

too much leeway when it comes to even taking a product off the shelf or putting a warning label on the shelf. It turns out that with this administration, the Bush administration, they have appointed people to the Consumer Product Safety Commission who have been leaning more toward the makers of toys and products and away from protecting consumers. There was a gentleman—a former attorney general of New Mexico named Harold Stratton. He came on and, frankly, reassured the National Association of Manufacturers that they didn't have to worry about this Consumer Product Safety Commission getting out of hand. He appointed a Mr. Mullan as the agency's general counsel, who time and again seemed to find reasons not to recall defective products and give those making them a little more time to make more money off of something that may be a little dangerous. The commission didn't do too much in terms of helping consumers.

Today, it is a commission that limps along because it doesn't have the three commissioners it needs to operate. It only has two. Promulgating new rules and coming up with new initiatives is hampered because they don't have enough people to do it. Had the Bush administration tried to fill the vacancy? Who did they send? A person who, unfortunately, had a resume that showed he was following on in the tradition of Mr. Stratton and Mr. Mullan. He was a person with a background on the manufacturing side and not the consumer side.

This is an agency for consumers that we have to count on. So when the administration doesn't fill the vacancy, it creates a problem in the administration. I have been disappointed by the Consumer Product Safety Commission recently. Mattel today has a third toy recall. They are recalling millions of toys because of lead paint and other dangers. Bob Eckert, the CEO of Mattel, made a special trip to meet with me in Chicago over the break. I respect him. He understands that if his company is going to succeed, parents have to trust the products they buy with the name Mattel on the box. He gave me his assurance—proven by today's press release—that they are going to pull every unsafe and dangerous toy off of the shelf that his company had anything to do with.

You might ask yourself, why do we have lead paint coming in on toys from China? Let's get down to basics. It is not because lead paint is cheaper in China. No. It is because the workers who are making the toys are paid about \$75 or \$80 a month. It is because those workers have no idea what those toys are all about. They never see these in the world they live in. They don't have any idea what America is about. They may not have any concept of what we consider to be safe and healthy. They are being told to make this toy, paint it, and move it down the line. The companies have a responsi-

bility to watch these workers and have certain standards, but the bottom line is this: When we go to the lowest cost workers in the world to make our products, we should not be surprised when oftentimes those products are unsafe, unhealthy, and defective. With the Chinese, the list of products they send to us that are unsafe goes far beyond those that are the jurisdiction of the Consumer Product Safety Commission.

The Food and Drug Administration looks at food products, such as pet food and other food products, imported from all over the world, and each month they report to Americans which countries are sending the most dangerous food products to America. Guess which country ranks No. 1 or No. 2 every single month? China. Same issue. Time and again, we find that the Chinese are not living up to standards we expect in America.

When I think back to this barbecue I attended, most American families think the Senate and the House, Congress and the President are protecting them, that we are doing our job. When 1 out of every 100 shipments coming into this country is inspected, when we have some ports where the volume of imports overwhelm the one or two inspectors on the job, then, frankly, we are not keeping faith with the American people, and that is the reality.

I say to my colleagues in the Senate that we have voted for expanding global trade, and I think we must. America cannot get rich doing business just among ourselves and doing one another's laundry, but we never voted to compromise the health and safety of American families, and we shouldn't now.

The Consumer Product Safety Commission has to accept its responsibility to be more forward thinking, to use their statutory authority to protect people, particularly children. Families who walk into toy stores in America should not have to play Chinese roulette when they are buying toys for Christmas, and that is the reality today. It is time for the Consumer Product Safety Commission to use their statutory authority effectively. It is time for the President to fill the vacancy on that Commission with a person who is truly a consumer advocate. It is time for Congress to put the resources into the Consumer Product Safety Commission so it can start doing the job it promised it would do when it was created almost 40 years ago. Until then, we are going to have to rely on importers, manufacturers, and retailers in America to restore the confidence of American families in the toys they will buy for this holiday season.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. CASEY). Morning business is now closed.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2008

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2642, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2642) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

The Senator from Rhode Island.

Mr. REED. Mr. President, I am pleased to resume consideration of the fiscal year 2008 Military Construction, Veterans Affairs, and related agencies appropriations bill.

To recap the essentials which I discussed yesterday, the bill provides \$109.2 billion in funding, including \$44.5 billion in mandatory spending and \$43 billion in discretionary funding for the Department of Veterans Affairs. Overall discretionary funding in the bill totals \$64.7 billion. That is a \$4 billion increase over the President's budget request. Most of the increased funding is targeted at expanding and improving veterans health care, which is an essential requirement for our obligation to the veterans, and also it recognizes that as generations of veterans are aging, those veterans from Korea and World War II and the Vietnam conflict, we also have a new era of veterans from Afghanistan and Iraq, and this money is essential.

This bill represents a landmark commitment to our troops and their families and our Nation's veterans by investing in urgently needed military construction projects and in expanding health care services to our veterans.

For the Department of Veterans Affairs, the bill includes \$29 billion for direct medical services for veterans. This level of funding is equal to the amount requested by the veterans service organizations in the independent budget. Each year, our veterans service organizations prepare an independent budget, not based upon what the administration thinks they can afford but what veterans need. This is one of the few times we have been able to meet that objective of the veterans service organizations within their independent budget. It will allow the Department to increase its resources for both physical and mental health care for veterans, and it will give the Department the resources it needs to expand research and treatment of traumatic brain injury and post-traumatic stress disorders. At a time when scores of veterans are returning from the wars in Iraq and Afghanistan with these often invisible wounds, this increased funding in this regard is urgently needed. It has been estimated that perhaps 30 percent of those who have served in Iraq or Afghanistan have received either traumatic brain injuries or have post-traumatic stress or both, and we have to be able to respond to those concerns.

The bill also includes needed funding for military construction of facilities

and housing for our troops and their families. We are a nation at war, and our military forces need the best possible facilities to work, train, and to hone their skills, and their families need the best possible housing and quality-of-life facilities, such as chapels and childcare centers, to see them through the strain and hardship of repeated and lengthy deployments.

As I have said before, this bill is supported by the Department of Veterans Affairs and the veterans service organizations. The President, in his Statement of Administration Policy released yesterday, signaled his intention to sign the bill as reported out of the committee, and I hope that intention is carried through.

There is no reason the Senate cannot complete work on this bill at a reasonable hour today. In fact, I have spoken with the majority leader, and he has indicated to me that it is his desire to move this bill today, to complete work on it today, and to be able to have a vote on final passage we hope sometime today. I urge my colleagues, if they have amendments they wish to offer, to bring them to the floor as soon as possible. It takes a long time to deal with some of these issues, to vet them, to clear the amendments, and the slower the amendments are presented to us, the longer it will take to complete action on this bill. But the majority leader is committed to finishing this bill today, and I share that commitment. The Senate cannot afford to drag its feet on this bill. Our men and women in uniform, our Nation's veterans are depending on us to provide the resources they so urgently need. I urge my colleagues to move quickly to pass this bill.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, in Iraq and Afghanistan, like so many conflicts before, our servicemembers have done absolutely everything that has been asked of them. They have answered the President's call to war with honor and a sense of duty we have come to expect from our Nation's bravest men and women. They have performed under enormous pressure in the middle of a civil war, they have left behind loved ones who count on them, and they have continued to put their lives on the line every day.

Unfortunately, at home, their commitment to service has not been met yet by an administration that is committed to care for them. From poor conditions at VA facilities around the country, lack of PTSD counselors, benefits claims backlogs that keep our veterans waiting for months and

months and months and sometimes years, it is very clear that so far this administration has failed to account for our Nation's veterans and to count them as a cost of this war. It is unacceptable that servicemembers who fought overseas are returning home and being forced to fight their own Government for the care and services they need.

Today, with the bill that is in front of us, the VA bill, we take a major step toward reversing that trend and the Bush administration's failure to care for our heroes. The funding for our veterans included in the VA bill is more than \$3.6 billion over the President's request. After years of cutting corners on caring for our heroes, we are finally putting forth an honest assessment of what these men and women need.

This bill takes into account the additional strains on the VA system that simultaneous wars and new battlefield realities present. It is an investment that represents nearly all of the independent budget, which is the recommendation of the funds needed to care for our veterans and is compiled by our veterans service organization.

This bill invests in improving health care, expanding mental health services, and constructing new facilities that are really needed. It is going to mean, when this bill is passed and signed by the President, more qualified health care workers, better prosthetics that our servicemembers are asking for, and more accessible veterans facilities. It is also going to mean, importantly, thousands of new VA case workers who will help us reduce that unacceptable delay that we have heard about from so many of our veterans when they come home and try to access their benefits.

It will improve conditions at our VA facilities. It will add an increased investment in polytrauma and mental health care facilities that will drastically improve treatment for PTSD and traumatic brain injury and catastrophic injuries as well. Most of all, this bill means after years of neglect our Government is again going to honor our veterans' sacrifices.

This bill and all it provides could not come at a more crucial time. As a member myself of both the appropriations subcommittee that is responsible for this bill and the Senate Veterans' Affairs Committee, I have heard numerous times firsthand about the VA's shortcomings in caring for our veterans. In fact, last month on the August break I held a Senate Veterans' Affairs field hearing in Takoma, WA, to specifically examine the challenges that men and women are facing when they come home. At that hearing I spoke with Brandon Jacobs. He is a veteran of the Army and National Guard, and he served in Iraq. He said a lot more has to be done to raise awareness of post-traumatic stress syndrome and combat-related stresses. He talked about how we needed to not only increase access for him and his fellow servicemembers, but also for the fami-

lies that struggle when a loved one returns home with an invisible wound.

I also heard from a young man, Dan Purcell. He is an Iraq veteran who said he didn't "want to be treated as a tool that could be casually discarded when broken or found to be no longer useful." What a tragic statement from someone who served us overseas, that when he comes home he feels like a discarded tool because he has been broken. That is not how we should be treating our veterans, and that is not how this VA/HUD bill treats our veterans.

This bill that is before us finally takes the important steps that are necessary to recognize Brandon and Dan and so many others who are part of the costs of this war. We also have to make sure our troops are ready and that they receive the training they need before we send them overseas. I am very pleased that within this bill, the military construction investments that are made will help our country do a better job in training the men and women we asked to serve us in our military. In my home State of Washington, our military facilities play a very important role in our Nation's security. We have Fort Lewis in Tacoma, where we are training the Stryker Brigades at the center of the fighting in Iraq, we have Fairchild Air Force Base in Spokane that plays a major role in our air defense, and we have the Naval Air Station Whidbey Island that helps patrol the Pacific shores. It is extremely critical that these bases, which serve such vital roles, receive the funding they need.

The bill that is in front of us today does just that and provides more than \$635 million in improvements for Washington State military installations. I thank Senators REED and HUTCHISON for their special attention and recognition of the needs of our bases in my home State of Washington and across the country. Their leadership on this bill has been outstanding.

I know the chair and ranking member will be on the Senate floor throughout today. The leader has told us that he wants this bill finished by this evening. I urge all Members who have any amendments to come this afternoon to get their amendments offered because we do have to wrap up this bill. We are very aware of the timelines that are approaching, the very short amount of time that is left to get our numerous appropriations bills through. We intend to move them through. In order to do that we ask Members to come to the floor today, offer their amendments, let's work through them and get this bill passed so we can get it sent to the President.

It is important to pass this bill because this bill recognizes that any time we invest in building our military and improving training for our troops we invest in their care. I remind my colleagues what George Washington famously observed one time:

The willingness with which our young people are likely to serve in any way war, no

matter how justified, shall be directly proportional to how they perceive the veterans of earlier wars were treated and appreciated by their country.

The bill in front of us reverses President Bush's failures and carries through on the commitment that our very first President discussed. It keeps our military strong by honoring the sacrifices of our heroes with the funding that meets their needs.

I note this bill has been endorsed by the Disabled Americans, Veterans of Foreign Wars, American Legion, Paralyzed Veterans of America, AMVETS, and the Iraq and Afghanistan Veterans of America, among many other veterans service organizations that take so much time out of their own lives to fight for our veterans and recognize the critical funding for this bill.

I note an AP article from this morning that says the Secretary of the VA, Secretary Nickolson, has said in a letter to key lawmakers they do not need additional funding, they just need this bill passed. I note we have heard that song before, and that song was wrong.

We have to do the right thing. This bill is critical. The additional funding in this bill, I think every Member knows is needed. Every one of us has been out there and talked to the men and women who have come home from Iraq, to their families, and heard from PTSD counselors on down the line who have visited facilities or Walter Reed or seen facilities in their own States. They know this funding is needed. I encourage my colleagues to come to the Senate floor, offer their amendments, get this bill expeditiously to conference and sent to the President. I encourage the President and Secretary not to challenge us on the need for funding but to do the right thing; recognize the care of our service men and women is part of the cost of war. It is an obligation we have to meet.

We are meeting it with this bill, and I hope we can get it done quickly so our veterans, many men and women who have served us, will know this country is doing right by them.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

H.R. 327

Mr. COBURN. Mr. President, I wanted to spend a few minutes noting some things in the press about H.R. 327 and my hold on that bill. This is a bill which is very well intended. It is to help prevent suicide among our veterans.

I have been in the medical field since 1978—1979, that is. Approximately 6 to 10 percent of my practice has been associated with depression, treating clinical depression, suicidal ideation, post-

traumatic stress disorder, and other issues.

We need to offer our veterans whatever we can offer them in terms of helping them deal with what they have been through and also helping our veterans who have no connection with their war experience in terms of treatment of depression.

Our veterans have the right to expect the legislation we craft to deliver on good intentions. H.R. 327, frankly, does not do that. One of the serious flaws with H.R. 327 is that every veteran is preconditioned with a mental status exam. So if you are a World War II vet and you have a sore throat and you go to the VA clinic in Muskogee, under 327 you have to undergo a thorough mental status exam before you can have your sore throat treated. That is Congress hitting a gnat with a cinder block. It is wasteful of our dollars. It portends to have Congress practicing medicine, when, in fact, we do not know how to practice medicine, and you cannot.

What this bill sets up is that Congress is going to mandate the doctor-patient relationship or the patient-PA or the patient-nurse practitioner or the patient-social service or licensed medical social service masters. What we have decided is to interject, because of the tragedies that we have seen in the last couple of years, a mandated form of treating suicide, depression, and risk of harm.

I have reached out to Senator HARKIN on this bill. I offered to make some simple changes. We were rebuffed. Then what we saw in the press is that I wanted to hold this only because of how somebody might not be able to have their second amendment rights guaranteed. That is hardly the situation at all. What I really am holding this bill for is because, first of all, it is bad medicine. No. 2, it duplicates and mandates things we should not be doing. It takes away from the professions within the VA who know what they are doing. It steps on and it interrupts what the VA is already implementing to a good extent and to a great degree.

There is another very serious concern with this, which is that it mandates the tracking of veterans who have mental health issues. The vast majority of our veterans do not have mental health issues, but the assumption under this bill is they all have to be screened for it. That would be like me, with every patient that I ever see in my practice, the first thing I have to do is make sure, because they were in the military, that they do not have some type of mental health disturbance coming back. It is insulting to our military men and women who have given their lives, given their blood, given their time, given their honor, and given their sacrifice to assume they cannot do that without having some disruption in their capability to function in this society. So it is highly insulting to the vast majority of our veterans.

I have been in the medical field since 1978—1979, that is. Approximately 6 to 10 percent of my practice has been associated with depression, treating clinical depression, suicidal ideation, post-

Now, the question is, How do we solve the problem of depression and post-traumatic stress disorder that leads to suicidal thought, ideation, and behavior? That is what we ought to be doing. And what we are doing is creating a set of circumstances that may have an impact probably not any greater than what the VA is doing now but will, in fact, take away great resources from other mental health issues as well as other health issues within the VA.

Let me give you some statistics, if I may. The VA is 3 years into a mental health strategic plan that has been markedly successful in improving the quality of care and ensuring that high-risk factors such as suicidal ideation are considered when veterans are assessed or impact or enter the VA system. The VA has suicide prevention coordinators in every VA facility in this country. They have a hotline 24/7. They have hired over 3,000 mental health staffers just since the end of 2005. So they have recognized what was the problem. They are responding to it. They have two suicide prevention centers of excellence that are geared up and working on the very specific issues associated with our military and post-traumatic stress disorder from combat.

Between 2002 and 2007, the VA spent 2½ times the percentage of their budget as we spend in all other health care on mental health. So they are already addressing the issue.

The other thing that is disturbing is this tracking of what they will do. They are not going to be tracking the data, they are going to be tracking individual veterans under this bill. That violates their own civil liberties. If, in fact, you have encountered the VA and because you were screened, not of your choice and not because you had signs or symptoms, because of that, that becomes a part of your record. You automatically are limited in lots of things that you cannot do in this country because you served your country. Now you have a mental health screening, an indication on your VA chart that would forbid you from becoming a police officer, an airline pilot, or an EMS, many other professions within this country. The idea that we are going to track individual veterans and their mental health status rather than the data—this bill specifically states that we are going to track the veterans, not the data—is wrong.

Finally, this bill sets out a peer counseling provision that has already been proven in the literature to not be effective. Yet it is mandated in this bill. So what this bill is about is the Senate practicing medicine and mandating ways to do things that the VA itself has already started. It is 3 years into a program of which they are using experts in the field to guide them, and we are using emotion and response.

I am going to continue to hold this bill until we work on the issues to guarantee freedom of veterans in terms of tracking of their data and them individually, in terms of securing the data

about them—the VA has had two serious leaks on veterans health care data in the last 7 years—and also working to make sure we use a mental status exam when it is indicated and not create a system that is an affront to all the people who have served the country.

With that, I yield the floor.

RECESS

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

Thereupon, at 12:31 p.m., the Senate recessed until 2:16 p.m. and reassembled when called to order by the Acting President pro tempore.

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

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

The legislative clerk proceeded to call the roll.

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

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

RETURN OF SENATOR TIM JOHNSON

Mr. THUNE. Mr. President, I rise this afternoon to join my colleagues in welcoming a colleague and a friend, Senator TIM JOHNSON, back to the Senate.

Senator JOHNSON's return today to this illustrious Chamber marks an incredible journey that took him from normal daily life, to near death, to a remarkable recovery.

For the last 8 months, people from all walks of life, both Democrats and Republicans, have approached me wanting to know how Senator JOHNSON was doing, and nearly every single one of those individuals told me they were praying for him.

Shortly after this happened, I was traveling in Iraq and Afghanistan and I ran into military personnel, members of the diplomatic corps, other civilians, all asking how Senator JOHNSON was doing, all offering up their prayers and support.

I happen to believe it was those prayers from across South Dakota, across the United States, and from around the world that brought Senator JOHNSON back from his life-threatening condition.

Since being released from the hospital, Senator JOHNSON has learned how to walk and talk again. His doctors have been amazed at his progress. For some of us, it is no surprise. Having faced him in a closely fought campaign, I know how tough this man is. After all, Senator JOHNSON has a strong Scandinavian background, something we both share. Without question, today marks an important milestone in Senator JOHNSON's recovery.

Many of us will never know the struggles Senator JOHNSON and his

family have been through. In fact, most of us take for granted our health, and we take for granted our time with family and friends, birthdays and holidays.

For me, Senator JOHNSON's experience has made me pause and appreciate the little things that make life so precious. Senator JOHNSON turned 60 in December, and the party, obviously, had to be delayed. Upon returning to South Dakota last week, Senator JOHNSON and his family celebrated both his 60th birthday and Christmas. I am guessing it was his best birthday and Christmas ever.

While Senator JOHNSON and I come from different political backgrounds, we have worked to put our differences aside as we represent the people of South Dakota. In fact, since I was elected to the Senate in 2004, we have worked closely on a number of issues of importance to South Dakota—everything from a highway bill, to an energy bill, to drought relief, water projects, and, of course, saving Ellsworth Air Force Base from closure under the BRAC process.

I firmly believe that because he and I worked to put our differences aside, our offices were able to coordinate easily to serve the State of South Dakota during his hospitalization and recovery.

The Senate is a very close-knit body, and it is noticeable when a Senator is absent for any length of time. Today, however, that absence no longer exists. By the grace of God, through the prayers of thousands upon thousands of Americans, by the support of an amazing wife Barbara and family, and network of friends, and by his sheer will and determination, Senator JOHNSON is back.

TIM, I know today means a great deal to you and to your family, and it is good to see you back in the Senate.

Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 306, which was submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 306) concerning the return of Senator Tim Johnson:

Whereas Tim Johnson is returning to the United States Senate after an absence to recuperate from an intracranial hemorrhage suffered on December 13, 2006: Now, therefore, be it

Resolved, That, as Senator Tim Johnson returns to the Senate, his fellow Members of the Senate extend their warmest welcome and express their personal happiness at his return, and offer their very best wishes for his continued good health.

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

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

The resolution (S. Res. 306) was agreed to.

The preamble was agreed to.

Mr. THUNE. Thank you, Mr. President.

(Applause, Senators rising.)

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

Mr. JOHNSON. Mr. President, thank you. It sure does feel good to be back here again.

I wish to thank Senators THUNE, REID, and McCONNELL, as well as all my colleagues, for their warm welcome back. In so many ways, the words and prayers from you and your spouses, on both sides of the aisle, supported both Barbara and me and gave us strength. You will never know what that meant to us.

I also wish to thank Representative HERSETH SANDLIN for her incredible support throughout these tough times.

The MILCON appropriations bill is now on the floor, and I must also thank Senator JACK REED for working with my staff and for his leadership on the bill.

Before I get too far along in my remarks, it must already be clear to you that my speech is not 100 percent. My doctors tell me it will get there.

But my thoughts are clear and my mind is sharp, and I am here to be a voice for South Dakota in the Senate. With patience, persistence, and faith I have come back, and my will to keep fighting for South Dakota is strong.

My ability to think is paramount, so I hope now, as I return to my office, people focus on my work more than how quickly I walk these days.

Last week, I went home to South Dakota. Today, I come home to the Senate.

This has been a long and humbling journey—a journey that has taken longer than some people have liked, and I count myself among them.

But I return to work today to this great body with a renewed spirit and a sharper focus. I better appreciate today what individuals and families go through when they face crippling hardship—whether that hardship be the consequence of catastrophic health issues, economic hardship, or lack of an opportunity to reach one's full potential in life. I believe I have been given a second chance at life. I vow to take that second chance and work harder than ever to be the best I can be for my State and for my Nation; to be a voice for those individuals and families who so often are ignored or forgotten; and to fight to live up to the ideals that have made this Nation great. That is my focus and that is my commitment to my constituents back home in South Dakota and to the people of this great Nation, and to my colleagues here in Washington.

It has been the greatest honor of my life to stand for and by the people of South Dakota. I cannot thank them, as well as the Members of this Chamber, enough for your patience and support. Today, my work begins anew. I relish the task. It is great to be home.