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## Senate

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

### PRAYER

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

Let us pray.

Eternal Lord, still our busyness that we may take time to hear Your voice. Focus the attention of our lawmakers that they may be attuned to Your special speaking. Silence the noises that distract them, enabling them to hear Your still, small voice. Infuse them also with such courage that they will patiently endure even Your silence, as they seek to fulfill Your purposes by their labors. Lord, visit them with Your presence and power until Your will is done on Earth as it is done in heaven.

We pray in Your righteous Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER 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 legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, November 16, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a

Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. WARNER 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. Mr. President, following leader remarks, there will be a period of morning business until 3 p.m. today, with Senators permitted to speak for up to 10 minutes each. Following morning business, the Senate will resume consideration of the Military Construction and Veterans Affairs Act. At 5:30, the Senate will proceed to two rollcall votes in relation to the bill. The first vote is in relation to the Coburn amendment No. 2757. The second vote is in relation to the Coburn motion to commit the bill.

### MEASURE PLACED ON THE CALENDAR—H.R. 3962

Mr. REID. Mr. President, H.R. 3962 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (H.R. 3962) to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes.

Mr. REID. Mr. President, I now object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

Mr. REID. The Chair will announce morning business, please.

### 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, there will be a period for morning business up to 3 p.m., with Senators permitted to speak for up to 10 minutes each.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ALEXANDER. Mr. President, will you please let me know when 10 minutes have expired?

The ACTING PRESIDENT pro tempore. The Chair will do so.

(The remarks of Mr. ALEXANDER and Mr. WEBB pertaining to the introduction of S. 2776 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Texas.

### TRAIL OF KHALID SHAIKH MOHAMMED

Mr. CORNYN. Mr. President, I want to speak about the decision announced last Friday by the Attorney General to bring Khalid Shaikh Mohammed and other 9/11 coconspirators to the United States from Guantanamo Bay to stand trial in the Southern District of New York.

Of course, Khalid Shaikh Mohammed is the self-described mastermind of the 9/11 tragedy where 3,000 Americans

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



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were killed. This is a terrible—a terrible—decision by the Attorney General and by the administration for any number of reasons, but I would like to explain why I believe this decision should be reconsidered by the Attorney General and the President of the United States—because of the risk at which it puts Americans and because this provides Khalid Shaikh Mohammed, a self-described superterrorist—this gives him everything he could have ever wanted, which is a platform to spew his hate-filled ideology and one in which he can recruit other like-minded individuals all around the world who may be watching.

One of the things I am always amazed by in our great country is how short our memory is. Of course, we are a nation at war after 9/11. But this is a war unlike any other this Nation has ever fought. We are at war with a murderous ideology, with ruthless killers who wear no uniforms and use civilians as human shields. Treating these war crimes like ordinary criminal events and trying these killers in an article III or a Federal court under the Constitution is simply reverting to a pre-9/11 mentality.

What do I mean by that? Mr. President, you will recall that the 9/11 Commission investigated the causes of what happened on September 11, 2001. One of the things they identified was the wall separating the sharing of intelligence which was shared among the intelligence community, and what information was developed during a criminal investigation had to be kept separate from ordinary intelligence collected by our military and our intelligence community. One of the things the 9/11 Commission unanimously said was that we needed to tear down that wall and share information, as we can consistent with the law, in order to protect the American people.

Simply put, the trial of the 9/11 co-conspirators, not in a military commission at Guantanamo Bay but in a Federal district court in Manhattan, one of the most populous portions of our country, is simply forgetting the lessons we should have learned on 9/11, which the 9/11 Commission so eloquently laid out for us and demonstrated.

But let's focus on who Khalid Shaikh Mohammed is, lest we have forgotten. According to the 9/11 Commission Report:

KSM [Khalid Shaikh Mohammed] describes a grandiose original plan: a total of ten aircraft to be hijacked, 9 of which would crash into targets on both coasts.

They included those eventually hit on September 11 plus: CIA and FBI headquarters, nuclear power plants, and the tallest buildings in California and the State of Washington.

Further quoting the report:

KSM [Khalid Shaikh Mohammed] himself was to land the 10th plane at a U.S. airport and—after killing all adult male passengers on board and alerting the media—delivering a speech excoriating U.S. support for Israel, the Philippines, and repressive governments in the Arab world.

The 9/11 Commission report concluded:

This is theater, a spectacle of destruction with KSM [Khalid Shaikh Mohammed] as the self-cast star—the superterrorist.

This is whom the Attorney General announced we will be bringing from Guantanamo Bay to a court in Manhattan to try as a common criminal. But he is anything but a common criminal. He is guilty of nothing less than war crimes against innocent Americans. According to this decision, the Attorney General is going to be providing him the forum he can use in order to proclaim himself as the “superterrorist” and in order to attract like-minded ideologues to his sick and twisted ideas of jihad. A criminal trial only gives Khalid Shaikh Mohammed the platform he has sought for years: a platform to expound his hatred to his would-be followers around the world.

The second reason this is a bad idea is because our civilian courts and procedures are ill-suited for terrorism trials because we cannot put judges in charge of national security.

I have high regard for the men and women who serve on our judicial benches around the country. I myself was a judge for 13 years in Texas. But our experience with terrorist trials shows that civilian courts are an inappropriate forum for a trial of war crimes.

As a result of information—this is one example why—as a result of information disclosed during the trials related to the East Africa Embassy bombings, Osama bin Laden became aware of cell phone intercepts, which prompted his organization to discontinue cell phone conversations. Because of the evidence disclosed in the trial, they simply realized they were being eavesdropped on and quit using cell phones, denying us that intelligence.

During the trial of Ramzi Yousef, the mastermind of the 1993 World Trade bombing, terrorists became aware of a communications link that provided enormously valuable intelligence to U.S. officials. This link, too, was shut down after the disclosure in that trial.

Then there was the trial of Sheikh Omar Abdel Rahman, the Blind Sheikh. A secret list of unindicted coconspirators in the prosecution wound up in the hands of Osama bin Laden in Sudan.

During the trial of Zacarias Moussaoui, the 20th hijacker, prosecutors inadvertently leaked sensitive material to defense counsel. Here is what the judge had to say about that case, which she characterized as “like a circus.” She said:

[Lawyers] are talking about the contents of sealed hearings [to the media], if I see any more [of] what I think are inappropriate leaks, I'm going to ask the FBI to start an investigation.

But that trial never even made it to a jury. Moussaoui's lawyers tied the court up in knots so he could use the trial as a platform to air his anti-American tirades. The only reason the

trial ultimately ended was because at the last minute Moussaoui decided to plead guilty. That plea relieved the government of the choice between allowing a fishing expedition into its intelligence files or dismissing the charges altogether.

One thing we can see with great confidence is that the trial of Khalid Shaikh Mohammed in a Federal district court in Manhattan will become the same kind of media circus times 10. It will give Khalid Shaikh Mohammed a platform to inspire his fellow terrorists.

Prosecutors will be forced to reveal U.S. intelligence on Khalid Shaikh Mohammed, the methods and sources for acquiring that information, and his relationships with fellow al-Qaida operatives around the world. That information will allow al-Qaida to develop more effective plots and to alert operatives whose cover is blown. This information will enable al-Qaida to detect our means of intelligence gathering and to push forward into areas we know nothing about.

Congress has made clear that U.S. civilian courts are not the appropriate venue to bring terrorists to justice. That is why we passed, in 2006, the Military Commissions Act. The military commissions were specifically designed to prevent sensitive disclosures and to protect classified information and sensitive sources and methods. Of course, we know from our work on these military commissions that they have a long history in our Republic—dating back from the Revolutionary War, to the Civil War, and to World War II—and they are an appropriate forum for Khalid Shaikh Mohammed and other terrorists.

As a matter of fact, the Attorney General made the baffling decision to try some of the worst of the worst—a superterrorist such as Khalid Shaikh Mohammed—in a Federal district court in Manhattan and to leave other terrorists for trial in Guantanamo Bay before military commissions. And I say, if Guantanamo Bay and military commissions are good enough for these other terrorists in the opinion of the Attorney General, they ought to be good enough for terrorists such as Khalid Shaikh Mohammed and his fellow 9/11 coconspirators.

Khalid Shaikh Mohammed and other terrorists, simply put, should not be brought to the United States. They should not be granted the same rights and privileges as American criminal defendants. They should stay at Guantanamo Bay and be prosecuted through the military commissions established by Congress under the terms circumscribed by the U.S. Supreme Court.

I ask my colleagues to remember that on July 19, 2007, we had a vote on this sense-of-the-Senate resolution: It is the sense of the Senate that detainees housed at Guantanamo Bay, Cuba, including senior members of al-Qaida, should not be released into American society, nor should they be transferred

stateside into facilities in American communities and neighborhoods. That sense-of-the-Senate resolution passed 94 to 3. Rarely do we see such unanimous, bipartisan opposition for the very acts the Attorney General announced last Friday, and it is with good reasons, some of which I have had the opportunity to discuss today. But there are other reasons that I will look for opportunities to come back and talk about to my colleagues.

I would ask the President of the United States to overrule the decision of his Attorney General because it is ill-advised. It will make America a more dangerous place, and it will allow terrorists such as Khalid Shaikh Mohammed—it will provide them the platform to spew their hateful ideology and encourage others to join them in killing innocent Americans and other individuals.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak in morning business for up to 10 minutes.

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

#### MILITARY TRANSITION

Ms. KLOBUCHAR. Mr. President, this afternoon the Senate will resume consideration of the Military Construction and Department of Veterans Affairs appropriations bill. This critical legislation will provide full funding for veterans health care and other essential VA services.

Last week, Mr. President, as I am sure you and many of my colleagues did, I had the opportunity to meet with veterans around my State, really for 2 days, and I came back to Washington with a renewed commitment to provide our Nation's veterans with full support and the benefits they so clearly deserve.

Passing this VA appropriations bill is an important step toward fulfilling the promise we make to our veterans when they enlist: that we will take care of them when they return home. I figure, when they signed up for war there was no waiting line, so when they come home to the United States of America and they need a job or they need health care or they need any type of help from this government, there should not be a waiting line.

But funding the VA's health care system—as we are doing this week—and other existing veterans programs is only part of fulfilling that promise. Another critical component of fulfilling that promise is helping our newest generation of veterans make the difficult transition from military to civilian life—and what a difficult transition it is. New figures have recently come out that show that for post-9/11 veterans, their unemployment in October was 11.6 percent—significantly above the national average. But, like many of the

national unemployment rate statistics, this statistic conceals the true scope of the problem. Here is the number to remember: 18. Eighteen percent of veterans who left the military in the past 1 to 3 years are unemployed, according to a 2008 Department of Veterans Affairs employment survey. Of those veterans who have found work, 25 percent earn less than \$21,800 per year and only 58 percent of veterans who are employed have been able to find work in the private sector.

These are the people whom I saw when I was at home. One of the things that came to my attention was that a number of them would choose, if they could, to pursue apprenticeships. A lot of them want to go to college for 2-year or 4-year degrees. We have large numbers of returning soldiers in college in Minnesota. One of the things I found from visiting some of our technical colleges is that a number of them would like to choose to pursue a different way to find a job.

A recent VA survey of private sector employers found there is a perception that servicemembers do not perform duties within tightly defined skill sets. The study concluded there should be a greater emphasis placed on business and professional training of veterans coupled with increased efforts to match their skills with available jobs. That is why I introduced bipartisan legislation last week, joined by Senator JOHANNIS of Nebraska and Senator MURRAY of Washington, to help Iraq and Afghanistan veterans obtain the training and experience necessary for full-time employment by allowing them to use their post-9/11 GI bill benefits for job training and apprenticeship programs.

As my colleagues know, last year, under the leadership of Senator WEBB, we passed into law the Post-9/11 Veterans' Educational Assistance Act, which will provide the men and women who served on active duty since September 11, 2001, with comprehensive educational benefits similar to those World War II veterans received. While I believe there is no greater investment we can make in the future of our veterans than granting them the chance to pursue the higher education of their choosing, I also believe we must not limit veterans' opportunities to only the pursuit of academic degrees. Not every returning soldier chooses to go to college, but they still want a job. Job training, from pipefitting to law enforcement, should also be covered by the GI bill.

Our legislation, the Post-9/11 Veterans' Job Training Act, would allow veterans who wish to enter the workforce immediately rather than pursuing an academic degree to use their post-9/11 GI bill benefits to obtain critical training and job skills.

Specifically, veterans enrolled in an on-the-job training or apprenticeship program could use their benefits to pay for a percentage of their monthly housing costs, which would decline over a period of months; certification and

testing fees; relocation and travel expenses; and tutoring costs. We put these things together based on our discussion with veterans across the country to see what their exact needs were to make it easier for them to go through the pipefitting apprenticeship programs and others that land them in the workforce more immediately.

In order to qualify under this legislation, veterans must be enrolled in programs that have been approved by their State's accrediting agency. As under the old GI bill, veterans can also receive a salary from their employer during this training. This bill will restore the same eligibility and benefits for job training and apprenticeship programs that were available to veterans under the Montgomery GI bill, but are no longer available under the post-9/11 GI bill.

I talked to Senator WEBB and I know there were some reasons this got changed. He is, in fact, supportive of including this, because we have seen this skyrocketing unemployment rate, in part because of the economy, and we want to find every opportunity we can for our veterans to find work.

According to the VA, up to 10 percent of veterans use their Montgomery GI bill benefits for education other than college or graduate school, including for on-the-job training and apprenticeship programs. Through this legislation, post-9/11 veterans will be able to use their expanded benefits for the very same purposes. In Minnesota alone, there are over 50 such programs currently providing training and employment opportunities to veterans, including jobs in law enforcement, construction, engineering, and education.

I was at one of these institutions in Minneapolis this last week and met with some of our veterans, some of whom have done multiple tours in Iraq and one who was leaving in a few months, and they found it very helpful to return to these apprenticeship programs—some of which involve incredibly complex subjects—offering them the opportunity to learn those trades, and this will greatly help them so they can better afford these programs. By applying the new GI bill benefits they have earned toward these programs, veterans can acquire the skills and experience they need for success in the civilian workforce.

Last week, President Obama signed an Executive Order creating a Council on Veterans Employment and directing each Federal agency and department to establish an office to focus on the hiring of veterans. Like the President, I am committed to ensuring that veterans have a path to stable employment when they leave the military.

One other piece of legislation I wish to mention, because I am hopeful it will be included in our health care reform, is the Veterans to Paramedics Transition Act which I introduced along with Senator ENZI. It helps returning veterans with medical training to pursue further education as paramedics. One of the things I found in our

State was that in rural areas of the country—rural areas of Minnesota, rural areas of Virginia, rural areas in Wyoming—there are not enough paramedics. Here we have these returning soldiers who are trained in this area, but for them to have to move again and to go through an entire 2 years of training can be very difficult. The idea is not to say no training is needed but to simply give them some credit; set up rules to make it easy for colleges to give them credit for that on-the-job training they had as paramedics in Iraq and Afghanistan. It involves two problems: the problem of returning veterans who don't have jobs, and the problem of the lack of paramedics in the rural areas. So we are very hopeful, with the help of Senator ENZI and Senator HARKIN, that we will be able to get this bill on the health care reform bill.

I look forward to working with my colleagues to pass not just the Veterans to Paramedics Act but also this bill we introduced last week to make it easier for veterans, when they come home—our soldiers—to choose if they want to go to a pipefitting program or to go to a law enforcement program. For those veterans, there will probably be 10 percent of them who don't feel at that moment that they want to pursue an academic degree, but they need a job.

Thank you, Mr. President.

I yield the floor, and I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

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

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3082, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

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

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

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

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

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

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

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

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

Johanns amendment No. 2752 (to amendment No. 2730), prohibiting use of funds to fund the Association of Community Organizations for Reform Now (ACORN).

Akaka amendment No. 2740 (to amendment No. 2730), to extend the authority for a regional office of the Department of Veterans Affairs in the Republic of the Philippines.

Menendez amendment No. 2741 (to amendment No. 2730), to provide, with an offset, an additional \$4,000,000 for grants to assist States in establishing, expanding, or improving State veterans cemeteries.

DeMint (for Inhofe) amendment No. 2774 (to amendment No. 2730), to prohibit the use of funds appropriated or otherwise made available by this act to construct or modify a facility in the United States or its territories to permanently or temporarily hold any individual held at Guantanamo Bay, Cuba.

DeMint amendment No. 2779 (to amendment No. 2730), to prohibit the use of funds for the transfer or detention in the United States of detainees at Naval Station Guantanamo Bay, Cuba, if certain veterans programs for fiscal year 2010 are not fully funded.

Mr. JOHNSON. Mr. President, as we come back from the Veterans Day recess, the Senate resumes consideration of the MILCON-VA appropriations bill. As I have stated several times on the floor during this debate, this is a vital piece of legislation that needs to be passed as quickly as possible.

As I speak, the VA is operating under a stopgap funding measure. Funding the VA in that manner is far from ideal and interrupts planning and hiring at VA hospitals. The bill before the Senate today protects against this sort of problem in the future by providing \$48.2 billion in advance appropriations for VA medical care. This is something that is supported by both sides of the aisle. In fact, this bill is one of the most bipartisan measures that we take up every year. That is why it mystifies me that we seem to be in a holding pattern.

One of the most critical parts of this bill is medical care for our Nation's vets. The VA is expecting to treat almost 6.1 million patients in fiscal year 2010, an increase of 2.1 percent over last year. Moreover, the Department estimates it will see the number of Iraq and Afghanistan war vets rise to 419,000 this year, a 61-percent increase in patient load since 2008. With these facts in mind, the bill targets the vast majority of discretionary funding for vets' medical care. The bill provides a total of \$44.7 billion for medical care. Additionally, it provides \$580 million for vital medical and prosthetic research. This is one of the many reasons why we need to get this bill passed and sent to conference as soon as possible.

In addition, hundreds of urgent military construction projects are on hold awaiting passage of this bill.

Under a unanimous consent agreement entered into last Monday, there are 27 amendments in order to this bill and one motion. As I understand it, we will soon be voting on one of the amendments and the motion to commit. Between now and the time of the vote, I wish to try to clear some of the other amendments that are in order to the bill. I have read all these amendments, and the vast majority are not controversial. It seems to me we should be able to clear them. If there are objections to any of these amendments, I urge my colleagues to come to the floor and express what objections they may have.

Taking care of our vets and our military troops and their families is one of the most important tasks of this body. Surely, we can all work together and pass this bill quickly.

AMENDMENT NO. 2781 TO AMENDMENT NO. 2779

Mr. JOHNSON. Mr. President, on behalf of Senator DURBIN, I send a second-degree amendment to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. JOHNSON], for Mr. DURBIN, proposes an amendment numbered 2781 to amendment 2779.

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

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

The amendment is as follows:

At the end of the amendment, add the following:

The provision of the amendment shall become effective 1 day after enactment.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

#### GUANTANAMO PRISONERS

Mr. LEMIEUX. Mr. President, I am here to speak about the recent decision of the Obama administration to bring five terrorists allegedly responsible and who admitted being responsible for planning and executing the 9/11 attacks and having them tried in a criminal court in New York. This is the group of Khalid Shaikh Mohammed and four other alleged 9/11 plotters.

The reason I stand before you today is to ask you the question: Why? Why are we bringing enemy combatants, terrorists, to trial in a civil venue in New York? The decision of the Attorney General does not make sense to me. It is not sound in terms of our historical precedent for these types of hearings, and it puts our national security at risk for the future.

Criminal trials for terrorists are different and should be different than criminal trials of those who commit crimes in this country. After all, we afford our citizens who commit crimes the presumption of innocence. It is part of the bargain we have with our citizens, that we will not presume them guilty. We afford them rights—rights that are set forth in our Bill of Rights, rights that are guaranteed constitutionally. We do not guarantee these rights for people who are not U.S. citizens. More importantly, we do not guarantee these rights for terrorists who attack our country in an act of war.

Right now, we are fighting this war in two theaters—in Afghanistan and Iraq. These are enemy combatants. They are not U.S. citizens. They were not resident in the United States when they committed this crime.

I wish to go through the rights we afford the criminally accused in a normal prosecution in this country and show why they are not suited for a terrorist.

We extend the right to remain silent; the right to have that silence not used against you; the right to choose between a public trial before a judge or jury; the right to summon and compel the attendance of witnesses to testify on the accused's behalf; the right to a speedy trial; the right to see all the evidence collected against the accused; the right to learn how the evidence was collected; and the right to appeal not only the verdict but almost every ruling a judge performs in the case.

Why are we extending these rights to enemy combatants who killed nearly 3,000 innocents on 9/11 through an act of war? They did not wear a military uniform, and the planes they flew were not the planes of foreign countries with foreign flags. But there is no difference between the war we are in with them and wars we have had against other countries.

The precedent of what may happen when we afford these rights to these terrorists is not good. Former Attorney General Michael Mukasey talked about what happened when we tried terrorists in U.S. criminal courts. During the trial of Ramzi Yousef, the mastermind of the 1993 World Trade Center bombing, a part of testimony which we thought was innocuous at the time that came out in the public courtroom talked about the delivery of a cell phone battery. It tipped off the terrorists still at large that one of their communication links had been compromised. Mukasey said that link, which had been monitored by the government and provided enormous, valuable intelligence, was immediately shut down and lost in our war on terror.

Mukasey also noted that “In the multidefendant terrorism prosecution of Sheik Omar Abdel Rahman, [also known as “the Blind Sheik” for his role in the 1993 World Trade Center bombings] . . . the government was required to disclose, as it is routinely in conspiracy cases,” the names of the unindicted coconspirators, one of whom was Osama bin Laden.

We are giving information in these public trials, which were never meant for terrorism, which was never meant for people we are at war with, that may be used against us in a future terrorist attack.

Why are we doing this? What is the purpose? We have military tribunals to perform this function. This is not something new to this country. We have been using military tribunals since the time of George Washington. He used it during the American Revolution to deal with British spies. None other than Franklin Delano Roosevelt used them in World War II. We had eight German agents who sneaked ashore with the intent to plant explosives at railroad facilities and bridges. Roosevelt used military tribunals to try and convict those Germans who came across in World War II, and the Supreme Court upheld it. These military tribunals are not something new. They have to be done right. They have to give due process.

We used them against the driver of Osama bin Laden, and one of the charges was dismissed against him. So they are a fair process.

Why are we bringing the 9/11 terrorists to a criminal court in New York? These are not bank robbers. These are people with whom we are at war. Why are we affording them extra rights? Why are we affording them extra rights when the information that is revealed during the discovery process in Federal court may compromise our national security and lead to additional terrorist attacks? Why are we doing this? It doesn't make any sense to me. It defies history, and it is going to present and possibly provide future challenges to our national security.

Finally, let's think about what these trials are going to be like. We are giv-

ing these terrorists an international reality show where they are going to be able to have a platform each and every day to talk about their war against our country and our values. I wish to quote from David Brooks in his column in the Washington Post. He said:

Terrorism is an act of propaganda. So now [Khalid Sheik Mohammed] gets to commit the original act of propaganda, which was the attack, and now he's going to have a long trial, an international reality show, which will be followed here, but more importantly, followed around the world. So he's getting a second bite of the apple at spreading his propaganda message.

What happens if because of all of the rights that are afforded to a person who is tried in a criminal court in the United States, what happens if because one of those rights and all of the presumptions there are against being found guilty, presumptions that we afford to our citizens because they are part of our constitutional democracy, what happens if Khalid Shaikh Mohammed, the mastermind of 9/11, is acquitted on a technicality? Then what? What are we going to do with him? Are we going to release him? Are we going to let him off on the streets in New York? I don't think so. Then we are going to hold him again. What does that say to the international community? He had a trial, he was acquitted, but we are still going to hold him because we think he is a threat. That is going to backfire on this administration.

In conclusion, I cannot understand why we are doing this. I cannot understand, when we have a historical precedent of a military tribunal that we have used since the time of George Washington, that we used during World War II, why we are going to bring these terrorists who killed or were responsible for killing nearly 3,000 innocents on September 11, why we are going to try them in Federal court as criminals and not understand what they truly are, which are terrorists with whom we are at war.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 2746 TO AMENDMENT NO. 2730

Mr. FEINGOLD. Mr. President, I ask unanimous consent to set aside the pending amendment so I can call up amendment No. 2746.

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

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 2746 to amendment No. 2730.

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

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

The amendment is as follows:

(Purpose: To require reporting on alternatives to major construction projects related to the security of strategic nuclear weapons facilities)

On page 27, between lines 3 and 4, insert the following:

SEC. 128. (a) During each of fiscal years 2010 through 2014, the Secretary of Defense shall submit to the congressional defense committees a report analyzing alternative designs for any major construction projects requested in that fiscal year related to the security of strategic nuclear weapons facilities.

(b) The report shall examine, with regard to each alternative—

(1) the costs, including full life cycle costs; and

(2) the benefits, including security enhancements.

Mr. FEINGOLD. Mr. President, my amendment would enhance the security of our strategic nuclear weapons arsenal and help ensure that the Defense Department makes the best use of taxpayer dollars. I am pleased it has the support of the chairmen of both the Military Construction Appropriations Subcommittee and the Armed Services Committee.

The amendment would require the department to submit an analysis of alternative designs for any major military construction projects to secure our nuclear weapons that it plans to initiate. GAO recently found that the Navy initiated two significant new projects without fully analyzing all of the alternatives. Therefore, we cannot be sure that we have found the safest and most cost effective means of protecting our nuclear weapons.

Ensuring the security of our nuclear materials and weapons is more important today than it has ever been. The Commission on the Strategic Posture of the United States recently concluded that the threat posed by the danger of terrorists accessing nuclear materials is greater than the threat that a foreign government would choose to use such weapons against us. Unfortunately, in the face of this new threat, our stewardship of our own arsenal has grown lax in recent years. All of my colleagues are aware of the serious breakdown in leadership which resulted in the unintentional shipment of nuclear-related intercontinental ballistic missile parts to Taiwan. They are likely also aware that a B-52 bomber flew across the continental United States mistakenly loaded with five nuclear warheads. These incidents led to the resignation of the Air Force Chief of Staff and Air Force Secretary. Just recently, a wing commander was relieved of command for substandard performance during several nuclear surety inspections at Minot Air Force Base. Clearly, this is an area that warrants sustained congressional oversight.

I recently wrote to the Assistant Secretary of Defense for Global Strategic

Affairs, Dr. Michael Nacht, asking him to include in the Nuclear Posture Review an analysis of the ideal means to secure our domestic nuclear complex from a terrorist attack. Securing nuclear materials is not just about command and control—it is also about ensuring the physical security needed to ward off an attack. In 2008, the Department of Energy's Office of Independent Oversight conducted an evaluation, including a mock terrorist attack, of a U.S. lab that stores weapons-grade nuclear materials. The oversight office found that the lab's security program had significant weaknesses. In light of these numerous security incidents, Congress must step up its efforts to conduct oversight of our nuclear weapons complex.

This amendment is a small step in that direction. As the Defense Department completes the Nuclear Posture Review and stands up a new command in the Air Force to handle nuclear weapons, it is important that we send a message that we want a careful analysis of the best means to secure our nuclear weapons.

The Defense Department spends roughly a billion dollars annually on nuclear weapons security, including about \$50 million annually on military construction. GAO recently found that “the Navy plans to spend about \$1.1 billion on security improvements to protect ballistic missile submarines while in transit, but selected one alternative without considering the full life cycle costs of the available alternatives.” In particular, the “Navy did not consider the military construction costs of building new facilities to support the new security measures. . . .” In another case, the Navy interpreted DOD guidance as “precluding the considerations of costs and benefits.” This amendment will ensure that this does not happen again.

GAO also found that DOD occasionally cited costs “as a criterion for deviations from security requirements.” This amendment will ensure that the Department conducts a full cost benefit analysis and provides it to Congress. That way we can ensure that DOD is not deviating from security requirements unnecessarily for cost.

I urge my colleagues to support this amendment.

AMENDMENT NO. 2748 TO AMENDMENT NO. 2730

Mr. FEINGOLD. Mr. President, if I could, I would like to move on, set that amendment aside in favor of bringing up amendment No. 2748.

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

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself and Mr. SANDERS, proposes an amendment numbered 2748 to amendment No. 2730.

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

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

The amendment is as follows:

(Purpose: To make available \$5,000,000 for grants to community-based organizations and State and local government entities to conduct outreach to veterans in underserved areas)

On page 52, after line 21, add the following:

SEC. 229. Of the amounts appropriated or otherwise made available by this title, the Secretary shall award \$5,000,000 in competitively-awarded grants to community-based organizations and State and local government entities with a demonstrated record of serving veterans to conduct outreach to ensure that veterans in underserved areas receive the care and benefits for which they are eligible.

Mr. FEINGOLD. Mr. President, this amendment would establish a pilot program to give grants to community-based organizations to conduct outreach for veterans. Many veterans are not aware of care and benefits available to them through the VA or need help navigating the VA bureaucracy to access those benefits.

The VA has recognized the need to conduct additional outreach to veterans but does not have the presence in certain underserved communities, including rural areas, to do so directly. This amendment would ensure the VA makes grants to organizations, including State and local governmental entities, that have a presence in the community and experience working with veterans.

This amendment is based on my Veterans Outreach Improvement Act, which I first introduced over 5 years ago. That bill has been endorsed by the American Legion; Veterans of Foreign Wars; Paralyzed Veterans of America; Vietnam Veterans of America; National Guard Association of the United States; Wounded Warrior Project; and the National Association of State Directors of Veterans Affairs. The companion bill has already passed the House.

The Senate Veterans Affairs Committee has endorsed the idea of a pilot grant program and has authorized the program in the pending Caregivers and Veterans Omnibus Health Services Act of 2009.

The amendment would set aside \$5 million in funding for the grants. CBO has certified that the amendment has no score and is deficit-neutral.

The grants would be awarded on a competitive basis. A wide variety of groups could apply for the grants. State departments of veterans affairs could apply for the grants. In Wisconsin, the Department of Veterans Affairs runs a “supermarket” of benefits where veterans can come and learn about programs available to them through the VA. In the first several years of the program, over 10,000 Wisconsin veterans learned about VA programs for which they were eligible. If that many veterans in Wisconsin alone were unaware of these programs, you can imagine the need for greater outreach nationwide.



Other groups that may apply for grants include the county veteran service officers who are present in counties throughout most States. These individuals have a presence in many rural communities where the VA's presence is minimal. Rather than hiring contractors that know nothing about veterans issues to conduct outreach by phone to veterans, as the VA has done, this amendment would allow the VA to leverage existing expertise in the community. Both State and local governmental entities are currently conducting outreach notwithstanding the fact that this is a Federal responsibility. Given the current strain on State and local budgets, we cannot assume that they will continue to be able to offer these services.

Community-based nonprofits with experience working with veterans will also be eligible for the grants. These organizations may have special skills for working with underserved veterans, such as expertise in assisting those with mental disabilities.

Given the high number of service members returning from Afghanistan and Iraq, it is essential that we conduct outreach to these veterans now to ensure that they get the services they need from the VA. I urge my colleagues to support this amendment.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### NOMINATION OF DAVID F. HAMILTON

Mr. SESSIONS. Mr. President, I rise to share some thoughts about the Hamilton nomination in particular and some thoughts about the idea that judges can be subject to a filibuster. It is a matter that has been the subject of discussion in the Senate for a number of years. I wish to share with my colleagues how it all came about, where I think we are today, and why Mr. Hamilton does not deserve to be confirmed as a Federal judge.

I recognize he has many qualities, and I am not saying anything about him personally. But his approach to the law is unacceptable and is activist and evidences a philosophy that indicates he would not be serving under the law and under the Constitution but, as he has said, a judge is free to write footnotes to the Constitution. I don't think judges are empowered to write footnotes to the Constitution. According to their oath, judges serve under the Constitution. They don't get to amend it or footnote it, and they are not above it.

Back when President Clinton was in office, he nominated a number of judges who were activist. I voted for over 90 percent of his nominees. But I believed a number were activists, and I

opposed them. There was much discussion about it. Nominees such as Marsha Berzon and Richard Paez I believed, were not going to be faithful to the law if confirmed. My instincts in that regard have been proven correct. This was in the 1990s.

Regardless, I remember then-majority leader Trent Lott, a Republican, moved for cloture on Berzon and Paez. We had votes. I and an overwhelming number of Republicans voted for cloture; that is, voted to bring up the nominees for a vote. Then a number of us voted against them. We didn't think they should be confirmed. But we didn't adhere to the view that filibustering was appropriate. That is when President Clinton, a Democrat, was in the White House.

Then, my Democratic colleagues in the Senate opposed filibusters and made all kinds of speeches against filibusters and against delaying votes.

Then President Bush, a Republican, got elected. In January, before he actually took office or about the time he took office, my Democratic colleagues had a retreat. At the retreat they met with legal scholars: Laurence Tribe, Cass Sunstein, and Marcia Greenberg. They advised them they should no longer follow tradition but should change the ground rules. In fact, they did so in a lot of areas. The New York Times reported that the decision at this meeting was about changing the ground rules on confirmations.

When President Bush started nominating judges, they were suddenly subject to filibuster—consistent, sustained filibusters, vote after vote. I believe there were 30 different cloture votes filed to move his nominees forward. That is what happened. We ended up with a series of nominees who were fabulous nominees President Bush had submitted, and they couldn't get a vote. Priscilla Owen, a member of the Texas Supreme Court, was given the highest possible rating by the ABA; Judge Bill Pryor, now Justice Bill Pryor from Alabama, a fabulous, brilliant nominee; Miguel Estrada; Janice Rogers Brown, an African-American woman who had been elected to the California Supreme Court and was a fabulous nominee. I remember her particularly since she had been born in Alabama. We couldn't bring them up for a vote. It went on and on.

Finally, the only thing that then-majority leader Bill Frist could do was to change the rules of the Senate to allow us to vote. He finally got the situation to the point that that appeared to be likely to occur.

It was at that point that the Gang of 14—seven Republican and seven Democratic Senators—got together and basically said: Too many nominees are being filibustered. We are abusing the filibuster rule, but we don't think we ought to eliminate the filibuster altogether, but only in extraordinary circumstances. If you really think this is not a good nominee who should not serve on the bench, vote no. But only if

you strongly believe there is some serious flaws in this nominee's background, only then should you participate in a filibuster. It is legitimate if there is extraordinary circumstances. That is what they said.

A number of the judges got through. Several did not. There were 8 or 10 in controversy at that time for the circuit bench. Priscilla Owen, Bill Pryor, and Janice Rogers Brown were confirmed, but several others didn't make it from that group.

Now we have a Democratic President, and his nominees are coming up. Justice Sotomayor, whom he nominated to the Supreme Court, was a nice person, a capable person. She made some speeches that were troubling. We all analyzed that and studied that a good bit. What we concluded was—at least what I concluded, I think most of my colleagues did too—that while we may have serious doubts about whether she should be confirmed for the Supreme Court, we didn't think there were extraordinary circumstances that would justify a filibuster. So she was given an up-or-down vote. I voted against her nomination, but she was confirmed.

That is normally the way things have happened. Robert Bork's nomination failed on an up-or-down vote. Justice Clarence Thomas was confirmed on an up-or-down vote. However, President Bush's nominee for the Supreme Court, Justice Alito, was filibustered. He was a fabulous nominee who was so impressive in committee, almost as impressive as President Bush's other nominee, Chief Justice John Roberts. He should not have been filibustered, but he was. President Obama was one who led the filibuster and participated in it. But it failed, and Justice Alito was confirmed.

In 1997, when a Democratic President was in office and they were trying to move his nominees forward, Senator BOXER said:

It is not the role of the Senate to obstruct the process and prevent numbers of highly qualified nominees from even being given a vote on the Senate floor.

That is being denied an up-or-down vote by filibuster. She opposed that. Yet when President Bush was nominating judges, she voted 35 times to block his nominees by filibuster.

During the Clinton administration, Senator SCHUMER said:

I also plead with my colleagues to move judges with alacrity—vote them up or down. This delay makes a mockery of the Constitution, makes a mockery of the fact that we are here working, and makes a mockery of the lives of very sincere people. . . .

Senator SCHUMER later voted 34 times to keep President Bush's nominees from having an up-or-down vote, in other words, to filibuster his nominees.

Our distinguished chairman of the Judiciary Committee, Senator LEAHY, likewise made similar statements. I will not go into all of those, but I can do so. I can definitely state time after

time, Senator after Senator who opposed filibusters when President Clinton was sending nominees to the Senate led the filibusters against President Bush's nominees.

The Democrats have a clear majority in the Senate, 60 Members. Senator REID recently came to the Chamber to demand a time agreement for Judge David Hamilton's nomination to the Seventh Circuit Court of Appeals. Apparently, he was not happy that some of us wanted to have more debate about it. He said:

We are going to do Judge David Hamilton [for the] Seventh Circuit, who has been waiting since April. We have agreed to time agreements. Do you want an hour, 2 hours, 5 hours, 10 hours of debate? No, we don't want anything.

He is speaking for the Republicans.

They don't want a time agreement. This is so important that we will spend 2 days debating it if we can have a vote. But that is not good enough. No time is sufficient.

That is what he grumbled about. He has a lot on his plate. But Senator REID has a short memory. When Senator REID was in the middle of filibustering Priscilla Owen, a fabulous nominee, and Senator BOB BENNETT made a unanimous consent request that the Senate commit 10 hours to debating her nomination and then give her an up-or-down vote, Senator REID objected. When Senator BENNETT asked how much time would be sufficient for the nomination, Senator REID responded by saying:

[T]here is not a number [of hours] in the universe that would be sufficient.

Later, Senator MCCONNELL sought a time agreement on Judge Owen. Senator REID responded by saying:

We would not agree to a time agreement . . . of any duration.

Majority Leader REID voted 27 times to filibuster President Bush's nominees. There are a number of other statements I could cite that demonstrate how some of my Democratic colleagues have forgotten the factual record.

The truth is, my colleagues on the Democratic side fought against moving to cloture on 17 of President Bush's judicial nominees on 30 separate occasions. In doing so, they changed 214 years of Senate tradition. That is a fact.

I remember, as a new Member of the Senate, when President Clinton was in office. I believed the Senate should abide by those rules. I remember voting for cloture to move two nominations—Berzon and Paez. Although I voted against them, I did not support a filibuster. I did not think we should change the Senate tradition.

Once those debates started—colleagues will remember—it was a pretty hot debate. We believed strongly that there was no basis to block a lot of these nominees. The only thing these judges had in common was that they believed a judge should strictly apply the law, that they should be objective, that they should not allow their per-

sonal feelings to enter into their decision-making, or their empathies, and that they would be faithful to the law even if they didn't like the law. If it was passed by some legislature or the Congress, they ought to be enforcing it regardless of what they personally thought. They were not elected to make the law; they were elected to enforce the law. The American people agreed with that overwhelmingly.

One night we debated all night. We went all night long to try to encourage colleagues to give up on the filibusters. But they didn't. That is how we got the Gang of 14 came about and made the rule change.

So my Democratic colleagues are sort of suggesting, it seems to me, that it is somehow improper that on any nominee Republicans would demand they achieve a 60-vote margin to move to an up-or-down vote—what they have been doing time after time. I will just say if we allow that to happen, this is the effect of it. It would mean for a Republican President who nominates a judge to the bench, his nominee would have to get 60 votes in the Senate to be confirmed. But if a Democrat is in office, and Republicans are not able to filibuster, it would only take 51 votes to get them confirmed.

That is the kind of situation we are in. So the answer becomes, to me, pretty obvious, and I think to others on our side. We had a full debate. We had a real battle. We went on for several years. We debated the rules of the Senate, and the Senate, in effect, established a new rule. The new rule is, filibusters are legitimate, but only if there are extraordinary circumstances. I think that is not totally improper. I guess we are stuck with it. That is where we are, and I think that is probably where we are going to stay for a while.

So as we go forward today, we will be asking—maybe each of us—what “extraordinary circumstances” is. There is no exact definition of it. When is it appropriate to vote against cloture on a judicial nominee? What does “extraordinary circumstances” mean? Each Senator will make up their own mind. There is no firm definition.

In my view, Judge Hamilton is an example of a nominee who does fit the “extraordinary circumstances” standard for a number of reasons. It is difficult for Members on this side of the aisle to vote to end debate on a nominee as controversial as Judge Hamilton. Indeed, we have had no debate on him at all on the floor to date. No one on this side of the aisle has made a statement similar to the one Senator REID made about there not being enough time in the universe to debate the nominee.

If we look back and see how the decision was made on the nominees who came through when the rule was changed, maybe we can get some feeling for the appropriate way to view—based at least on what happened before—the meaning of “extraordinary circumstances.”

As to Judge Bill Pryor, the Democrats forced three cloture votes. They blocked him three times. Many of my colleagues who are now arguing against a filibuster, saying Judge Hamilton should not be filibustered, did not hesitate to vote to block an up-or-down vote on Judge Pryor.

During his confirmation, then Alabama Attorney General Pryor was criticized because he had pro-life personal views, although he had a record of showing that he criticized an Alabama law, as attorney general, that was anti-abortion, when he felt it was unconstitutional. As attorney general, he said it was unenforceable. It was a close question, but the Supreme Court had ruled on it, and Bill Pryor said: I am a man of the law. Even though I am pro-life, I cannot enforce this law.

That was not good enough. They thought he, as a strong and practicing Catholic, was too religious. So now, if we look at Judge Hamilton—I am not sure what his religious beliefs are, and it certainly is not a matter that is important—but in *Hinrichs v. Bosma*, in the district court where he is a Federal district judge, in 2005, Judge Hamilton prohibited prayers in the Indiana House of Representatives that expressly mentioned Jesus Christ, saying they violated the Establishment Clause of the United States. Yet he would have allowed prayers which mentioned Allah. They had an imam pray at the legislature too.

Mr. President, I will wrap up.

In *Grossbaum v. Indianapolis-Marion County Building Authority*, he denied a rabbi's plea to allow a Menorah to be part of the Indianapolis Municipal Building's holiday display. The Seventh Circuit reversed him unanimously.

So I would ask, between the criticism of Judge Pryor and Judge Hamilton, who is out of the mainstream? Where is the extraordinary circumstance?

Then there was Priscilla Owen, some of my Democratic colleagues found extraordinary her dissents in close, split cases, dealing with parental consent. Judge Owen was concerned that a 16-year-old in Texas could get an aspirin at school without parental consent but, under Texas law, could have an abortion without any parental involvement. She voted to uphold the ruling of the lower court judge that parents should be at least notified before their daughters underwent an operation, and my colleagues did not like that.

Judge Hamilton, on the other hand, succeeded in blocking the enforcement of an Indiana informed consent law for 7 years. In reversing him, the Seventh Circuit noted that Judge Hamilton had abused his judicial discretion. The court of appeals said this:

[F]or seven years Indiana has been prevented from enforcing a statute materially identical to a law held valid by the Supreme Court in *Casey*, by this court in *Karlin*, and by the Fifth Circuit in *Barnes*. No court anywhere in the country (other than one district judge in Indiana)—

They were talking about Judge Hamilton—



has held any similar law invalid in the years since Casey. . . . Indiana (like Pennsylvania and Wisconsin)—

According to the Court—

is entitled to put its law into effect and have that law judged by its own consequences.

So between the criticisms of Judge Owen and Judge Hamilton, which one is outside the mainstream?

Well, there are other issues we could talk about and will talk about as the debate goes forward. But I just wanted to share that to say I am not one who believes we should lightly oppose a nominee. I think they should be given some deference, whatever a Senator believes. I believe a President's nominee should be given deference. But we are not a rubberstamp. We are being asked to give this nominee a lifetime appointment. If they believe they have the power to frustrate legislative will and popular will, when what the legislature did is not in violation of the Constitution, they do not need to be on the bench. That is my view and I think a lot of others' view too.

The American people are unhappy with judges who believe they can allow their feelings, their empathies to cause them to render opinions that do not follow the law. The great American heritage is an objective view of the law, and the oath that a judge takes is to be impartial and to serve under the Constitution and the laws of the United States.

Because I am deeply troubled by Mr. Hamilton's record—not by his personal qualities, but his record and his speeches—I will be opposing the nomination and not voting for cloture.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Indiana.

Mr. LUGAR. Madam President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

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

#### NOMINATION OF JUDGE DAVID HAMILTON

Mr. LUGAR. Madam President, I rise today to speak on behalf of Judge David Hamilton whom the President has nominated to serve on the U.S. Court of Appeals for the Seventh Circuit.

I first had the pleasure of supporting David Hamilton almost 15 years ago when he was nominated to the Federal district court. I said then that "the high quality of his education, legal experience, and character well prepare him for this position" and expressed my belief that "his keen intellect and strong legal background will make him a great judge." This confidence in David Hamilton's character and abilities was shared by all who knew him regardless of political affiliation throughout Indiana's legal and civic communities.

I have known David since his childhood. His father, the Reverend Richard Hamilton, was our family's pastor at St. Luke's United Methodist Church in Indianapolis where his mother was the soloist in the choir. Knowing firsthand

his family's character and commitment to service, it has been no surprise to me that David's life has borne witness to the values learned in his youth.

David graduated with honors from Pennsylvania's Haverford College, won a Fulbright Scholarship to study in Germany, and then earned his law degree at Yale. After clerking for the Seventh Circuit Court, David joined the Indianapolis office of Barnes & Thornburg where he became a partner and acquired extensive litigation experience in the Indiana and Federal judicial systems.

When our colleague, Senator EVAN BAYH, was elected Governor of Indiana, he asked David to serve as his chief legal counsel. Among other achievements in that role, David supervised the overhaul of State ethics rules and guidelines and coordinated judicial and prosecutorial appointments.

In the latter capacity, David worked closely with Judge John Tinder, then a President Reagan appointee to the district bench, whom President Bush recently appointed to the Seventh Circuit with the unanimous support of the Judiciary Committee and the full Senate.

When David was nominated to the district court, Judge John Tinder wrote to me that David was "meticulous in asking the difficult questions of and about judicial nominees." He said his approach to these duties "typifies the deliberate and sensitive way in which he approaches matters in his professional life."

The same is true of David's approach to his judicial duties. Leading members of the Indiana bar testify to his brilliance and, as important, to his character, dedication, and fairness. Geoffrey Slaughter, president of the Indiana Federalist Society, also endorsed Judge Hamilton's nomination, saying:

I regard Judge Hamilton as an excellent jurist with a first-rate intellect. He is unfailingly polite to lawyers. He asks tough questions to both sides, and he is very smart. His judicial philosophy is left of center, but well within the mainstream.

His colleagues on the Southern District of Indiana bench—a talented and exceptionally collegial group from both parties—unanimously endorse that conclusion.

I recognize some of my colleagues do not share this view. Specific charges have been levied that Judge Hamilton has used his position on the Federal courts to drive a political agenda. I believe a closer look at his record will reveal that Judge Hamilton has not been a judicial activist and has ruled objectively and within the judicial mainstream.

Upon receiving a letter from my good friend and colleague, the ranking member of the Senate Judiciary Committee, I asked Indianapolis attorney and former Associate Counsel to President Ronald Reagan, namely, Peter Rusthoven, to review concerns raised regarding David Hamilton's nomination.

Judge Hamilton has been criticized for a speech delivered in 2003 when he cited that judges "write a series of footnotes to the Constitution."

It has been suggested that this comment is evidence of a judicial activist philosophy. However, Judge Hamilton never wrote that judicial decisions are an appropriate means to change the Constitution. The footnotes comment means simply that judicial decisions illustrate how the Constitution applies to particular circumstances. For example, Chief Justice Marshall's seminal *Marbury v. Madison* decision, establishing judicial authority to pass on the constitutionality of actions by the political branches, illustrates a vital aspect of how the Constitution applies, but does not assert judicial power to amend the Constitution, much less based on a judge's personal views.

Another charge levied is that Judge Hamilton prohibited public prayers involving Jesus Christ but allowed prayers invoking Allah. However, Judge Hamilton did not say, as some suggest, that prayers in the Indiana Legislature "Allah" as the Muslim deity were permissible while prayers to Jesus Christ were not. He in fact said that using Allah as a generic reference to the deity could theoretically be permissible in nonsectarian prayer, as would be true of using the word for God in any language. Judge Hamilton was clear that legislative prayer advancing the religion of Islam would be prohibited. I support a more permissive approach to public prayer than Judge Hamilton, but clearly his ruling comports with Supreme Court authority. As Justice Antonin Scalia explained, government-sponsored endorsements of religion are sectarian if they "specify details upon which men and women who believe in a benevolent, omnipotent Creator and Ruler of the world are known to differ, for example, the divinity of Jesus Christ."

Also contrary to certain charges, Judge Hamilton's ruling on the issue was not reversed. The Seventh Circuit's later reversal did not involve the merits, but the separate, procedural issue of whether the taxpayer plaintiffs had legal standing to challenge the legislative practice. In this case, a subsequent Supreme Court ruling created a new precedent which led to the reversal.

A similar reversal situation occurred regarding an effort to compel local officials to include a Menorah as part of a holiday display in the Indianapolis City-County Building. The Seventh Circuit opinion by Reagan appointee Judge Ripple makes this point in its opening paragraph, saying Judge Hamilton's ruling had been made "without the benefit of the Supreme Court's recent guidance in this area."

There have also been claims, citing the Almanac of the Federal Judiciary, that Judge Hamilton is one of the most lenient judges in his district in criminal matters. However, the Almanac cited extraordinarily high

praise for Judge Hamilton. The Almanac summary states: "Hamilton is fair when it comes to sentencing, according to lawyers." Practitioners consistently stated that he is objective and shows no bias.

In demonstrating this alleged leniency, critics have cited a case in which Judge Hamilton "used his opinion to request clemency for a police officer who pled guilty to two counts of producing child pornography." Judge Hamilton in fact imposed the 15-year sentence required by sentencing guidelines even though he believed it excessive in the circumstances. Doing what the law requires even when a judge may personally disagree is a textbook example of judicial restraint. Further, there were, indeed, circumstances in the case that might properly be considered in a later executive clemency request, which is all that the unpublished decision was pointing out. In other cases with different circumstances, Judge Hamilton has imposed rigorous sentences for child pornography as long as 100 years.

Critics also point to another case in which they argue that Judge Hamilton disregarded an earlier conviction in order to avoid imposing a life sentence on a repeat offender. In this particular case, Judge Hamilton made a mistake and has admitted it. Judge Hamilton initially imposed a 25-year sentence for drug and firearms offenses on a 55-year-old man taking into account a 10-year-old prior conviction. The issue was whether the sentence should be further enhanced based on a 35-year-old prior conviction on marijuana charges under the now repealed Federal Youth Corrections Act. Judge Hamilton now believes the Seventh Circuit was correct to apply a sentence enhancement, and he imposed a life sentence on remand.

Another complaint is that Judge Hamilton used his position to purposely delay enforcement of Indiana's informed consent abortion laws for 7 years. Judge Hamilton's analysis in the Indiana case differs from my own, but his actions were defensible in the context of what lower courts must do in the field of abortion law jurisprudence.

As those who believe *Roe v. Wade* was fundamentally mistaken would argue, "undue burden" issues of the sort Judge Hamilton and the Seventh Circuit wrestled with in the Indiana litigation are an unfortunate, inevitable consequence of what Justice Scalia has called the Supreme Court's continued effort to craft an "abortion code" without grounding in the text of the Constitution. Hence, it is hardly surprising that jurists will come out on different sides of undue burden inquiries. They necessarily entail judges weighing what is or is not undue by a standard that is unguided by any constitutional language. The Supreme Court itself continues to struggle to articulate tests that will elucidate this matter of law.

One illustration of that point is that five members of the full Seventh Cir-

cuit—including Judge Posner, a Reagan appointee—voted to grant rehearing en banc of the 2-1 decision reversing Judge Hamilton's ruling. Further, even in reversing, the Seventh Circuit did not hold that Judge Hamilton's fact findings were "clearly erroneous," which is the pertinent appellate review standard on evidentiary questions.

The delay assertion unfairly ignores that the delay was due in very large part to litigation decisions made by the State of Indiana itself. Judge Hamilton's preliminary injunction decision in 1995 was immediately appealable by the State as a matter of right; but the State chose not to appeal. The same was true of Judge Hamilton's 1997 decision modifying that injunction; again, the State chose not to appeal. Thereafter, the State as well as the plaintiffs sought continuances of the trial, including to permit further discovery on complex statistical issues that are an aspect of the undue burden analysis. The notion that Judge Hamilton was in any way trying personally to delay the case, whether based on his personal views on any issue or for any other reason, is unfounded.

Allow me to close with a few further thoughts on our nominations process. When I introduced now Chief Justice John Roberts to the Senate Judiciary Committee in 2005, I expressed my concern that the Federal judiciary is seen by many as another political branch. The confirmation process is often accompanied by the same oversimplifications and distortions that are disturbing even in campaigns for offices that are, in fact, political. This phenomenon is most pronounced at the Supreme Court level, and traces to several causes that I will not try to address today. I mention this, however, to underscore my commitment to a different view of judicial nominations, which I believe comports with the proper role of the judiciary in our constitutional framework.

I do not view our Federal courts as the forum for resolving political disputes that the legislative and executive branches cannot, or do not want to, resolve.

This is why I believe our confirmation decisions should not be based on partisan considerations, much less on how we hope or predict a given judicial nominee will rule on particular issues of public moment or controversy. I have instead tried to evaluate judicial candidates on whether they have the requisite intellect, experience, character and temperament that Americans deserve from their judges, and also on whether they indeed appreciate the vital, and yet vitally limited, role of the Federal judiciary faithfully to interpret and apply our laws, rather than seeking to impose their own policy views. I support Judge Hamilton's nomination because he is superbly qualified under both sets of criteria.

Finally, permit me to thank my colleague from Indiana, Senator EVAN

BAYH, on the thoughtful, cooperative, merit-driven attitude that has marked his own approach to recommending prospective judicial nominees from our State. The two most recent examples are his strong support for President Bush's nominations of Judge Tinder for the Seventh Circuit and of Judge William Lawrence for the Southern district of Indiana.

Thank you for this opportunity to express my support for Judge David Hamilton. I am hopeful that my colleagues will vote tomorrow to end debate on this important nomination.

Madam President, I yield the floor, and I note 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 South Dakota.

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

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

Mr. JOHNSON. I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will so state.

Mr. JOHNSON. How much time is remaining on both sides?

The PRESIDING OFFICER. On the minority side, 16½ minutes; on the majority side, 46½ minutes.

Mr. JOHNSON. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSON. Madam President, I note 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 that the order for the quorum call be rescinded.

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

#### MOTION TO COMMIT

Mr. COBURN. Madam President, I know we are going to vote at 5:30 on an amendment and on a motion to commit. I send a motion to commit to the desk at this time.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] moves to commit the bill H.R. 3082 to the Committee on Appropriations of the Senate with instructions to report the same back to the Senate with changes to reprioritize spending within the bill in order to provide sufficient funding to ensure coverage of medically necessary care and payment of caregivers for disabled veterans, including but not limited to those who fought in World War II, the Korean War, the Vietnam War, Operation Desert Shield, Operation Desert Storm, Operation Enduring Freedom, Operation Iraqi Freedom, and any combat zone in the War on Terrorism, and that such funding for veterans' assistance should be paid for with reductions in spending for earmarks for less urgent projects and other unnecessary programs not requested by the Commander in Chief.

Mr. COBURN. Madam President, I think under the agreement I will have 30 minutes to discuss this and the other amendment I have; is that correct?

The PRESIDING OFFICER. Without objection, the Senator may consume 30 minutes.

Mr. COBURN. I thank the Chair. I will try not to consume that amount of time to move this along.

Last weekend, the Senate, prior to Veterans Day, had the urgency of passing a bill that will, in fact, help a specified group of veterans, but it won't help veterans who have identical needs to that group of veterans because they were excluded from it.

The Caregivers Act also will require, at a minimum, \$3.7 billion in spending over the next 5 years, and none of it—there was no decision to make in terms of that bill on any priorities about what we get rid of. As a matter of fact, the intent, as stated by the majority whip, was that we needed to pass this before last Wednesday so that people could get care. Well, the truth is, no care will come about if there is no money in this bill for that program.

The whole purpose for this motion to commit is to do two things: One, send the committee back and eliminate the discrimination against veterans in the first gulf war, against veterans in the Vietnam war, the Korean war, and World War II who have identical needs that require family caregivers and include them in it. The second aspect of the motion to commit is to find it from the available funds we have today. We suggest some opportunity for that but don't mandate where it comes from. But we should reduce spending somewhere else to pay for this. The reason that is important is, this past year, 43 cents out of every dollar we spent we borrowed from our grandchildren.

So in making a motion to commit this bill, we are doing three essential things. No. 1 is that we are actually being truthful that we really want to take care of this need and will do it in this fiscal year. No. 2 is that we are not discriminating against other veterans who have identical needs. No. 3 is that we are not discriminating against our children and grandchildren by not making hard choices to pay for it with existing funds.

I have no illusions that this motion to commit will succeed. But it doesn't change the very real facts that are in front of this Nation—that we cannot continue to spend money without making choices about what is most important. None of us disagree that taking care of those who have sacrificed for us has to become No. 2 behind the defense of this Nation in terms of the priorities for this country. Nothing else is higher in priority. Yet the bill we have before us doesn't make that a priority and the authorizing language doesn't make that a priority. As a matter of fact, the bill before us asks the VA to study this issue rather than actually go on and fund this issue by making the appropriate changes.

There is a significant increase in this bill, and outside of foreign expenditures, it is over 5.5 percent. It is not objectionable that it would be there, that kind of increase, given the demand our troops have had and their injuries and what they have suffered in terms of defending this country and fighting two ongoing wars. However, some of that money ought to be winnowed down so that we can take care of the very people who protect us.

We have had these tremendous speeches on why we have to do it now. If those speeches aren't going to ring hollow, we ought to commit the bill to make sure we have money for the Veterans Caregiver Act.

#### AMENDMENT NO. 2757

The other area I wish to spend time on is that in this bill we also have various and sundry reports that have been requested by the committee of different branches of the Federal Government. One of the most important ways to build trust in the Congress today is for us to create and increase the level of transparency for the American people to see our actions. This amendment is simply an amendment that says any reports that do not divulge or put at risk national security data should be made available to all the Senators, all the Congress, and all of the American people. This has been in several of the appropriations bills we have passed in the Senate. Unfortunately, rarely has it stayed in the conference report because there are those who don't want the American people to see what we are doing and how we are doing it.

I will sum up. We find ourselves in a big pickle right now as a nation. We soon will be voting in this body to increase the debt limit to \$12.1 trillion. That figures out as a significant amount of money for every individual in this country—well over \$35,000—but it is a very small amount compared to what is getting ready to happen in the next 9 years as our debt triples. Our debt will triple in the next 9 years, which means we will go from 30-some thousand dollars per individual to very close to \$100,000 per individual.

That doesn't compare to the unfunded liability. If you take everybody in this country who is 25 years of age and younger—that is 103 million Americans—and you ask what is the consequence to those young Americans 20 years from now, the consequence is that they are going to be paying for another \$1 million in debt for which they got no benefit, and the interest costs on that alone will be over \$70,000 per year, per individual under age 25 today and under 45 20 years from now and all their kids.

The idea that we ought to pay for the new things we do by eliminating the things that aren't important, that we ought to pay for the new things we do by eliminating some of the \$300 billion worth of waste, fraud, and duplication in the Federal Government every year is not a novel idea outside Washington; it is only a novel idea inside Wash-

ington—the very fact that the next generation will be put at a disadvantage because we lack the same courage and clarity of moral character our troops have in terms of making tough choices.

My hope is that with the motion to commit, in fact, the body will look and say we really can fund this and find waste and we can make choices about what is most important versus what is not most important, and not only will we help the veterans who are deserving of our assistance at this time, but we will also help the veterans' children and grandchildren by not plugging a credit card in and saying: Whatever we are going to do for veterans today, we are going to charge to you.

Instead, I hope that we are going to carry the load and that we are going to embrace the heritage of our country, the heritage of sacrifice and of creating opportunity that is better for the generations that follow than the opportunities that were given to us. That is not happening right now in our country. We are going to have a larger deficit next year than we have this year. We are going to take 43 cents out of every dollar we actually spend next year and we are going to charge that all to those two generations that follow us. That is not what made this country strong. That is not what our veterans fought for. That is not the country they want to see in the future. It is time we made some hard choices.

The resistance will be: I don't want to eliminate my earmark; I don't want to eliminate the parochial things I have done for my State to take care of veterans. They will not come out and say that, but that will be the result of the vote. The vote is, take care of the politicians, say you are taking care of the veterans, but undermine the future of the next two generations. That is what the vote is going to be about on the motion to commit—a lot of controversy and emotion associated with not doing things on time. But I would rather do things right and do things that will secure the future rather than destroy it. I would rather do things that honor the sacrifice rather than dishonor the sacrifice.

We can claim all we want when we pass a veterans caregiver bill, but if we don't fund it and there is no money for it, it is an announcement that we care but no action behind it. If we don't cover all the veterans who have the same need, we know it is political only. The motion to commit makes sure that we cover all veterans, that we treat them all equally, and if they have the same kinds of needs, they will get the same kinds of service—not because they are young and served in the war on terror but because they served this great Nation and preserved it with their courage, valor, and commitment.

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

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

Mr. JOHNSON. Madam President, I ask unanimous consent that no amendments be in order to the Coburn amendment or motion.

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

Mr. JOHNSON. Madam President, the MILCON-VA bill before the Senate today funds critically important programs for our Nation's military forces and their families and for our vets. Most of the funding was requested by the President, but certain programs were enhanced or augmented by the committee after careful consideration and evaluation of the budget request. Let me give two examples of the funding in this bill that was not requested by the President that would be stripped out under the mandate of the motion to commit: \$50 million for community-based outpatient clinics for vets in rural areas underserved by VA medical centers. These clinics serve as medical lifelines for vets in rural areas who do not have ready access to a VA Hospital.

There is \$50 million in a pending amendment to renovate excess buildings on VA medical campuses for homeless vets shelters and services. An estimated 131,000 vets are homeless on any given night. Secretary Shinseki has made it a priority to eliminate homelessness among vets, and this bill supports that effort.

There is \$300 million to complete the funding requirement for the expanded Homeowners Assistance Program for military personnel, to protect military families under orders to move during the current mortgage crisis from disastrous losses on home sales and to shield wounded warriors and surviving spouses from the financial ravages of the mortgage crisis.

There is \$7.5 million for a chapel center at Dover Air Force Base, DE, to replace a wood-frame chapel built in 1956. The existing chapel has asbestos in the ventilation system, the roof is too unstable for maintenance personnel to walk on, and the Chaplain Command has rated the current chapel as the worst in the command. Yet this decrepit facility serves as the primary site for hosting families waiting to view the dignified transfer of the fallen from the wars in Iraq and Afghanistan. This project was not included in the President's budget request but was added by the committee.

These are but a few examples of the types of programs and projects funded in the bill that were not requested by the President. They are not, as this motion would suggest, less urgent or unnecessary simply because they were not requested by the President. They are the product of careful analysis and evaluation by the committee of jurisdiction and developed in close consultation with the authorizing committees.

I urge my colleagues to support the committee-passed version of the MILCON-VA bill and reject the motion to commit it to the committee.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. HUTCHISON. Madam President, I know my colleague, the chairman of the Veterans Affairs and Military Construction Subcommittee, has already spoken on the bill. I rise to make a couple of points.

First, I thank the Senate for not meeting on this bill last Tuesday, when it was scheduled to be taken up and passed and, instead, allowing so many of our colleagues to go to the memorial service at Fort Hood in Killeen. It was a wonderful service. So many of our colleagues were in attendance from all over the country to show their support for the troops, to show sympathy for the families. There were approximately 200 family members there. Of course, the President and Mrs. Obama were there. There were many House Members. It showed to the base and to the thousands of troops who attended how much we care about them. I am grateful to my colleagues for that gesture.

We have a good bill. My colleague Senator JOHNSON and I have worked together on this bill. We have stayed within our budget. We have tried to make sure we are covering the needs of our veterans.

The emphasis in the veterans section is in health care. We know we must do more for the mental health and getting people who have been in Afghanistan or Iraq back into the mainstream so they can lead normal lives. We have done that. We have put over \$4 billion into mental health funding. We are setting up centers now for mental health excellence. I am pleased we are making that a priority.

In addition, spinal cord and traumatic brain injuries. We know so many of our wounded soldiers suffer traumatic injuries. We need to make sure we have the ability to give them all of the rehabilitation necessary for them to reenter a life of quality. We are adding one more tier 1 polytrauma center. We have four. We are adding one more in San Antonio, TX, in the VA center, which we are very pleased to be able to do.

The homeless veterans program is also being augmented in this bill, and I applaud Senator JOHNSON's efforts for creating the initiative last year to increase the VA footprint in our rural areas for our health care facilities. I think this is very helpful and warranted.

On the military construction side, this morning I was at Dyess Air Force

Base, where we broke ground on two incredible facilities. One will be a maintenance facility for both the B-1 bombers and also the C-130s and new C-130Js that are going to be coming into our system next year. It is going to be a great facility, and we are very excited about that. We have a Reserve training headquarters there at Dyess, as well, and we broke ground on that building today.

In addition, our BRAC has been fully funded. That was a priority of mine because I thought it was very important we fully fund our BRAC.

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

Mrs. HUTCHISON. Thank you, Madam President. I wish to go ahead to the vote because I know it is important. But I will just say, I fully support our bill and look forward to working on the amendments and passing this bill, finally, tomorrow.

AMENDMENT NO. 2757

The PRESIDING OFFICER. There will now be 2 minutes of debate, evenly divided, on Coburn amendment No. 2757.

The Senator from South Dakota.

Mr. JOHNSON. Madam President, I support the amendment from the Senator from Oklahoma, amendment No. 2757, disclosure of reports. Our side was willing to agree to this amendment by unanimous consent or voice vote.

I urge my colleagues to support this amendment.

I yield back my time.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I also support this amendment. I think the reporting requirements are absolutely the right thing to do.

Madam President, I yield back the rest of my time and ask for the vote to commence.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Delaware (Mr. KAUFMAN), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. KAUFMAN) would vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM), the Senator from Georgia (Mr. ISAKSON), and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 344 Leg.]

## YEAS—93

Akaka	Durbin	McConnell
Alexander	Ensign	Menendez
Barrasso	Enzi	Merkley
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murkowski
Begich	Franken	Murray
Bennet	Gillibrand	Nelson (NE)
Bennett	Grassley	Nelson (FL)
Bingaman	Gregg	Pryor
Bond	Hagan	Reed
Boxer	Harkin	Reid
Brown	Hatch	Risch
Brownback	Hutchison	Roberts
Bunning	Inhofe	Rockefeller
Burr	Inouye	Sanders
Burr	Johanns	Schumer
Cantwell	Johnson	Sessions
Cardin	Kerry	Shaheen
Carper	Kirk	Shelby
Casey	Klobuchar	Snowe
Chambliss	Kohl	Specter
Coburn	Kyl	Stabenow
Cochran	Landrieu	Tester
Collins	Lautenberg	Thune
Conrad	Leahy	Udall (CO)
Corker	LeMieux	Udall (NM)
Cornyn	Levin	Voinovich
Crapo	Lincoln	Warner
DeMint	Lugar	Webb
Dodd	McCain	Wicker
Dorgan	McCaskill	Wyden

## NOT VOTING—7

Byrd	Kaufman	Whitehouse
Graham	Lieberman	
Isakson	Vitter	

The amendment (No. 2757) was agreed to.

Mr. JOHNSON. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

## MOTION TO COMMIT

The PRESIDING OFFICER. There are now 2 minutes evenly divided on the Coburn motion to commit.

The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, this motion to commit is based on the fact that we have a need among veterans that has an upcoming authorization bill but there is no money in this bill for it. The motion to commit would instruct the conferees to expand those eligible to all veterans who have the same need, to find the money to pay for the first year of this in that bill and not charge it to the next generation.

The idea behind the motion to commit is that our veterans are a priority, and if they are, we ought to defund things that are less of a priority and make sure we take care of them. The obligation for us to fulfill our commitment to veterans is not obviated by the lack of our obligation to fulfill our commitment to the generation that follows.

I would appreciate the support of my colleagues on the motion to commit.

The PRESIDING OFFICER. Who yields time on the motion? The Senator from South Dakota.

Mr. JOHNSON. Madam President, as I have indicated before, I strongly oppose the motion to commit this bill with instructions.

This bill funds programs that are vitally important to America's military troops and their families and to our

Nation's veterans. Most of these programs were funded in the budget request but not all. This bill includes additional funding for such programs as housing for homeless veterans, rural clinics for veterans in underserved areas, mortgage relief for military personnel under orders to move during the current mortgage crisis, and for wounded veterans and surviving spouses and funding for an array of regionally needed military construction projects not included in the budget request.

The MILCON-VA bill before the Senate is a good piece of legislation. Likewise, the veterans caregiver assistance authorization bill is important legislation. The two bills should not be confused. Congress should pass both the MILCON/VA appropriations bill and the caregivers assistance authorization bill without further delay.

Madam President, I yield the floor.

Mr. COBURN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be. The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Delaware (Mr. KAUFMAN), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. KAUFMAN) would vote "nay."

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM), the Senator from Georgia (Mr. ISAKSON), and the Senator from Louisiana (Mr. VITTER).

The result was announced—yeas 24, nays 69, as follows:

[Rollcall Vote No. 345 Leg.]

## YEAS—24

Barrasso	Crapo	LeMieux
Bayh	DeMint	McCain
Brownback	Ensign	McCaskill
Bunning	Enzi	McConnell
Burr	Grassley	Risch
Chambliss	Hutchison	Roberts
Coburn	Johanns	Sessions
Cornyn	Kyl	Thune

## NAYS—69

Akaka	Corker	Kohl
Alexander	Dodd	Landrieu
Baucus	Dorgan	Lautenberg
Begich	Durbin	Leahy
Bennet	Feingold	Levin
Bennett	Feinstein	Lincoln
Bingaman	Franken	Lugar
Bond	Gillibrand	Menendez
Boxer	Gregg	Merkley
Brown	Hagan	Mikulski
Burr	Harkin	Murkowski
Cantwell	Hatch	Murray
Cardin	Inhofe	Nelson (NE)
Carper	Inouye	Nelson (FL)
Casey	Johnson	Pryor
Cochran	Kerry	Reed
Collins	Kirk	Reid
Conrad	Klobuchar	Rockefeller

Sanders	Specter	Voinovich
Schumer	Stabenow	Warner
Shaheen	Tester	Webb
Shelby	Udall (CO)	Wicker
Snowe	Udall (NM)	Wyden

## NOT VOTING—7

Byrd	Kaufman	Whitehouse
Graham	Lieberman	
Isakson	Vitter	

The motion was rejected.

Mr. JOHNSON. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. JOHNSON. 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. 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. BARRASSO. Madam President, I ask unanimous consent to be allowed to speak as in morning business for up to 5 minutes.

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

## CONGRESSIONAL AWARD ACT 30TH ANNIVERSARY

Mr. BARRASSO. Madam President, today I rise to recognize the 30th anniversary of Public Law 96-114, which is the Congressional Award Act. My predecessor, Senator Malcolm Wallop of Wyoming, was a champion of this program.

In 1979, the late Congressman James Howard of New Jersey and Senator Wallop introduced the Congressional Award Act legislation.

Thirty years ago, as you recall, America was still living with the Cold War. The country was in the middle of a serious national conversation, one that would require America's young people to participate in a period of national service. It was a controversial concept, in part because the country had eliminated the armed services draft. Legislation to establish the congressional award had been introduced in Congress for several sessions, but no action had yet been taken. When Senator Wallop was approached as someone who might have an interest, he quickly understood and embraced the core of the program.

Our Nation's young people have worthy contributions to make to the world around it, he thought and he said, and the process required to earn an award was a productive path to determine their future. Senator Wallop felt that if America was thinking about requiring national service, then Congress should recognize and thank America's youth for their positive contributions made through the course of their own lives. He saw the congressional award as the perfect opportunity to do this.

When Senator Wallop agreed to serve as a sponsor of the congressional award, he made it a full commitment. The legislation quickly moved through

Congress, and it became law in his very first term of the three terms he spent in the Senate.

The congressional award is available to any young person in our country aged 14 to 23, no matter their life circumstances or their current abilities. Through goal setting, participants move from where they are to where they can be, providing service to others and exploring their own interest in the process.

Recipients of the award are not selected for it. The recipients of the award earn it. It has been my privilege to witness the success of this program both in my home State of Wyoming and around the country. I thank all of the Members of Congress who are involved in the congressional award in their own States and districts. I encourage those who have not yet done so to bring this program to their young constituents. And most of all today, I thank our former colleague, Senator Malcolm Wallop, for his gift—a gift of opportunity for America's young people through the creation of a congressional award, an award that was signed into law 30 years ago today.

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

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

#### HEALTH CARE REFORM

Mr. BROWN. Madam President, I have come to the Chamber pretty often in the last 3 months, as we continue the debate on health care, to share letters from people from Ohio, from Steubenville, from Wauseon, from Ash-tabula, from Hamilton and Middletown, people who write me concerned with the direction of our health care system.

What I find in almost every one of these letters that have come from Ohioans and people I mostly don't know, although I hear these stories in person—last night I heard them in Cleveland, a few days in Columbus; I have heard them from all over the State—is that so many people, a year ago, if you had asked these same people who wrote the letters, are you happy with your health care plan, they would have said yes. But something happened in the last year.

Maybe they had a child born with a preexisting condition. Maybe they got really sick and their insurance was canceled because it cost the insurance company too much money or their premiums were high or they owned a small business with 20 employees and one of their employees got especially sick and the insurance price spiked and they could no longer afford the insurance for any of their 20 employees.

The other thing I hear over and over is—a lot of people who send me letters

who have lost their insurance, they are my age or a little bit older. I turned 57 last week. These are letters from people who are 57 or 62, particularly in their early sixties. They say it is so important to them to turn 65 so they will have insurance. Think of that: I can't wait until I am a little older so I can then have the security and peace of mind and put that anxiety behind me. We have a health care system now where people think they want to be a little bit older so they can qualify for Medicare, to have the stability of Medicare. Something is wrong with that. Those are the two things I hear over and over: I need to be 65 so I can get Medicare because I know it is reliable and stable or I used to be satisfied with my insurance but look what happened.

Let me share some of these letters. Karen from Mahoning Valley, around Youngstown, Poland, Austintown, that area of Ohio. She writes:

I am a high school art teacher. Last week I was speaking to one of my students who said she had a health issue. I suggested she go see a doctor but she said she can't because her family doesn't have health insurance. I have suggested she at least go see the school nurse but I know she needs regular visits to a physician. I am appalled at the lack of concern shown by many Members of Congress and by the special interests trying to control the health reform process. Please make the changes for the people who elected you and reap the benefit of seeing positive change in our country.

Do you know what will happen? I don't know the student's health problem, but what people would say about this is, if her student gets sick, she can go to the emergency room and get health care. But that is not the best way to deliver health care. But forget about the best way to deliver it. What happens to the student? Maybe the student has asthma. My wife almost died of asthma when she was a teenager, but she had good health insurance because her dad carried a union card and worked for a local utility company and was able to make sure she got the care she needed. This young woman, say she had asthma. She would only get coverage in the emergency room if she had an asthma attack. She wouldn't get any help from the emergency room to manage her asthma or any of the medicines she needs for asthma or any of the kinds of things my wife's insurance pays for for her asthma and so many others who have insurance. So what we are doing is jeopardizing this girl's life and her health, and we are also costing the system more money because instead of managing the asthma, she has to go for acute care.

So the emergency room does not mean everybody has health care coverage in this country. It means they will take care of you if you are really sick and you have some acute attack of something. They will not take care of you to manage your diabetes or manage your asthma or manage your heart disease. They only take care of you—the emergency room—when you have a

heart attack, if you are uninsured. What kind of health care system is that? It is not as humane as it should be, and it is way more expensive and it jeopardizes people's lives.

Margaret is from Clermont County, the whole other end of the State. Clermont County is on the Ohio River, just east of Cincinnati, Batavia, that part of Ohio.

My oral cancer was diagnosed in 2005. It came back in December 2007, September 2008, and February 2009.

We've been lucky and found it early each time, which allowed me to avoid radiation therapy—so far.

I worry all the time that eventually I won't be able to work and would lose my health insurance.

My husband will retire in 2011, when he qualifies for Medicare. But I'm only 61 and have to wait four years before enrolling in Medicare.

I don't understand how opponents of reform can be unsympathetic to the plight of millions of people who have preexisting conditions or have to lose everything to qualify for Medicaid.

We need reform now.

So here is another example. Margaret from southwest Ohio says: I am 4 years away from Medicare. My husband can retire and get Medicare. I am still 4 years away. What are my options? Do we spend everything we have—basically spend whatever their net worth is—to qualify for Medicaid, which is available to many low-income people, or do I just hope my cancer does not act up again before I turn 65? But again, she needs maintenance of care, some medication to help her so she can make it through this time.

Margaret, as Karen's student and Karen's student's family, could benefit from a public option because it would give them more choice.

In Clermont County in southwest Ohio, two insurance companies have 85 percent of the insurance business in that area, that, I believe, four county area: Hamilton, Clermont, Butler, and Warren Counties. Two companies have 85 percent of the business. That means the quality of insurance is less and the cost of the insurance is more. That always happens when there is no real competition. So that is why it is so important people have the public option, so Margaret can get insurance, she can choose the public option or she can choose Aetna or WellPoint or Cigna or Medical Mutual—any company she wants.

But it also means the public option will keep the price down because more competition means better quality; more competition means keeping the price down. As the Presiding Officer, the Senator from Oregon, said in a meeting I was just in, one of the things the public option does is—we tell people: You need to get insurance. There are a number of people who, I am sure, have come up to him in Eugene or Portland or places in Oregon, as they have come up to me in Mansfield and Ashland and Galion and Crestline, OH, and said: You are going to make me



buy insurance. I don't want my insurance dollars to go to a private company. I want the choice of letting them go to the public option, a Medicare-like plan, so I have that choice and I can direct my insurance dollars to the place I want them to go.

A third letter I will read—I have two more to share with my colleagues—is from Bill from Cuyahoga County, which is the Cleveland area. Bill writes:

My spouse was diagnosed with breast cancer over two years ago. She worked for a commercial airline for 36 years, but along with other employees in their mid-50s, she was asked to take early retirement or face the possibility of reduced retirement benefits.

She took the early retirement package and subsequently found a part-time job with a local bank.

The health insurance coverage is inadequate and barely pays any benefits.

We have been together for more than 10 years, and during that time she didn't have so much as a cold.

But boom, the next thing you know she is sick with breast cancer, with chemo and medications that weaken her.

After her treatment sessions, she would then go off to work because she needed to keep her health benefits.

But finally, a few weeks ago, she quit her job. She's on COBRA now which we hope will last until she turns 65 years old and is eligible for Medicare.

My wife paid her [insurance] premiums for 36 years—

When she was with the airline—while she was healthy but now that she is older and needs insurance, the benefits are cut or non-existent.

Bill's story is what we hear over and over, and it is in this same letter. Bill's story is: My wife paid for insurance all these years. We thought we had good insurance, and we did have good insurance until we needed it, until my wife got sick. Then the insurance was not so good. And Bill's story, with his wife, is: She looks forward to being 65 so she can have Medicare coverage.

Again, what kind of health care system does that? The insurance is OK until you really need it, and then they cut you off if you are too expensive, they cut you off if you have a pre-existing condition, or they cut your son or daughter off because a baby is born with a preexisting condition. What kind of health care system says: Boy, I can't wait until I am 3 years older so I can have that good government plan, that Medicare plan that will mean stability and predictability?

We clearly need to help people get through this anxiety that so many Americans have because they just hope they do not get sick before they turn 65 or they hope they do not get too expensively sick, if you will, because they are going to lose their insurance because their insurance company will cut them off. That is why we need the public option. We need insurance reform. We need no more preexisting condition exclusions. We have done that in the bill.

No more discrimination based on gender or disability or race or age or

geography. We have done that in the bill. No more disqualifications or annual cap because your health care costs too much, you spent too many days in the hospital, went to too many expensive doctors, had too much treatment. It is so expensive the insurance company is going to cancel your insurance. We are going to say: No more of insurance companies gaming the system.

We know—and the Senator from Oregon was on the floor with me a couple weeks ago and talked then—that insurance companies are making more and more profits, a 400-percent increase from 7 years ago. Insurance company CEOs' salaries—the Aetna CEO makes \$24 million a year. The CEOs of the 10 largest insurance companies in the country average \$11 million in pay.

How are they doing that? They are doing that by cutting off people such as Bill's wife. They are doing that by using preexisting conditions and keeping people from getting insurance. That is why the public option for Bill and his wife would mean they would be in a situation where they could have more choice—those insurance reforms I talked about. The public option would help to enforce those insurance reforms so Aetna and Blue Cross and WellPoint and these companies could not game the system the way they have so they can pay these huge salaries and have these increasingly huge profits. The public option will simply give people more choice. And it is only an option.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. BROWN. Sure.

Mr. DURBIN. I tell the Senator, I was back home in Illinois during the break and went to southern Illinois, which is an area the Senator would be familiar with in a second. It is a small town, rural area. I love it. That is where my roots are in our State. I stopped at a hotel in the area of Marion, IL, and there is a nice lady who fixes breakfast in the morning for the guests. Her name is Judy. She could not be any kinder and nicer and always has a warm greeting.

She came up to me, as she was getting a cup of coffee, and said: Is this health care thing going to help me?

I said: Do you have health insurance?

She said: Oh, no. I've never had health insurance.

Judy, I am guessing, is about 60 years old.

I said: Well, I can tell you, if you just give me an idea about yourself, I will give you kind of an idea of what you might expect.

She said: Well, they keep cutting our hours at the hotel here. I am down to 30 hours a week, and I get paid about \$8 an hour.

So I said: Well, I'll do a quick calculation. I think you make about \$12,000 a year.

She said: Yeah.

Imagine, living on \$12,000 a year, which is what her gross income is.

I said: By most of the bills that are going through Congress now, unless

you are making over \$14,000 or \$15,000 a year, you will be covered by Medicaid, which means you are going to have health insurance for the first time in your life through Medicaid.

She said: I don't have to pay for it?

I said: No. You're in a low-income situation. You wouldn't have to pay for it at \$12,000 a year.

I say to the Senator, I thought, as the Senator was just speaking, what if she were making \$15,000 a year and her employer did not offer health insurance? As I understand it, at that point, most of the bills say: It is time for you to find a way to find health insurance. And the insurance exchange will give you some options from which to choose.

What the Senator is saying—what I believe, and I think what the vast majority of our people believe—is, one of those options should be a not-for-profit plan, the lowest cost for Judy to buy into. As the Presiding Officer pointed out in an earlier meeting we had, if we were to say we are going to impose an obligation on people to buy health insurance but only give them private health insurance options, I think most people would say: Wait a minute. If you are going to impose an obligation on me to buy health insurance, give me some affordable options.

Our support for a public option is to come up with a not-for-profit plan that is not trying to please shareholders, that is not advertising on radio and television, and that does not hire lots of people, clerks to say no. That, to me, is a sensible outcome for the obligation to buy health insurance because it gives people choices.

I salute Senator HARRY REID because, as our Democratic leader, he said maybe there are some Governors, some States, some people who just do not want a public option. Let them decide to opt out of the system. They can opt out. They are not going to be forced in. They can opt out. I think that is a reasonable way to move.

So I say to the Senator from Ohio, you probably have a lot of your constituents, just like mine—like Judy who works down at this hotel—who are uninsured at the moment. She has diabetes, incidentally. She told me she had some medical issues and could not even go to a doctor, see a doctor, because she just does not make enough money. That is the reality of life for a lot of hard-working people in Illinois, and in Ohio, I am sure.

Mr. BROWN. Mr. President, I thank Assistant Majority Leader DURBIN.

That story is so common. I was in a restaurant in Columbus one day and had breakfast with my daughter, who lives there. The young woman who waited on us, who is working probably about the same number of hours—she is waiting tables. She is doing a little better than that, I think, in terms of her income. She is also tutoring some music students because she went to college and got a degree in music. She hopes to turn that into a business. She

is making more money than what would qualify her for Medicaid. With the legislation, she would get the opportunity.

She said: Are you going to pass this bill?

I said: Yes.

She said: Are you going to have a public option?

I said: Majority Leader REID is putting the public option in the bill. The House passed a bill with the public option. So I believe we are going to have a public option in the bill.

So again, as Senator DURBIN said, depending on their income, people will take their personal money, adding it to help they get from the government, to be able to pay the premiums. Let them decide for themselves. We do not want to tell them they have to go into a Medicare-like public option. We do not want to tell them they have to go to Aetna or Cigna or Blue Cross or WellPoint. Give them that chance and give them that choice. They can compare on cost. They can compare what kind of service they get, what kind of illnesses are covered.

Then, as Senator DURBIN pointed out, one of the things with private health insurance is that a big part of their profits—and their profits have grown, as have their salaries for the top executives—a big part of their profits comes from hiring bureaucrats who deny care. They first try not to insure you by invoking a preexisting condition or something so you cannot get insurance. They hire a bunch of people to deny you even getting the insurance.

Then, if you are able to qualify for insurance because you do not have a preexisting condition, and you get sick, then they hire a bunch of bureaucrats who process your claim and many times turn you down. About a third—almost a third—of claims initially are turned down by an insurance company. More of them are accepted after you appeal.

But, for example, take Judy in Marion, IL, who the Senator just talked about. If she were to have coverage from a private health insurance company—you know how hard people work in hotels, whether cleaning rooms or waiting tables, or being at the front desk or whatever they are doing, and doing maintenance work there. They are working so hard. They are very tired at the end of the day, as are most Americans. They file a health care claim that is legitimate. The insurance company tells them no. Then they have to find the time during the work day, if they work when the insurance companies' lines are open, to call and call and call.

Some of them call their Congressman or Senator, and we try to help people all the time push the insurance companies. They will talk to us. We are much more likely to be able to help them than they can help themselves when we call in. But why should that be? Why should they have to call their Members of Congress or call Senator DURBIN or

Senator MERKLEY or me to help fight an insurance company?

When people are sick, the last thing they want to do is fight an insurance company to get reimbursed.

We know what the President said during the 2008 Presidential race about his own mother, that she was dying from cancer and had to fight with insurance companies. It is simply not the kind of health care system we should have.

I have met so many Judys from Marion, IL, in places such as Steubenville and Cambridge and Lima and Findlay, OH, who work so hard and cannot get insurance and cannot manage their care, cannot manage their health. People like that die younger than people who dress like this and have good insurance. People like that so often—Judy has not been able to take care of her diabetes. My son-in-law has diabetes. He was diagnosed with type I diabetes at the age of 29. That was about 5 years ago. He works for Ohio State. He has a good health care plan. He takes really good care of himself, but he has the support of a health care system to do it. He is in the capital city with great private hospitals and public hospitals, with good insurance, but there are so many who can't go to those hospitals unless they are so acutely sick. Then they go to the emergency room. Why do we want people with diabetes or asthma or a heart condition to wait until they are sick to go to an emergency room instead of managing their care?

Our health care system in this country, as good as it is to so many people who have good insurance, is the worst anywhere. Let me put it this way: We have more people in the hospital who have chronic conditions such as diabetes and heart disease and asthma, conditions that one can manage outside a hospital at a much lower cost. In this country, they are more likely to end up in a hospital than in any other country in the world, and that is one of the things our legislation will fix.

Let me share one last letter, and I appreciate Senator DURBIN joining us. This is from Deborah from Columbiana County, a county just like Marion, IL; a small, rural county; a pretty low-income county, a lot of job loss, just south of Youngstown along the Ohio River. Deborah is a 56-year-old wife of a disabled retiree who suffers from a heart condition, arthritis, and three ruptured discs in his back.

Within 1 month of his retirement, the steel company he worked for filed for bankruptcy and went out of business. This left them with a reduced monthly pension and the loss of all health care coverage that he worked for 33 years to earn. They went without insurance from 2003 until he qualified for Social Security disability and Medicare in 2008. Deborah doesn't qualify, however, for either Social Security disability or Medicare. She has tried to get private health care coverage, but they can't afford the \$2,400 to \$3,000 a month for premiums.

She says:

My question is this: In the health care reform, will there be a public option that doesn't disqualify me because of my pre-existing condition? Will I have to continue trying to purchase coverage from private insurance companies?

Exactly what Senator DURBIN said: You never hear of Medicare denying somebody coverage because of a pre-existing condition. We are certainly hearing about it from Wellpoint and CIGNA. We certainly hear about it from other private insurance companies. But we are never going to hear about the public option—once we enact it as part of U.S. law, we are never going to hear about the public option disqualifying people because of a pre-existing condition.

So what Deborah wants and needs is the choice. She can choose a private plan or she can choose the public option. But she can be assured the public option will not disqualify her or her husband or anybody else with a pre-existing condition. She knows even if she gets sick and she spends a lot of money for her health care and for hospitals and treatments and doctors visits that her insurance would not be cut off because her care costs so much money. That is the beauty of the public option. It brings in competition, it keeps prices down, and it protects the public from being denied care because of a preexisting condition or illness.

In the next few weeks, Senator REID plans to bring this bill to the Senate floor. It will include a strong public option with a State opt-out, as Senator DURBIN said, so if a State such as Arkansas or Nebraska or wherever decides this is not for them, they can go and talk to their Governor and to their legislature and they can opt out of it. I don't think very many States will because I think the public option will matter for millions and millions of Americans. I believe hundreds of thousands of people in my State will decide they want to be in the public option. But even if they don't, they will understand—people will know their private insurance will be better, it will be a higher quality and less cost because of the competition from the public option.

I thank the President, and I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

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

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

Mr. DURBIN. Mr. President, I speak with gratitude to Senator BROWN from Ohio who regularly comes to the Senate floor to address this issue which will be pending soon before the Senate and which may be the most important issue we will face during our lifetime. So I am glad his leadership is demonstrated again this evening on this issue.

GUANTANAMO BAY

When people are asked about our troops on Veterans Day, there is a

warm feeling about the sacrifice and courage they show by volunteering to serve our country. We were all saddened by the tragedy at Fort Hood. We are saddened to learn that even more soldiers are dying overseas. We are worried about the multiple deployments and the conditions they face overseas. We are worried, when they come home, to keep our promise to them that they get the medical care they need.

One of the issues that relates directly to our troops and their safety is the issue of Guantanamo. Guantanamo is a detention facility that was created by the previous President after 9/11 in an effort to try to gather those we thought were dangerous to the United States and other places and hold them safely. That facility was opened and expanded at considerable expense, but, unfortunately, during the course of its early history it became controversial, particularly overseas. Guantanamo came to symbolize in the minds of many overseas an image of the United States of which they were critical. Whether that was just or unjust, it is a fact.

As a result, GEN Colin L. Powell, who served as Chairman of our Joint Chiefs of Staff, as well as Secretary of State under President George Bush, said—and I paraphrase him—I wouldn't close Guantanamo tomorrow, I would close it this afternoon. Similar statements have been made by Admiral Mullen, who is now Chairman of our Joint Chiefs of Staff, about the danger that Guantanamo poses as long as it is open. GEN David Petraeus, who has served and commanded our troops overseas and knows terrorism, as it has stared him in the face, and who has seen its results, has said Guantanamo should be closed. Former President George W. Bush on eight different occasions called for the closure of Guantanamo. It has been a strongly held position by the former President and many in his Cabinet, a position shared by many of us in Congress, and a position which was the leading position taken by our new President when he was elected earlier this year—the closure of Guantanamo.

The obvious question was, What do we do with the remaining prisoners? Some of them are safe to release; others are not. What happens to those who are not? We have had a debate back and forth on the floor of the Senate. The position taken by most on the Republican side of the aisle is to oppose the closure of Guantanamo. They oppose the position taken by General Powell and General Petraeus and so many others, but that is their right to do. Many of them have challenged this President, if he is going to close Guantanamo, to say what he would do with these detainees.

Over the weekend there was a disclosure of a plan the President is developing. They have not made a final decision on where these detainees will go, but one of the options they are consid-

ering is in my home State of Illinois. It is in a small community called Thomson, IL, in Carroll County. You will find it on the northwest corner of our State about 50 or 60 miles north of the Quad Cities, Rock Island area, about 50 or 60 miles southwest of Rockford. It is a very rural county. It is a county that has faced enormous difficulties in the past and faces high unemployment today.

About 8 or 9 years ago, the State of Illinois built a state-of-the-art, maximum security prison in Thomson, IL. It holds 1,600 beds and the latest technology to safely contain the prisoners who were sent there. Then my State fell on hard times and couldn't open the prison, and it sat there. The town of Thomson, Carroll County, made infrastructure investments in anticipation of this prison coming and new employment coming to the area. Now, for the last 8 years, they have paid the bills on that infrastructure but have had very few jobs at the prison.

Currently, there are about 100 inmates being held in a minimum security setting. The prison has not been utilized as it should be or could be. So the mayor of the town, who is a very good man—we call him Village President back in Illinois—Jerry “Duke” Hebel, wrote a letter to me and to Governor Patrick Quinn and to the President and said: I hope you will consider our empty prison sitting in Thomson, IL, as a place for Federal prisoners, including the detainees at Guantanamo.

Well, I saw this letter and thought that may be the answer. I submitted the letter to the administration. Governor Quinn hand carried it to the President of the United States and asked him to consider the Thomson facility.

They are now, as of today, on the ground looking at what they would do to convert this into a Federal prison, but also a prison that would house the Guantanamo detainees. It is a little complicated because under the Geneva Convention, those who are arrested in war have to be held in a setting separate from the ordinary corrections facilities of our government. So the Department of Defense maintains a military prison at Guantanamo and would at Thomson as part of that prison facility, but it is separate. It is run by the Department of Defense, not by the Bureau of Prisons.

So the idea is to take about one-fourth of the Thomson facility and set it aside for the Guantanamo detainees. I don't know the exact number we would have transferred there, but we are told it would be fewer than 100 prisoners. That leaves the rest of the facility with over 1,000 beds to alleviate some of the overcrowding we have in Federal prisons today.

The net result of this would be dramatic in terms of the local economy. It is estimated it would create anywhere between 1,800 to 3,200 jobs, some 1,800 at the prison itself and others in the com-

munity for businesses that would support the prison. The economic activity associated with this new prison is estimated to be over \$200 million a year, which means in a 4-year period of time anywhere from \$800 million to \$1 billion will be spent in this community.

I need not tell the Presiding Officer, as you reflect on your own home State of Oregon, what it means for a small town in a rural community to have that kind of influence of people and spending. Twenty percent of the jobs will likely go to people living in Iowa across the river, easily accessible, 80 percent on the Illinois side. That is just the best estimate. But the net result of it would be a positive injection of jobs and economic activity into a very tough environment economically.

When we talk about creating jobs, most of us would turn cartwheels as Senators and Congressmen to announce 100 jobs coming to any town. The notion of 2,000 to 3,000 jobs coming is unimaginable, and it is a once-in-a-lifetime opportunity.

Governor Pat Quinn has endorsed it. I have endorsed it as well. We are working out the details and getting questions answered to see if we can move forward and do it on a timely basis.

Not surprisingly, critics have appeared, some within our own State. The Republican—not all of the Republicans in Congress in our State, but many of them—have held press conferences opposing the sale of the Thomson prison to the Federal Government. They are entitled to their point of view, and I respect them even though we may disagree. But I will tell my colleagues that several of the arguments they are making against the use of the Thomson prison are just plain wrong.

One of them—I think the overriding argument—is that we should be afraid of what it means to bring Guantanamo detainees to the United States, on our soil. What they fail to acknowledge is that currently we have 340 convicted terrorists in America's prisons today, and 35 in the State of Illinois, some of them convicted for al-Qaida activities. It has not endangered the people living near those prisons. In fact, they may not even be the most dangerous people in these prisons. The fact is, they are there. The idea of bringing in fewer than 100 into the Thomson prison is not going to change this calculus much, if any. There will still be terrorists held in other prisons in our State, and terrorists would be held there, and that is something our prison people do, and do well. The guards and the administrators know how to handle these prisons safely and securely.

When this Thomson prison is reconfigured, if it is chosen, it will be safer than any supermax facility in the United States, and there has never been an escapee from a supermax facility. That is a fact.

The second argument made by one of the Congressmen is one that is troubling because he said he feared that

these detainees would be released into the United States. That Congressman should know better. We have passed two bills signed by President Obama which prohibit releasing detainees from Guantanamo into the United States. It is not going to happen. It shouldn't happen. So that is a fear that should be dispelled.

The third argument this Congressman made was that under the rules, every detainee would be entitled to 10 visitors a year, which meant if there is 100 detainees there would be 1,000, as he called them, Islamic followers, jihad followers, coming into the State of Illinois, landing at O'Hare and heading over across our State to the Thomson area.

Well, he is just plain wrong. The detainees currently held at Guantanamo are not entitled to any visits from family and friends. None. The only visits come from attorneys, their legal counsel, and that rule would still apply at the Thomson prison. So this notion of a thousand jihadist visitors coming to Illinois isn't going to happen. It wouldn't happen.

The fourth point that has been raised is one that I really think gets to the heart of the issue. It is the argument that if we brought these detainees to the United States and put them in a prison, there would be retaliation against the United States.

This one Congressman has gone so far as to pinpoint specific buildings in Chicago in which he thinks the terrorists would try to destroy and kill innocent people. I think that kind of designation of specific buildings crosses a line we should not cross. I don't know that it gives ideas to terrorists, but to speak of this so casually is wrong. I wish he hadn't said that. Think about what he is arguing. He argues that if we capture, prosecute, and incarcerate those who would terrorize the United States, we run the risk of retaliation. His argument is: Let's not make them mad. Well, I couldn't disagree with him more. As heartbreaking as 9/11 was, after that day we came forward with a determination to tell the world that the United States was going to make those responsible answer for the violence of that day and any other violence perpetrated upon the United States. That is what we are doing.

We have 340 terrorists currently incarcerated across America. The fact that we have successfully prosecuted 195 of them since 9/11 says we are going to use our system of justice to bring justice to this situation. If we are going to cower in fear, believing the enforcement of our laws and the incarceration of terrorists will provoke more terrorism, then we will have lost our way as a nation. We need to show the courage of our convictions to let people know the rule of law will be applied in the United States to all who harm us. That is what this incarceration at Thomson would do.

I don't know if President Obama will make the final decision to send these

detainees to his home State of Illinois. I believe we can work with the Bureau of Prisons and the Department of Defense to make certain that they are held safely, that they pay the price for what they have done, and that they are held as long as necessary to avoid any danger to people of the United States. We can do this in a humane fashion, and we can do it in a professional fashion. We don't have to apologize or run scared, as some of the critics of this idea are today.

In conclusion, I am proud of the people of Carroll County in Thomson, IL, for stepping up and realizing they desperately need help economically, seeing a great asset in that community that can be utilized to not only serve our State but to serve our Nation and to put our best foot forward to show we will apply standards of justice there that are applied across America—standards that are fair, standards that recognize the basic freedoms we hold dear and the system of justice we hold dear that says those who are guilty of crime will pay a price.

Mr. President, I yield the floor.

#### MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

#### DESIGNATING THURSDAY, NOVEMBER 19, 2009, AS "FEED AMERICA DAY"

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to S. Res. 334.

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

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 334) designating Thursday, November 19, 2009, as "Feed America Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 334) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 334

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which the Nation was founded;

Whereas according to the Department of Agriculture, roughly 35,000,000 people in the

United States, including 12,000,000 children, continue to live in households that do not have an adequate supply of food; and

Whereas selfless sacrifice breeds a genuine spirit of thanksgiving, both affirming and restoring fundamental principles in our society: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates Thursday, November 19, 2009, as "Feed America Day"; and

(2) encourages the people of the United States to sacrifice 2 meals on Thursday, November 19, 2009, and to donate the money that they would have spent on such food to a religious or charitable organization of their choice for the purpose of feeding the hungry.

#### DRIVE SAFER SUNDAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to S. Res. 335.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 335) designating November 29, 2009, as "Drive Safer Sunday."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 335) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 335

Whereas motor vehicle travel is the primary means of transportation in the United States;

Whereas every individual traveling on the roads and highways needs to drive in a safer manner in order to reduce deaths and injuries that result from motor vehicle accidents;

Whereas according to the National Highway Traffic Safety Administration, wearing a seat belt saves more than 15,000 lives each year;

Whereas the Senate wants all people of the United States to understand the life-saving importance of wearing a seat belt and encourages motorists to drive safely, not just during the holiday season, but every time they get behind the wheel; and

Whereas the Sunday after Thanksgiving is the busiest highway traffic day of the year: Now, therefore, be it

*Resolved*, That the Senate—

(1) encourages—

(A) high schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide educational campaigns to urge students to be focused on safety when driving;

(B) national trucking firms to alert their drivers to be especially focused on driving safely on the Sunday after Thanksgiving, and to publicize the importance of the day through use of Citizen's Band ("CB") radios and truck stops across the Nation;

(C) clergy to remind their members to travel safely when attending services and gatherings;

(D) law enforcement personnel to remind drivers and passengers to drive safely, particularly on the Sunday after Thanksgiving; and

(E) all people of the United States to use the Sunday after Thanksgiving as an opportunity to educate themselves about highway safety; and

(2) designates November 29, 2009, as "Drive Safer Sunday".

#### NATIONAL READING EDUCATION ASSISTANCE DOGS DAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to S. Res. 338.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 338) designating November 14, 2009, as "National Reading Education Assistance Dogs Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 338) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 338

Whereas reading provides children with an essential foundation for all future learning;

Whereas the Reading Education Assistance Dogs (R.E.A.D.) program was founded in November of 1999 to improve the literacy skills of children through the mentoring assistance of trained, registered, and insured pet partner reading volunteer teams;

Whereas children who participate in the R.E.A.D. program make significant improvements in fluency, comprehension, confidence, and many additional academic and social dimensions;

Whereas the R.E.A.D. program now has an active presence in 49 States, 3 provinces in Canada, Europe, Asia, and beyond with more than 2,400 trained and registered volunteer teams participating and influencing thousands of children in classrooms and libraries across the Nation;

Whereas the program has received awards and recognition from distinguished entities including the International Reading Association, the Delta Society, the Latham Foundation, the American Library Association, and PBS Television; and

Whereas the program has garnered enthusiastic coverage from national media, including major television networks NBC, CBS, and ABC, as well as international television and print coverage: Now, therefore, be it

Resolved, That the Senate, in honor of the 10th anniversary of the R.E.A.D. program, designates November 14, 2009, as "National Reading Education Assistance Dogs Day".

#### UNANIMOUS-CONSENT AGREEMENT—APPOINTMENTS

Mr. DURBIN. Mr. President, I ask unanimous consent that the appoint-

ments with respect to the United States-China Economic Security Review Commission made on Tuesday, November 10, 2009, be vitiated.

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

Mr. DURBIN. Mr. President, I ask unanimous consent that the appointments at the desk with respect to the United States-China Economic Security Review Commission be considered to have been made on Tuesday, November 10, 2009, and that they appear separately in the RECORD as if made by the Chair.

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

The Chair, on behalf of the President pro tempore, pursuant to Public Law 106-398, as amended by Public Law 108-7, in accordance with the qualifications specified under section 1238(b)(3)(E) of Public Law 106-398, and public the recommendation of the Majority Leader, in consultation with the Chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individuals to the United States-China Economic Security Review Commission: Patrick A. Mulloy, of Virginia, for a term beginning January 1, 2010 and expiring December 31, 2011, and William A. Reinsch, of Maryland, for a term beginning January 1, 2010 and expiring December 31, 2011.

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

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now resume consideration of H.R. 3082, the Military Construction-VA appropriations bill.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mr. JOHNSON. Mr. President, I ask unanimous consent that it be in order for the following amendments to be considered en bloc: 2759, 2760, 2741, 2752, 2738, 2746, 2773, 2740, 2749, 2751, 2743, 2771, 2737, 2747, 2745, 2734, 2753.

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

AMENDMENTS NOS. 2741; 2759; 2760; 2740; 2752; 2746; 2737, AS MODIFIED; 2745, AS MODIFIED; 2747, AS MODIFIED, AND 2771, AS MODIFIED

Mr. JOHNSON. Mr. President, I now ask unanimous consent that amendments Nos. 2741, 2759, 2760, 2740, 2752, and 2746, which are pending, be considered and agreed to en bloc and the motion to reconsider be laid upon the table; that amendments Nos. 2737, 2745, 2747, and 2771 be modified with the changes at the desk, and that, as modi-

fied, the amendments be agreed to and the motion to reconsider be laid upon the table.

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

The amendments (Nos. 2741, 2759, 2760, 2740, 2752, and 2746) were agreed to.

The amendments (Nos. 2737, as modified; 2745, as modified; 2747, as modified, and 2771, as modified) were agreed to, as follows:

#### AMENDMENT NO. 2737, AS MODIFIED

On page 52, after line 21, add the following:  
SEC. 229. Of the amount appropriated or otherwise made available by this title under the heading "MEDICAL SERVICES", \$150,000,000 may be available for the grant program under section 2011 of title 38, United States Code, and per diem payments under section 2012 of such title.

#### AMENDMENT NO. 2745, AS MODIFIED

On page 52, after line 21, add the following:  
SEC. 229. Of the amounts appropriated or otherwise made available by this title for the Department of Veterans Affairs, up to \$5,000,000 may be available for the study required by section 1077 of the National Defense Authorization Act for Fiscal Year 2010.

#### AMENDMENT NO. 2747, AS MODIFIED

On page 52, after line 21, add the following:  
SEC. 229. (a) CAMPUS OUTREACH AND SERVICES FOR MENTAL HEALTH AND NEUROLOGICAL CONDITIONS.—Of the amounts appropriated or otherwise made available by this title, \$5,000,000 may be available to conduct outreach to and provide services at institutions of higher education to ensure that veterans enrolled in programs of education at such institutions have information on and access to care and services for neurological and psychological issues.

(b) SUPPLEMENT NOT SUPPLANT.—The amount described in subsection (a) for the purposes described in such subsection is in addition to amounts otherwise appropriated or made available for readjustment counseling and related mental health services.

#### AMENDMENT NO. 2771, AS MODIFIED

At the end of title II, add the following:  
SEC. 229. In administering section 51.210(d) of title 38, Code of Federal Regulations, the Secretary of Veterans Affairs may permit a State home to provide services to, in addition to non-veterans described in such section, a non-veteran any of whose children died while serving in the Armed Forces, as long as such services are not denied to a qualified veteran seeking such services.

AMENDMENTS NOS. 2734, 2738, 2773, 2753, 2749, 2751, 2743

Mr. JOHNSON. Mr. President, on behalf of various Senators I now call up en bloc amendments Nos. 2734, 2738, 2773, 2753, 2749, 2751, 2743. I ask unanimous consent that the amendments be considered and agreed to, and the motions to reconsider be laid upon the table en bloc.

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

The amendments were considered and agreed to, as follows:

#### AMENDMENT NO. 2734

(Purpose: To require a report on bid savings realized from cost and scope variations for military construction projects)

On page 27, between lines 3 and 4, insert the following:

SEC. 128. Not later than each of April 15, 2010, July 15, 2010, and October 15, 2010, the Secretary of Defense shall submit to the congressional defense committees a consolidated report from each of the military departments and Defense agencies identifying,

by project and dollar amount, bid savings resulting from cost and scope variations pursuant to section 2853 of title 10, United States Code, exceeding 25 percent of the appropriated amount for military construction projects funded by this Act, the Supplemental Appropriations Act, 2009 (Public Law 111-32), and the Military Construction and Veterans Affairs Appropriations Act, 2009 (division E of Public Law 110-329), including projects funded through the regular military construction accounts, the Department of Defense Base Closure Account 2005, and the overseas contingency operations military construction accounts.

## AMENDMENT NO. 2738

(Purpose: To provide for a study on transportation improvements to accommodate installation growth associated with the 2005 Defense Base Closure and Realignment (BRAC) program)

On page 27, between lines 3 and 4, insert the following:

SEC. 128. (a) Of the funds appropriated or otherwise made available by this title under the heading "DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT, 2005", \$450,000 shall be available for the Secretary of Defense to enter into an arrangement with the National Academy of Sciences to conduct a study through the Transportation Research Board of Federal funding of transportation improvements to accommodate installation growth associated with the 2005 Defense Base Closure and Realignment (BRAC) program.

(b) The study conducted pursuant to subsection (a) shall—

(1) examine case studies of congestion caused on metropolitan road and transit facilities when BRAC requirements cause shifts in personnel to occur faster than facilities can be improved through the usual State and local processes;

(2) review the criteria used by the Defense Access Roads (DAR) program for determining the eligibility of transportation projects and the appropriate Department of Defense share of public highway and transit improvements in BRAC cases;

(3) assess the adequacy of current Federal surface transportation and Department of Defense programs that fund highway and transit improvements in BRAC cases to mitigate transportation impacts in urban areas with preexisting traffic congestion and saturated roads;

(4) identify promising approaches for funding road and transit improvements and streamlining transportation project approvals in BRAC cases; and

(5) provide recommendations for modifications of current policy for the DAR and Office of Economic Adjustment programs, including funding strategies, road capacity assessments, eligibility criteria, and other government policies and programs the National Academy of Sciences may identify, to mitigate the impact of BRAC-related installation growth on preexisting urban congestion.

(c) The Secretary of Defense shall enter into an arrangement with the National Academy of Sciences to provide the study conducted pursuant to subsection (a) by not later than 45 days after the date of the enactment of the Act.

(d)(1) Not later than May 15, 2010, the National Academy of Sciences shall provide an interim report of its findings to the Secretary of Defense and the Committees on Armed Services and Appropriations of the Senate and the House of Representatives.

(2) Not later than January 31, 2011, the National Academy of Sciences shall provide a final report of its findings to the Secretary of Defense and the Committees on Armed Services and Appropriations of the Senate and the House of Representatives.

## AMENDMENT NO. 2773

(Purpose: To designate the Department of Veterans Affairs Medical Center in Louisville, Kentucky, as the "Robley Rex Department of Veterans Affairs Medical Center")

At the end of title II, add the following:

SEC. 229. (a) DESIGNATION OF ROBLEY REX DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.—The Department of Veterans Affairs Medical Center in Louisville, Kentucky, and any successor to such medical center, shall after the date of the enactment of this Act be known and designated as the "Robley Rex Department of Veterans Affairs Medical Center".

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the medical center referred to in subsection (a) shall be considered to be a reference to the Robley Rex Department of Veterans Affairs Medical Center.

## AMENDMENT NO. 2753

(Purpose: To make a technical correction requested by the Army in the funding of dining projects at forwarding operating bases in Afghanistan)

On page 56, between lines 9 and 10, insert the following:

## ADMINISTRATIVE PROVISION

SEC. 401. (a)(1) The amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, ARMY" and available for a dining hall project at Forward Operating Base Dwyer is hereby increased by \$4,400,000.

(2) The amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, ARMY" and available for a dining hall project at Forward Operating Base Maywand is hereby reduced by \$4,400,000.

(b)(1) The amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, ARMY" and available for a dining hall project at Forward Operating Base Wolverine is hereby increased by \$2,150,000.

(2) The amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, ARMY" and available for a dining hall project at Forward Operating Base Tarin Kowt is hereby reduced by \$2,150,000.

## AMENDMENT NO. 2749

(Purpose: To provide \$37,500,000 requested by the Air Force for construction of an Unmanned Aerial System Field Training Complex at Holloman Air Force Base, New Mexico, as authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111-84), and to provide an offset)

On page 27, between lines 3 and 4, insert the following:

SEC. 128. (a)(1) The amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, AIR FORCE" is hereby increased by \$37,500,000.

(2) Of the amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, AIR FORCE", as increased by paragraph (1), \$37,500,000 shall be available for construction of an Unmanned Aerial System Field Training Complex at Holloman Air Force Base, New Mexico.

(b) Of the amount appropriated or otherwise made available by title I of the Military Construction and Veterans Affairs Appropriations Act, 2009 (division E of Public Law 110-329; 122 Stat. 3692) under the heading "MILITARY CONSTRUCTION, AIR FORCE" and available for the purpose of Unmanned Aer-

ial System Field Training facilities construction, \$38,500,000 is hereby rescinded.

## AMENDMENT NO. 2751

(Purpose: To make a technical correction for the Air Force at Columbus AFB, Mississippi)

On page 4, line 6, after the date, insert the following:

, Of which \$9,800,000 shall be for an Aircraft Fuel Systems Maintenance Dock at Columbus AFB, Mississippi

## AMENDMENT NO. 2743

(Purpose: To provide, with an offset, an additional \$750,000 for homeless veterans comprehensive service programs and housing assistance and supportive services)

On page 52, after line 21, add the following:

SEC. 229. (a) ADDITIONAL AMOUNT FOR HOMELESS VETERANS COMPREHENSIVE SERVICE PROGRAMS AND HOUSING ASSISTANCE AND SUPPORTIVE SERVICES.—The amount appropriated by this title under the heading "MEDICAL SERVICES" under the heading "VETERANS HEALTH ADMINISTRATION" is increased by \$750,000, with the amount of the increase to be available for the following:

(1) The grant program under section 2011 of title 38, United States Code.

(2) Per diem payments under section 2012 of such title.

(3) Housing assistance and supportive services under subchapter V of chapter 20 of such title.

(b) OFFSET.—The amount appropriated or otherwise made available by this title under the heading "GENERAL OPERATING EXPENSES" under the heading "DEPARTMENTAL ADMINISTRATION" is decreased by \$750,000.

Mr. JOHNSON. Mr. President, I ask unanimous consent that on Tuesday, November 17, following a period of morning business, the Senate resume consideration of H.R. 3082, and that the following list of amendments be the only amendments remaining in order, with no second-degree amendments in order to any listed amendments: Johnson amendment No. 2733, Feingold amendment No. 2748; Cochran amendment No. 2763, Inhofe amendment No. 2774, Inouye amendment 2754, McCain second-degree amendment No. 2776; that the previous order regarding a managers' amendment remain in effect; that the vote with respect to the Inhofe amendment occur when the Senate resumes consideration of the bill at 2:15, and that upon disposition of the Inhofe amendment, the provisions of the previous order with respect to disposition of the substitute and passage of the bill be in effect; that there be 2 minutes of debate prior to each vote, except that prior to the Inhofe vote there be 5 minutes of debate, with all debate time equally divided and controlled in the usual form; further, that amendment No. 2779 be withdrawn once this agreement is entered into this evening, with any relevant provisions of the order of November 10 in effect.

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

(The amendment (No. 2779) was withdrawn.

Mr. JOHNSON. Mr. President, as in executive session, I ask unanimous consent that on Tuesday, following the disposition of H.R. 3082, the order with respect to the Hamilton nomination be executed.



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

The Senator from Texas.

Mrs. HUTCHISON. Parliamentary inquiry: I did not understand the last unanimous consent request, that we were going to a nomination?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. HUTCHISON. Mr. President, I believe we are now on the glidepath to finishing the Military Construction and Veterans Affairs bill. We have an order. If we can clear some of the further amendments that are listed for a vote, I know we will be able to do that. Some of these are being negotiated at this time. At least we have a way forward.

Our staffs have worked very diligently on this since we started this bill last Tuesday and, for various reasons, we are going to finish it tomorrow, a week later. We could not have done it without a lot of cooperation. I thank my distinguished colleague, the chairman of the subcommittee, Senator JOHNSON, and his staff: Christina Evans, Chad Schulken, and Andy Vanlandingham. My staff also has ably worked through these. When I was called away to Fort Hood, my chief clerk, Dennis Balkham, did a great job with the help of Ben Hammond in our office. I appreciate very much all the cooperation and the help we have had coming to this point.

I am pleased with our bill. I think we have a good bill that will do what all of us want, which is to assure that our veterans have the health care, the benefits, the needed outreach they should have for getting their benefits on a timely basis. This is one of the priorities we are funding in this bill. Secondly, of course, the military construction part of this bill is going to assure many quality-of-life improvements for our military personnel. Also, we will be building in faraway places where our troops are being housed right now. We want to give them every comfort we possibly can as they are fighting for our freedom.

I thank my colleagues and certainly appreciate that we are now moving toward final passage of this bill tomorrow. I appreciate all the cooperation we have had.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## EL SALVADOR'S CHALLENGES

Mr. FEINGOLD. Mr. President, on November 16, 1989, six Jesuit Fathers, their housekeeper, and her daughter were brutally murdered by members of the Salvadoran Army. The Senate has passed a resolution remembering and honoring the lives and work of these individuals, and today, as we solemnly mark the 20th anniversary of this tragedy, I am struck by the enduring legacy of those who lived and taught their commitment to justice, human rights, and peace in the face of violence and oppression.

A New York Times article published on November 17, 1989, a day after their murders, remembered Father Ignacio Ellacuria Bescoetxea as a strong advocate for human rights and a key participant in successful negotiations for the release of the President's daughter in 1985. Father Ignacio Martín-Baró was "a gentle academic type, with an office overflowing with books, papers, everything," and the editor of a widely distributed scholarly journal. Father Segundo Montes worked to collect data on atrocities committed in El Salvador's war so that, some day, justice could be done and victims would not be forgotten. Father Amando López was a committed professor of theology and served the seminary as its rector. Father Juan Ramon Moreno was the assistant director of the university's chapel which also served as an auditorium for lectures making relevant church teachings to the situation in El Salvador. Father Joaquin López y López was the director in El Salvador of Fe y Alegría which organized primary schools for children in the poorest neighborhoods.

These men put their faith and academic expertise in philosophy, political science, sociology, economics, and theology to good use. They maintained a distinct hope for an El Salvador at peace, and a country that respected and protected the rights and well-being of all its people—including the very poorest. These teachers were invaluable educators not only for their students and fellow Salvadorans, but also for the global community, bringing international attention and awareness to the plight of those most deeply affected by the conflict in their country. Though tragic, their deaths, and those of their housekeeper, Julia Elba Ramos, and her daughter, Celina Mariset Ramos, helped bring about the negotiations that ultimately led to peace in 1992, and their work on human rights and social justice is continued today by many in El Salvador and around the world, including the 28 Jesuit colleges and universities in the U.S.

The civil war is long over, and we witnessed a landmark for democracy this spring as El Salvador hosted its first transfer of power between political parties in a relatively peaceful and transparent election. The new government faces many challenges, including widespread poverty, crime, and gang violence, and the work of the six

priests remains just as important today—to address these great challenges, El Salvador must commit itself to the causes of education, justice, and human rights that they championed two decades ago.

## NATIONAL ADOPTION MONTH

Mr. CORNYN. Mr. President, I rise today to voice my support for National Adoption Month and the efforts of those individuals who play a role in foster care and the adoption process.

According to the U.S. Department of Health and Human Services, approximately 51,000 children are adopted in the United States of America each year. This is an encouraging figure and a strong testament to the efficacy of child welfare workers and foster care families around the country. However, this month also provides us with an opportunity to look at the more sobering side of this issue.

Currently, more than 130,000 children await adoption in the United States. This figure represents children who do not yet know the safety and security of loving parents or a home to call their own. This is a dilemma about which we must raise awareness and for which we must find solutions.

As a father myself, I can speak for the sacrifices that most parents willingly make for the well-being of their children. I therefore deeply admire and respect those who make these sacrifices for children who are not their own by birth by providing foster homes or by seeking to adopt.

Many adoptive parents have fought their way through significant obstacles in the legal process in order to adopt, and all have taken risks and made sacrifices in their own lives to create a family where none has been before.

The theme of this year's effort to raise awareness about the adoption of children and youth from foster care, "You don't have to be perfect to be a perfect parent," should help serve as a reminder that, although many would-be adoptive parents feel unequal to the job, they have a great deal to offer these children.

There are many ways to adopt, whether through the public foster care system, domestic adoption through private agencies within the United States, or intercountry adoption, to name a few, and numerous adoption agencies and workers stand ready to assist in the process.

As a Senator, I have seen the statistics of those children for whom no home was made, for whom no parent stepped up to the hard but rewarding job of parenting, and while there are encouraging exceptions, figures make it very clear that society has found no replacement for a stable home and loving parents.

Thus, it is both for the sake of these children and for the welfare of our Nation that I encourage adoption as a way to enhance one's own life and the society in which we all live. As I have

said in the past, the act of adoption itself represents the value that Americans place on the worth of each human life, and it is throughout this particular month of the year that we take time to reaffirm this sacrificial and rewarding act.

#### VOTE EXPLANATIONS

• Mr. LIEBERMAN. Mr. President, I was not present for the votes on Senator COBURN's motion to commit H.R. 3082 to the Senate Committee on Appropriations and amendment No. 2757, which was also introduced by Senator COBURN. Had I been present, I would have voted nay on the motion to commit and voted yea in favor of amendment No. 2757.●

#### ADDITIONAL STATEMENTS

##### REMEMBERING JUANITA HELMS

• Mr. BEGICH. Mr. President, I wish to remember the life of an extraordinary resident from my home State of Alaska, Juanita Lou Helms. Ms. Helms passed away on November 7, 2009, in her hometown of Fairbanks. She was 68.

Ms. Helms was active in local community organizations, politics, and most importantly, was devoted to her husband, their four children, and grandchildren.

Juanita began her public service on the borough assembly in 1980, but she is most well known in the community for becoming the Fairbanks North Star Borough's first female mayor in 1985. During her two terms, Mayor Helms shepherded the Borough through difficult financial times. As an "open door" mayor and terrific listener, she inspired the trust needed to find common ground among her constituents.

Among her accomplishments was the construction of the community's convention center, improving air quality, and helping thaw the "ice curtain" by establishing a sister city relationship with Yakutsk in Eastern Russia.

Away from the political realm, Ms. Helms was involved in innumerable civic endeavors, especially parent-teacher groups in Fairbanks. She also held an assortment of jobs in the community from carhop to court clerk to rental property manager.

In her personal life Juanita was an avid dancer who was loved by her family and all who knew her. She and her husband Sam were devoted to their children Fawn, Selene, Ren, and Karisse. They were so deeply involved in their lives and those of their many grandchildren that the number of events they attended and participated in are virtually countless.

Juanita will be missed by her family, friends, and all of the people she touched in the State of Alaska.●

##### REMEMBERING ANNIE ASHENFELTER

• Mr. BEGICH. Mr. President, I rise today in remembrance of Annie

"Akkuluq" Ashenfelter. I am saddened to announce with her passing on October 8, 2009, the village of White Mountain and the great State of Alaska lost an elder of great cultural knowledge, wisdom, and language. The magnitude of this loss is better understood by recalling the immense contributions she gave her family, community, and region.

Annie was born in White Mountain on January 24, 1913. She spoke Inupiat as her first language and learned English when she went to school. She completed the third grade.

Annie lived a subsistence life, reliant on the land and its resources to sustain her family. Annie's steadfast connection to her Inupiat identity ensured her children, grandchildren and her many generations to follow would remain grounded in those same cultural roots and values. Annie loved to go camping and fishing, living off the land, spending 90 years of her life sharing this love with her family. She enjoyed preparing Native food and sharing what she had with others. Annie was a talented sewer, of both children's clothing and animal skins. She made all 10 of her children's clothing: pants, shirts, parkies, mukluks, and mittens.

Annie was a pillar of her community. She had strength of character, embodied knowledge of the land, and symbolized the resilience of the Inupiat people. Her kind heart has left a permanent mark on the lives of countless individuals. Annie was easy to laugh, had good memories, and enjoyed the simple things in life: getting up in the morning, having her morning cup of coffee, sitting at the window and observing life in White Mountain. Annie never had a bad word to say about anyone, ever. Even during the difficult times, she lived her life with grace, humor, love, strength, joy and understanding. Annie was a strong Fish River Inupiaq woman.

Mr. President and colleagues, please join me in honor and remembrance of Annie "Akkuluq" Ashenfelter, whose love and wisdom will forever be in the memories of those who loved and knew her.●

##### TRIBUTE TO EDEN SUTLEY

• Ms. LANDRIEU. Mr. President, I come to the floor today to honor a very special Louisianian, Eden Sutley, who has served her State and Nation with great distinction. Eden is a Lafayette, LA, native who is currently a junior at the George Washington University in Washington, DC. Just like Louisiana's senior Senator, Eden Sutley is a proud member of the Delta Gamma Fraternity.

Winston Churchill, one of the great figures of World War II, once said: "We make a living by what we do, but we make a life by what we give."

Eden Sutley may not know what she wants to do to earn a living after college, but her volunteer spirit and desire to give back to the "greatest genera-

tion" precisely highlights the sentiment to which Mr. Churchill refers.

At the urging of her father, 2 years ago Eden became involved with Louisiana HonorAir Program. This group, based in Eden's hometown of Lafayette, honors surviving World War II veterans by giving them an opportunity to see the Washington, DC, memorials dedicated to their service. After flying up from Louisiana, the veterans visit the World War II, Korea, Vietnam and Iwo Jima memorials and travel to Arlington National Cemetery.

Eden Sutley has played an important role during HonorAir's trips to Washington, DC. For each visit, Eden organizes about 40 of her sorority sisters to come out and assist these World War II heroes. They help by pushing wheelchairs, taking pictures, and handing out water as these Louisiana World War II veterans experience the Nation's Capital, many for the first time.

In all, Eden has recruited over 200 sorority sisters to lend a hand to our HonorAir veterans. They have volunteered on more than a dozen Saturdays since 2007, helping over 1,000 veterans. There have been seven different flights this year alone, including the last trip of the year, which occurred October 24.

Volunteering with HonorAir to assist the World War II veterans is so popular among her fellow Delta Gammas that some sisters come back to help out even after they have graduated. Eden has also inspired two other Louisianians, Terricia Soyombo and Brooke Oschner, who are also Delta Gammas at George Washington University, to become part of this effort. Through her role as Delta Gamma president at George Washington, Eden has been instrumental in getting other Greek organizations involved, as well.

Eden has demonstrated a passion for public service that serves as a model for college students across our great country. On behalf of Louisiana HonorAir and our entire State, I thank Eden for her leadership, for her willingness to give back, and for inspiring others to do the same.●

##### TRIBUTE TO LOUISIANA WWII VETERANS

• Ms. LANDRIEU. Mr. President, I am proud to honor a group of 97 World War II veterans from all over Louisiana who travelled to Washington, DC, on October 24 to visit the various memorials and monuments that recognize the sacrifices of our Nation's invaluable servicemembers.

Louisiana HonorAir, a group based in Lafayette, LA, sponsored this trip to the Nation's Capital. The organization is honoring surviving World War II Louisiana veterans by giving them an opportunity to see the memorials dedicated to their service. The veterans visited the World War II, Korea, Vietnam, and Iwo Jima memorials. They also travelled to Arlington National Cemetery.

This was the last of three flights Louisiana HonorAir made to Washington, DC this fall. It is the 20th flight to depart from Louisiana, which has sent more HonorAir flights than any other State to the Nation's Capital.

World War II was one of America's greatest triumphs but was also a conflict rife with individual sacrifice and tragedy. More than 60 million people worldwide were killed, including 40 million civilians, and more than 400,000 American servicemembers were slain during the long war. The ultimate victory over enemies in the Pacific and in Europe is a testament to the valor of American soldiers, sailors, airmen, and marines. The years 1941 to 1945 also witnessed an unprecedented mobilization of domestic industry, which supplied our military on two distant fronts.

In Louisiana, there remain today about 30,000 living WWII veterans, and each one has a heroic tale of achieving the noble victory of freedom over tyranny. This HonorAir group had 41 veterans who served in the U.S. Army, 11 in the Army Air Corps, 33 in the Navy, 6 in the Marine Corps, 3 in the Merchant Marines, 1 in the Coast Guard, and 2 were a part of Women's Army Corps, WAC.

Our heroes, many of them from Southeast Louisiana, trekked the world for their country. They fought in Germany, Holland, France, Italy, Africa, Guam, Bougainville, Guadalcanal, Iwo Jima, Okinawa, the Philippines, New Guinea, Japan, and Saipan. Their journeys included the invasions of North Africa, Sicily, and Normandy.

One of our Army veterans fought on the front lines in Europe and was held as a prisoner of war. Another Army veteran was wounded in Bastogne and received a Purple Heart for his service.

One Army Air Corps veteran served in 37 combat missions between 1943 and 1945 as a B-24 tail gunner. One Army veteran served in Normandy during D-day.

Another Army veteran received five battle stars for his service. Yet another one of our Army veterans received a Purple Heart and five medals, including the Bronze Star Medal, for his service in Europe.

I am also proud to acknowledge that of the 97 veterans who visited Washington this past weekend, two were women who served our country with honor and distinction during World War II.

I ask the Senate to join me in honoring these 97 veterans, all Louisiana heroes, who visited Washington. We thank Louisiana HonorAir for making these trips a reality.●

#### TRIBUTE TO DR. WILLIAM McCORKLE

● Mr. SHELBY. Mr. President, it is an honor to recognize Dr. William McCorkle, who after 52 years of extraordinary service to our Nation, is retiring from Redstone Arsenal in Huntsville, AL.

In the words of Napoleon Bonaparte, "Victory belongs to the most persevering."

Dr. McCorkle is a person who has used his perseverance, determination, and forthrightness not only to personally succeed in the Army but more importantly to do what is best for our warfighters.

A 1950 graduate of the University of Richmond with a bachelor of science degree in Physics and a Ph.D. in Physics from the University of Tennessee in 1956, Dr. McCorkle came to Redstone in 1957 from a position at Tulane University.

Not since Dr. Wernher von Braun has one man done more to promote rocket development at Redstone than Dr. McCorkle. Since he joined the Aviation and Missile Command, Dr. McCorkle has been a pillar in the aviation and missile research and development fields.

As director of the Aviation and Missile Research, Development, and Engineering Center, Dr. McCorkle is an internationally recognized leader in aviation and missile technology, and has been involved in virtually every Army rocket and missile development program since 1956. He helped build the very foundation that has made the U.S. Army's aviation and missile programs so successful.

Dr. McCorkle's efforts have been instrumental in taking engineering ideas and transforming them into weapon systems. Dr. McCorkle was key in the development of the Prototype Integration Facility which has transformed the Army's rapid response capability to meet the needs of the soldier in the battlefield.

This facility is on the forefront of providing our servicemembers with quick solutions to critical problems they currently face in combat. Dr. McCorkle's work on this initiative has led to the building of a world-class research program at Redstone Arsenal valued at over \$1.2 billion.

More importantly, he has dramatically increased rapid prototyping efforts that have led to significant advancements to unmanned aerial vehicles at use today in combat.

Dr. McCorkle has effectively championed the use and growth of unmanned aerial vehicles and the new capabilities that have increased their value in combat. In conjunction with the Air Force, Dr. McCorkle's team led the development of advanced technology to arm predator unmanned aerial vehicles with Hellfire missiles. This program is now one of the most successful weapon systems being used today in Afghanistan and Iraq.

Under Dr. McCorkle's guidance, aviation research has also flourished. The Aviation and Missile Research, Development, and Engineering Center is heavily involved in the research and development initiatives behind many of the most utilized Army helicopter programs, including those on the Apache, Black Hawk, and Chinook helicopters.

After the rapid development of blue force tracking, a new capability that tracks the location of friendly and hostile military forces, units overseas were able to install this technology directly in the field.

Continuously, throughout Operation Iraqi Freedom, it was reported that blue force tracking systems were working flawlessly, even allowing troops to fly in formation during sandstorms and brown-out conditions. This is an invaluable advancement for our soldiers and Dr. McCorkle ensured it was delivered to our servicemembers in the field at a critical time.

Dr. McCorkle's work has significantly improved technology development and reduced the time to field equipment, ensuring our warfighters are the best equipped fighting force in the world. His work has also reduced the cost of these programs for the taxpayer.

Under his direction, the Aviation and Missile Research, Development, and Engineering Center developed the Department of Defense's Best Value Engineering Program, which has consistently achieved 70 percent of the Army Materiel Command's total savings and 30 percent of the Department's total savings. His Service Life Prediction Program has achieved over \$8 billion in cost avoidance.

Dr. McCorkle has been on the forefront of new technology to provide our warfighters with the best equipment and our nation the best defense from those who wish to threaten us.

Under his guidance and leadership, the Aviation and Missile Research, Development, and Engineering Center was consistently recognized as an Army Materiel Command Laboratory of Excellence and formally recognized as the Army's best laboratory eight times.

I thank Dr. McCorkle for his years of service to our Nation, the Army and, most importantly, the warfighter. He has been a genuine asset to both the Service and the warfighter.

In everything he did, Dr. McCorkle strove for excellence in himself and sought to inspire the same in those around him.

His leadership, experience, and expertise have advanced our rocket, missile, and aviation programs beyond what was ever imagined when he first came to work for the Army. I am proud to have worked with Dr. McCorkle for over 30 years, but I am even more honored to call him my friend.

Dr. McCorkle, I wish you and your wife Nancy the very best as you enjoy your well-deserved retirement.●

#### TRIBUTE TO GORDON J. JONES

● Mr. THUNE. Mr. President, today I wish to honor the life of Gordon J. Jones of the Flandreau Santee Sioux Tribe, who passed away on October 6. He was a man of great faith in God and had a strong conviction to serve his country, State, city, and Santee Sioux tribal community in many generous and selfless capacities.

After graduating from Oglala Community High School in Pine Ridge, SD, Gordon joined the Armed Forces and served in the Air Force until his discharge in 1954. Eventually, he returned home to Pine Ridge to work as a police officer.

Gordon went on to serve the Flandreau Santee Sioux Tribe in a number of leadership positions, including tribal chairman, treasurer, trustee, and judge. His knowledgeable and competent abilities remained evident throughout his service in each of these official tribal roles. Gordon also fought for the interests of Indian Country during his time with the Bureau of Indian Affairs and as the executive director of the Flandreau Santee Sioux Gaming Commission. His leadership and guidance while with the Commission resulted in greater accountability within Indian gaming in the form of the National Indian Gaming Regulations, which he was instrumental in developing.

Gordon's lifelong service to veterans and citizens of South Dakota is reflected in his membership in the American Indian Veteran Lodge, the American Legion, the Flandreau Bible Church, the Kiwanis, the Shriners, and the VFW. Gordon was the longest serving member of the South Dakota Human Rights Commission which he served on from 1985 and resigned in 2001 due to health issues. He was the legion chaplain for South Dakota from 1997–1998. This type of active and continuous involvement stands as a testament to Gordon's commitment to his community and his fellow South Dakotans. It is this type of selfless volunteerism which makes South Dakota truly great.

Gordon's opinions and actions influenced policies and decisions at all levels of government. His involvement within his local community, his service to his tribe and State, his time in the Armed Forces and his testimony before U.S. congressional leaders all speak to the great devotion and passion which Gordon demonstrated throughout his life. His many accomplishments show the enormous difference a single life can have on so many others. South Dakota is better because of the life and efforts of Gordon. This life of active service and involved citizenship provides an example for each of us to follow.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 3962. An act to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes.

#### 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. BAUCUS (for himself, Mr. GRASSLEY, and Mr. CRAPO):

S. 2771. A bill to amend the Internal Revenue Code of 1986 to limit the penalty for failure to disclose reportable transactions based on resulting tax benefits, and for other purposes; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself, Mr. CORNYN, and Mr. LEAHY):

S. 2772. A bill to establish a criminal justice reinvestment grant program to help States and local jurisdictions reduce spending on corrections, control growth in the prison and jail populations, and increase public safety; to the Committee on the Judiciary.

By Ms. COLLINS:

S. 2773. A bill to require the Secretary of Energy to carry out a program to support the research, demonstration, and development of commercial applications for offshore wind energy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY:

S. 2774. A bill to amend title XVIII of the Social Security Act to prevent Medicare payments being lost to fraud, waste, or abuse; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. GILLIBRAND):

S. 2775. A bill to provide authority and sanction for the granting and issuance of programs for residential and commuter toll, user fee and fare discounts by States, municipalities, other localities, as well as all related agencies and departments thereof, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ALEXANDER (for himself and Mr. WEBB):

S. 2776. A bill to amend the Energy Policy Act of 2005 to create the right business environment for doubling production of clean nuclear energy and other clean energy and to create mini-Manhattan projects for clean energy research and development; to the Committee on Energy and Natural Resources.

By Ms. SNOWE:

S. 2777. A bill to repeal the American Recovery Capital loan program of the Small Business Administration; to the Committee on Small Business and Entrepreneurship.

By Mrs. BOXER (for herself, Mr. INHOFE, Mr. BAUCUS, Mr. VOINOVICH, Mr. MERKLEY, and Mr. VITTER):

S. 2778. A bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; to the Committee on Environment and Public Works.

By Ms. KLOBUCHAR:

S. 2779. A bill to promote Department of the Interior efforts to provide a scientific

basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes; to the Committee on Energy and Natural Resources.

#### ADDITIONAL COSPONSORS

S. 254

At the request of Mrs. LINCOLN, the name of the Senator from Colorado (Mr. BENNET) 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. 491

At the request of Mr. WEBB, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 524

At the request of Mr. FEINGOLD, the name of the Senator from Idaho (Mr. RISCH) 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. 557

At the request of Mr. KOHL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 557, a bill to encourage, enhance, and integrate Silver Alert plans throughout the United States, to authorize grants for the assistance of organizations to find missing adults, and for other purposes.

S. 686

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 686, a bill to establish the Social Work Reinvestment Commission to advise Congress and the Secretary of Health and Human Services on policy issues associated with the profession of social work, to authorize the Secretary to make grants to support recruitment for, and retention, research, and reinvestment in, the profession, and for other purposes.

S. 727

At the request of Ms. LANDRIEU, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 727, a bill to amend title 18, United States Code, to prohibit certain conduct relating to the use of horses for human consumption.

S. 1057

At the request of Mr. TESTER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1057, a bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes.

S. 1067

At the request of Mr. FEINGOLD, the name of the Senator from Tennessee

(Mr. CORKER) was added as a cosponsor of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1076

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1076, a bill to improve the accuracy of fur product labeling, and for other purposes.

S. 1130

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1130, a bill to provide for a demonstration project regarding Medicaid reimbursements for stabilization of emergency medical conditions by non-publicly owned or operated institutions for mental diseases.

S. 1147

At the request of Mr. KOHL, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1147, a bill to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

S. 1153

At the request of Mr. SCHUMER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1153, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible designated beneficiaries of employees.

S. 1160

At the request of Mr. SCHUMER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1160, a bill to provide housing assistance for very low-income veterans.

S. 1228

At the request of Mr. AKAKA, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1228, a bill to amend chapter 63 of title 5, United States Code, to modify the rate of accrual of annual leave for administrative law judges, contract appeals board members, and immigration judges.

S. 1345

At the request of Mr. REED, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1345, a bill to aid and support pediatric involvement in reading and education.

S. 1366

At the request of Mrs. BOXER, the name of the Senator from New York

(Mrs. GILLIBRAND) was added as a cosponsor of S. 1366, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate a portion of their income tax payment to provide assistance to homeless veterans, and for other purposes.

S. 1389

At the request of Mr. NELSON of Nebraska, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1389, a bill to clarify the exemption for certain annuity contracts and insurance policies from Federal regulation under the Securities Act of 1933.

S. 1545

At the request of Mrs. GILLIBRAND, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1545, a bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes.

S. 1559

At the request of Mr. KERRY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1559, a bill to consolidate democracy and security in the Western Balkans by supporting the Governments and people of Bosnia and Herzegovina and Montenegro in reaching their goal of eventual NATO membership, and to welcome further NATO partnership with the Republic of Serbia, and for other purposes.

S. 1608

At the request of Ms. STABENOW, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1608, a bill to prepare young people in disadvantaged situations for a competitive future.

S. 1646

At the request of Mr. REED, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1646, a bill to keep Americans working by strengthening and expanding short-time compensation programs that provide employers with an alternative to layoffs.

S. 1653

At the request of Mr. LEAHY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1653, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 1709

At the request of Mr. THUNE, the name of the Senator from Ohio (Mr. VOINOVICH) 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. 1798

At the request of Mr. SANDERS, the name of the Senator from Oregon (Mr.

WYDEN) was added as a cosponsor of S. 1798, a bill to provide for the automatic enrollment of demobilizing members of the National Guard and Reserve in health care and dental care programs of the Department of Veterans Affairs, and for other purposes.

S. 1963

At the request of Mr. AKAKA, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1963, a bill to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes.

S. 2736

At the request of Mr. FRANKEN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2736, a bill to reduce the rape kit backlog and for other purposes.

S. 2758

At the request of Ms. STABENOW, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2758, a bill to amend the Agricultural Research, Extension, and Education Reform Act of 1998 to establish a national food safety training, education, extension, outreach, and technical assistance program for agricultural producers, and for other purposes.

S. 2767

At the request of Mr. CORNYN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2767, a bill to provide additional resources and funding for construction and infrastructure improvements at United States land ports of entry, to open additional inspection lanes, to hire more inspectors, and to provide recruitment and retention incentives for United States Customs and Border Protection officers who serve on the Southern Border.

S. RES. 341

At the request of Mr. CARDIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 341, a resolution supporting peace, security, and innocent civilians affected by conflict in Yemen.

S. RES. 345

At the request of Mrs. BOXER, the names of the Senator from Tennessee (Mr. CORKER) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. Res. 345, a resolution deploring the rape and assault of women in Guinea and the killing of political protesters.

AMENDMENT NO. 2759

At the request of Mr. DURBIN, the names of the Senator from Illinois (Mr. BURRIS), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Montana (Mr. TESTER) were added as cosponsors of amendment No. 2759 proposed to H.R. 3082, a bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

## AMENDMENT NO. 2760

At the request of Mr. DURBIN, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Montana (Mr. TESTER) were withdrawn as cosponsors of amendment No. 2760 proposed to H.R. 3082, a bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

## AMENDMENT NO. 2774

At the request of Mr. INHOFE, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Texas (Mr. CORNYN) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of amendment No. 2774 proposed to H.R. 3082, a bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED  
BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. CRAPO):

S. 2771. A bill to amend the Internal Revenue Code of 1986 to limit the penalty for failure to disclose reportable transactions based on resulting tax benefits, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Today, I am pleased to introduce the Small Business Penalty Relief Act of 2009 with my good friend and Ranking Member of the Finance Committee, CHUCK GRASSLEY.

The bill provides much needed penalty relief to small businesses across America that are being assessed large penalties by the Internal Revenue Service because they unknowingly invested in something called a "listed tax shelter transaction."

Many of these businesses thought they were putting their money into sound investments for the benefit of their employees and learned only after they were audited by the IRS that they instead had invested in something the IRS considers to be a tax shelter.

Most small businesses do not have the resources to pay sophisticated tax lawyers and accountants to review all their business decisions. They have to do the best they can on their own. And that is how they ended up in the middle of a nightmare with the IRS.

When a business invests in a listed tax shelter, the law requires that business to attach a form to the tax return telling the IRS about the shelter. If the business doesn't attach the form, it can be subject to a penalty of \$200,000 per year. If the business has elected Subchapter S status, an additional \$100,000 penalty applies at the individual level. Total penalties can add up to \$300,000 each year. Multiply that by several years, and you can easily approach \$1 million or more in penalties for a tax shelter you didn't even know you had.

In the case of many small businesses, the annual tax benefit from their in-

vestment is quite minor—perhaps as small as \$15,000. The \$300,000 penalty plainly is out of whack.

Just to be clear, Senator GRASSLEY and I are not soft on tax shelters. We spearheaded legislation in 2004 that gave the IRS better tools to stop individuals and big companies from cleverly manipulating the tax code to avoid paying the taxes they owed. Our efforts were focused on egregious deals that cheated the U.S. Government out of millions and billions of dollars. Our efforts have made a serious dent in the proliferation of abusive tax scams and schemes.

But we didn't intend that the 2004 legislation would end up threatening the existence of small businesses in Montana and across America, and the livelihoods of their employees who risk losing their jobs if the business goes under.

Small businesses are struggling already. They don't need the added and unfair burden of a penalty that can be as much as 20 times larger than the taxes they saved.

This bill changes the way the penalty is calculated. The penalty is based on a percentage of the tax benefit resulting from the investment. It is fairer and won't drive these companies out of business.

Small businesses are the backbone of our Nation. Particularly in these tough economic times, we must make sure the tax laws reflect the important role that small business plays in our Nation's economic health and our citizens' economic security.

By Mr. WHITEHOUSE (for himself, Mr. CORNYN, and Mr. LEAHY):

S. 2772. A bill to establish a criminal justice reinvestment grant program to help States and local jurisdictions reduce spending on corrections, control growth in the prison and jail populations, and increase public safety; to the Committee on the Judiciary.

Mr. WHITEHOUSE. Mr. President, I am proud today to join Senators CORNYN and LEAHY in introducing the Criminal Justice Reinvestment Act of 2009, a bill designed to help States and localities approach spending on corrections in a more rational manner, better manage growth in the prison and jail populations, and increase public safety.

Over 2,200,000 American adults are incarcerated in state and local prisons and jails; the prison population alone nearly tripled between 1987 and 2007, from 585,000 to almost 1,600,000 inmates. States, in turn, have increased spending on corrections by \$40 billion in the past 20 years. Despite the continued growth of the inmate population, about half the states plan to cut corrections budgets for fiscal year 2010 amid budget shortfalls.

Most policymakers have limited access to detailed, data-driven explanations about changes in crime, arrests, convictions, and prison and jail population trends. The Criminal Jus-

tice Reinvestment Act will provide them with the resources to undergo a thorough analysis of the drivers of growth, and to create and implement policy options to manage that growth.

Specifically, the legislation will create a two-part grant program for governments to analyze criminal justice trends, develop policy options to address growth in the corrections system, and implement and measure the impact of the policy changes. Through Phase 1 grants, government entities will be able to conduct a comprehensive analysis of corrections data, evaluate the cost-effectiveness of state and local spending on corrections, and develop policy options suggested by the analysis. Phase 2 grants will provide funds to help government entities implement those policy options and to measure their effectiveness.

Model programs in several states have already found this kind of data study helpful in managing the costs of a growing inmate population. An analysis of prison data in my home state of Rhode Island, for example, prompted legislation to standardize the calculation of earned time credits, establish risk reduction program credits, and require the use of risk assessments to inform parole release decisions. In Texas, the home State of one of my cosponsors, Senator CORNYN, the solution was much different but equally effective—following its analysis, the State invested \$227 million on treatment programs and residential facilities to curb population growth, which averted spending \$523 million on new prisons.

The Criminal Justice Reinvestment Act will help state and local governments spend their limited corrections budgets in a more targeted, rational way to both manage inmate population growth and protect public safety. I urge my colleagues to support this legislation.

Mr. LEAHY. Mr. President, I am pleased to join Senators WHITEHOUSE and CORNYN in introducing the Criminal Justice Reinvestment Act of 2009. This important bipartisan legislation would help jurisdictions control the increased costs facing correctional systems across the country, while also improving public safety and reducing recidivism.

In recent years, Federal and State governments have passed many new criminal laws creating more and longer sentences for more and more crimes. As a former prosecutor, I strongly believe in securing tough and appropriate prison sentences for people who break our laws. But while it is important to ensure that serious crimes result in significant sentences, we must also work to make our criminal justice system as effective and efficient as possible. That is why I have long championed legislation like the Second Chance Act, which helps ensure that when people get out of prison, they enter our communities as productive members of society, so we can start to reverse the dangerous cycles of recidivism and violence.



We have an obligation to help states cope with overburdened criminal justice systems and rising recidivism rates. Over the last twenty years, state spending on corrections has risen from \$10 billion to \$45 billion a year by some reports, and that number is expected to rise. Despite mounting expenditures, recidivism rates remain high, and by some measures have actually worsened. The fastest growing category of admissions to prison is people already under some form of community supervision, such as probation or parole. We must learn how to break this cycle. Fixing this problem will make our communities safer, and we must act quickly because states simply cannot continue to spend these enormous sums on corrections, especially in these very difficult economic times.

The Criminal Justice Reinvestment Act provides states with the needed technical and financial resources to help them take key steps to break the cycle of recidivism. By helping states implement data-driven strategies to more effectively manage their correctional systems and to reinvest the saving in programs to reduce crime, the bill serves the dual purpose of cutting costs and improving public safety. I look forward to working with Senators WHITEHOUSE and CORNYN and others to ensure the passage of this important legislation.

By Ms. COLLINS:

S. 2773. A bill to require the Secretary of Energy to carry out a program to support the research, demonstration, and development of commercial applications for offshore wind energy, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. COLLINS. Mr. President, today I am introducing legislation that requires the Secretary of Energy to carry out a program of research, development, demonstration and commercial application to advance offshore wind turbine technology. This bill will advance the goal of the Department of Energy to produce 20 percent of our Nation's electricity from wind resources by 2030.

Mr. President, 61 percent of U.S. wind resources is in deepwater, greater than 60 meters, 197 feet, depth. Winds at these locations are stronger and more consistent than closer to shore or on land. But, it will take technological advances to harness this energy efficiently and cost-effectively.

This bill will focus national efforts to develop offshore wind technologies. This should be a national priority because it can produce clean, renewable energy for major U.S. population centers. The 28 coastal U.S. States use 78 percent of the electricity in the U.S. For example, Maine's offshore wind resource is close to the 55 million people who live in New England, New York, New Jersey, and Pennsylvania. This is 18 percent of the total U.S. population.

Developing cost-competitive offshore wind technology will require improve-

ments in the efficiency, reliability, and capacity of offshore wind turbines and reductions in the cost of manufacturing, construction, deployment, generation, and maintenance of offshore wind energy systems. That is why my bill directs the Secretary of Energy to support existing university centers and establish new centers to support research, development, demonstration and commercial application. The bill authorizes \$50 million annually for over 10 years for the design, demonstration, and deployment of advanced wind turbine foundations and support structures, blades, turbine systems, components, and supporting land- and water-based infrastructure for application in shallow water, transitional depth, and deep water offshore. The bill authorizes full-scale testing and establishment of regional demonstrations of offshore wind components and systems to validate technology and performance; assessments of U.S. offshore wind resources, environmental impacts and benefits, siting and permitting issues, exclusion zones, and transmission needs for inclusion in a publically accessible database; design, demonstration, and deployment of integrated sensors, actuators and advanced materials, such as composite materials; advanced blade manufacturing activity, such as automation, materials, and assembly of large-scale components, to stimulate the development of a U.S.-blade manufacturing capacity; methods to assess and mitigate the effects of wind energy systems on marine ecosystems and marine industries; and other research areas as determined by the Secretary.

This bill would support critical renewable energy research that would help reduce our use of fossil fuels and improve our energy security. I urge my colleagues to support the Offshore Wind Energy Research, Development, Demonstration and Commercial Application Act.

By Mr. GRASSLEY:

S. 2774. A bill to amend title XVIII of the Social Security Act to prevent Medicare payments being lost to fraud, waste, or abuse; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, in 2008, Medicare accounted for about \$470 billion of the \$2 trillion spent on health care in the U.S..

Conservative estimates are that as much as \$60 billion of that Medicare spending is lost to fraud, waste, and abuse each year.

News reports today tell us that the Medicare payment error rate for fiscal year 2009 is going to be 12.4 percent. To put it in a different way, last year, Medicare made 47 billion dollars in improper payments. \$47 billion of taxpayer money that by all accounts was wasted by Medicare on payments that shouldn't have been made.

As Medicare spending continues to skyrocket, so will the dollars lost to fraud, waste and abuse.

That problem is bad enough. But it is even worse because it turns out that a rule in the law today makes it easier for crooks to cheat the system and steal money from Medicare.

A recent 60 Minutes segment highlighted how the law as written contributes to the problem and drives this growing danger to the American taxpayer and public coffers.

In this segment, we saw a medical supply company that billed Medicare, \$2 million this past July—despite being empty and having apparently no staff.

Federal agents described the problem as far bigger than the drug business in Miami now. They were told it has pushed aside cocaine as the biggest criminal enterprise there.

According to those interviewed by 60 Minutes, an entire health care fraud industry exists today that is committed to doing nothing except finding ways to rip off the Medicare program.

Many of these suppliers don't exist. There is no office that exists and nobody who works there. They recruit doctors and patients and use stolen patient lists, and do nothing but figure out how to steal from Medicare.

One man interviewed said he was waking up every day making \$20,000–\$40,000 every day. It was like winning the lottery he said. He was running a fake medical supply company that didn't actually sell any medical equipment to anyone. He says he stole at least 20 million dollars from Medicare. He said it was, quote "real easy."

All he says he needed was someone pretending to run the office and then he just had to check his bank account every day to see how much money he had made. All he did was fill out forms to Medicare and in 15 to 30 days he would have the money in his bank account.

Even more alarming, he says that there are about 2,000 to 3,000 more fake medical suppliers just in Miami billing Medicare fake claims.

They are able to do this because Federal law puts Medicare in a position of having to "pay and chase" health care fraudsters. This is because federal law requires that Medicare pay providers promptly regardless of any risk of fraud, waste, or abuse.

The prompt payment requirement in current law requires payment for a "clean" claim within 14 to 30 days. And that is not enough time for the limited number of Medicare auditors to determine if the claim is legitimate before the payment has to be made.

The result is that this "prompt payment rule" requires that Medicare pay fraudsters first, and ask questions later.

This requirement in current law doesn't make any sense. I am here today to introduce a bill to fix it.

This legislation, the Fighting Medicare Payment Fraud Act of 2009 Act, would provide the government with an important new tool to fight fraud, waste and abuse in Medicare. This bill will stop the cycle of "paying and chasing." This legislation would protect

Federal taxpayer dollars from being wasted on suspicious payments that are required to be made because of the prompt payment rule.

Today, the prompt payment rule applies to all payments regardless of the risk that those payments would be to fly-by-night operators. But this legislation ends the policy of pay first and ask questions later.

This legislation gives the Secretary of Health and Human Services the authority to ask questions first and then and ONLY then to make the payment if the health care provider and the payment for services check out.

This bill accomplishes that by extending the time period in which payments must be made under the prompt payment rule in cases where the Secretary determines there is a likelihood of fraud, waste or abuse.

For categories of providers or suppliers, the payment time period can be extended to up to one year. For individual providers or suppliers, the Secretary would be required to take whatever time is necessary to engage in more in-depth reviews to determine that the claims are supposed to be paid in the first place.

With this additional time, the Secretary would be required to conduct more detailed reviews of suspicious claims to make sure they are supposed to be paid.

This would help ensure that Medicare dollars are in fact going to bona fide providers, instead of fraudsters with empty strip mall medical supply companies.

Finally, this legislation requires the experts in the Office of Inspector General to recommend, on at least an annual basis, categories of providers or suppliers that warrant additional time before payments are made under the prompt payment rule.

To make sure there is action on these recommendations, the Secretary would be required to provide a response to the Inspector General on these recommendations.

With this new authority to fight health care fraud, the Federal Government will be in a better position to protect taxpayer dollars and catch health care crooks.

Crooks are taking advantage of Medicare's prompt payment requirement. They know they can bill Medicare, get their payment, and be gone before they get caught. And Federal law enables it to happen. That has got to end. This legislation takes that step.

By Mr. ALEXANDER (for himself and Mr. WEBB):

S. 2776. A bill to amend the Energy Policy Act of 2005 to create the right business environment for doubling production of clean nuclear energy and other clean energy and to create mini-Manhattan projects for clean energy research and development; to the Committee on Energy and Natural Resources.

Mr. ALEXANDER. Mr. President, Senator WEBB of Virginia, the col-

league of the Presiding Officer, and I are introducing legislation today to propose that the United States build its clean energy future upon the lessons of the Manhattan Project of World War II. That helped end the war. It was a millions-of-man-hour effort that the New York Times called "without doubt, the most concentrated intellectual effort in history."

Specifically, we will introduce legislation to create the business and regulatory environment to double our country's nuclear power production within 20 years and to launch five mini-Manhattan Projects to make advanced clean energy technologies effective and cost-competitive.

The most important thing I can say is that the senior Senator from Virginia and the junior Senator from Virginia and I have all talked about this subject before. I think we see there is a great deal of consensus in this body about some steps we can take on clean energy. So what Senator WEBB and I are hoping to do with this framework is to see on a one-on-one basis whether it is the kind of framework that will permit us to work with other Senators who expressed an interest in nuclear power and energy research and development. And while we are contending about economy-wide cap and trade, we could move ahead with these steps that have to do with clean energy, clean air, climate change, low-cost, reliable energy.

In other words, this is a piece of legislation that you can support if you are for an economy-wide cap and trade or if you are against an economy-wide cap and trade. There are some things we can do to help our country that also help us deal with climate change.

In 1942, President Franklin D. Roosevelt asked Senator McKellar, the Tennessean who chaired the Appropriations Committee, to hide \$2 billion in the appropriations bill for a secret project to win World War II. Senator McKellar replied:

That should be no problem, Mr. President. I have just one question: Where in Tennessee do you want me to hide it?

That place in Tennessee turned out to be Oak Ridge, one of the three secret cities that became the principal sites for the Manhattan Project that split the atom and built a bomb before Germany could. Nearly 200,000 people worked on the project in 30 different sites in 3 countries.

President Roosevelt's \$2 billion appropriation would be \$24 billion today.

After World War II, in 1947, ADM Hyman Rickover came to Oak Ridge for training that led to the nuclear Navy that helped to defend our country for half a century. Shortly thereafter, in December 1953, President Eisenhower proposed his Atoms For Peace Program that has grown into the world's most effective supplier of large amounts of reliable, carbon-free, low-cost electricity.

The rest of the world has a new interest in this American success story, as

countries seek energy independence, clean air, cheap energy for job creation, as well as carbon-free energy to deal with global warming. The Chinese are starting a new nuclear powerplant every 2 or 3 months. The Japanese obtain a third of their power from nuclear plants and build new reactors from start to finish in less than 4 years. France gets 80 percent of its electricity from nuclear power and, as a result, has among the lowest electricity rates and carbon emissions in Western Europe. Russia plans to double its nuclear power capacity. The United Arab Emirates is planning three new reactors by 2020, and just last week the United Kingdom announced it will build 10. Yet the country that invented this remarkable technology, the United States of America, has not started a new nuclear powerplant in 30 years even though we still get 70 percent of our carbon-free electricity and 19 percent of all our electricity from 104 reactors built between 1970 and 1990.

It is true that there are other promising forms of low-carbon and carbon-free renewable energy, but the stark reality is that there is a huge gap between this renewable electricity we would like to have and the reliable, low-cost electricity that a country that uses 25 percent of all the energy in the world has to have.

Today, despite heavy subsidies, wind, solar, geothermal, biomass renewable energy produce only 3 percent of U.S. electricity. The Energy Information Administration forecasts a 22-percent increase in U.S. electricity demand during the next 20 years. For that much electricity, our country simply cannot rely solely on conservation, on windmills and solar panels or even on natural gas. We are fortunate to have a new, massive natural gas set of discoveries in the United States, but a natural gas powerplant still produces about half as much carbon as a new coal plant. And if too many natural gas plants are built, today's low prices could mean high prices tomorrow for farmers, homeowners, and manufacturers.

Add to that a recent Nature Conservancy scientific paper that warned of a coming renewable energy sprawl, especially from biofuels, biomass, and wind turbines, that would consume an area the size of West Virginia. A biomass plant, for example, that would produce as much electricity as one nuclear reactor on 1 square mile would require continuously deforesting an area about 1.5 times the size of the Great Smoky National Park. Producing 20 percent of our electricity from 50-story wind turbines, as some have suggested, would require covering an area the size of West Virginia and building 19,000 miles of new transmission lines.

When these are strung along scenic ridgetops, coastlines, or other treasured landscapes, we will be destroying the environment in the name of saving the environment. Solar and wind installations require between 30 and 270

square miles to duplicate the output of just one nuclear reactor on 1 square mile. Moreover, these energy sources must be backed up by other generation since they only produce power when the wind blows or the Sun shines, and that electricity cannot be stored in large amounts. There is only one wind farm in the entire Southern United States because the wind doesn't blow enough. In the Tennessee Valley Authority region, solar costs at least four to five times as much as other electricity that TVA buys.

As for green jobs, according to the Department of Energy, there will be 250,000 construction jobs for 100 new nuclear plants. This would compare with 73,000 jobs to construct the 180,000 wind turbines needed to produce 20 percent of our electricity from wind. Of course, producing a lot of cheap, reliable energy is the best way to produce new jobs.

Think of it this way. If we were going to war, we wouldn't mothball our nuclear Navy and start subsidizing sailboats. If climate change, as well as low-cost, reliable energy are national imperatives, we should not stop building nuclear plants and start subsidizing windmills. I am on the side of those who say we need to deal with climate change. The national academies of 11 industrialized countries, including the United States, have said humans probably have caused most of the recent global warming.

If fire chiefs of the same reputation said my house might burn down, I would buy fire insurance, but I would buy insurance that worked and that was not so expensive that I couldn't pay my mortgage or my hospital bill.

Fortunately, there are two steps that will benefit our country in multiple ways—namely, cleaner air; more energy independence; more reliable, low-cost power—and will also help fight global warming. The first is to double production of electricity from carbon-free nuclear power, which would mean building 100 new plants as we did between 1970 or 1990 or a larger number of the new, small, and modular reactors now being discussed. The second is to apply to the promising new technologies, such as the renewable technologies, the same discipline and resources we did with the original Manhattan Project in order to make them effective and cost competitive.

That is why the bill Senator WEBB and I are introducing today, the Clean Energy Act of 2009, proposes the following: No. 1, loan guarantees: \$100 billion to encourage startup of all forms of carbon-free electricity production, expanding the \$47 billion loan guarantee program that exists today, and \$18 billion of those funds are currently available for nuclear projects.

Secretary Chu has suggested it should be in the forties. I believe that number should be closer to the sixties or the seventies. But the purpose of this is to get the first few nuclear plants up and running, and then the

money is paid back. The Congressional Budget Office estimates this could cost up to \$10 billion but might cost much less. New reactor designs, \$1 billion over 5 years to enable the Nuclear Regulatory Commission to review new designs such as the generation 4 reactors that don't isolate plutonium and, therefore, help solve the used nuclear fuel problems, and small modular reactors that can be built in U.S. factories and assembled on site such as LEGO blocks. No. 3, nuclear workforce, \$1 billion over 10 years to ensure a supply of nuclear engineers, operators, and craftsmen such as welders and pipe fitters. Americans have a generation gap in these skilled personnel. No. 4, more power from existing reactors. This would be \$500 million over 10 years to increase the efficiency and develop longer lifetimes for our existing 104 reactors. If we did both of these things, we might create the equivalent production of 20 or 30 more reactors. Then, finally, the five new, what we call mini-Manhattan Projects for clean energy.

Here are the five mini-Manhattan Projects: \$750 million per year over 10 years for research and development on, No. 1, carbon capture emissions from coal plants. In many ways that is the holy grail of energy R&D. If we can find a way to do that, we can have all of the low-cost, clean electricity we can use. No. 2, develop advanced biofuels from crops that we don't eat; No. 3, improve batteries for electric cars so instead of taking us 100 miles without recharging, they might take us 300 or 400 miles; make solar power more cost competitive.

That has the most promise in terms of renewable energy because we have rooftops on which to put the panels. They just cost too much today. Then recycling used nuclear fuel in a way that doesn't isolate plutonium, that reduces by 99.9 percent the radioactive life of what is left, and by 97 percent the mass we have to deal with. The cost to taxpayers over 20 years would be no more than \$20 billion. There would be no new energy taxes or mandates. This \$20 billion would compare with \$170 billion we would spend in taxpayer subsidies, if we were to produce 20 percent of our electricity from wind, not counting the billions more for transmission lines.

By my computation, if we actually did build 100 nuclear plants in 20 years, as well as electrify half our cars and trucks in 20 years, which we should be able to do without building one new powerplant if we plugged them in at night, we would come close to reaching the 1990 Kyoto global warming protocols without expensive new energy taxes. Reaching that goal is even more likely if some of our mini-Manhattan Projects produce results we hope for from new technologies.

The world nuclear power revival is well underway. With our Clean Energy Act of 2009, that revival might finally reach American shores where it began. The lessons of the Manhattan Project

could advance the days when more nuclear power and new forms of clean energy can make us more energy independent, clean our air, help fight global warming, and produce large amounts of reliable, low-cost, clean electricity that will keep American jobs from going overseas looking for cheap energy.

I ask unanimous consent to have printed in the RECORD a one-page summary of the Alexander-Webb legislation, called the Clean Energy Act of 2009.

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

ALEXANDER-WEBB—CLEAN ENERGY  
DEPLOYMENT ACT OF 2009

To create the business and regulatory environment to double nuclear production in 20 years and establish 5 Mini-Manhattan projects to make advanced clean energy technologies effective and cost-competitive

1. Carbon-Free Electricity Loan Guarantees: \$100 Billion for technology-neutral carbon-free electricity loan guarantee program. CBO estimates cost at \$10 billion (may cost less). Secretary Chu has suggested doubling the \$18.5 billion available today for nuclear power.

2. New Reactor Designs: \$250 million per year for five years to enable the Nuclear Regulatory Commission (NRC) to review new nuclear reactor designs such as Generation IV or small modular reactors. (Would not impact NRC review of potential sites for nuclear power plants.) Reaffirm the federal government's commitment to dealing with spent nuclear fuel.

3. Nuclear Workforce: \$100 million per year for ten years for education, workforce development and training to ensure a supply of nuclear engineers, operators and craftsmen such as welders and pipefitters.

4. More power from existing reactors: \$50 million per year for ten years for nuclear reactor lifetime-extension and efficiency research. Increased efficiency and longer lifetimes for existing 104 reactors could equal the production of 20-30 new reactors.

5. Five Mini-Manhattan Projects for Clean Energy R&D: (\$750 million per year for ten years). Clean Coal: to make carbon capture and storage a commercial reality (\$150 million per year). Advanced Biofuels: clean fuels from crops we don't eat (\$150 million per year). Advanced Batteries: for electric vehicles (\$150 million per year). Solar Power: to make solar power cost competitive (\$150 million per year). Recycling Used Nuclear Fuel: (\$150 million per year). Support Secretary Chu's Blue-Ribbon Panel on what to do with used nuclear fuel.

Decide upon the best way to recycle used nuclear fuel.

i. Proliferation-resistant (no pure plutonium).

ii. Reduce radioactive lifetime of final used fuel product by 99.97 percent.

iii. Reduce volume and mass of final used fuel by 97 percent of what it is today.

Develop Generation IV reactors that will consume recycled nuclear fuel.

Total 20 year cost would be no more than \$20.25 billion.

\*While the loan guarantee program is scored at 1 percent for nuclear loans and 10 percent for other program participants, this proposal uses a 10 percent score for all loan guarantees.

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2009

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Develop Generation IV reactors that will consume recycled nuclear fuel.

Total 20 year cost would be no more than \$20 billion.

While the loan guarantee program is scored at 1 percent for nuclear loans and 10 percent for other program participants, this proposal uses a 10 percent score for all loan guarantees.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WEBB. Mr. President, I am pleased to be cosponsoring this legislation with the senior Senator from Tennessee. This is a strong attempt by both of us to go toward the area of problem solving rather than political rhetoric that surrounds a lot of this issue when we examine the pieces of legislation that are before us that are making an attempt at solving climate change issues. They are, in some cases, in contradiction to what our energy needs are at large.

On the one hand we stopped building nuclear powerplants 30 years ago because of widespread fears among people who were in the political process about the technology that was involved. On another level we stopped drilling for oil offshore after some incidents, now 40 years ago. Then on another level, we heard repeatedly that coal was too dirty.

At the same time we consume more and more energy, rightfully so, given the productivity of the country and the state of our economy. But we are in contradiction in terms of what we need versus what we fear. I believe the time has come for us to focus on those areas in terms of energy production that we know are achievable, that we know are safe, where we know we are good and which also can contribute positively in the area of climate change.

We have an enormously complex climate change bill that was passed in the House. We have another enormously complex climate change bill that may be before the Senate. We can't predict whether those bills will pass. If they do pass, we know there are some detriments. What Senator ALEXANDER and I are trying to do on a bipartisan basis, hopefully, with the support of our colleagues, is to put a simple piece of legislation forward that will address the areas that are achievable, that can give us an end result and get this legislation passed, while all of these other issues continue to be examined.

Senator ALEXANDER outlined the major points of this legislation. I would like to emphasize a couple. One is that we will be able to provide \$100 billion in loan guarantees, but that is not \$100 billion in money. That is \$100 billion in guarantees. It depends on the success rate. The basic projection on this is that it will be between 1 and 10 percent of that \$100 billion that our taxpayers actually would be required to pay. So we are going to be able to bring at least a dozen nuclear powerplants online.

When I say "nuclear powerplants," I mean the electrical generation capability of a traditional nuclear powerplant. We may have more than those given the miniaturization of nuclear power that is now underway.

We are going to be able to develop a nuclear workforce. Let me stay on this point for a minute. Senator ALEXANDER was a former Secretary of Education. I have spent all of my life, since I was 18 years old, in and around the naval service from which our nuclear power programs first began. One of the great benefits of the nuclear power program in the United States has been quality individuals whose talents are unmatched around the world.

I first watched this when I was at the Naval Academy many years ago, where among the brightest people at the Naval Academy, many were selected for the nuclear power program. They went through intensive training. But also among the enlisted sailors, the quality of the training was unsurpassed. We would like to see this take place in terms of workforce development in the United States.

We want to put \$100 million a year in over a 10-year period to develop superb craftsmen as well as nuclear engineers.

We are looking at many mini-Manhattan Projects for alternate energy. This doesn't simply narrow the focus to nuclear energy. But we do know

right now, even though we haven't built a new nuclear powerplant in the United States for 30 years, that 70 percent of the carbon-free electrical power in the United States comes from nuclear energy.

This is a good match for what people are trying to do in the area of climate change. I believe the way we have designed this legislation is focused. I am comfortable with the fact that the expansion of nuclear power as an alternate energy is doable. It is reasonable in scope and in cost. It will go a long way toward our eventual goal of dramatically reducing carbon dioxide emissions. As a result, this is legislation that will be beneficial to our economy, to our national health, to our position around the world.

I hope colleagues will join us in moving this legislation forward. We can do it in a timely manner, and we know the results are there.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. I thank the Senator from Virginia, Mr. WEBB, for his leadership. He brings a special knowledge to this because of his background in the Navy as an engineer and as Secretary of the Navy. Thousands of our sailors have lived on top of reactors for 50 years safely. This is an idea that has broad support on both sides of the aisle, I believe. We have gotten so stuck on arguing about the economy-wide cap and trade that we have failed to notice the areas where we may be able to agree. We certainly agree on energy research and development.

The President has strongly supported that. We certainly agree on electrification of cars and trucks. The President also strongly supports that.

I believe there is more agreement on nuclear power than we have seen before. So we are going to work with Democratic and Republican Senators who have already expressed such an interest and others who may be thinking about it over the next few weeks to see if this will form a framework for that kind of discussion.

By Ms. SNOWE:

S. 2777. A bill to repeal the American Recovery Capital loan program of the Small Business Administration; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, the current recession has caused unemployment to balloon to 10.2 percent and with small businesses creating over ⅓ of all net new jobs, the road to recovery leads through our Nation's small businesses. For this recovery to occur, we must ensure that our small businesses have access to affordable credit so that they can keep their doors open and start hiring some of the 15.7 million Americans who are currently unemployed.

The Senate Committee on Small Business and Entrepreneurship has been extremely active on this issue,

and I thank Chair LANDRIEU for her leadership. The Committee has held a series of hearings on the credit crunch, to explore topics from alternative sources of credit to what policies government can enact that will help small businesses create jobs and weather this recession. In these hearings, the one constant message we have heard is that small businesses need access to capital. This message is borne out by the most recent Federal Reserve's Senior Loan Officer Opinion Survey which shows that banks continue to tighten access to credit for small businesses—and have since the start of this recession.

To help small businesses access credit I have introduced two bills, the 10 Steps for a Main Street Economic Recovery Act, and the Next Steps for a Main Street Economic Recovery Act, which contain provisions that would reduce fees for small business borrowers and lenders, allow refinancing of 7(a) and 504 loans; create a lender platform to give small business borrowers more lending options, and to increase the maximum amount borrowers can take out in 7(a), 504, and microloan loan sizes to give small businesses who have capital needs in excess of the Small Business Administration's current loan sizes more borrowing options.

Many of the key provisions of my 10 steps bill were included in the American Recovery and Reinvestment Act, ARRA, most notably, fee reduction for 7(a) and 504 loans. This provision, along with increasing the guarantee rate on 7(a) loans to 90 percent, has been credited with increasing small business lending by over 70 percent since the passage of the ARRA. I was also pleased that President Obama recently announced his support for the loan limit increases in my Next Steps bill as a part of his plan to expand access to capital for small businesses.

These provisions have helped cushion the shock of the credit crisis for small business borrowers; however, I am concerned with one provision which has not lived up to its initial promise.

The American Recovery Capital, ARC, loan program was included in the American Recovery and Reinvestment Act as a result of a combined effort from both the Chairs and the Ranking Members of the House and Senate with the laudable goal of extending a lifeline to small business borrowers. The program allowed viable small businesses that were having difficulty paying their existing debts to access a 100 percent SBA-guaranteed bank loan to repay these debts. These small business borrowers would receive payments for up to 6 months, and then have a 1-year grace period before repayments on their ARC loan began.

However, since its implementation in June, the ARC loan program has been plagued with difficulties, most notably, the Office of Management and Budget has estimated that based on the underwriting requirements put forth by the administration, 60 percent of borrowers utilizing this program may default on their loans.

The ARC program was intended to assist viable small businesses that will be able to repay the loan, not to add additional debt to those who will not. Proper stewardship of taxpayer dollars demands that we put a stop to any Federal program which does not achieve its stated goals. ARC loans are one such program. My legislation immediately suspends the ARC loan program and returns all unobligated funds back to the Treasury.

We must ensure that above all else, taxpayer funds are protected.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2777

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. REPEAL OF AMERICAN RECOVERY CAPITAL LOAN PROGRAM.**

(a) IN GENERAL.—Section 506 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 157) is repealed.

(b) RETURN OF FUNDS.—Any unobligated balances of the amounts appropriated under the heading “BUSINESS LOANS PROGRAM ACCOUNT” under the heading “SMALL BUSINESS ADMINISTRATION” under title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151) for loan subsidies and loan modifications for loans to small business concerns authorized in section 506 of division A of the American Recovery and Reinvestment Act of 2009 are rescinded.

(c) APPLICABILITY.—Any loan guarantee under section 506 of division A of the American Recovery and Reinvestment Act of 2009 entered into before the date of enactment of this Act, shall remain in full force and effect under the terms, and for the duration, of the loan guarantee.

By Mrs. BOXER (for herself, Mr. INHOFE, Mr. BAUCUS, Mr. VOINOVICH, Mr. MERKLEY, and Mr. VITTER):

S. 2778. A bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, today I am joining some of my colleagues from the Environment and Public Works Committee in introducing a bill to reauthorize the Economic Development Administration, EDA. EDA works with partners in economically distressed communities to create wealth and minimize poverty by promoting favorable business environments to attract private investment and encourage long-term economic growth.

I have long been a strong supporter of EDA. I believe the agency does an outstanding job of providing relatively small grants that help secure significant amounts of private investment in distressed communities across the country. Contrary to what some people would say, the government itself does not—frankly, cannot—expand the economy and create long-term jobs. That is the role of the private sector.

What the government can do, however, is help provide the right conditions for private sector investments to flourish. EDA does this in a myriad of ways, but primarily through infrastructure investments. I only wish more of the so-called “stimulus” bill enacted earlier this year had been dedicated to programs like EDA that are truly successful at spurring economic development.

Unlike the majority of the spending in the so-called “stimulus” bill, EDA investments actually provide economic benefits. In fact, studies show that EDA uses federal dollars efficiently and effectively, creating and retaining long-term jobs at an average cost that is among the lowest in government.

In my home State of Oklahoma, for example, EDA has worked long and hard with many communities in need to bring in private capital investment and jobs. Durant, Clinton, Tulsa, Oklahoma City, Seminole, Elk City, Muskogee, Woodward, Shawnee, Claremore, Miami and Elgin are just some of the Oklahoma communities that have made good use of EDA assistance. In fact, over the past seven years, EDA grants awarded in my home state have resulted in more than 9,000 jobs being created. With an investment of about \$33 million, we have leveraged another 32.7 million in State and local dollars and more than 625 million in private sector dollars. I would call that a wonderful success story.

Authorization of FDA's programs expired on September 30, 2008. I had introduced a reauthorization bill in July, 2008, and the EPW Committee reported a bipartisan bill in September 2008. Unfortunately the bill was not enacted. I again introduced my own reauthorization bill in February of this year. Today I am happy to join my colleagues in introducing a similar bill that I hope will be approved by the Committee and the full Senate in the very near future. Particularly in these difficult economic times, we should be doing all we can to ensure the continuation of successful economic development programs, and EDA reauthorization is an important step.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 2781. Mr. JOHNSON (for Mr. DURBIN) proposed an amendment to amendment SA 2779 proposed by Mr. DEMINT to the amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

SA 2782. Ms. MIKULSKI submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, supra; which was ordered to lie on the table.

SA 2783. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 2781.** Mr. JOHNSON (for Mr. DURBIN) proposed an amendment to amendment SA 2779 proposed by Mr. DEMINT to the amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the end of the amendment, add the following:

The provisions of the amendment shall become effective 1 day after enactment.

**SA 2782.** Ms. MIKULSKI submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ . The Secretary of Veterans Affairs shall coordinate with the Director of the Office of Management and Budget to identify amounts available for fiscal years before fiscal year 2010 for mileage reimbursements of employees of the departments and agencies of the Federal Government that remain available for obligation in order to provide up to \$250,000 to be administered by the Department of Veterans Affairs for the operations of the White House Commission on the National Moment of Remembrance established by section 5 of the National Moment of Remembrance Act (36 U.S.C. 116 note) for activities under that Act in fiscal year 2010.

**SA 2783.** Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 52, after line 21, add the following:  
SEC. 229. Of the amounts appropriated or otherwise made available by this title under the headings "VETERANS HEALTH ADMINISTRATION" and "MEDICAL SERVICES", not less than \$1,000,000 shall be available for education debt reduction under subchapter VII of chapter 76 of title 38, United States Code, for mental health care professionals who agree to employment at the Department of Veterans Affairs.

## NOTICE OF HEARING

## COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate, that the hearing scheduled before Senate Committee on Energy and Natural Resources, for Thursday, November 19, 2009, will begin at 10:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on environmental stewardship policies related to offshore energy production.

For further information, please contact Linda Lance at (202) 224-7556 or Abigail Campbell at (202) 224-1219.

ORDERS FOR TUESDAY,  
NOVEMBER 17, 2009

Mr. DURBIN. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, November 17; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; there then be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of H.R. 3082, the Military Construction and Veterans Affairs appropriations. Finally, I ask unanimous consent that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons.

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

## PROGRAM

Mr. DURBIN. When the Senate resumes consideration of the bill tomorrow, it will dispose of the remaining amendments to the bill. We expect there to be up to three rollcall votes beginning around 11:15 a.m., two votes after the recess for the caucus luncheons. Upon disposition of H.R. 3082, there will be up to 1 hour for debate prior to a cloture vote on the nomination of David Hamilton to be U.S. circuit judge for the Seventh Circuit.

ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:19 p.m., adjourned until Tuesday, November 17, 2009, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

## AFRICAN DEVELOPMENT BANK

WALTER CRAWFORD JONES, OF MARYLAND, TO BE UNITED STATES DIRECTOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS, VICE MIMI ALEMAYEHOU.

## DEPARTMENT OF STATE

IAN HODDY SOLOMON, OF MARYLAND, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A

TERM OF TWO YEARS, VICE ELI WHITNEY DEBEVOISE II, TERM EXPIRED.

## UNITED STATES TRADE AND DEVELOPMENT AGENCY

LEOCADIA IRINE ZAK, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE TRADE AND DEVELOPMENT AGENCY, VICE LARRY WOODROW WALTHER, RESIGNED.

## IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211(A):

*To be lieutenant*

RICHARD A. MOOMAW

## IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR AT THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 4333(B) AND 4336(A):

*To be colonel*

LEON L. ROBERT

THE FOLLOWING NAMED INDIVIDUAL TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

MICHAEL C. METCALF

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

TODD E. FARMER

STEVEN R. WATT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

MARK D. CROWLEY

RENEE G. JEFFERSON

ANN M. JOHNSON

KARL F. KNIGHT

KENNETH W. KNOPE

DENNIS J. MALLOY

NEIL J. OCONNOR

JOHN M. PITMAN III

DAVID D. RABB

SHERRI K. SCHUCHMANN

BRENDAN E. SQUIRE

MICHAEL J. STEVENSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

NATHANIEL L. ALLEN

JOHN M. ALTMAN

MATTHEW D. ANDERSON

DAVID W. ASTIN

CHRISTOPHER M. BADO

SCOTT D. BAER

KRISTIN M. BAKER

CHRISTOPHER L. BALLARD

MARK J. BENEDICT

SCOTT J. BERTINETTI

MAURICE T. BLAND

JOHN M. BRADSHAW

DAVID E. BRIGHAM

PAUL C. BROTZEN

LYNN K. BYERS

JAMES D. CARPENTER

REBECCA CARTER

ROCKY L. CARTER

TIMOTHY A. CHAFOS

DAVID K. CHAPMAN

CHARLES F. CORSON

TODD A. CYRIL

GREGORY A. DADDIS

PATRICK C. DEDHAM

KEITH A. DETWILER

RONALD C. DODGE, JR.

JAMES E. DODSON

WADE R. DOENGES

ROBERT E. DUKE

RICKY N. EMERSON

DAVID A. EXTON

ROBERT J. FAGAN

STEVEN J. FRENCH

HARRY M. FRIBERG

RONALD J. GARNER

BRADLEY T. GERICKE

PIERRE D. GERVAIS

KARL H. GINGRICH

FRANK J. GONZALES

BARRY F. GRAHAM

GREGORY H. GRAVES

DARRELL R. GREGG, JR.

RICHARD K. GUFFEY

RODNEY T. HAGGINS

JIMMY L. HALL, JR.

PATRICK R. HAMPTON

KEITH R. HARRIS

JEFFREY W. HARTMAN

CLARK H. HEIDELBAUGH



ANDREW R. HEPPELMANN  
RALPH G. HIGGINS III  
ARTHUR J. HOFFMANN, JR.  
MATTHEW J. HOLT  
YVETTE C. HOPKINS  
PAUL J. HURLEY, JR.  
THOMAS L. JAMES  
JOHN T. JANISZEWSKI  
LINDA C. JANTZEN  
PHILLIP D. JANZEN  
MARK E. JEFFRIS  
DAVID E. JENKINS  
JEFFREY E. JENNINGS  
WALTER P. JENSEN III  
ROBERT H. KEWLEY, JR.  
JOSEPH B. KING  
ROBERT E. KLINGSEISEN  
GERALD C. KOBYLSKI  
RANDALL L. KOEHLMOOS  
KAZIMIERZ Z. KOTLOW  
ANN K. KRAMARICH  
DAVID A. LAGRAFFE  
JAMES C. LAUGHREY  
RANDY H. LAWRENCE  
KENNETH A. LENIG  
DOUGLAS D. LILLY  
DAVID M. LOVEJOY  
WILLIAM J. MANGAN  
GEOFFREY S. MANGELSDORF  
PATRICK E. MATHES  
JEFFREY A. MAY  
DANIEL J. MCFARLAND  
BRIAN S. MCNAUGHTON  
JEFFREY L. MEEKER  
CHARLES R. MILLER  
SCOTT A. MILLER  
TIMOTHY D. MITCHELL, JR.  
RICHARD D. MONTIETH II  
JILL M. NEWMAN  
STEVEN M. NORTH  
PAUL R. NORWOOD  
MICHAEL K. OHARA  
JEFFREY T. OPPENHEIM  
RICHARD H. OUTZEN  
RICHARD A. PAQUETTE  
KENDALL T. PARKS  
DORT B. PAYNE  
MARTIN A. PERRYMAN  
JEFFREY C. PREDMORE  
PARKER C. PRITCHARD  
JAMES D. PRUNESKI  
THOMAS A. PUGH  
JOSEPH W. RANK  
JEFFREY S. RANSBOTTOM  
STANLEY E. REEDY  
JAMES O. ROBINSON, JR.  
JOHN M. RODDY  
JAMES K. ROSE  
DIANE M. RYAN  
THOMAS A. SALO  
JOSEPH W. SECINO  
JAMES C. SHARKEY  
DAVID A. SHUGART  
IRVING SMITH III  
RANDY J. SMITH  
BRIAN S. SNEDDON  
WILLIAM T. SORRELLS  
BRIAN K. SPERLING  
BRUCE A. STEPHENS  
STEVEN A. STODDARD  
WILLIAM R. STOWMAN  
WALTER S. SWEETSER  
LEMUEL A. THOMAS, JR.  
DAVID M. TOCZEK  
MICHAEL J. VASSALOTTI  
DESMOND D. WALTON  
ROBERT E. WARING  
JOHN W. WASHBURN  
KIRBY E. WATSON  
BENJAMIN E. WEBB  
MAURICE L. WILLIAMS  
DARRELL T. WILSON  
ISAAH WILSON III  
ALBERT G. ZAKAIB  
RICHARD G. ZOLLER  
D006317  
D002398  
D002654  
D003658  
D002514  
X001086  
X001320

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES ARMY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

SCOTT C. ARMSTRONG  
GLENN C. BACA  
BRENT E. BARNES  
TIMOTHY R. BAXTER  
CHRISTOPHER R. BENOIT  
JONATHAN D. BERRY  
BRENT T. BOLANDER  
KARL D. BOPF  
JEFFREY A. BOYER  
LIANA L. BRATLAND  
ANTHONY T. BROWN  
KERK B. BROWN  
SHELLA A. BRYANT  
JOSEPH E. CALISTO  
TERESA L. CAMPBELL  
JOSEPH A. CAPOBIANCO  
MICHAEL J. CASHNER  
DONALD R. CECCONI  
JOHN P. CHADBOURNE

JORDAN S. CHROMAN  
ANDREW T. CLEMENTS  
RUSSELL E. COLE  
STEVEN A. COOK  
JOHN A. COOPER  
LYLE T. CORDER  
CHRISTOPHER E. CRATE  
PETER D. CREAN  
ORLANDO D. CRITZER  
CHRISTOPHER D. CROFT  
SHARLENE J. DONOVAN  
BRADLEY K. DREYER  
JEFFREY W. DRUSHAL  
MARGARET L. DUNN  
WAYNE E. EPPS  
ANTHONY O. EVANS  
SCOTT D. FABIAN  
STEVEN T. FISCHER  
JEFFREY FLETCHER  
RODNEY D. FOGG  
THEODORE J. FOX  
LORRI A. GOLYA  
JAMES D. GREGORY  
ANTHONY E. HAAGER  
VICTOR S. HAGAN  
JEFFREY E. HAGER  
MEHELLE B. HALE  
CHARLES R. HAMILTON  
FREDRICK J. HANNAH  
JOHN P. HANNON  
THURINTON W. HARVELL  
KRISTI L. HELTON  
PAUL M. HILL  
RUSSELL A. HOLSCHER  
ROBERT C. HORNECK  
LYNN S. JACKSON  
LEWIS A. JOHNSON, JR.  
WINFIELD R. KELLER  
KARL M. KRAUS  
GARY L. LAASE  
DARREL G. LARSON  
JOHN S. LASKODI  
CHARLES D. LASSITTER  
KELLY J. LAWLER  
MICHAEL C. LOPEZ  
LIONEL W. MAGEE, JR.  
CHRISTINE U. MARTINSON  
MICHAEL E. MASLEY  
GREGORY A. MASON  
MICHAEL R. MATTHEWS  
ROGER L. MCCREERY  
WILLIAM R. MCDONOUGH  
NEAL F. MCINTYRE  
MARY A. MCPHAK  
ROBERT G. MCVAY  
DONALD E. MEISLER  
MICHAEL C. MILLER  
CHRISTOPHER O. MOHAN  
LESTER C. MOORE  
GERALD M. MUHL, JR.  
ROBERT W. MYLES, JR.  
MICHAEL N. NAHAS  
MICHELLE NASSAR  
JOSEPH R. NOVACK, JR.  
RONALD E. PACHECO, JR.  
PAUL H. PARDEW  
ANDREW C. PETERS  
TAMMIE J. PETTIT  
COLICE D. POWELL  
JEFFREY C. POWELL  
LEVEN R. PRESSLEYSANDERS  
THOMAS G. QUINN, JR.  
JAMES J. RAFTERY, JR.  
MARSHALL N. RAMSEY  
ROBERT A. RASCH, JR.  
QUENTON T. RASHID  
CLYDE E. RICHARDS, JR.  
CHRISTOPHER A. RICHARDSON  
DANE D. RIDEOUT  
MATTHEW RIORDAN  
THOMAS A. RIVARD  
THOMAS J. ROGERS  
STEVEN L. ROULENA  
JOHN G. ROMERO  
CHRISTOPHER J. ROSCOE  
MICHEL M. RUSSELL, SR.  
JAMES R. RYAN  
LEE H. SCHILLER, JR.  
MATTHEW C. SCHNAIDT  
PATRICIA A. SELLERS  
JOHN E. SENA, JR.  
JOHN E. SHANKLIN  
WILLIAM H. SHEEHY  
RONALD J. SHUN  
MARK T. SIMERLY  
STEPHEN G. SMITH  
MICHAEL C. SNYDER  
THOMAS E. STACKPOLE  
JAMES R. STALEY  
JAMES R. STANFORD  
ALAN T. STATHAM  
EDWARD J. STAWOWCZYK  
GARY D. STEPHENS  
RANDY G. STEVENS  
BRYAN A. STEWART  
JOHN A. STYER  
JOEL T. SUENKEL  
EDWARD J. SWANSON  
BRIAN J. TEMPEST  
RICHARD A. TEOLOS  
DEBORAH L. THEALL  
STEVEN G. THOMAS  
WALTER THOMAS II  
JASON H. THORNTON  
ERIC D. TILLEY  
THOMAS H. TODD III  
WILLIAM T. UTROSKA

SANDRA L. VANNOLEJASZ  
NOBERT E. VERGEZ  
WILLIAM M. VERTREES  
JASON R. VICK  
JOHN T. VOGEL  
JONAS VOGELHUT  
MARTIN S. WAGNER  
GAIL L. WASHINGTON  
ROBERT W. WEAVER  
MARK J. WEINERTH  
JEFFREY R. WILEY  
DAVID A. WILLIAMS  
TRACY L. WINBORNE  
JAMES O. WINBUSH, JR.  
LEAFAINA O. YAHN  
ROBERT J. YOST  
ERIC F. ZELLARS  
D003978  
D004309

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES ARMY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

MICHAEL W. ANASTASIA  
ERIC J. ANGELI  
KEVIN V. ARATA  
HOWARD E. AREY IV  
GREGORY C. BAINE  
PRENTISS O. BAKER  
STEVEN A. BAKER  
ROBERT M. BALCAVAGE, JR.  
KEITH A. BARCLAY  
DANIEL R. BARNETT  
JAMES E. BARREN  
JAMES L. BARTON, JR.  
DEAN R. BATCHELDER  
CHRISTOPHER H. BECKERT  
BRIAN D. BENNETT  
CARLOS J. BETANCOURT, JR.  
BRIAN R. BISACRE  
MARK R. BLACKBURN  
MICHAEL BLAHOVEC  
MURRAY K. BLANDING, SR.  
BRYAN H. BLUE  
RUSSELL E. BODINE  
EDWARD T. BOHNEMANN  
JAMES E. BONNER  
REGINALD J. BOSTICK  
JAMES H. ADLEY, JR.  
SCOTT E. BROWER  
JAMES C. BROWN  
LESLIE F. BROWN  
XAVIER T. BRUNSON  
DALE R. BUCKNER  
MARK A. BURGE  
CHRISTOPHER T. BURGESS  
DAVID W. BURWELL  
STEVEN G. CADE  
DOUGLAS C. CARDINALE  
BRIAN M. CAVANAUGH  
DAVID W. CHASE  
JOHN R. CHAVEZ  
KEVIN J. CHRISTENSEN  
NICHOLAS P. CHRONIS  
CHADWICK W. CLARK  
WILLIAM J. CLARK  
THOMAS J. CLOSS  
ROD A. COFFEY  
MATTHEW B. COLEMAN  
KEVIN C. COLYER  
CHARLES T. CONNETT  
TODD Z. CONYERS  
MICHAEL E. CORSON  
MICHAEL D. CREED, JR.  
JAMES R. CRIDER  
JOEL R. CROSS  
TIMOTHY J. DAUGHERTY  
DAVID S. DAVIDSON  
ROSS E. DAVIDSON  
LANE E. DAVIS  
EDWIN J. DEEDRICK, JR.  
DOUGLAS J. DELANCEY  
DAVID L. DELLINGER  
SERGIO M. DICKERSON  
WILLIAM C. DICKY  
HEINZ P. DINTER, JR.  
MICHAEL O. DONNELLY  
FREDERIC A. DRUMMOND, JR.  
MICHAEL J. DVORACEK  
BRIAN S. EIFLER  
JOHN W. EISENHAEUER  
DAVID J. ELD  
SVEN C. ERICHSEN  
FREDERICK J. ERST  
ALLEN S. ESTES  
BRUCE A. ESTON  
JOHN R. EVANS, JR.  
ADRIAN R. FARRALL  
WILLIAM O. FISHER  
DAVID P. FITCHITT  
ANTONIO M. FLETCHER  
CHRISTOPHER S. FORBES  
MICHAEL L. FRASER  
BRENTON K. FRASER  
GREGORY D. GADSON  
SEAN A. GAINAY  
KIMO C. GALLAHEE  
MICHAEL A. GETCHELL  
DANIEL P. GLDTHORPE  
BRADLEY W. GRAUL  
DAVID L. GROSSO  
BARRY V. HADLEY  
CHRISTOPHER G. HALL  
DAVID M. HAMILTON  
THOMAS A. HARRAGHY

DARIEN P. HELMLINGER  
 NEIL S. HERSEY  
 LONNIE G. HIBBARD  
 WILLIAM D. HIBNER  
 DAVID C. HILL  
 MIGUEL B. HOBBS  
 JOHN S. HURLEY  
 JOHN L. HUTTO, JR.  
 THOMAS H. ISOM  
 DAVID O. JERNIGAN  
 JOHNNIE L. JOHNSON  
 JONATHAN A. JOHNSON  
 SCOTT C. JOHNSON  
 ERIC G. KAIL  
 KENNETH L. KAMPER  
 MICHAEL C. KASALES  
 JOHN A. KELLY  
 SCOTT T. KENDRICK  
 DAVID R. KENNEDY  
 KRIS L. KENNER  
 SCOTT D. KING  
 ROBERT D. KIRBY  
 CHARLES H. KLINGE, JR.  
 EVERETT D. KNAPP, JR.  
 DAVID M. KRALL  
 MARK H. LANDES  
 DANIEL S. LARSEN  
 MARK A. LEE  
 ROBERT E. LEE, JR.  
 GUY A. LEMIRE  
 LUKE T. LEONARD  
 REYNOLDS J. LILLIBRIDGE  
 JOHN J. LINDSAY  
 ANDREW J. LIPPERT  
 ADAM A. LOVELESS  
 ROBERT E. LOWE  
 BRYAN K. LUKE  
 JOHN M. LYNCH, JR.  
 WILLIAM B. MADDOX  
 JOHN E. MARAIA  
 STEPHEN J. MARANIAN  
 PAUL V. MARNON  
 JOHN J. MARR  
 DONNA W. MARTIN  
 MICHELLE L. MARTINING  
 ROBERT J. MCALEER  
 DENNIS J. MCCORMACK  
 DARRYL D. MCDOWELL  
 WILLIAM D. MCGARRITY  
 JOSEPH P. MCGEE  
 RANDALL A. MCINTIRE  
 MATTHEW F. MCKENNA  
 TAMMY S. MCKENNA  
 STUART J. MCRAE  
 STEPHEN L. MICHAEL  
 CHRISTOPHER C. MILLER  
 JOHN M. MORGAN  
 MARK A. MOSER  
 JAMES H. MULLEN  
 WADE L. MURDOCK  
 ALFREDO NAJERA  
 DONALD R. NITTI  
 CARTER A. OATES  
 PAUL A. OTT  
 MICHAEL F. PAPPAL  
 ALLAN M. PEPIN  
 CARLOS PEREZ, JR.  
 TROY D. PERRY  
 PAUL R. PFAHLER  
 RAMONA D. PLEMMONS  
 LEO G. PULLAR  
 JAMES H. RAYMER  
 BRIAN J. REED

SHAWN E. REED  
 MYRON J. REINEKE  
 MARLIN L. REMIGIO  
 TIMOTHY W. RENSCHAW  
 MICHAEL W. RICHARDSON  
 WILLIAM L. RICHARDSON  
 PAUL J. ROBERTS  
 ANDREW M. ROHLING  
 RICHARD D. ROOT  
 LEO J. RUTH II  
 NESTOR A. SADLER  
 CHARLES P. SAMARIS  
 ERIC L. SANCHEZ  
 STEVEN R. SCHWAIGER  
 ARTICE SCOTT  
 ROY C. SEVALIA  
 MICHAEL J. SHINNERS  
 ERNESTO L. SIRVAS  
 JAMES A. SKELTON  
 TIMOTHY P. SMALL  
 NICHOLAS R. SNELSON  
 JAYSON M. SPADE  
 BRYAN N. SPARLING  
 ELMER SPEIGHTS, JR.  
 RANDI J. STEFFY  
 MARK L. STOCK  
 DENNIS S. SULLIVAN  
 BRADLY S. TAYLOR  
 GERARD P. TERTYCHNY  
 BOBBY R. THOMAS, JR.  
 MORRIS A. TURNER  
 BRET A. VANCAMP  
 CHRISTOPHER S. VANEK  
 KEVIN VEREEN  
 JOHN L. WARD  
 TARN D. WARREN  
 CLIFFORD E. WHEELER, JR.  
 DANIEL W. WHITNEY  
 MONTY L. WILLOUGHBY  
 ERIC L. WITHERSPOON  
 JONATHAN B. WITTINGTON  
 CHRISTOPHER F. WOLFE  
 DAVID J. WOODS  
 RONALD E. ZIMMERMAN, JR.  
 D003700  
 D001868  
 D003756

#### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

#### *To be lieutenant commander*

MATTHEW P. LUFF

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be captain*

EVERETT F. MAGANN

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be captain*

WILLIAM V. DOLAN

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE

UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

#### *To be lieutenant commander*

BRIAN D. BARTH  
 KEVIN A. BEATLEY  
 CHADRICK J. BEIDALAH  
 JAYSON L. BEIER  
 CHRISTOPHER BERNOTAVICIUS  
 PHILLIP E. BOICE  
 SCOTT A. BRANON  
 ADAM J. BROCK  
 DARRELL W. BROWN II  
 ANDREW M. CENISOREZ  
 GREGORY R. CHAPMAN  
 DOUGLAS E. COLE  
 JEFFREY B. CORNES  
 PATRICK S. DENNIS  
 PATRICK R. ELLISON  
 MICHAEL K. FONTAINE  
 TYLER W. FORREST  
 MARK E. GILLASPIE  
 CHRISTOPHER J. GOODSON  
 BENJAMIN P. GRANT  
 SEAN P. GRAY  
 WARREN A. HAKES  
 JOHN M. HALTTUNEN  
 CAMERON J. HAVLIK  
 JAMES M. HENRY  
 MATTHEW G. HORTON  
 MICHAEL B. JENSEN  
 JEREMY M. JOHNSTON  
 ERIC M. LAETTNER  
 ROBERT D. LANE  
 CHARLES C. LITTON  
 ALEXANDER S. MAMIKONIAN  
 KEISHA N. MARABLE  
 ANGEL C. MARTINEZ  
 CARLOS F. MARTINEZ  
 ADAM R. MCLEOD  
 BRIAN D. MERRIMAN  
 LAWRENCE A. MOCNIK  
 MATTHEW L. MUEHLBAUER  
 KURT MUHLER  
 WILLIAM E. PALSROK II  
 DAVID L. REYES  
 JAMES A. RIEHL  
 SEAN A. STEIN  
 MICHAEL A. STOKER  
 HOWARD D. WATT  
 RUSTY J. WILLIAMSON  
 STACY M. WUTHIER

#### DISCHARGED NOMINATION

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination pursuant to an order of 01/07/2009 and the nomination was placed on the Executive Calendar:

PAUL K. MARTIN, OF MARYLAND, TO BE INSPECTOR GENERAL, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.