

houseCoopers which showed that the United States will be short nearly 1 million nurses and 24,000 physicians by 2020. In this environment, simply finding new staff to hire will be a challenge for any health care system, including VA.

Further, assuming the requisite staff can be found, I am skeptical that VA has the necessary clinical space in which to provide more primary and specialty care services. I am also skeptical that many VA facilities could open the additional operating rooms, postsurgical recovery units, and intensive care units that would be required with a large increase in patients.

Last, the Congressional Budget Office has scored this legislation at \$1.3 billion for the first year of inclusion of just Priority 8s into the system, or \$8.8 billion from 2008 to 2012. However, it must be noted that CBO assumed Priority 8s would only be allowed to enroll in the system for 1 year, after which enrollment would be closed. Based on past experience, it is highly unlikely that Congress will maintain such a 1-year limit and virtually certain the costs would continue to rise above and beyond what CBO projected for implementation of this legislation.

When the VA health care system can support a substantial increase in patients, I will be more than happy to address this issue with my colleagues. However, at this point, when even our returning wounded warriors are forced to sit in long waiting lines to receive care, it would be grossly irresponsible for us to move forward with this legislation, and I must therefore continue to object to its passage.

The underlying legislation also contains a provision waiving required inpatient care copayments for Priority 4 veterans with higher incomes. I have concerns with this provision as well.

The passage of this provision would change VA's policy of charging a copayment for the care of a nonservice-connected condition, to allow an exception for circumstances that have nothing to do with a veteran's ability to pay. A grateful Nation has seen fit to provide cost-free care for service-connected conditions and has generously extended the same benefit to those with limited financial resources. However, with this provision, it would no longer be relevant whether veterans could afford to contribute even modestly to the cost of their care. Rather, cost-free care would be provided to a population of patients based solely on a particular health condition. That is a bad precedent.

If this legislation passes, I believe that in the not too distant future, it will be strongly argued by higher income, service-connected veterans that their benefit—cost-free care for service-connected conditions—has been diluted. And the dilution is not fair because now they would be charged for nonservice-connected care, while those with similar economic means in Priority 4 would not be forced to make co-

payments for the same type of care. With this provision as precedent, a future Congress will be forced to concede to the dilution and its unfairness. Then they will probably be forced to accede to the change.

All that being said, I would like to make sure that my colleagues understand that while I am objecting to passage of these bills in their current form, I sincerely hope and believe that accommodations can be made so that we can pass these bills and get much needed improvements made to the VA health care and benefits systems. Both bills have very meaningful and well-intentioned provisions that I support; unfortunately, there are a few provisions that I believe are detrimental or simply unfair to our Nation's veterans, and for that reason I am here on the floor of the Senate explaining my reasons for objecting to passage of these bills.

I look forward to discussing with my colleagues ways that we can move these bills and reach a compromise that benefits our brave veterans.

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

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

#### MORNING BUSINESS

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

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

#### VETERANS DAY

Mr. McCONNELL. Mr. President, 89 years ago this Sunday, the guns fell silent in Europe. It was the end of a global conflict so savage that many people doubted anyone would ever want to start a war again. New technologies had clashed with old ways of fighting to create new horrors and apocalyptic battles like the Somme, which tested not only the limits of armies but our powers of comprehension.

America had no role in starting the war, but we played a decisive one in ending it. Our Doughboys earned the gratitude of entire nations. They gave their countrymen a new sense of purpose. And America would always remember Armistice Day, as President Wilson said, with "solemn pride in the heroism of those who died in the country's service and with gratitude for the victory. . . ."

As we all know, the War to End All Wars did not live up to its name. Just 11 years after it ended, a former corporal from the German Army who had fought on the Western Front was al-

ready building a regime that would bring new horrors. At the end of World War I, museums were dedicated to the memory of war. But soon enough even "Big Willie," the first tank, was being rolled out of one of those museums and converted into shells and shrapnel for another terrible war.

And again, the world would turn to America for help. More than 16 million U.S. servicemen would be called upon to defend the cause of freedom against tyranny and terror in World War II—young men like 2LT DAN INOUYE Honolulu and a 19-year-old surfer from Manhattan Beach, CA, named TED STEVENS.

It has been noted that when American servicemen came home from World War II, no one said, "We Won!" They said "It's over!" Because, as President Roosevelt once observed, "The primary purpose of the United States of America is to avoid being drawn into war." When called, our young men and women have served. But when the fight is over, they just want to go home.

And World War II was like that. Everybody just picked up where they left off, stepped right back into the assembly line, or the office, or the baseball diamond, or the boxing ring. These are the humble heroes of our country, the only aristocrats in a democracy—men and women who risk their lives so we can live in freedom and peace. And who ask nothing in return but to return to their hometowns and to carry on as they please.

And so it is up to us to speak well of them, to honor them in special ceremonies and songs and in this annual day of remembrance that for the last 53 years we have referred to simply as Veterans Day. Since 1954, Americans have paused on November 11 not just to remember the men who fought in the Great War those who fought in all our wars: from Valley Forge to Antietam, from the beaches of France to the jungles of Vietnam—paused to remember and to thank them for what they have done for us and for the "millions not yet born" whose freedom will rest on their sacrifice.

We also remember this Veterans Day those who will soon be called veterans, the men and women in Afghanistan and Iraq who are have volunteered to protect us in this new era from new horrors and the many men and women who have died in this struggle for freedom—people like SGT William Bowling, of Beattyville, KY, a shy but proud husband and father who was killed earlier this year by a roadside bomb while patrolling the streets of Baghdad.

Like so many before him, Sergeant Bowling threw himself into his mission. "This is the job he wanted to do," his wife Jennifer said shortly after his death. "He wanted to serve his country."

By his courage and devotion to duty and the cause of freedom, Sergeant Bowling showed the best that Kentucky and this country have to offer.

And he reminds all of us what makes this country great: young men and women who believe that serving others is greater than serving self, and who have proved it in every generation since Yorktown by making the sacrifices freedom too often demands.

There is no greater service to our great Nation than the one Sergeant Bowling gave on a dusty road in Baghdad. And there is no greater hope for humanity than men and women like him. They come from places like Honolulu and Manhattan Beach. They come from places like Beattyville.

And we pray to God that they continue to come.

Mr. DOMENICI. Mr. President. I would like to take a moment to commemorate Veterans Day and honor all those who have served, fought, and sacrificed for our country and the freedom all Americans enjoy.

We as a nation should never forget the debt we owe to the generations of Americans who have served as soldiers, sailors, airmen and marines. From the First and Second World Wars, to Korea, Vietnam, and the Persian Gulf war, millions of Americans have answered the call of duty to preserve the freedom we all hold so dear. This is also true for our service men and women who are right now doing an amazing job in Iraq and the war on terror and throughout the world.

Sadly, many Americans have paid the ultimate price and have given their lives for our country. No praise can be too great for the courage, valor, and patriotism of these men and women, and their sacrifice will never be forgotten.

I think it is also important to remember the service of veterans to our country has never ended with their departure from the Armed Forces. They have enriched every community in which they reside with their strength of character, hard work, and devotion to family. For this we must also be grateful.

On this Veterans Day, I hope New Mexicans will honor all the veterans of our great Nation, but I would like them to think particularly about our service men and women who are right this moment in harm's way. They, like all veterans, have left behind the comfort of home, family, and friends to defend our country and its countless blessings. For this, many have paid an immense price, emotionally and physically. I know our thoughts and prayers are with these outstanding individuals.

Again, I would like to thank all those who have served past and present to preserve and protect our great Nation.

#### FREE FLOW OF INFORMATION ACT

Mr. LEAHY. Mr. President, when the Judiciary Committee reported Federal reporters' shield legislation to the floor on October 23, I called on the full Senate to promptly consider and pass this important legislation. The Senate version of the Free Flow of Information Act, S. 2035, is bipartisan legislation that was favorably reported by the Judiciary Committee on a strong bipartisan vote. The House has already passed legislation on this same subject, H.R. 2102, with a strong, bipartisan and veto-proof majority of 398 to 21.

Both of these bipartisan bills are available and waiting for Senate action, and I believe that there are well over 60 votes in favor of passing a shield bill in the Senate. I strongly support the enactment of a Federal shield law for journalists, and I urge the Senate to promptly consider and pass Federal shield legislation.

All of us have an interest in enacting a balanced and meaningful first amendment privilege. According to a newly released study by Privacy International—a privacy, civil liberties and human rights watchdog organization, the United States is one of just a few established democracies around the world that does not have a law to protect journalists from being forced to reveal confidential sources. In fact, according to that study, approximately 100 countries have adopted laws that allow journalists to honor their promise of confidentiality.

Sadly, the press has become the first stop, rather than the last resort, for our government and private litigants when it comes to seeking information. This is a dangerous trend that can have a chilling effect on the press and the public's right to know.

Enacting Federal shield legislation would help to reverse this troubling trend. In fact, proceeding promptly to consideration of this legislation is something I strongly support. Should the Senate take up the bipartisan shield bill that overwhelmingly passed in the House, federal shield legislation could go immediately to the President's desk and be signed into law without delay this year.

The Senate bill has the support of a bipartisan coalition of Senators, including Senators SPECTER, SCHUMER, LUGAR, DODD, GRAHAM, and myself, who have all united to cosponsor this legislation. In addition, more than 50 news media and journalism organizations support this legislation and the call for Senate action on this historic bill extends to editorial pages across the country, including The New York Times, Arizona Republic, L. A. Times, Salt Lake Tribune, and San Francisco Chronicle, among others.

The Senate and House bills protect law enforcement interests and safeguard national security. Moreover, both of these bills follow the lead of 33 States and the District of Columbia which have shield laws, and many other States, including Vermont, which recognize a common law reporters' privilege. Tellingly, the Bush administration has not identified a single circumstance where a reporters' privilege has caused harm to national security or to law enforcement, despite the fact that many courts have recognized such a privilege for years.

Given the overwhelming need and support for a federal shield law to protect the public's right to know, I urge the Senate to promptly consider and pass a Federal shield bill.

I ask unanimous consent that a copy of a support letter from the Media Coalition Supporting the Free Flow of Information Act, which is signed by 67 different news organizations, be printed in the RECORD.

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

MEDIA COALITION SUPPORTING THE  
FREE FLOW OF INFORMATION ACT,

NOVEMBER 6, 2007.

Re S. 2035 and H.R. 2102, the Free Flow of Information Act

DEAR SENATOR: On behalf of the men and women across the nation who work to bring the American people vital news and information, we, the undersigned media companies and organizations, urge you to support expeditious Senate passage of the Free Flow of Information Act, legislation that is vitally important to the national interest. Protecting confidential sources through federal legislation has broad support on both sides of the aisle, in both houses of Congress, and from state attorneys general across the nation. Your support is essential to ensure that the American people have access to information about their government and the institutions that affect their daily lives.

Democrats and Republicans have united to provide overwhelming support for this legislation. The Senate Judiciary Committee reported S. 2035 by a 15-4 vote on October 4, and the House passed H.R. 2102 by a 398-21 vote on October 16. Both versions of the Free Flow of Information Act are available for immediate floor action on the Senate Business Calendar. As the strength of these votes suggests, Senators and House Members from opposite ends of the political spectrum have joined together to support the public's right to have essential information and to protect whistleblowers who are sometimes the only way the public can get this information.

While the Free Flow of Information Act will protect confidential sources by establishing a uniform standard for obtaining information from reporters in federal court proceedings, it is important to note that both versions of the legislation have been amended to ensure that national security is also protected. While many state laws provide for a more absolute privilege, both versions of this legislation are limited to a qualified privilege with exceptions for acts of terrorism or other significant harm to national security.

With 49 states and the District of Columbia having either common law or codified protection for confidential sources, there is a growing (bipartisan) acknowledgement that enactment of a federal law is imperative. In a recent brief filed with the United States Supreme Court, a group of 34 state attorneys general pointed out that lack of a clear standard of federal protection undermines state law. These state laws have worked successfully for many years, defining those covered by the law and the limits of that coverage. At the same time, they have protected the public's right to information while still allowing these states to investigate crimes and protect public safety.

News organizations prefer to have their sources on the record whenever possible. However, history is replete with examples of news articles critical to the national interest that would have never been written had it not been for the protection of confidential sources. As many of your colleagues have