that “. . . al Qaeda and its extremist allies cannot attack the United States homeland, our allies, [and] our troops who are based in Europe”.

(4) United States troop levels in Afghanistan have doubled over the last year.

(5) On September 20, 2009, the President cautioned against the idea that “by sending more troops [to Afghanistan] we’re automatically going to make Americans safe”.

(6) 2009 has already become the deadliest year for United States troops in Afghanistan.

(7) General McChrystal has stated that it “is realistic to expect that Afghan and coalition casualties will increase”.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the President has brought needed leadership and focus to one of the key national security challenges facing the United States; and

(2) if the President decides to increase United States troop levels in Afghanistan, before doing so he should provide Congress and the American people with information on the following:

(A) The expected costs of the increased troop levels.

(B) The expected length of time for which troop levels will be increased.

(C) The likelihood that the increase in troop levels will advance United States efforts to eliminate al Qaeda’s safe haven in Pakistan.

(D) The likelihood that the ongoing United States military presence in Afghanistan will increase militancy and instability in Afghanistan and Pakistan.

**SA 2591.** Mr. CASEY (for himself, Mr. DURBIN, Mr. REID, Mr. KERRY, Mr. NELSON of Florida and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense, 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) LIMITATION ON AVAILABILITY OF FUNDS FOR EXECUTION OF CONTRACTS UNDER LOGCAP.—None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the execution of a contract under the Logistics Civil Augmentation Program (LOGCAP).

(b) WAIVER.—The Secretary of the Army may waive the applicability of the limitation in subsection (a) to any contract if the Secretary certifies in writing to Congress that—

(1) the contract explicitly requires the contractor—

(A) to inspect and immediately correct deficiencies that present an imminent threat of death or serious bodily injury so as to ensure compliance with the United States National Electric Code in work under such contract;

(B) monitor and immediately correct deficiencies in the quality of any potable or non-potable water provided under such contract to ensure that safe and sanitary water is provided; and

(C) establish and enforce strict standards for preventing, and immediately addressing and cooperating with the prosecution of, any instances of sexual assault in all of its operations and the operations of its subcontractors;

(2) the waiver is necessary for the provision of essential services to troops in the field; or

(3) the work under such contract does not present an imminent threat of death or serious bodily injury.

**SA 2592.** Mr. CASEY (for himself, Mr. DURBIN, Mr. REID, Mr. KERRY, Mr. NELSON of Florida, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) LIMITATION ON AVAILABILITY OF FUNDS FOR EXECUTION OF CONTRACTS UNDER LOGCAP.—None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the execution of a contract under the Logistics Civil Augmentation Program (LOGCAP) unless the Secretary of the Army determines that the contract explicitly requires the contractor—

(1) to inspect and immediately correct deficiencies that present an imminent threat of death or serious bodily injury so as to ensure compliance with the United States National Electric Code in work under the contract;

(2) monitor and immediately correct deficiencies in the quality of any potable or non-potable water provided under the contract to ensure that safe and sanitary water is provided; and

(3) establish and enforce strict standards for preventing, and immediately addressing and cooperating with the prosecution of, any instances of sexual assault in all of its operations and the operations of its subcontractors.

(b) WAIVER.—The Secretary of the Army may waive the applicability of the limitation in subsection (a) to any contract if the Secretary certifies in writing to Congress that—

(1) the waiver is necessary for the provision of essential services to troops in the field; or

(2) the work under such contract does not present an imminent threat of death or serious bodily injury.

**SA 2593.** Mr. LEVIN (for himself, Mr. WEBB, and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) HEARINGS ON STRATEGY AND RESOURCES WITH RESPECT TO AFGHANISTAN AND PAKISTAN.—Appropriate committees of Congress shall hold hearings, in open and closed session, relating to the strategy and resources of the United States with respect to Afghanistan and Pakistan promptly after the decision by the President on those matters is announced.

(b) TESTIMONY.—The hearings described in subsection (a) should include testimony from senior civilian and military officials of the United States, including, but not limited to, the following:

(1) The Secretary of Defense.  
(2) The Secretary of State  
(3) The Chairman of the Joint Chiefs of Staff.

(4) The Commander of the United States Central Command.

(5) The Commander of the United States European Command and Supreme Allied Commander, Europe.

(6) The Commander of United States Forces-Afghanistan.

(7) The United States Ambassador to Afghanistan.

(8) The United States Ambassador to Pakistan.

**SA 2594.** Mr. SHELBY (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) REPORT ON GROUND-BASED INTERCEPTOR MISSILES.—Not later than 60 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report on the utilization of funds to maintain the production line of Ground-Based Interceptor (GBI) missiles. The report shall include a plan for the utilization of funds for Ground-Based Interceptor missiles made available by this Act for the Midcourse Defense Segment, including—

(1) the number of Ground-based Interceptor missiles proposed to be produced during fiscal year 2010; and

(2) any plans for maintaining production of such missiles and the subsystems and components of such missiles.

(b) REPORT ON GROUND-BASED MIDCOURSE DEFENSE SYSTEM.—Not later than 120 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report setting forth the acquisition strategy for the Ground-Based Midcourse Defense (GMD) system during fiscal

years 2011 through 2016. The report shall include a description of the plans of the Missile Defense Agency for each of the following:

- (1) To maintain the capability for production of Ground-Based Interceptor missiles.
- (2) To address modernization and obsolescence of the Ground-Based Midcourse Defense system.
- (3) To conduct a robust test program for the Ground-Based Midcourse Defense system.

**SA 2595.** Mr. LIEBERMAN (for himself, Mr. SESSIONS, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense 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) **FUNDING FOR TWO-STAGE GROUND-BASED INTERCEPTOR MISSILE.**—Of the amounts appropriated or otherwise made available by this Act for a long-range missile defense system in Europe, or appropriated or otherwise made available for the Department of Defense for a long-range missile defense system in Europe from the Consolidated Security Disaster Assistance, and Continuing Appropriations Act of 2009 (Public Law 110-329) and available for obligation, \$151,000,000 shall be available for research, development, test, and evaluation of the two-stage ground-based interceptor missile.

(b) **PROHIBITION ON DIVERSION OF FUNDS.**—Funds appropriated or otherwise made available by this Act for the Missile Defense Agency for the purpose of research, development, and testing of the two-stage ground based interceptor missile shall be utilized solely for that purpose, and may not be reprogrammed or otherwise utilized for any other purpose.

(c) **REPORT.**—Not later than February 1, 2010, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report setting forth the following:

(1) A comprehensive plan for the continued development and testing of the two-stage ground-based interceptor missile, including a description how the Missile Defense Agency will leverage the development and testing of such missile to modernize the Ground-based Midcourse Defense component of the ballistic missile defense system.

(2) Options for deploying an additional Ground-based Midcourse Defense site in Europe or the United States to provide enhanced defense in response to future long-range missile threats from Iran, and a description of how such a site may be made interoperable with the planned missile defense architecture for Europe and the United States.

**SA 2596.** Mr. BOND (for himself, Mr. NELSON of Florida, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) **LIMITATION ON EARLY RETIREMENT OF TACTICAL AIRCRAFT.**—The Secretary of the Air Force may not retire any tactical aircraft as announced in the Combat Air Forces structuring plan announced on May 18, 2009, until the Secretary submits to the congressional defense committees the report described in subsection (b).

(b) **REPORT.**—The report described in this subsection is a report that sets forth the following:

(1) A detailed plan for how the Secretary of the Air Force will fill the force structure and capability gaps resulting from the retirement of tactical aircraft under the structuring plan described in subsection (a).

(2) A description of the follow-on missions for each base affected by the structuring plan.

(3) An explanation of the criteria used for selecting the bases referred to in paragraph (2) and for the selection of tactical aircraft for retirement under the structuring plan.

(4) A plan for the reassignment of the regular and reserve Air Force personnel affected by the retirement of tactical aircraft under the structuring plan.

(5) An estimate of the cost avoidance to be achieved by the retirement of such tactical aircraft, and a description how such funds would be invested under the period covered by the most current future-years defense program.

**SA 2597.** Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense 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. \_\_\_\_\_. It is the sense of the Senate to urge the Secretary of Defense to establish in the Department of Defense a single training center for the civilian law enforcement force of the Department of Defense in order to—

(1) promote the standardization of civilian law enforcement training throughout the Department; and

(2) ensure that post, camps, and stations of the Department have a civilian law enforcement force adequate to ensure that mission commanders in the Armed Forces have access to adequate numbers of active duty military law enforcement personnel to deploy and support ongoing contingency operations.

**SA 2598.** Mr. BROWNBACK (for himself, Mr. DORGAN, and Mr. INOUE) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. **APOLOGY TO NATIVE PEOPLES OF THE UNITED STATES.**

(a) **ACKNOWLEDGMENT AND APOLOGY.**—The United States, acting through Congress—

(1) recognizes the special legal and political relationship Indian tribes have with the United States and the solemn covenant with the land we share;

(2) commends and honors Native Peoples for the thousands of years that they have stewarded and protected this land;

(3) recognizes that there have been years of official depredations, ill-conceived policies, and the breaking of covenants by the Federal Government regarding Indian tribes;

(4) apologizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States;

(5) expresses its regret for the ramifications of former wrongs and its commitment

to build on the positive relationships of the past and present to move toward a brighter future where all the people of this land live reconciled as brothers and sisters, and harmoniously steward and protect this land together;

(6) urges the President to acknowledge the wrongs of the United States against Indian tribes in the history of the United States in order to bring healing to this land; and

(7) commends the State governments that have begun reconciliation efforts with recognized Indian tribes located in their boundaries and encourages all State governments similarly to work toward reconciling relationships with Indian tribes within their boundaries.

(b) **DISCLAIMER.**—Nothing in this section—

(1) authorizes or supports any claim against the United States; or

(2) serves as a settlement of any claim against the United States.

**SA 2599.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) It is the sense of Congress that the Haiti Stabilization Initiative (HSI) has proven successful in combining defense, diplomatic, and development assets in a focused mission addressing the root causes of instability in Haiti.

(b)(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in concurrence with the Secretary of State, shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives an unclassified report on the Haiti Stabilization Initiative.

(2) The report required under this subsection shall address—

(A) the role of the Haiti Stabilization Initiative in contributing to security, stability, and development in Cité Soleil and Martissant, Haiti, and recommendations for the possible expansion of the program in other parts of Haiti; and

(B) challenges and lessons learned from HSI as a model for interagency cooperation on security and stability programs.

**SA 2600.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense 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) **FUNDING FOR OUTREACH AND REINTEGRATION SERVICES UNDER YELLOW RIBBON REINTEGRATION PROGRAM.**—Of the amounts appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY”, \$20,000,000 shall be available for outreach and reintegration services under the Yellow Ribbon Reintegration Program under section 582(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 125; 10 U.S.C. 10101 note).

(b) **SUPPLEMENT NOT SUPPLANT.**—The amount made available by subsection (a) for

the services described in that subsection is in addition to any other amounts available in this Act for such services.

**SA 2601.** Mr. SANDERS (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) FUNDING FOR OUTREACH AND REINTEGRATION SERVICES UNDER YELLOW RIBBON REINTEGRATION PROGRAM.—Of the amounts appropriated or otherwise made available by title IX, \$20,000,000 shall be available for outreach and reintegration services under the Yellow Ribbon Reintegration Program under section 582(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 125; 10 U.S.C. 10101 note).

(b) SUPPLEMENT NOT SUPPLANT.—The amount made available by subsection (a) for the services described in that subsection is in addition to any other amounts available in this Act for such services.

**SA 2602.** Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense 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. \_\_\_\_\_. The amount appropriated by title III under the heading “PROCUREMENT, DEFENSE-WIDE” is hereby increased by \$9,740,000, with the amount of the increase to be available for the Special Operations Forces Combat Assault Rifle (SCAR) in accordance with amounts requested for that rifle in the budget of the President for fiscal year 2010.

**SA 2603.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) The Secretary of Defense shall conduct a study on defense contracting fraud and submit a report containing the findings of such study to the congressional defense committees.

(b) The report required under subsection (a) shall include—

(1) an assessment of the total value of Department of Defense contracts entered into to with contractors that have been indicted for, settled charges of, been fined by any Federal department or agency for, or been convicted of fraud in connection with any contract or other transaction entered into with the Federal Government; and

(2) recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government.

**SA 2604.** Mr. FEINGOLD submitted an amendment intended to be proposed

by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) In collaboration with the Secretary of Defense, the Secretary of State shall develop a plan for replacing private security contractors with United States Government personnel within one year after the date of the enactment of this Act at United States missions in war zones where the United States Armed Forces are engaged in combat operations.

(b) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit the plan developed under subsection (a) to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

**SA 2605.** Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense 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) AMOUNT FOR EVALUATIONS OF CERTAIN LASER SYSTEMS.—Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE” and available for Advanced Weapons Technology (PE# 0603605F), up to \$5,000,000 may be available to carry out the evaluations and analyses required by subsection (b).

(b) EVALUATIONS AND ANALYSES OF CERTAIN LASER SYSTEMS.—The Secretary of Defense shall, in a manner consistent with the October 8, 2008, report of the Air Force Scientific Advisory Board entitled “Airborne Tactical Laser (ATL) Feasibility for Gunship Operations”—

(1) carry out additional enhanced user evaluations of the Advanced Tactical Laser system on a variety of instrumented targets; and

(2) enter into an agreement with a federally funded research and development center under which the center shall—

(A) conduct an analysis of the feasibility of integrating solid state laser systems onto C-130, B-1, and F-35 aircraft platforms to provide close air support; and

(B) estimate the cost per unit of such laser systems and the cost of operating and maintaining each such platform with such laser systems.

**SA 2606.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense 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. \_\_\_\_\_. The amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE” is hereby reduced by \$10,000,000, with

the amount of the reduction to be allocated to amounts available for the Maui Space Surveillance System (MSSS) for PanSTARRS.

**SA 2607.** Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense 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. \_\_\_\_\_. The amount appropriated by title IX under the heading “AFGHANISTAN SECURITY FORCES FUND” is hereby increased by \$900,000,000, with the amount designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403 of S. Con Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**SA 2608.** Mr. KYL (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. The amount appropriated by title IX under the heading “AFGHANISTAN SECURITY FORCES FUND” is hereby increased by \$900,000,000.

**SA 2609.** Mr. SESSIONS (for himself, Mr. LIEBERMAN, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense 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) COMPTROLLER GENERAL ASSESSMENT OF PHASED ADAPTIVE APPROACH TO MISSILE DEFENSE IN EUROPE.—The Comptroller General of the United States shall submit to Congress a report setting forth the assessment of the Comptroller General of the so-called “Phased Adaptive” approach to missile defense in Europe.

(b) ELEMENTS.—The assessment required by subsection (a) shall include the following:

(1) A comparison of the capabilities, schedule, cost, technology risk, requirements for basing agreements, and geopolitical implications of the “Phased Adaptive” approach to missile defense in Europe, as proposed by the Department of Defense on September 17, 2009, with the approach to missile defense in Europe, as outlined in the budget for fiscal year 2009 for the Department of Defense and the future-years defense program, to provide short, medium, intermediate and long-range missile defense capabilities for the protection of the United States its deployed forces, and allies against the threat of Iranian ballistic missiles

(2) A review of the intelligence data used to inform each of the approaches.

(c) DEADLINE AND FORM OF SUBMITTAL.—The report required by subsection (a) shall be submitted not later than the date of the submittal to Congress of the budget of the President for fiscal year 2011 (as submitted pursuant to section 1105 of title 31, United States Code). The report may be submitted



in the form of an initial briefing provided not later than such submittal date, with a written report submitted not later than 30 days after such initial briefing.

**SA 2610.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense 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 for the KC-X tanker aircraft replacement program may be obligated or expended until the Secretary of the Air Force releases comparable pricing data to both offerors under the previous competition for that program.

**SA 2611.** Mr. WYDEN (for himself, Mr. FRANKEN, Ms. KLOBUCHAR, Mr. ROBERTS, Mr. HARKIN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense 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) **BENEFITS UNDER PDMRA PROGRAM.**—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may provide any member or former member of the Armed Forces with the benefits specified in subsection (b) if the member or former member would, on any day during the period beginning on January 19, 2007, and ending on the date of the implementation of the Post-Deployment/Mobilization Respite Absence (PDMRA) program by the Secretary concerned, have qualified for a day of administrative absence under the Post-Deployment/Mobilization Respite Absence program had the program been in effect during such period.

(b) **BENEFITS.**—The benefits authorized under this section are the following:

(1) In the case of an individual who is a former member of the Armed Forces at the time of the provision of benefits under this section, payment of an amount not to exceed \$200 for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(2) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this section, either one day of administrative absence or payment of an amount not to exceed \$200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(c) **EXCLUSION OF CERTAIN FORMER MEMBERS.**—A former member of the Armed Forces is not eligible under this section for the benefits specified in subsection (b)(1) if the former member was discharged or released from the Armed Forces under other than honorable conditions.

(d) **FORM OF PAYMENT.**—The paid benefits authorized under this section may be paid in a lump sum or installments, at the election of the Secretary concerned.

(e) **CONSTRUCTION WITH OTHER PAY AND LEAVE.**—The benefits provided a member or former member of the Armed Forces under

this section are in addition to any other pay, absence, or leave provided by law.

(f) **DEFINITIONS.**—In this section:

(1) The term “Post-Deployment/Mobilization Respite Absence program” means the program of a military department to provide days of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in reintegrating into civilian life after deployment or mobilization.

(2) The term “Secretary concerned” has the meaning given that term in section 101(5) of title 37, United States Code.

(g) **TERMINATION.**—(1) The authority to provide benefits under this section shall expire on the date that is one year after the date of the enactment of this Act.

(2) Expiration under this subsection of the authority to provide benefits under this section shall not affect the utilization of any day of administrative absence provided a member of the Armed Forces under subsection (b)(2), or the payment of any payment authorized a member or former member of the Armed Forces under subsection (b), before the expiration of the authority in this section.

**SA 2612.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense 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. \_\_\_\_\_. During the one-year period beginning on the date of the enactment of this Act, none of the funds appropriated or otherwise made available by this Act may be obligated or expended to carry out section 7306a or 7306b of title 10, United States Code, with respect to any naval vessel stricken from the Naval Vessel Register.

**SA 2613.** Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) Beginning 90 days after the date of the enactment of this Act, none of the funds appropriated or otherwise made available by this Act may be used for any existing or new Federal contract if the contractor or a subcontractor at any tier requires that an employee or independent contractor, as a condition of employment, sign a contract that mandates that the employee or independent contractor performing work under the contract or subcontract resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) The prohibition in subsection (a) does not apply with respect to employment contracts that may not be enforced in a court of the United States.

**SA 2614.** Mr. NELSON of Nebraska (for himself, Mr. CORNYN, Mr. SCHUMER, Mr. CHAMBLISS, Mr. BENNETT, Mr.

JOHANNIS, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Of the amount appropriated or otherwise made available by title II under the heading “OPERATION AND MAINTENANCE, DEFENSE-WIDE”, up to \$15,000,000 may be available for the implementation by the Department of Defense of the responsibilities of the Department under the Military and Overseas Voter Empowerment Act and the amendments made by that Act.

**SA 2615.** Mrs. HAGAN (for herself and Mr. BURR) submitted an amendment intended to be proposed by her to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. None of the funds appropriated or otherwise made available by this Act may be used to dispose of claims filed regarding water contamination at Camp Lejeune, North Carolina, until the Agency for Toxic Substances and Disease Registry (ATSDR) fully completes all current, ongoing epidemiological and water modeling studies pending as of the date of the enactment of this Act.

**SA 2616.** Mr. LIEBERMAN (for himself, Mr. BAYH, Mr. MCCAIN, Mr. INHOFE, Mr. VITTER, Mr. KYL, Mr. SESSIONS, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) **FUNDING FOR TWO-STAGE GROUND-BASED INTERCEPTOR MISSILE.**—Of the amounts appropriated or otherwise made available by this Act for a long-range missile defense system in Europe, or appropriated or otherwise made available for the Department of Defense for a long-range missile defense system in Europe from the Consolidated Security Disaster Assistance, and Continuing Appropriations Act of 2009 (Public Law 110-329) and available for obligation, \$151,000,000 shall be available for research, development, test, and evaluation of the two-stage ground-based interceptor missile.

(b) **PROHIBITION ON DIVERSION OF FUNDS.**—Funds appropriated or otherwise made available by this Act for the Missile Defense Agency for the purpose of research, development, and testing of the two-stage ground based interceptor missile shall be utilized solely for that purpose, and may not be reprogrammed or otherwise utilized for any other purpose.

(c) **REPORT.**—Not later than February 1, 2010, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report setting forth the following:

(1) A comprehensive plan for the continued development and testing of the two-stage ground-based interceptor missile, including a description how the Missile Defense Agency will leverage the development and testing of

such missile to modernize the Ground-based Midcourse Defense component of the ballistic missile defense system.

(2) Options for deploying an additional Ground-based Midcourse Defense site in Europe or the United States to provide enhanced defense in response to future long-range missile threats from Iran, and a description of how such a site may be made interoperable with the planned missile defense architecture for Europe and the United States.

**SA 2617.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) The Secretary of Defense shall conduct a study on defense contracting fraud and submit a report containing the findings of such study to the congressional defense committees.

(b) The report required under subsection (a) shall include—

(1) an assessment of the total value of Department of Defense contracts entered into to with contractors that have been indicted for, settled charges of, been fined by any Federal department or agency for, or been convicted of fraud in connection with any contract or other transaction entered into with the Federal Government; and

(2) recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government.

**SA 2618.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. None of the funds appropriated or otherwise made available by this Act may be used by the Secretary of the Army to transition government-owned ammunition production assets to the private sector until 60 days after the Secretary submits a report to the congressional defense committees on the effects of privatizing conventional ammunition production, military readiness, and the United States industrial base. The report shall include, at a minimum, the following:

(1) A cost-benefit analysis for converting additional government-owned ammunition production assets to the private sector, including cost-savings comparisons.

(2) A projection of the impact on the ammunition production industrial base in the United States of converting such assets to the private sector.

(3) A projection of the capability to meet current and future ammunition production and national security requirements by both government-owned and private sector ammunition production assets, as well as a combination of the two production assets.

(4) A projection of potential impact on military readiness as a result of implementing Department of Defense Directive 5160.65.

(5) An implementation plan for the Department of the Army to transition such assets

to the private sector, pursuant to Department of Defense Directive 5160.65.

**SA 2619.** Mr. INHOFE (for himself, Mr. WARNER, Mr. WEBB, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense 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. \_\_\_\_\_. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE" and available for Program Element #060300, up to \$4,000,000 may be available for the Rehabilitation Technology Transition Center.

**SA 2620.** Mr. CHAMBLISS (for himself, Mr. DODD, Mr. LIEBERMAN, Mr. NELSON of Florida, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense 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) FINDINGS. \_\_\_\_\_.—The Senate makes the following findings:

(1) Real time intelligence, surveillance, and reconnaissance (ISR) is critical to our warfighters in fighting the ongoing wars in Iraq and Afghanistan.

(2) Secretary of Defense Gates and the military leadership of the United States have highlighted the importance of collecting and disseminating critical intelligence and battlefield information to our troops on the ground in Iraq and Afghanistan.

(3) The Chief of Staff of the Air Force, General Norton Schwartz, has stated that the Air Force is "all-in" for the joint fight.

(4) One of the most effective and heavily tasked intelligence, surveillance, and reconnaissance assets operating today is the Air Force's E-8C Joint Surveillance Target Attack Radar System, also known as Joint STARS.

(5) Commanders in the field rely on Joint STARS to give them a long range view of the battlefield and detect moving targets in all weather conditions as well as tactical support to Brigade Combat Teams, Joint Tactical Air Controllers and Special Operations Forces convoy overwatch.

(6) Joint STARS is a joint platform, flown by a mix of active duty Air Force and Air National Guard personnel and operated by a joint Army, Air Force, and Marine crew, supporting missions for all the Armed Forces.

(7) With a limited number of airframes, Joint STARS has flown over 55,000 combat hours and 900 sorties over Iraq and Afghanistan and directly contributed to the discovery of hundreds of Improvised Explosive Devices.

(8) The current engines greatly limit the performance of Joint STARS aircraft and are the highest cause of maintenance problems and mission aborts.

(9) There is no other current or programmed aircraft or weapon system that can provide the detailed, broad-area ground moving target indicator (GMTI) and airborne battle management support for the warfighter that Joint STARS provides.

(10) With the significant operational savings that new engines will bring to the Joint

STARS, re-engining Joint STARS will pay for itself by 2017 due to reduced operations, sustainment, and fuel costs.

(11) In December 2002, a JSTARS re-engining study determined that re-engining provided significant benefits and cost savings. However, delays in executing the re-engining program continue to result in increased costs for the re-engining effort.

(12) The budget request for the Department of Defense for fiscal year 2010 included \$205,000,000 in Aircraft Procurement, Air Force, and \$16,000,000 in Research, Development, Test, and Evaluation, Air Force for Joint STARS re-engining.

(13) On September 22, 2009, the Department of Defense reaffirmed their support for the President's Budget request for Joint STARS re-engining.

(14) On September 30, 2009, The Undersecretary of Defense (Acquisition, Technology, and Logistics) signed an Acquisition Decision Memorandum directing that the Air Force proceed with the Joint STARS re-engining effort, to include expenditure of procurement and research, development, test, and evaluation funds.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) Funds for re-engining of the E-8C Joint Surveillance Target Attack Radar System (Joint STARS) aircraft should be appropriated in accordance with the budget request of the President for fiscal year 2010; and

(2) the Air Force should proceed with currently planned efforts to re-engine Joint STARS aircraft, to include expending both procurement and research, development, test, and evaluation funds.

**SA 2621.** Mr. CHAMBLISS (for himself, Mr. DODD, Mr. LIEBERMAN, Mr. NELSON of Florida, Mr. INHOFE, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

Strike all after the first word, and insert the following:

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

(1) Real time intelligence, surveillance, and reconnaissance (ISR) is critical to our warfighters in fighting the ongoing wars in Iraq and Afghanistan.

(2) Secretary of Defense Gates and the military leadership of the United States have highlighted the importance of collecting and disseminating critical intelligence and battlefield information to our troops on the ground in Iraq and Afghanistan.

(3) The Chief of Staff of the Air Force, General Norton Schwartz, has stated that the Air Force is "all-in" for the joint fight.

(4) One of the most effective and heavily tasked intelligence, surveillance, and reconnaissance assets operating today is the Air Force's E-8C Joint Surveillance Target Attack Radar System, also known as Joint STARS.

(5) Commanders in the field rely on Joint STARS to give them a long range view of the battlefield and detect moving targets in all weather conditions as well as tactical support to Brigade Combat Teams, Joint Tactical Air Controllers and Special Operations Forces convoy overwatch.

(6) Joint STARS is a joint platform, flown by a mix of active duty Air Force and Air National Guard personnel and operated by a joint Army, Air Force, and Marine crew, supporting missions for all the Armed Forces.

(7) With a limited number of airframes, Joint STARS has flown over 55,000 combat hours and 900 sorties over Iraq and Afghanistan and directly contributed to the discovery of hundreds of Improvised Explosive Devices.

(8) The current engines greatly limit the performance of Joint STARS aircraft and are the highest cause of maintenance problems and mission aborts.

(9) There is no other current or programmed aircraft or weapon system that can provide the detailed, broad-area ground moving target indicator (GMTI) and airborne battle management support for the warfighter that Joint STARS provides.

(10) With the significant operational savings that new engines will bring to the Joint STARS, re-engining Joint STARS will pay for itself by 2017 due to reduced operations, sustainment, and fuel costs.

(11) In December 2002, a JSTARS re-engining study determined that re-engining provided significant benefits and cost savings. However, delays in executing the re-engining program continue to result in increased costs for the re-engining effort.

(12) The budget request for the Department of Defense for fiscal year 2010 included \$205,000,000 in Aircraft Procurement, Air Force, and \$16,000,000 in Research, Development, Test, and Evaluation, Air Force for Joint STARS re-engining.

(13) On September 22, 2009, the Department of Defense reaffirmed their support for the President's Budget request for Joint STARS re-engining.

(14) On September 30, 2009, The Undersecretary of Defense (Acquisition, Technology, and Logistics) signed an Acquisition Decision Memorandum directing that the Air Force proceed with the Joint STARS re-engining effort, to include expenditure of procurement and research, development, test, and evaluation funds.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) Funds for re-engining of the E-8C Joint Surveillance Target Attack Radar System (Joint STARS) should be appropriated in the correct appropriations accounts and in the amounts required in fiscal year 2010 to execute the Joint STARS re-engining system design and development program; and

(2) the Air Force should proceed with currently planned efforts to re-engine Joint STARS aircraft, to include expending both procurement and research, development, test, and evaluation funds.

**SA 2622.** Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 2610 submitted by Mr. SESSIONS and intended to be proposed to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. \_\_\_\_\_. None of the funds appropriated or otherwise made available by this Act for the KC-X tanker aircraft replacement program may be obligated or expended unless the Secretary of the Air Force includes in the request for proposals for such program penalties for any proposal based on an aircraft that benefitted from development subsidies identified by the United States Trade Representative as illegal. Any penalties so imposed on a proposal shall be proportional (as determined by the Secretary in consultation with the United States Trade Representative) to the competitive advantage

the proposal receives due to such illegal development subsidies.

**SA 2623.** Mr. INOUE submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense 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) NATURE OF FULL AND OPEN COMPETITION FOR CONGRESSIONALLY DIRECTED SPENDING ITEMS.—Each congressionally directed spending item specified in this Act or the report accompanying this Act that is intended for award to a for-profit entity shall be subject to acquisition regulations for full and open competition on the same basis as each spending item intended for a for-profit entity that is contained in the budget request of the President.

(b) EXCEPTIONS.—Subsection (a) shall not apply to any contract awarded—

(1) by a means that is required by Federal statute, including for a purchase made under a mandated preferential program;

(2) pursuant to the Small Business Act (15 U.S.C. 631 et seq.); or

(3) in an amount less than the simplified acquisition threshold described in section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)).

(c) CONGRESSIONALLY DIRECTED SPENDING ITEM DEFINED.—In this section, the term “congressionally directed spending item” means the following:

(1) A congressionally directed spending item, as defined in Rule XLIV of the Standing Rules of the Senate.

(2) A congressional earmark for purposes of rule XXI of the House of Representatives.

## 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, October 8, 2009, at 10 a.m., in room SE-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nominations of Marcia K. McNutt, to be Director of the United States Geological Survey, and Arun Majumdar, to be Director of the Advanced Research Projects Agency-Energy, Department of Energy.

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 Amanda\_kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON FINANCE

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on October 1, 2009, at 10:30 a.m., in room 216 of the Hart Senate Office Building.

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

### COMMITTEE ON FOREIGN RELATIONS

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 1, 2009, at 10 a.m., to hold a hearing entitled “Afghanistan's Impact on Pakistan.”

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

### COMMITTEE ON FOREIGN RELATIONS

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 1, 2009, at 2:30 p.m., to hold a hearing entitled “Violence against Women: Global Costs and Consequences.”

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

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. INOUE. 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 October 1, 2009, at 2:30 p.m.

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

### COMMITTEE ON THE JUDICIARY

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on October 1, 2009, at 9:30 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

### SELECT COMMITTEE ON INTELLIGENCE

Mr. INOUE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 1, 2009, at 2:30 p.m.

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

## PRIVILEGES OF THE FLOOR

Ms. MURKOWSKI. Madam President, I ask unanimous consent that a military fellow in my office, MAJ John Vargas, be granted the privilege of the floor for the duration of the debate on the fiscal year 2010 Defense appropriations bill.

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

Mr. BARRASSO. Mr. President, I ask unanimous consent that Andrew

Julson, of Senator DEMINT's staff, be granted the privilege of the floor during the duration of the debate on H.R. 3326.

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

Mr. COCHRAN. Mr. President, I ask unanimous consent that LCDR Steven McDowell, a Navy fellow in Senator COLLINS' office, be provided full floor privileges for the duration of the consideration of H.R. 3326.

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

#### PROVIDING FOR THE ACCEPTANCE OF A STATUE OF HELEN KELLER

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Con. Res. 42.

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

The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 42) providing for the acceptance of a statue of Helen Keller, presented by the people of Alabama.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, and that any statements relating to the matter be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 42) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 42

Whereas Helen Keller was born in Tuscumbia, Alabama on June 27, 1880, and at the age of 19 months lost her sight and hearing as a result of meningitis;

Whereas Helen was liberated from the "double dungeon of darkness and silence" by her teacher, Anne Sullivan, when she discovered language and communication at the water pump when she was 7 years old;

Whereas Helen enrolled in Radcliffe College in 1900 and graduated cum laude in 1904 to become the first deaf and blind college graduate;

Whereas Helen's life served as a model for all people with disabilities in America and worldwide;

Whereas Helen became recognized as one of Alabama's and America's best known figures and became "America's Goodwill Ambassador to the World";

Whereas Helen pioneered the concept of "talking books" for the blind;

Whereas LIFE Magazine hailed Helen as "one of the 100 most important Americans of the 20th Century—a national treasure"; and

Whereas Helen's presence in the Capitol will become an even greater inspiration for people with disabilities worldwide: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That—*

#### SECTION 1. ACCEPTANCE OF HELEN KELLER, FROM THE PEOPLE OF ALABAMA, FOR PLACEMENT IN THE CAPITOL.

(a) IN GENERAL.—The statue of Helen Keller, furnished by the people of Alabama for

placement in the Capitol, in accordance with section 1814 of the Revised Statutes of the United States (2 U.S.C. 2131), is accepted in the name of the United States, and the thanks of Congress are tendered to the people of Alabama for providing this commemoration of one of Alabama's most eminent personages.

(b) PRESENTATION CEREMONY.—The State of Alabama is authorized to use the Rotunda of the Capitol on October 7, 2009, for a presentation ceremony for the statue. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

(c) DISPLAY IN ROTUNDA.—The Architect of the Capitol shall provide for the display of the statue accepted under this section in the Rotunda of the Capitol for a period of not more than 6 months, after which period the statue shall be displayed in the Capitol, in accordance with the procedures described in section 311(e) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 2132(e)).

#### SEC. 2. TRANSMITTAL TO GOVERNOR OF ALABAMA.

The Secretary of the Senate shall transmit an enrolled copy of this concurrent resolution to the Governor of Alabama.

#### AUTHORIZING USE OF THE CAPITOL ROTUNDA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 43.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 43) authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to former Senator Edward Brooke.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 43) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 43

Whereas Edward William Brooke III was the first African American elected by popular vote to the United States Senate and served with distinction for 2 terms from January 3, 1967, to January 3, 1979;

Whereas on March 29, 2007, the United States Senate passed S. 682, sponsored by the late Senator Edward M. Kennedy with 68 co-sponsors, by unanimous consent, to award Senator Brooke the Congressional Gold Medal;

Whereas on June 10, 2008, the House passed S. 682 under suspension of the rules by voice vote and a similar measure, H.R. 1000 was introduced in the House by Representative Eleanor Holmes Norton with 286 co-sponsors; and

Whereas the President signed the bill on July 1, 2008, and it became Public Law 110-260: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),*

#### SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL FOR THE PRESENTATION OF THE CONGRESSIONAL GOLD MEDAL.

The rotunda of the United States Capitol is authorized to be used on October 28, 2009, for the presentation of the Congressional Gold Medal to former Senator Edward Brooke. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

#### FILIPINO AMERICAN HISTORY MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 298.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 298) recognizing Filipino American History Month in October 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. 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 relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 298) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 298

Whereas the earliest documented Filipino presence in the continental United States was on October 18, 1587, when the first "Luzones Indios" set foot in Morro Bay, California, on board the Manila-built galleon ship Nuestra Senora de Esperanza;

Whereas the Filipino American National Historical Society recognizes the year of 1763 as the date of the first permanent Filipino settlement in the United States in St. Malo, Louisiana, which set in motion the focus on the story of our Nation's past from a new perspective by concentrating on the economic, cultural, social, and other notable contributions that Filipino Americans have made in countless ways toward the development of the history of the United States;

Whereas the Filipino-American community is the second largest Asian-American group in the United States, with a population of approximately 3,100,000 people;

Whereas Filipino-American servicemen and servicewomen have a longstanding history serving in the Armed Services, from the Civil War to the Iraq and Afghanistan conflicts, including the 250,000 Filipinos who fought under the United States flag during World War II to protect and defend this country;

Whereas 9 Filipino Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force that can be bestowed upon an individual serving in the United States Armed Forces;

Whereas Filipino Americans are an integral part of the United States health care system as nurses, doctors, and other medical professionals;

Whereas Filipino Americans have contributed greatly to the fine arts, music, dance, literature, education, business, literature, journalism, sports, fashion, politics, government, science, technology, and other fields in the United States that enrich the landscape of the country;

Whereas efforts should continue to promote the study of Filipino-American history and culture, as mandated in the mission statement of the Filipino American National Historical Society, because the roles of Filipino Americans and other people of color have been overlooked in the writing, teaching, and learning of United States history;

Whereas it is imperative for Filipino-American youth to have positive role models to instill in them the importance of education, complemented with the richness of their ethnicity and the value of their legacy; and

Whereas Filipino American History Month is celebrated during the month of October 2009: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the celebration of Filipino American History Month 2009 as a study of the advancement of Filipino Americans, as a time of reflection and remembrance, and as a time to renew efforts toward the research and examination of history and culture in order to provide an opportunity for all people in the United States to learn and appreciate more about Filipino Americans and their historic contributions to the Nation; and

(2) urges the people of the United States to observe Filipino American History Month 2009 with appropriate programs and activities.

#### NATIONAL INFANT MORTALITY AWARENESS MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 299.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 299) expressing support for the goals and ideals of National Infant Mortality Awareness Month 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. 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, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 299) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 299

Whereas infant mortality refers to the death of a baby before his or her first birthday;

Whereas the United States ranks 29<sup>th</sup> among industrialized nations in the rate of infant mortality;

Whereas premature birth, low-birth weight, and shorter gestation periods account for more than 60 percent of infant deaths in the United States;

Whereas high rates of infant mortality are especially prevalent in communities with

large minority populations, high rates of unemployment and poverty, and limited access to safe housing and medical providers;

Whereas premature birth is a leading cause of infant mortality and, according to the Institute of Medicine, costs the United States more than \$26,000,000,000 annually;

Whereas infant mortality rates can be substantially reduced through community-based services such as outreach, home visitation, case management, health education, and interconceptional care;

Whereas support for community-based programs to reduce infant mortality can result in lower future spending on medical interventions, special education, and other social services that may be needed for infants and children who are born with a low-birth weight;

Whereas the United States Department of Health and Human Services, through the Office of Minority Health, has implemented the "A Healthy Baby Begins With You" campaign;

Whereas public awareness and education campaigns on infant mortality are held during the month of September 2009; and

Whereas September 2009 has been designated as National Infant Mortality Awareness Month: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of National Infant Mortality Awareness Month 2009;

(2) supports efforts to educate Americans about infant mortality and its contributing factors;

(3) supports efforts to reduce infant deaths, low-birth weight, pre-term births, and disparities in perinatal outcomes;

(4) recognizes the critical importance of including efforts to reduce infant mortality and its contributing factors as part of prevention and wellness strategies; and

(5) calls upon the people of the United States to observe National Infant Mortality Awareness Month during September 2009 with appropriate programs and activities.

#### FIRE PREVENTION WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 300, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 300) supporting the goals and ideals of Fire Prevention Week and the work of firefighters in educating and protecting the communities of this Nation.

There being no objection, the Senate proceeded to consider the resolution.

Ms. COLLINS. Mr. President, I rise in support of S. Res. 300, supporting the work of firefighters to educate and protect the Nation's communities, and the goals and ideals of Fire Prevention Week. Senators CARPER, DODD, and MCCAIN join me in sponsoring this resolution to honor and promote the life-saving work of the National Fire Protection Association.

Fire prevention is an ancient concern. Two thousand years ago, the city of Rome not only had had thousands of paid firefighters, but also wardens who would patrol the streets and enforce fire-prevention laws.

Thousands of American cities and towns such as San Francisco, Chicago,

and Portland, ME, have suffered disastrous fires in the past. Even in our agrarian, Colonial era, cities such as Boston and Philadelphia were organizing paid and volunteer fire companies to fight the hazards of fire.

Today, flames continue to exact a deadly toll on citizens and firefighters every year. The National Fire Protection Association reports that in 2008, an estimated 1.45 million fires in this country killed nearly 3,320 civilians and injured another 16,705, while also killing 103 firefighters.

When President Harding designated the first Fire Prevention Week in 1922, fires were killing about 15,000 Americans every year. Advances in safety technology, education, fire prevention, and firefighting have brought great progress in reducing the number of fatalities, especially considering the great increase in population. But fire still poses an enormous threat to life, health, and property of all Americans.

As a cochair of the Congressional Fire Services Caucus, I have proudly joined in bipartisan efforts to honor the heroic service of our firefighters and to support legislation to assist them in securing the personnel, equipment, training, and benefits they need. Today, I am proud to submit this resolution to support their work in educating the public on the vital concern of fire prevention.

The more people understand the importance of avoiding fire hazards and dangerous practices, of installing and maintaining smoke alarms, and of planning escape routes, the fewer lives will be lost among our citizens and our firefighters.

I thank my colleagues for joining me in support of this resolution in support of our firefighters' work and of the Fire Prevention Week of October 4 through 10, 2009.

Mr. REID. 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. 300) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 300

Whereas since the organization of the first fire departments during the colonial era of this Nation, firefighters have maintained their dedication to protecting the health and safety of the American public;

Whereas firefighters presently provide a multitude of services to our communities, including emergency medical services, special rescue response, hazardous material and terrorism response, and public safety education;

Whereas 103 firefighters lost their lives in the line of duty in 2008;

Whereas the Nation's fire departments respond to emergency calls nearly once per second and are dispatched to fire emergencies every 22 seconds;

Whereas approximately 1,145,000 fires were reported in 2008;

Whereas firefighters always respond with courage, whether they are confronted with

acts of terrorism, natural disasters, or other emergencies;

Whereas Fire Prevention Week is the longest running public health and safety observance on record, as firefighters have been honored for their role in educating the American public since the first Fire Prevention Week was declared by President Warren G. Harding in 1922;

Whereas the National Fire Protection Association has designated the week of October 4 through October 10, 2009, as Fire Prevention Week; and

Whereas educating all Americans to “Stay Fire Smart” continues to be a priority for all firefighters: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the work of firefighters in educating and protecting the communities of this Nation; and

(2) supports the goals and ideals of Fire Prevention Week.

Mr. REID. 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. REID. 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. REID. Mr. President, you will note my closing script is here. I will end after 9 o'clock tonight. I think that is fairly clear.

#### ORDERS FOR MONDAY, OCTOBER 5, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., Monday, October 5; that following the prayer and the 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 then proceed to a period of morning business until 4 p.m., with Senators permitted to speak for up to 10 minutes each; that following morning business, the Senate proceed to the consideration of H.R. 2847, the Commerce-Justice-Science appropriations bill.

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

Mr. REID. Mr. President, does the Chair agree with me, it is after 9 o'clock?

The PRESIDING OFFICER. The Chair agrees with the majority leader.

#### PROGRAM

Mr. REID. Mr. President, as previously announced, there will be no rollcall votes on Monday.

#### ADJOURNMENT UNTIL MONDAY, OCTOBER 5, 2009, AT 2 P.M.

Mr. REID. If there is no further business to come before the Senate, I ask

unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 9 p.m., adjourned until Monday, October 5, 2009, at 2 p.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF DEFENSE

CHRISTINE H. FOX, OF VIRGINIA, TO BE DIRECTOR OF COST ASSESSMENT AND PROGRAM EVALUATION, DEPARTMENT OF DEFENSE. (NEW POSITION)

##### EXPORT-IMPORT BANK OF THE UNITED STATES

ROSZELL HUNTER, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2013, VICE J. JOSEPH GRANDMAISON, TERM EXPIRED.

##### NATIONAL TRANSPORTATION SAFETY BOARD

MARK R. ROSEKIND, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 31, 2009, VICE KATHRYN HIGGINS, RESIGNED.

MARK R. ROSEKIND, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2014. (REAPPOINTMENT)

##### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PAUL K. MARTIN, OF MARYLAND, TO BE INSPECTOR GENERAL, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE ROBERT WATSON COBB.

##### SOCIAL SECURITY ADMINISTRATION

CAROLYN W. COLVIN, OF MARYLAND, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2013, VICE ANDREW G. BIGGS, RESIGNED.

##### DEPARTMENT OF LABOR

SARA MANZANO-DIAZ, OF PENNSYLVANIA, TO BE DIRECTOR OF THE WOMEN'S BUREAU, DEPARTMENT OF LABOR, VICE SHINAE CHUN, RESIGNED.