against Samuel B. Kent, formerly judge of the United States District Court for the Southern District of Texas, are instructed to appear before the Senate, sitting as a court of impeachment for the proceedings, and advise the Senate that, because Samuel B. Kent is no longer a civil officer of the United States, the House of Representatives does not desire further the articles of impeachment hitherto filed in the Senate against Samuel B. Kent.

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

The PRESIDING OFFICER. The majority leader of the Senate.

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

Mr. President, I have conferred with the distinguished Republican, Mr. McCONNELL, and with the distinguished Chairman and Vice Chairman of the Impeachment Trial Committee on the Articles Against Judge Samuel B. Kent appointed by the Senate, the Senator from Missouri, Mrs. McCaskill, and the Senator from Florida, Mr. Martinez. All are in agreement that, with the resignation of Judge Kent, the purposes of the House’s prosecution of the Articles of Impeachment against Judge Kent have been achieved. Judge Kent is no longer serving on the Federal bench, and he has ceased drawing his judicial salary. It is agreed that no useful purpose would now be accomplished by proceeding further with the impeachment proceedings against Judge Kent.

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

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

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Acting President pro tempore, without objection, it is so ordered.

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

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

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

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

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010—Continued

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

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

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

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

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

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

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

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

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

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

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

This limits the amount that can be spent in the classroom and leaves students at a disadvantage compared with children in neighboring towns.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. President, I yield the floor.

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

Mr. DE MINT. Mr. President, I ask unanimous consent to speak for 10 minutes on the subject of business.

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

HEALTH CARE REFORM

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

It is important, as we talk about this, that we get the facts out on the table. I am glad to see this has become an issue that is front and center. I know the President called for a press conference tonight to talk about his vision of health care. I want to set the record straight on a number of things that have been said, that I think are politically motivated and, obviously, don’t represent the truth.

My colleagues on the other side of the aisle, including the President, have talked about Republicans representing the status quo on behalf of big special interests, and they have accused us of representing the big insurance companies, when, in fact, the voting record in the Senate has proved the exact opposite.

When the President was in the Senate, and when we, as Republicans, proposed health care reform—which we did many times while the President was a Senator—the President and my Democratic colleagues voted with the big insurance companies. We had one proposal that would allow small businesses to come together to buy health insurance for their employees at a lower price. The big insurance companies opposed that, but the Democrats voted with the big insurance companies and against the reform proposals.

I put forth a proposal that would have allowed individuals in this country to shop for their health insurance in any State in the country, just like other products and services, to have a competitive national market, which so many on the other side have called for. The big insurance companies that have State-by-State monopolies opposed that. I asked the President at the time that when he speaks tonight. Let’s see what party is representing special interests. First of all, the abortion industry, Planned Parenthood, and other organizations that make their money performing abortions—their interests are clearly represented in this bill. This proposal the President is advocating would make health insurance plans cover elective abortions in this country, which means taxpayers who are morally opposed to abortion will be forced to subsidize insurance plans that pay for abortion.

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

What about who loses their health care coverage in these new plans that have been proposed by my Democratic colleagues? Lewin Group has looked at these proposed plans by my Democratic colleagues in the House and Senate, and they concluded that 80 million Americans who have health insurance that they now like will lose it under this current proposal.

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

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

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

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

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

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

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

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

If the major provisions in this health care bill he is promoting do not take effect until 2013, which they don’t, why this mad rush to pass a bill that is over 1,200 pages that most Americans have not read? Why the mad rush to pass it before we go home for the August break? I can answer it for him. Because if Americans find out what is in it, they are not going to support it.

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

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

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

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

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

This spending spree, this proposal for more and more taxes, is a power grab for the government to take over yet another industry, the health care industry. Health care is that most personal and private service we have for ourselves and our families. Why would we want to turn that over to government to make the decisions for us?

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

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

The ACTING PRESIDENT pro tempore. The Senator from California.

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

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

Mrs. BOXER. Mr. President, I ask unanimous consent that after the Republican have a chance to speak, the unanimous consent that after the Reading, the Senate as in morning business.

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

HEALTH CARE REFORM

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

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

I support my colleagues’ right to say what they want. They will be judged by what they say. They will be judged by what is in their heart. They will be judged on how they act. But we are here for the American people, not to bring down a President or raise up a President. Our job is to represent the people who sent us here. It is not to break a President. It is not to play politics with one of the most important issues facing our country.

For good this President for having the courage to step forward and point out that the current status quo on health care is disreputable. And, yes, we are going to address it and we are going to make sure that the people in this country, if they like their health care, can keep what they have, keep their insurance. If they don’t, they have a chance to buy into other options. That will be their choice. We will stress prevention now. We will have healthier families.

I want to point out that there has been a recent study that says if we do nothing, if we bring down this opportunity we have to do something to better the health care system in this country, if we turn away from that and do nothing. And I am pleased to tell the American people that if they keep what they have, keep their insurance. If they don’t, they have a chance to buy into other options. That will be their choice. We will stress prevention now. We will have healthier families.

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I am hoping that the American people will have a chance to speak, the unanimous consent that after the Reading, the Senate as in morning business.

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

Mr. DEMINT. Mr. President, I thank you for your indulgence. I encourage my colleagues to read any bill we vote on before the August break.
alternative. I have looked at the course of history, and history says to people who do nothing that they haven’t contributed very much. In this case, because the status quo is unsustainable, they are hurting our people. They are hurting our people. More than half of all American men live with one or more chronic conditions. The cost of caring for an individual with a chronic disease accounts for 75 percent of the amount we spend on health care. I have those five chronic diseases in front of me. They are: cancer, heart disease, stroke, chronic obstructive pulmonary disease, and diabetes. Those five are responsible for more than two-thirds of the deaths in the USA. That is information that is important because, when you look at this, many of these can be prevented and treated in a way so that they do not wind up costing so much and hurting our families.

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

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

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

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

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

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

I yield the floor.

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

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

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

Mr. ALEXANDER. Mr. President, I was listening to the Senator from California, and with respect to her comments let me state the position of the Republican Senators on health care reform. Our leader, Mitch McConnell, the Senator from Kentucky, stated yesterday to the news media: This isn’t about winning or losing. This is about getting it right.

Health care is very personal to every one of us, to every one of our families, and to all the American people. Our goal, on the Republican side, and I am sure for many Democrats as well, is to start with cost and make sure we can say to the American people they can afford their health care policy; and when we have finished fixing health care, they can afford their government. So far, that has not been the case.

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

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

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

What is wrong with that idea, 14 of us think it ought to be considered? Yet it has not been given the time of day. Senator Coburn and Senator Burr have proposals that I have endorsed. Senator Gregg has a proposal. Senator Hatch has a proposal. None of them have been given the time of day.

I have had very friendly discussions, but they do not qualify as bipartisan discussions. I give the Senate Finance Committee members great credit for trying to work in a bipartisan way, but they are working in a bipartisan way that is still going in the wrong direction, which is expanding an existing government plan that has failed—Medicaid—they are working on creating a new government plan for people who lose their health care under the theories that have been proposed. Don’t they see they are not.

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

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

We only have one chance to pass this, to change this big system we have, and
we better make sure we do it right. If you don’t want to take our advice, we would say, respectfully: Why don’t you listen to some others? There is the Mayo Clinic. The Senator from California asked: Why are they talking about government programs? Because the President, by many of us, as the kind of high-quality, good results, low-cost health care we would like to have more of—the Iowa Clinic, the Marshfield Clinic, and other clinics say these health care plans are headed in the wrong direction, and one reason is because they would create a new government plan which would eventually drive the Mayo Clinic and these other clinics out of the market, which means they wouldn’t be serving Medicare patients.

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

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

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

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

Gov. Bill Richardson of New Mexico, a Democratic Governor, said:

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

Gov. Bill Ritter of Colorado, a Democrat.

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

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

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

So instead of standing on the other side and saying the Republicans are saying no, I am saying the Republicans are standing yes. We support the bipartisan Wyden-Bennett bill. We have offered the Burr-Coburn bill. We have offered the Gregg bill. We have the Hatch bill. Take our proposals and consider the ideas because they do not involve government-run programs, they do not dump low-income people into Medicaid, where you would not be able to see a doctor. That is akin to giving someone a bus ticket to a route with no buses. We already do it with 80 million people, so why should we do it with 80 million people, which is the suggestion we have.

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

I thank the President.

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

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

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

The ACTING PRESIDENT pro tempore. We are not in controlled time, but the unanimous consent agreement under the unanimous consent agreement is the Senator from Delaware, when the time of the Senator from Tennessee has expired.

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

HONORING DR. DEBORAH JIN

Mr. KAUFMAN. Mr. President, I have often spoken about the need to invest in technology and innovation. We cannot expect to lead in this area in the future. But, like all of those who work in public service, Deborah knows that she and her team have made a difference—that the impact of their findings will be felt in every subsequent discovery on the path to making superconductors a reality.

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

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

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

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

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

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

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

Voting has remained a challenge for our troops and their families for many reasons. First, our election laws are complex and multiple levels of government and other unforeseen events can delay the finalization of ballots. The high tempo of military operations often requires frequent deployments for our troops and their families. Let us describe what this amendment, which I hope we will adopt later today, does.

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

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

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

HEALTH CARE REFORM

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

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

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

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

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

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

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

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

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

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

Many countries, spending a lot less, get better results. We are wasting a lot of money. It is money that is being taken out and profit that is being made. It is money that is not making any healthier. It is just money that we have to pay, many times from paycheck to paycheck. It is a struggle to pay it.

George W. Bush Presidency, those 8 years, went up $5,000. The average annual premium went from $600 a month to over $1,000 a month.

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

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

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

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

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

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

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

Mr. Apack does not want to get into the business of trying to defend those policies to his clients. If his clients are denied coverage for health care based on some fine print they do not understand, or he had nothing to do with it, he feels bad about it. So he discourages the sale of private health insurance to his clients.

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

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

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

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

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

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

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

Preventive care could save her life and avoid more serious and expensive medical care. A while back, after his premiums increased 38 percent over 2 years, Mr. Apack reapplied with the same insurer, wanted to see if he could lower his premiums by switching to a higher deductible. He answered every question on the application form. Remember, this man is an insurance broker. When he got his premiums from his insurer, and the letter asked him: Are you sure about all the answers you gave us? Do you want to stand by all the answers?

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

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

We talk about unknown costs in the current system. To think they could go in your past and find a prescription you filled 8 years ago and call you back and say: Are you sure you have not failed to disclose something here?”

That is what this is, a health insurance system full of tricks and traps. Those on the other side of the aisle say we do not need to change it, one Senator from South Carolina said let the market work, which means basically hands off. Mr. Steele, who heads the Republican National Committee, said: Let’s wait 8 to 10 more months before we get into that.

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

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

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

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

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

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

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

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

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

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

One of the ways we are going to do that is provide some tax incentives and help for low- and middle-income families. We have to make sure people are paying fair premiums. Finally, we have to make sure, when small businesses have a choice that they are not being rewarded.

Of the 47 million uninsured, the vast majority of those are people working in small businesses and their families.

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

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

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

The PRESIDING OFFICER. The Senator from Michigan.

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

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

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

HEALTH CARE REFORM

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

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

We have hospitals all over my home State of Texas that treat indigent patients and patients who cannot pay.

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

What we are looking at now is a proposal that will take money out of the hospitals. Every one of the hospitals in Texas will have lower reimbursements from Medicare and Medicaid, every one. That is estimated to cost more than $3 billion a year to absorb just the Medicaid unfunded mandate that is in the proposed bill making its way through Congress.

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

We are talking about a complete overturning of our health care system, not reform. Reform is what it all is about. We need reform in our health care system. We need lower costs and more people covered. That is not what the bill going through Congress will do.
It is a complete upheaval of the health care system. It will be a single-payer government system that will start encroaching on and displacing the private health care people know and that provides the quality assurance we expect.

Then the new health care system will start being displaced by a big government system that will be cheaper but will also give fewer choices and less service. That is the concern so many people are beginning to have as more and more comes out about this health care plan.

In addition, there is an effort being made to pay for this big government takeover of health care. What are the options on the table? This is what is being proposed: that we will fine employers who do not offer private health care to their employees. That is like saying: OK, if you hire more people and you don’t offer health care, your fines will go up. So that is going to discourage the hiring of people at a time when unemployment is at a record high.

We want to create jobs, not cut them. Instead, we are going to increase taxes on small business. As much as 45 percent is being proposed on small business. That will make small business taxes higher than corporate taxes. Corporate taxes in America are among the highest in the world. Yet we are going to add on top of the 45 percent that the small businesses will pay, 35 percent for corporate. And then you fine the businesses that don’t offer health care.

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

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

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

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

This is the Mayo Clinic, one of the premier health care providers in the country.

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

The Mayo Clinic goes on:

Unless legislators create payment systems that pay for good patient results at reason-
(8) On July 15, 2009, the Sanctions Committee of the United Nations Security Council, pursuant to United Nations Security Council Resolution 1874, imposed a travel ban on and froze the assets of 7 individuals and 4 entities involved in North Korea’s weapons of mass destruction programs. North Korea has been placed on the list of state sponsors of terrorism and all nations that fail to live up to their responsibilities under the Senate resolution should immediately list North Korea as a state sponsor of terrorism.

(9) On June 10, 2008, the Congress again designated North Korea as a state sponsor of terrorism, marking the first time the United Nations Security Council and the United States imposed sanctions on North Korea. The United States, as well as the United Nations Security Council, has imposed a travel ban on North Korea, removed North Korea from its list of terrorism and all nations that fail to live up to their responsibilities under the Senate resolution should immediately list North Korea as a state sponsor of terrorism.

(10) On June 6, 2008, the President certified that—

(a) the Government of North Korea had not provided support for international terrorism during the preceding 6-month period; and
(b) the Government of North Korea had provided assurances that it will not support acts of international terrorism in the future.

(11) On June 26, 2008, President George W. Bush certified that—

(a) the Government of North Korea had not provided support for international terrorism during the preceding 6-month period; and
(b) the Government of North Korea had provided assurances that it will not support acts of international terrorism in the future.

(12) The President’s June 26 certification concluded, based on all available information, that there was “no credible evidence at this time of ongoing support by the DPRK for international terrorism” and that “there is no credible or sustained reporting at this time of North Korea’s support of Hizballah.”

(13) The State Department’s Country Reports on Terrorism 2008 also stated, “A state that directs WMD reprocessing and/or enrichment programs, the sophisticated WMD delivery systems, and the nuclear and radiological materials to be delivered is responsible for that delivery.”

(14) The Country Reports on Terrorism 2008 also stated, “A state that directs WMD reprocessing and/or enrichment programs, the sophisticated WMD delivery systems, and the nuclear and radiological materials to be delivered is responsible for that delivery.”

(15) On October 11, 2008, the Secretary of State, pursuant to the President’s certification, removed North Korea from its list of state sponsors of terrorism, on which North Korea had been placed in 1988.

On July 22, 2009, the House of Representatives, by a vote of 414-6, passed H.R. 3813, the North Korea Sanctions Act of 2009, which imposes sanctions on North Korea for acts of terrorism, including completely eliminating North Korea’s nuclear weapons programs, preventing North Korean proliferation of weapons of mass destruction, and encouraging North Korea to abide by international norms with respect to human rights.

The House amendment requires something to happen, not just a sense of the Senate that there might be a relisting. It mandates a report, a formal report, to be completed within 30 days, examining North Korea’s conduct since it was removed from the terrorism list last June, including the evaluation of any evidence that North Korea has engaged in acts of terrorism or provided support for acts of terrorism or terrorist organizations.

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

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

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

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

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

It also expresses the sense of the Senate that the United States should vigorously enforce United Nations Security Council resolutions, including the evaluation of any evidence that North Korea has engaged in acts of terrorism or provided support for acts of terrorism or terrorist organizations.
Let me emphasize, the United States, this administration, has fully and rightly condemned North Korea’s launch of ballistic missiles and its test of a nuclear weapon on May 25, 2009. We have led a strong international response to those provocations, and succeeded in securing unanimous support from the United Nations for U.N. Security Council Resolution 1874, imposing sweeping new sanctions against North Korea. The sanctions mandated under the U.N. Security Council Resolution include not only a comprehensive arms embargo but also robust new financial sanctions on North Korean trading companies, and visa restrictions on North Korean officials engaged in the proliferation of weapons of mass destruction.

These sanctions have teeth. They are multilateral. And they are having an impact. A North Korean cargo ship suspected of carrying arms to Burma turned around after it was denied bunkering services in Singapore. The Government of Burma joined us, and the government itself warned that the ship would have to be inspected on arrival in order to ensure that it did not have munitions onboard. The sanctions have had a bite. They are working.

As strong as those measures may have been, additional measures may be necessary, and this report will help us to evaluate that. But additional steps, including the relisting of North Korea as a state sponsor of terrorism, ought to be based on a careful examination of the facts—that is how we ought to do things in the Senate—and an assessment of whether those sanctions are going to advance our interests. That is precisely what the Kerry-Lugar-Levin-Webb amendment mandates, and that is why it is actually a better sanctions policy than the alternative Brownback amendment.

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

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

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

Mr. BROWNBACK. Mr. President, thank you very much. I appreciate the chance to debate this issue with my colleague, the distinguished Senator from Massachusetts.

I find it very interesting to hear the statement that the sanctions are working. I am trying to think of how they are working. Are we working to prevent North Korea from deto-nating another nuclear weapon? That did not quite work. We got another one of those. They are working to prevent them from launching more missiles? Well, they are working to prevent North Korea from taking Americans hostage? Well, that one did not quite work.

I am trying to think how these sanctions are working. And if they are so great on an international basis, why aren’t we doing them on a domestic basis, for us toward North Korea? I am having difficulty. Maybe they are working for us to prevent North Korea from associating with the military junta in Myanmar. Was a minute, that, was in the news yesterday, that North Korea is working to provide the military junta in Myanmar with weapons and possibly nuclear weapons that the Secretary of State, Secretary Clinton, is talking about now happening. Well, maybe it prevented—well, I guess it did not quite prevent that.

I am trying to figure out how the sanctions have worked at all. I thought it was a mistake when the Bush admin- istration delisted them from the terror list in a negotiation of the six-party talks and said: OK, we will do this, and they do that, and then ended up doing nothing and, indeed, stepped up what they are doing more and more. It seems to me very strange to sug-gest that the sanctions are working. I respect my colleague from Massachu-settas. He is a strong chairman of the Foreign Relations Committee. I do not see what they have worked at all. I would ask my colleagues to examine: Do they believe that the sanctions to date have worked toward North Korea from the United States? And when you examine the factual setting here, you have to go: Huh, I don’t think these have happened.

Plus, I am very concerned that the administration now is taking the lack of discussing an additional set of incen-tives to the North Korean regime to try to get them from proliferating fur-ther. This is an interesting, hot-off-the-press article from yesterday: “Obama Administration Preparing In-centives Package for North Korea.”

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

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

(See exhibit 1.)

Mr. BROWNBACK. Reading from this article:

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

No nuclear incentives— aimed at persuading North Korea to abandon its nuclear programs, senior U.S. officials confirmed Tuesday.

The officials, who were traveling with Secre- tary of State Hillary Clinton in Thailand, told reporters that the package is only in its early stages and will not be offered to North Korea unless and until they do something about it. Pyongyang would also have to first take specific, concrete and “irreversible” steps to begin destroying its arsenal of nuclear weap-ons.

This is the third round of us giving incentives to North Korea not to de-velop nuclear weapons. It has not worked in the past. It is not going to work now. Why on Earth would we do something like this?

The Kerry amendment calls for a study. Studies are fine. But it actually delays the study that the State Depart-ment has already promised to me: that by the end of this month they will have a study out as to whether they are pro- liferating further weapons, that they should be listed as a terrorist state.

The Kerry amendment says: 30 days after the enactment of this bill. Even if the bill gets through the floor this week, the end of the month is probably more than 30 days away, and it has to come back in front of this body. You are looking, probably, at October, maybe early November, that this actually comes back—this law—and then 30 days after that the report has to be issued. So we are looking at some-thing, maybe November, for the report taking place, when the State Department has already told me they will have their report out by the end of July. So this is actually slowing down the process, if we adopt this amend-ment.

And it calls for a report. I am sure Pyongyang is very concerned about this report. But I do not think it is going to change any of the behavior that is taking place. If we do not have a strong answer, as a matter of fact, it is probably going to urge them to do something even further.

My colleagues are saying: Well, OK, you are being irresponsible in this statement. On this body we are trying to answer the question of whether they are doing anything with Hezbollah. It is a bipartisan amend-ment that I put forward with Senator BAYH, who wanted that provision in it.

There is a current CRS report that talks about North Korea supporting Hezbollah, building bunkers, and sup-porting and helping that out. That is a current factual setting, and my col-lleague on the other side of the aisle, Senator BAYH, has asked and pushed that this be in the overall bill.

I would ask my colleagues to really look at this interesting definition of “international terrorism,” as shown on this chart. This is a definition that is in U.S. statute on international ter- rorism. It appears to be written for North Korea and North Korea in mind. It defines the term under (1)(A), and then under (B)—these are in the alter-native—(B) “appear to be intended”—the actions of “international ter-rorism” “appear to be intended to in-fluence or control a foreign popu-lation”—that is what North Korea does and Kim Jong Il’s regime does—“to in-fluence the policy of a government by
begin destroying its arsenal of nuclear weap-
it. Pyongyang would also have to first take
Korea unless and until the allies sign off on
early stages and will not be offered to North
Secretary of State Hillary Clinton in Thailand,
Tuesday.
ate. As to the Kerry amendment, with
leagues that this is a sense of the Sen-
marily outside the territorial jurisdic-
struction, assassination, or kidnap-
or the United States—''to affect the
flying of missiles over Japan, that is
monsense review of what North Korea
is doing. It is bipartisan with Sen-
other rogue groups?
Korea does not, with what it has done,
what it has done personally, what it
has conducted with other countries,
with Syria, with Myanmar, with these
other rogue states?
It is a sense of the Senate to state we
believe North Korea is a state sponsor of
terrorism. It is bipartisan with Sen-
ator Bayh and myself. It has a number
of cosponsors on it. It actually would
be productive for us and for the Senate
in a public way, we believe they are
acting like state sponsors of ter-
rorism. I believe it would be actually
counterproductive if this body were to
say we think it should be studied and a
report issued. That is not going to be
the sort of strong action that would be
understood at all by the government in
Pyongyang at this point in time.
With that, I would urge my col-
leagues to look at the Brownback-Bayh
amendment. It is on very
serious grounds—It is a sense of the
Senate—and to vote for the amend-
ment. With that, Mr. President, I yield the
floor and reserve the remainder of our
time.

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

OBAMA ADMINISTRATION PREPARING INCENTIVES PACKAGE FOR NORTH KOREA
(By James Rosen)

BANGKOK—The Obama administration is consulting with allies on a new "comprehensive
package" of incentives aimed at per-
-suading North Korea to abandon its nuclear
program, senior U.S. officials confirmed
Tuesday.
The officials, who are traveling with Sec-
retary of State Hillary Clinton in Thailand,
told reporters the package is only in its
early stages and will not be offered to North
Korea unless and until the allies sign off on
it. Pyongyang would also have to first take
specific, concrete and "irreversible" steps to
begin destroying its arsenal of nuclear weap-
ons. The aides said that the administration
needs to see concrete action. Mere assure-
ances from North Korea that it will take ac-
tion in the future would not be enough to
trigger the presentation of the incentives
package, they said.
The United States, though, has not yet
conveyed to the North Koreans what the "ir-
reversibility" of the move means. Wash-
ington continues discussions with its allies
in the so-called Six Party Talks.
The aides, who work on North Korea policy
for three separate offices in the U.S. gov-
ment, portrayed the development of the new
package as the second track of a two-
track approach.
The first track consists of continued ag-
gressive enforcement, also in conjunction
with other nations across the globe, of U.N.
Security Council Resolution 1874—which
gives U.N. member states increased author-
ity to interdict the flow of weapons and pos-
sible nuclear material in and out of North
Korea.
The aides made clear they expect the two-
track approach to remain in place for the
foreseeable future.
"This is going to be resolved in a cou-
ple of weeks," one official said, "This could
be a sustained, substantial effort that could
go on quite a long time."
The package in development would include
some elements that are "familiar" from the
Six-Party talks, the officials said, as well
as new ones and some that differ in their "di-
- mensions."
The United States, China, South
Korea and Russia are the other participants
in the long-running—and still-stalled—Six-
Party Talks aimed at persuading North
Korea to abandon its nuclear programs.
The emphasis on consultation with these
other countries is a strong reminder
that the Bush administration did not ade-
quately confer with them prior to the re-
moval of North Korea from Washington's list
of state sponsors of terrorism last year.
"The Japanese do have anxieties about en-
gagement of North Korea," one official said.
The officials also echoed the "growing con-
cerns" about reports of a military relation-
ship between North Korea and Burma that
Clinton voiced earlier Tuesday in a news
conference with Thailand's deputy prime
minister.
"It would be destabilizing for the region"
if such reports were true, Clinton said, add-
ing, "It would be very destabilizing for
Burma's neighbors. And it is something, as
a treaty ally of Thailand, that we are taking
very seriously.
Briefing reporters after Clinton's news
conference, the senior officials said their con-
cerns range from suspicions that North
Korea is supplying arms to Burma to reports
of possible nuclear collaboration be-
tween the two countries. Pressed on the
nuclear question, the officials refused to dis-
cuss classified intelligence data but noted
North Korea's history of proliferation with
Syria. One aide said the possibility of nu-
clear collaboration between Pyongyang and
Burma is "one of those areas that we would
like to know more about."
To that end, U.S. intelligence agencies are
studying recently published photographs
purporting to show an elaborate set of under-
ground tunnels that North Korea has built
along Burma's border with Thailand. The of-
ficials said they see "some similarities" be-
tween the tunnels in photographs and to
-network of underground tunnels in North
Korea, the existence of which the United
States learned about in the 1990s.
Both have a "repressive military dictatorship" whose leaders have re-
named the country Myanmar, have been the
target of broad sanctions by successive U.S.
administrations over the last decade.
Clinton said Tuesday she would like to see
Washington develop a "more productive" re-
lations with Burma and others in assessing
steps by the government to release political pris-
ners and dissidents jailed there.
"We are very much engaged with partners
in Southeast Asia and others in assessing
and determining not only what is going inside
of Burma but also what we can do effectively
to change the direction and behavior of the
Burmese leadership," Clinton said.
The PRESIDING OFFICER. The Sen-
ator from Massachusetts.
Mr. KERRY. Mr. President, I yield
myself such time as I will use, and I
will be very brief.
The Senator from Kansas just cited
the Congressional Research Service re-
port in his statement about Hezbollah.
I am reading from a memorandum from
the President of the United States.
This is the Presidential report, certifi-
cation, when he lifted the designation of
North Korea. And he wrote—this is from
the President—
Our review of intelligence community as-
sessments indicates there is no credible or
sustained reporting at this time that sup-
ports allegations (including as cited in re-
cent reports by the Congressional Research
Service) that the DPRK has provided direct or
witting support for Hezbollah, Tamil Tig-
gers, or the Iranian Revolutionary Guard.
Should we obtain credible evidence of cur-
tent DPRK support for international ter-
rorism at any time in the future, the Sec-
cetary could again designate the DPRK a
state sponsor of terrorism.
We have not received that evidence.
We specifically request it. And con-
tary to what the Senator just said, this
does not delay the report. It says:
not later than 30 days after the pas-
sage. The report can come next week.
The report can come in answer to the
Senator's request. We would ask for
that.
Let's be accurate in this designation.
The President of the United States said
there is no credible evidence that North
Korea is doing at this time. And there
is none to this date. Our report asks for
whether any currently exists. That is
the way the Senate ought to behave with
respect to serious matters such as this.
Mr. President, I yield the remainder of
the time to the distinguished chair-
man of the committee.
Mr. LEVIN. Mr. President, the lan-
guage in the Kerry amendment does one
other thing relative to this report.
It says if the United States determines
that the Government of North Korea
has indeed engaged in terrorist activi-
ties, then the Secretary of State shall
"immediately list North Korea as a state
sponsor of terrorism." So it re-
quires a report in not more than 30
days. That could come at any time.
But it also requires action if the Sec-
cretary of State makes the finding.
The U.S. administration, the Bush ad-
ministration, declared North Korea a
state sponsor of terrorism. They found
there was no credible evi-
dence of state-supported terrorism. We
are a government of laws. Our laws
provide for a listing of countries that engage in terrorist activities or support terrorist activities. It does not provide for a listing of countries that, no matter all of the other things they do which are so wrong, so bad, so objectionable to the international community, producing weapons of mass destruction and other kinds of diplomatic actions against them—regardless of those activities, unless they are a supporter of terrorist acts, our laws do not provide that they be put on the terrorist list. That is not what the Bush administration was applying when they delisted North Korea.

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

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

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

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

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

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

We need other countries to support us in putting maximum pressure on North Korea. When we act lawfully, when we put sanctions on North Korea, working with other countries, we are acting lawfully. If they do not abide by our own laws, I believe that is our law. That is what the Bush administration was applying when they delisted North Korea.

That is our law. That is what the Bush administration was applying when they delisted North Korea.

Mr. BROWNBACK. It is a strange day in the international community to be here then—it would be like saying to the people in the gulag and people trying to get out of North Korea: Well, we are not that concerned about you; whereas, if we take strong action such as what I am saying, it does give them hope. That is what I am
The motion to lay on the table was agreed to.

AMENDMENT NO. 1597

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to the yeas and nays on amendment No. 1597, offered by the Senator from Kansas. Who yields time?

The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask for an ‘aye’ vote on this amendment and the yeas and nays are ordered.

The PRESIDING OFFICER. The yeas and nays are ordered on amendment No. 1597.

The Senator from Michigan is recognized.

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

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays are ordered on both amendments.

The PRESIDING OFFICER. The question is on amending amendment No. 1761.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays are ordered on amendment No. 1761.

The motion to lay on the table was agreed to.

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The legislative clerk called the roll.

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The PRESIDING OFFICER. The yeas and nays are ordered on amendment No. 1597.

The Senator from Michigan is recognized.

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

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays are ordered on both amendments.

The PRESIDING OFFICER. The question is on amending amendment No. 1761.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays are ordered on amendment No. 1761.
Mr. LEVIN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Michigan.

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

The PRESIDING OFFICER. There will not be.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

[Rollcall Vote No. 239 Leg.]

YEAS—43

NAYS—54

The amendment (No. 1597) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mr. LEVIN. Mr. President, I ask unanimous consent that, first, there be a period of morning business of 5 minutes, so Senator BROWN can speak as in morning business. Then we proceed to consideration of the amendment of Senator CARDIN, amendment No. 1763. After the disposition of that amendment, that the Senator KYL amendment, No. 1768, be in order. There may or may not be a second-degree amendment to that of Senator KYL—that it be in order if there is a second-degree amendment. After the disposition of the amendment of Senator KYL and the second-degree amendment thereto, we then proceed—presumably it would be in the morning—to an amendment by Senator LIEBERMAN, No. 1744, with a 1-hour time agreement and a side-by-side amendment or a second-degree amendment of Senator BAYH relative to the time agreement. After the disposition of that amendment, which would also have a 1-hour time agreement.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, the amendment of Senator BAYH relative to the Lieberman amendment, No. 1744, with a 1-hour time agreement and a side-by-side amendment or a second-degree amendment of Senator BAYH relative to the time agreement,

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. The missile defense amendment is one that is a sense-of-the-Senate amendment that Senator LIEBERMAN is offering now. That was not the two I referred to. I agree with Senator MCCAIN that sense of the Senate definitely needs a vote. It is an important issue.

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

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

Mr. LEVIN. I thank the Presiding Officer and thank Senator Sessions as well. As I understand it, the amendments Senator Sessions was referring to were amendment No. 1747 and then another side’s amendment coming back and forth.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. That is correct.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

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

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

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

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

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

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

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

And, this legislation gives Americans more health care choices.

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

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

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

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

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

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

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

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

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

Carol wants Members in this Body to let her husband fight for his life, not fight with insurance companies.

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

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

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

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

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

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

I am proud that the President is touring the Cleveland Clinic tomorrow.

Cutting edge health systems like the Cleveland Clinic University Hospitals, and the Metro Health System all in Cleveland, have helped to give Ohio its reputation as a leader in high quality health care.

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

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

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

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

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

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

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

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

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

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

Mr. LEVIN. In that case, I ask unanimous consent we say “equally divided” in case anyone changes their mind.

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

The Senator from Maryland is recognized.

AMENDMENT NO. 1475

Mr. CARDIN. I call up amendment No. 1475 and ask for its immediate consideration.

The PRESIDENT OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland (Mr. CARDIN) proposes an amendment numbered 1475.

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

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

The amendment is as follows:

(Purpose: To require the Secretary of Defense to report on the numbers and percentages of troops that have served or are serving in Iraq and Afghanistan who have been prescribed antidepressants or drugs to treat anxiety)

Sec. 724. PRESCRIPTION OF ANTIDEPRESSANTS FOR TROOPS SERVING IN IRAQ AND AFGHANISTAN.

(a) Report.—

(1) In general.—Not later than June 30, 2010, and annually thereafter until June 30, 2015, the Secretary of Defense shall submit to Congress a report on the prescription of antidepressants and drugs to treat anxiety for troops serving in Iraq and Afghanistan.

(b) Contents.—The report required under paragraph (1) shall include—

(A) the numbers and percentages of troops that have served or are serving in Iraq and Afghanistan since January 1, 2005, who have been prescribed antidepressants or drugs to treat anxiety, including psychotropic drugs such as Selective Serotonin Reuptake Inhibitors (SSRIs); and

(B) the policies and patient management practices of the Department of Defense with respect to the prescription of such drugs.

(b) NATIONAL INSTITUTE OF MENTAL HEALTH STUDY.—

(1) Study.—The National Institute of Mental Health shall conduct a study on the potential relationship between the increased number of suicides and attempted suicides by members of the Armed Forces and the increased number of antidepressants, drugs to treat anxiety, other psychotropics, and other behavior modifying prescription medications being prescribed, including any combination or interactions of such prescriptions. The Department of Defense shall immediately make available to the National Institute of Mental Health all data necessary to complete the study.

(2) Report on Findings.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the findings of the study conducted pursuant to paragraph (1).

Mr. CARDIN. I want to thank Senators LEVIN and MCCAIN for their help in bringing this amendment forward. This amendment is an important amendment which deals with the increasing numbers of suicides and attempted suicides by the young men and women serving in the U.S. military.

We have not only seen each month an increased number of suicides and attempted suicides, but recently we saw
the killing of five of our servicemembers when a fellow soldier allegedly opened fire inside a mental health clinic at Camp Liberty in Iraq.

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

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

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

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

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

My amendment is simple. My amendment says starting in June of 2010 and through 2015, the Department of Defense says starting in June of 2010 and through 2015, the Department of Defense will make available to Congress the information on the number of personnel receiving these antidepressant drugs. It is done in a generic sense; therefore, there is no individual information about any service personnel. We protect their individual privacy as we have under HIPAA. This is absolutely protected. There is no stigma attached at all to this survey.

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

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

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

The amendment was agreed to.

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

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

The motion to lay upon the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

AMENDMENT NO. 1760

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

The PRESIDING OFFICER. There is not an amendment pending.

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. KYL), for himself, Mr. McCONNELL, Mr. McCAIN, Mr. INHOFE, Mr. SESSIONS, Mr. GRAHAM, Mr. VITTER, Mr. DeMINT, Mr. Risch, Mr. CORNYN, Mr. BARRASSO, Mr. LIEBERMAN, and Mr. WICKER, proposes an amendment numbered 1760.

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

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

The amendment is as follows:

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

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

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

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

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

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

(4) President Obama also said, “As long as these [nuclear] weapons exist, the United States will maintain a safe, secure and effective arsenal to deter any adversary, and that defense is best accomplished by having allies, including the Czech Republic. But we will begin the work of reducing our arsenal.”

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

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

(2) the treaty or other agreement does not place limitations on the ballistic missile defense systems, space capabilities, or advanced conventional weapons of the United States; and

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

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

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

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

(d) DEFINITIONS.—In this section—

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

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

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

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

This is identical to an amendment that was unanimously adopted by the House in November as a bipartisan version of the Defense authorization bill. So I would hope that on both sides of the aisle this should not be particularly controversial.

It has to do with the START negotiations, the negotiations the administration is engaged in with the Russians right now on the number of warheads and delivery vehicles that both Russia and the United States will field in the next many years.

Whatever those numbers are, whatever the agreement is, that treaty will be presented to the Senate later this year. Presumably we will act on it either late this year or early next year.

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

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

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

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

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

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

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

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

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

I will have more to say on this in the future. Suffice it to say that I have yet to hear a convincing strategic rationale that would justify going this low. Indeed, I believe the burden of proof will be on those who think it is necessary to continue to reduce U.S. nuclear force levels that are today but a fraction of what they used to be. My major concern, however, is language in the Joint Understanding which seems to suggest the two sides may establish limitations on U.S. missile defense and long-range conventional strategic strike capabilities. In other words, an agreement could well involve a limitation, either in part of the treaty or a corollary amendment, to limit our national missile defense capabilities. That is a dangerous and unwise linkage.

For example, the Joint Understanding states there will be a provision “on the interrelationship of strategic offensive and strategic defensive arms.” I find this troubling because we have made it clear to the Russians that our missile defense capabilities are not directed at, nor are they capable of being an effective defense against, massive Russian capabilities. We only have a plan to put in 44 missiles in the United States and 10 in Europe. That is a fraction of the capacity that the Russians have today. Instead we build missile defenses to address a threat to the United States and 10 in Europe. That is an absolute no way we can maintain a credible deterrent and reduce the number of weapons in our stockpile without resorting to testing our stockpile or pursuing a modernization program.

Our colleagues don’t want us to test. They think this would be a bad example to Iran and North Korea. If we did that, somehow they might be more likely to want to test. I don’t think it will have any impact on those rogue nations. The Secretary of Defense is saying that if we don’t continue testing, we need to modernize the weapons system we have. If we continue to draw down the number, these 40, 50-year-old weapons need to be modernized. They need to be reliable. This Senator will continue to support a START follow-on agreement upon a serious commitment by the administration to modernize our nuclear deterrent which remains necessary to protect the United States and our allies against threats around the world.

I wish to note a similar version of this amendment was adopted unanimously by the House on their version of the national Defense authorization bill. I commend Senator KYL for offering it and note the importance of sending a consistent message to the administration and to our allies and to Russia regarding our views on the ongoing START follow-up negotiations.

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

I yield the floor and suggest the absence of a quorum.
Center in the vicinity of Pease Air National Guard Base at a location determined by the Secretary to be in the best interest of national security and in the public interest.

SEC. 2707. AUTHORITY TO CONSTRUCT PRE-VICINITY OF SPECIFIED LOCATION AT PEASE AIR NATIONAL GUARD BASE, NEW HAMPSHIRE.

The Secretary of the Army may use funds appropriated pursuant to the authorization of appropriations in section 2707 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4774) for the purpose of constructing an Armored Forces Reserve Center at Pease Air National Guard Base, New Hampshire, to construct instead an Armored Forces Reserve Center in the vicinity of Pease Air National Guard Base at a location determined by the Secretary to be in the best interest of national security and in the public interest.

SEC. 2708. EXPANSION OF AUTHORITY OF OMBUDSMAN OF ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT OF 2000.

(a) In General.—Section 366(a)(5) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385c) is amended—

(1) by inserting after paragraph (4) a new paragraph (5), which reads as follows:—

"(5) In carrying out the duties of the Ombudsman under this section, the Ombudsman shall work with the individual employed by the National Institute for Occupational Safety and Health to serve as an ombudsman to individuals making claims under subtitle B."

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

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress and the Ombudsman a report on the re-determination process for the permanently incapacitated dependents of retired and deceased members of the Armed Forces for benefits provided under laws administered by the Secretary of Defense.
SEC. 537. AUTHORITY TO EXTEND ELIGIBILITY FOR ENROLLMENT IN DEPARTMENT OF DEFENSE ELEMENTARY AND SECONDARY SCHOOLS TO CERTAIN ADDITIONAL CATEGORIES OF DEPENDENTS.

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

“(j) Tuition-Free Enrollment of Dependents of Foreign Military Personnel. Reenlistment of Dependents of Certain Deceased Members of the Armed Forces.—(1) The Secretary may authorize the enrollment in an education program provided by the Secretary to subsection (a) of a dependent not otherwise eligible for such enrollment who is the dependent of an individual described in paragraph (2). Enrollment of such a dependent shall be on a tuition-free basis.

“(2) An individual referred to in paragraph (1) is any of the following:

(A) A member of a foreign armed force residing on a military installation in the United States (including territories, commonwealths, and possessions of the United States).

(B) A deceased member of the armed forces who died in the line of duty in a combat-related operation, as designated by the Secretary.

AMENDMENT NO. 188

(Purpose: To include in the study on opportunities for educational opportunities for dependents of members of the Armed Forces and enrollees who are the dependents of military personnel overseas, with special needs, including students with learning disabilities and gifted students.

SEC. 188. CONVEYANCE TO INDIAN TRIBES OF CERTAIN HOUSING UNITS.

Notwithstanding the table in section 4501, the Secretary of the Air Force may convey to certain Indian tribes described in subsection (c)(1) before submitting a request to the Secretary of the Air Force under this subsection.

AMENDMENT NO. 1612

(Purpose: To allow the Secretary to convey to certain Indian tribes described in subsection (c)(1) before submitting a request to the Secretary of the Air Force under this subsection.

SEC. 237. CONVEYANCE TO INDIAN TRIBES OF CERTAIN HOUSING UNITS.

(a) Definitions.—In this section:

(1) Executive Director.—The term ‘Executive Director’ means the Executive Director of Watering Shield, Inc.

(2) Indian tribe.—The term ‘Indian tribe’ means any Indian tribe included on the list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a-1).

(b) Requests for Conveyance.—

(1) General.—The Executive Director may submit to the Secretary of the Air Force on behalf of any Indian tribe located in the State of Idaho, Nevada, North Dakota, Oregon, South Dakota, Montana, or Minnesota, a request for conveyance of any relocatable military housing unit located at Grand Forks Air Force Base, Minot Air Force Base, Malmstrom Air Force Base, Ellsworth Air Force Base, or Mountain Home Air Force Base.

(2) Conflicts.—The Executive Director shall resolve any conflicts among requests for Indian tribes for housing units described in paragraph (1) before submitting a request to the Secretary of the Air Force under this subsection.

(c) Conveyance by Secretary.—Notwithstanding any other provision of law, in receipt of a request under subsection (c)(1), the Secretary of the Air Force may convey to the Indian tribe that is the subject of the request, at no cost to the Air Force and without consideration, any relocatable military housing unit described in subsection (c)(1) that, as determined by the Secretary, is in excess of the needs of the military.

AMENDMENT NO. 1560

(Purpose: To make technical corrections regarding certain military construction projects at Cannon Air Force Base and Holloman Air Force Base, New Mexico.

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

Notwithstanding the table in section 4501, the amounts available for the following projects at the following installations shall be as follows:
On page 525, in the table preceding line 1, in the item relating to Holloman Air Force Base, New Mexico, strike "$15,900,000" in the amount column and insert "$3,500,000".
On page 525, line 2, strike "$1,746,821,000" and insert "$1,736,421,000".
On page 525, line 5, strike "$822,515,000" and insert "$812,115,000".
On page 529, in the table preceding line 1 entitled "Special Operations Command", in the item relating to Cannon Air Force Base, New Mexico, strike "$52,864,000" in the amount column and insert "$58,864,000".
On page 531, line 16, strike "$3,284,025,000" and insert "$3,290,025,000".
On page 531, line 19, strike "$963,373,000" and insert "$969,373,000".

AMENDMENT NO. 1500
(Purpose: To include analysis of military whistleblower reprisal appeals in the assessment by the Comptroller General of the United States of military whistleblower protections)
On page 428, between lines 21 and 22, insert the following:
(3) A sample of military whistleblower reprisal appeals (as selected by the Comptroller General for the purposes of this section) heard by the Boards for the Correction of Military Records referred to in section 1552 of title 10, United States Code, of each military department.

AMENDMENT NO. 1536
(Purpose: To require the Director of National Intelligence to report on Cuban and Cuban’s relations with other countries)
At the end of subtitle B of title XII, add the following:
SEC. 1222. REPORT ON VENEZUELA.
Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the defense and intelligence committees of the Congress a report addressing the following:
(1) An inventory of all weapons purchases by, and transfers to, the government of Venezuela and Venezuela’s transfers to other countries since 1998, particularly purchases and transfers of missiles, ships, submarines, and any other advanced systems. The report shall include an assessment of whether there is accountability of the purchases and transfers with respect to the end-use and diversion of such materiel to popular militias, other governments, or irregular armed forces.
(2) The mining and shipping of Venezuelan uranium to Iran, North Korea, and other states suspected of nuclear proliferation.
(3) The extent to which Hugo Chavez and other Venezuelan officials and supporters of the Venezuelan government provide political counsel, collaboration, financial ties, refuge, and other forms of support, including military materiel, to the Revolutionary Armed Forces of Colombia (FARC).
(4) The extent to which Hugo Chavez and other Venezuelan officials provide funding, logistical and political support to the Islamic terrorist organization Hezbollah.
(5) Deployment of Venezuelan security or intelligence personnel to Bolivia, including any role such personnel have in suppressing opponents of the government of Bolivia.
(6) Venezuela’s clandestine material support for political movements and individuals throughout the Western Hemisphere with the objective of influencing the internal affairs of nations in the Western Hemisphere.
(7) Efforts by Hugo Chavez and other officials or supporters of the Venezuelan government to convert or launder funds that are the property of Venezuelan government agencies, instrumentalities, parastatals, including Petroleos de Venezuela, SA (PDVSA).
(8) Covert payments by Hugo Chavez or officials or supporters of the Venezuelan government to foreign political candidates, government officials, or officials of international organizations for the purpose of influencing the performance of their official duties.

AMENDMENT NO. 1510
(Purpose: To provide technical changes to land conveyance matters regarding Ellsworth Air Force Base, South Dakota)
On page 565, after line 20, add the following:
SEC. 2832. LAND CONVEYANCE, ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA.
(a) CHANGE IN RECIPIENT UNDER EXISTING AUTHORITY.—
(1) IN GENERAL.—Section 2863(a) of the Military Construction Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 2010), as amended by section 2865(a) of the Military Construction Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–435), is further amended by striking “West River Foundation for Economic and Community Development, Sturgis, South Dakota (in this section referred to as the ‘Foundation’)” and inserting “South Dakota Ellsworth Development Authority, Pierre, South Dakota (in this section referred to as the ‘Authority’)”.
(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2863 of the Military Construction Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 2010), as amended by section 2865(b) of the Military Construction Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–435), is further amended—
(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the South Dakota Ellsworth Development Authority, Pierre, South Dakota (in this subsection referred to as the “Authority”), all right, title, and interest of the United States in and to the parcel of real property located at Ellsworth Air Force Base, South Dakota, referred to in paragraph (1).

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

(A) A parcel of real property, together with any improvements thereon, consisting of approximately 2.37 acres and comprising the 11000 West Communications Annex.

(B) A parcel of real property, together with any improvements thereon, consisting of approximately 6.64 acres and comprising the South Dakota Operations Support Center.

(3) CONDITION.—As a condition of the conveyance under this subsection, the Authority, or any entity to which the Authority transfers the property, shall comply in the use of the property with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study.

(4) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under paragraph (1) is not being used in compliance with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this paragraph shall be made on the record after an opportunity for a hearing.

(5) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property referred to in paragraph (1) shall be determined by a survey satisfactory to the Secretary.

(6) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may prescribe such additional terms and conditions in connection with the conveyance under this subsection as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 145
(Purpose: To authorize a land conveyance at Lackland Air Force Base, Texas.)

 SEC. 2832. LAND CONVEYANCE, LACKLAND AIR FORCE BASE, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to an eligible entity, all right, title, and interest of the United States to not more than 250 acres of real property and associated easements located at Lackland Air Force Base, Texas, in exchange for real property adjacent to or near the installation for the purpose of relocating and consolidating the United States Space and Missile Systems Center at Kelly Air Force Base, Texas, onto the main portion of Lackland Air Force Base.

(b) CONSIDERATION.—The conveyance under subsection (a) shall be subject to the condition that the eligible entity accepts the real property in its condition at the time of the conveyance, commonly known as conveyance “as is” and not subject to the requirements for covenants in deed under section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)).

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

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

(e) PAYMENT OF COSTS OF CONVEYANCE.—The Secretary shall determine any costs incurred by the Secretary to carry out the conveyance under subsection (a) shall be deposited in the special account described in section 267(e) of title 10, United States Code, and shall be available to be used for the same uses and subject to the same limitations as provided in that section.

SEC. 2833. LAND CONVEYANCE, F.E. WARREN AIR FORCE BASE, CHEYENNE, WYOMING.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey the County of Laramie, Wyoming (in this section referred to as the “County”) all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon and appurtenant easements thereto, consisting of approximately 73 acres, located on the northeastern portion of F.E. Warren Air Force Base, Cheyenne, Wyoming, for the purpose of removing the property from the boundaries of the installation and property, and to create a community to preserve the entire property for healthcare facilities.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the County shall provide the United States consideration, whether by cash payment, in-kind consideration under paragraph (2), or a combination thereof, in an amount that is not less than the fair market value of the conveyed real property, as determined by the Secretary.

(2) IN-KIND CONSIDERATION.—In-kind consideration provided by the County under paragraph (1) may include the acquisition, construction, repair, or restoration (including environmental restoration), or combination thereof, of any improvements or infrastructure relating to the security of F.E. Warren Air Force Base, that the Secretary considers acceptable.

(3) RELATION TO OTHER LAWS.—Sections 2662 and 2802 of title 10, United States Code, shall not apply to any new facilities or infrastructure received by the United States as in-kind consideration under paragraph (2).

(4) NOTICE TO CONGRESS.—The Secretary shall provide written notification to the congressional defense committees of the types and value of the consideration referred to in subsection (a) and implement the receipt of the consideration under paragraph (2).

(5) TREATMENT OF AMOUNTS RECEIVED.—Any cash payment received by the United States under paragraph (1) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be credited to such account with paragraph (5)(B)(ii) of such section.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the County is not using the property conveyed under subsection (a) for the purpose of the conveyance, the County shall, at the option of the Secretary, revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. A determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) REVERSIONARY INTEREST.—If the Secretary determines at any time that the property conveyed under subsection (a) is not being used in compliance with the applicable provisions of the F.E. Warren Air Force Base Air Installation Compatible Use Zone Study, all right, title, and interest in and to the property, including any improvements thereon, shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(e) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The conveyance may result from additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.
(2) Treatment of amounts received.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

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

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

AMENDMENT NO. 1396
(Purpose: To authorize a land conveyance at Haines Tank Farm, Haines, Alaska)

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

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

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Chilkoot Indian Association (in this section referred to as the "Association") all right, title, and interest of the United States, and the United States, Secretary, revert to and become the property of the Association to the purpose of permitting the Association to use the property for the purposes of the conveyance, all right, title, and interest of the United States in Haines Tank Farm in Haines, Alaska, for the purpose of permitting the Association to develop a Deep Sea Port and for other industrial and commercial development purposes. To the extent practicable, the Secretary is encouraged to complete the conveyance by September 30, 2013, but not prior to the date of compliance with all obligations referenced in subsection (e).

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

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

(d) Payment of costs of conveyances.—(1) Payment required.—The Secretary shall require the Association to cover costs to be incurred by the Secretary in connection with the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

AMENDMENT NO. 1397
(Purpose: To authorize land conveyances of certain parcels in the Camp Catlin and Ohana Nui areas, Pearl Harbor, Hawaii)

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

SEC. 2822. LAND CONVEYANCES OF CERTAIN PARCELS IN THE CAMP CATLIN AND OHANA NUI AREAS, PEARL HARBOR, HAWAII.

(a) Conveyances Authorized.—The Secretary of the Navy ("the Secretary") may convey to any person or entity leasing or licensing real property located at Camp Catlin and Ohana Nui areas, Pearl Harbor, Hawaii, as of the date of the enactment of this Act ("the lessee") as the Secretary considers appropriate to protect the interests of the United States.

(b) Consideration.—As consideration for a conveyance under subsection (a), the lessee shall provide the United States, whether by cash payment, in-kind consideration, or a combination thereof, the fair market value of the property as determined by the Secretary, pursuant to an appraisal acceptable to the Secretary.

(c) Exercise of Right to Purchase Property.—(1) Acceptance of offer.—For a period of 180 days beginning on the date the Secretary receives a written offer to convey the property or any portion thereof under subsection (a), the lessee shall have the exclusive right to accept such offer by providing written notice of acceptance to the Secretary within the specified 180-day time period. If the Secretary’s offer is not so accepted within the 180-day period, the offer shall expire.

(2) Conveyance Deadline.—If a lessee accepts the offer to convey the property or a portion thereof in accordance with paragraph (1), the conveyance shall take place not later than 2 years after the date of the lessee’s written acceptance, provided that the conveyance date may be extended for a reasonable period of time by mutual agreement between the parties and by a written instrument executed by the parties prior to the end of the 2-year period. If the lessee’s lease or license term expires before the conveyance is completed, the Secretary may extend the lease or license term up to the date of conveyance, provided that the lessee shall pay the Secretary an amount equal to the rate in effect at the time it was declared excess property.

(d) Payment of Costs of Conveyances.—(1) Payment Required.—The Secretary shall require the lessee to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out a conveyance under subsection (a), including survey costs, related to the conveyance. If amounts are collected from the lessee in excess of the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the lessee.

(2) Treatment of amounts received.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out a conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.
from an entity specified in subsection (a) shall be received in cash and deposited into the Treasury as a miscellaneous receipt. Amounts received shall be available for obligation only to the National Naval Medical Center, Bethesda, Maryland, to fund the construction, operation, and maintenance of facilities described in subsection (b) and provided for in advance by an appropriations Act.

"(c) USE OF CERTAIN FINANCIAL INCENTIVES.—Of the amounts derived from financial incentives awarded to a military installation as described in subsection (b) and provided for in advance by an appropriations Act—

"(1) not less than 10 percent shall be made available for use at such military installation; and

"(2) not less than 30 percent shall be made available for energy management initiatives at such installation.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the following:

"2019. Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods.

AMENDMENT NO. 1598
(Purpose: To require a master plan to provide world class military medical facilities in the National Capital Region)

At the end of title XXVII, add the following:

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

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

(1) addresses—

(A) the unique needs of members of the Armed Forces and retired members of the Armed Forces and their families;

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

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

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

(i) information management and information technology support; and

(ii) expansion of support services;

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

(c) designates a single entity within the Department of Defense with the budget and operational authority to respond quickly to and address emerging facility and operational requirements required to provide and operate world class military medical facilities in the National Capital Region;

(d) incorporates all ancillary and support facilities of the National Naval Medical Center, Bethesda, Maryland, including education and research facilities as well as centers of excellence, transportation, and parking structures required to provide a full range of adequate care and services for members of the Armed Forces and their families;

(e) ensures that each facility covered by the plan meets or exceeds Joint Commission on Accreditation of Healthcare Organizations standards applicable; and

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

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

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

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

(c) DEFINITIONS.—In this section:

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

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

AMENDMENT NO. 1642
(Purpose: To require the Comptroller General of the United States to conduct a review of the obligations and expenditures of the Department of Defense in the first three quarters of fiscal year 2009 by the Department of Defense)

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

SEC. 1073. COMPTROLLER GENERAL REVIEW OF SPENDING IN THE FINAL QUARTER OF FISCAL YEAR 2009 BY THE DEPARTMENT OF DEFENSE.

(a) REVIEW OF SPENDING BY THE COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct a review of the obligations and expenditures of the Department of Defense in the final quarter of fiscal year 2009, as compared to the obligations and expenditures of the Department in the first three quarters of that fiscal year, to determine if policies with respect to spending by the Department contribute to hastened use or waste of taxpayer dollars.

(b) REPORT.—Not later than the earlier of March 30, 2010, or the date that is 180 days after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing—

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

(2) any recommendations of the Comptroller General with respect to improving the policies pursuant to which amounts appropriated for the operation or maintenance of Defense are obligated and expended in the final quarter of the fiscal year.

AMENDMENT NO. 1399
(Purpose: To provide for the operation of the Air Force Academy athletic support program) On page 128, before subsection (a), add the following:

SEC. 524. AIR FORCE ACADEMY ATHLETIC ASSOCIATION.

(a) IN GENERAL.—Chapter 903 of title 10, United States Code, is amended by inserting after section 9361 the following new section:

"9362. Air Force Academy athletic programs support.

"(a) ESTABLISHMENT AUTHORIZED.—

"(1) IN GENERAL.—The Secretary of the Air Force may, in accordance with the laws of the State of incorporation, establish a corporation to support the athletic programs of the Academy (in this section referred to as the "corporation"). All stock of the corporation shall be owned by the United States and held in the name of and voted by the Secretary of the Air Force.

"(2) PURPOSE.—The corporation shall operate exclusively for charitable, educational, and civic purposes to support the athletic programs of the Academy.

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

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

"(2) in accordance with this section; and

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

"(c) CORPORATE BOARD OF DIRECTORS.—

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

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

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

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

"(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9361 the following new item:

"9362. Air Force Academy athletic programs support.

AMENDMENT NO. 1654
(Purpose: To express the sense of Congress regarding airfares for members of the Armed Forces)

On page 201, after line 25, add the following:

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

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

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

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

(3)} A congressional defense committee often prescribes long range planning for leave and liberty to provide opportunities for reunions and recreation with loved ones and requires changes in planning due to military necessity which results in last minute changes in planning.

(b) SENSE OF CONGRESS.—It is the sense of Congress that:

(1) all United States commercial carriers should seek to lend their support with flexible, generous policies applicable to members of the Armed Forces who are traveling on leave or liberty at their own expense;

(2) each United States air carrier, for all members of the Armed Forces who have been granted leave or liberty and who are traveling by air at their own expense, should—

(A) seek to provide reduced air fares that are comparable to the lowest available for ticketed flights and that eliminate to the maximum extent possible advance purchase requirements;

(B) seek to eliminate change fees or charges and any penalties for military personnel;

(C) seek to eliminate or reduce baggage and excess weight fees;

(D) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, and to waive fees (including baggage fees), ancillary costs, or penalties;

(E) seek to take proactive measures to ensure that all airline employees, particularly those who issue tickets and respond to members of the Armed Forces and their family members, are trained in the policies of the airline aimed at benefitting members of the Armed Forces who are on leave.

AMENDMENT NO. 157.

(Purpose: To require the Comptroller General of the United States to review the assessment and plan for the Ground-based Midcourse Defense element of the Ballistic Missile Defense System and to submit to the Senate required by subsections (b)(3) and (c)(3) of section 243 are submitted to the congressional defense committees the results of the review.)

AMENDMENT NO. 157.

(Purpose: To require the Comptroller General of the United States to review the assessment and plan for the Ground-based Midcourse Defense element of the Ballistic Missile Defense System and to submit to the Senate required by subsections (b)(3) and (c)(3) of section 243 are submitted to the congressional defense committees the results of the review.)

SEC. 245. CONTINUED PRODUCTION OF GROUND-BASED INTERCEPTOR MISSILE AND OPERATION OF MISSILE FIELD 1 AT FORT GREENEY, ALASKA.

(a) LIMITATION ON BREAK IN PRODUCTION.—The Secretary of Defense shall ensure that the Missile Defense Agency does not complete decommissioning until seven silos have been emplaced at Missile Field 2 at Fort Greely, Alaska, until that date that is 60 days after the date on which the reports required by subsections (b)(3) and (c)(3) of section 243 are submitted to the congressional defense committees.

Mr. LEVIN. Now, Mr. President, I would ask unanimous consent that Senator UDALL be recognized as known in morning business for 10 minutes; then that Senator BAYH be recognized to speak on an amendment, which he intends to offer, and which we will do everything we can to make in order tomorrow; and then that Senator MURRAY be recognized for 10 minutes as in morning business.

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

Mr. LEVIN. No. The UC, I believe, as it reads, is that we will take up the Kyl amendment tomorrow, with a possible second degree or side-by-side; and then after they are disposed of, then we would go to the Lieberman amendment and a second degree or a side-by-side amendment of Senator BAYH.

Mr. LIEBERMAN. On the alternate engine.

Mr. LEVIN. On the alternate engine. Mr. MCCAIN. So we would be taking up the Kyl amendment first, and then—

Mr. LEVIN. Then a possible second degree or side-by-side to Kyl. Then, after the disposition of Kyl and any side-by-side or second degree, we would move to the Lieberman amendment on alternate engines, with a Bayh second degree or side-by-side.

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

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

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

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

Mr. LIEBERMAN. That is fine.

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

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

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

The PRESIDING OFFICER. Is there any objection to the speaker's order?

Without objection, it is so ordered.

The Senator from Colorado.

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

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

SOTOMAYOR NOMINATION

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

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

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

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

Judge Sotomayor's story is truly the quintessential example of the American dream. The daughter of Puerto Rican parents who moved to New York City at a time when racial and ethnic prejudice was widespread; her father at age 9. Her extraordinary life story is proud of this nomination and as a Federal judge.

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

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

This is, instead, a celebration of the growth of our democracy . . . it is important that we recognize her qualifications for the job it is: a signpost on the unending road toward a more perfect union.

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

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

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

Out on the west slope of our great State of Colorado, we have the city of Grand Junction. The Daily Sentinel, that city’s newspaper, stated last week “Sotomayor is unquestionably qualified to be our next Supreme Court Justice. As a Federal trial judge, in addition to her more recent experience on the bench, Judge Sotomayor brings to the position a demonstrated record of the job of serving on the Supreme Court than anyone currently serving on the Court.

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

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

The Framers of the Constitution anticipated the importance of having an independent and duty-bound judiciary. Alexander Hamilton, in the Federalist Papers, noted that: “To avoid an arbitrary discretion in the judges, it is indispensable that they should be bound by strict rules and precedents, which serve to define and point out their duty in every particular case that comes before them.”

From her record, it is unmistakable that Judge Sotomayor has demonstrated a commitment to precedent and the rule of law, as Mr. Hamilton described it. During her confirmation hearings, she said: “As a judge, I do not make the law . . . judges must apply the law.”

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

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

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

After I had a chance to meet with Judge Sotomayor, I came away with the opinion that she possesses the temperament, the qualifications, and the experience to meet the challenges of serving at the highest level on the Supreme Court. I also appreciated that she acknowledged one of the most important issues to the livelihood of westerners: water. She surprised me when she said that all of the questions surrounding water may be among the most challenging legal problems we face in the next 25 to 50 years. We did not have a conversation about the specific legal issues that might emerge around water, energy, or public lands in the West, but what I saw was a reassuring appreciation for the unique problems of our region and an intellectual curiosity to match it.

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

Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, I ask unanimous consent that after the remarks of the Senator from Hawaii, the Senator from Virginia be recognized for 10 minutes. I ask unanimous consent that after the remarks of the Senator from Hawaii, the Senator from Virginia be recognized for 10 minutes. I ask unanimous consent that after the remarks of the Senator from Hawaii, the Senator from Virginia be recognized for 10 minutes.

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

The Senator from Hawaii is recognized.

AMENDMENT NO. 1522

Mr. AKAKA. Mr. President, I rise to speak on amendment No. 1522 to S. 1390. I understand that an agreement has been reached to consider the amendment, but I am hopeful there will be one soon. Amendment No. 1522 would enhance the retirement security of Federal employees and address inequities in the system. As chairman of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, I am proud to join with Senators COLLINS, LIEBERMAN, Voinovich, Murkowski, Breaux, Kohl, Bingaman, Cardin, Inouye, Webb, and Warner in this bipartisan amendment.

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

In 2007, I introduced the Non-Foreign Area Retirement Equity Assurance Act. The bill passed the Senate by unanimous consent in October 2008. Unfortunately, the House did not have time to consider the bill before adjournment. I reintroduced S. 507, which is included in the amendment, with Senators MUKOWSKI, INOUYE, and BINGCHI. It is nearly identical to the bill that passed the Senate last year. It is a bipartisan amendment to assist our Federal employees in Hawaii, Alaska, and the territories to the same locality pay system used in the rest of the United States while protecting employees’ take-home pay. The measure passed unanimously through the Senate on April 1, 2009.

The second provision I wish to highlight corrects how employees’ annuities are calculated for part-time service under the Civil Service Retirement System. This provision removes a disincentive that now discourages Federal employees near retirement from working on a part-time basis while phasing into retirement. It would treat Federal employees under CSRS the same way they are treated under the newer Federal Retirement System.

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

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

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

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

MORNING BUSINESS

HEALTH CARE REFORM

Mrs. MURRAY. Mr. President, if you look at the front cover of newspapers across the country this week or watch cable news each day, it is pretty clear that the rhetoric on health care reform is really heating up. Whether it is threats from the other side of the aisle to “break” a President who has made health care reform a priority or whether it is the million-dollar ad buys from the yes-choose to no-choose front or whether it is political pundits, health care rhetoric is reaching a fever pitch. In fact, the discourse here in Washington, DC, has gotten so loud that the voice of American families is being drowned out.

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

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

It is not just the uninsured who are impacted by not being able to access preventive medicine or having to seek costly care in the emergency room. These costs get passed on to those with insurance in the form of higher insurance premiums. In fact, it is estimated that a family of four today here in this country is paying an added $1,000 in premiums a year to help pay for those premiums! And we have an incessantly, families with health insurance today are paying a hidden tax. That tax is hurting our families who are insured, it is hurting our businesses, and it has to end.

Health care reform will do that. By creating a competitive pool of insurance options, including a public option, we can bring down the costs and the premiums to families in the long run. We are going to be moving to a system that invests in innovation and healthy outcomes, and because Americans will have a choice of insurance plans, insurance providers will be forced to lower costs so they can be competitive.

The existence of a pool of insurers to choose from means that if you lose your job, you don’t lose your insurance. If you want to change jobs or maybe even start a business, there is a health care option for you. And we make it easier for employers to provide coverage for their employees by having them pay for up to half the cost of health insurance for businesses with 50 or fewer workers. Accordingly, we also prohibit insurance companies from charging higher premiums for women or for the elderly, and we end the practice of denying coverage to those people with preexisting conditions. And for the first time, we put a priority on prevention and wellness. If we invest in community-based programs to improve nutrition or prevent smoking or increase fitness, we are going to save taxpayers nearly $16 billion a year within 5 years.

So health care reform, when we talk about it here, will make health care coverage more affordable, portable, and undeniable.

Let me give a real-life example of someone who has health insurance today but would benefit greatly from the health care reform we are talking about. One of the letters I recently received is from Patricia Jackson, who lives in Woodinville, WA. I suspect her story will sound pretty familiar to most Americans.

Patricia and her family have private insurance that is paid for each month through premiums that come directly out of Patricia’s paycheck. But as is the case with many middle-class families, the burden of those premium payments is rapidly rising. To provide care for her family of four, Patricia paid $840 a month in 2007. Then last year her payments jumped to $900 a month. Today she is paying $1,186 in premiums to provide care for her family every month.

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

Health insurance premiums for working families in Washington State have