

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

stressed and state legislatures have recognized, the time is now for the protection of confidential sources, and the safeguarding of the public's right to know. This issue is too important to remain unresolved as the year and the congressional session draw to a close. We urge you to press for immediate and favorable Senate floor consideration of the Free Flow of Information Act. Thank you.

If you have any questions or need additional information, please contact Paul Boyle or Laura Rychak of the Newspaper Association of America at 202-783-4697.

Very truly yours,

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The Washington Post.  
U.S. News & World Report.  
White House News Photographers Association.

U.S. Marine Corps 2LT Seth Pierce of Lincoln, NE. Lieutenant Pierce died on October 21 from injuries he sustained in an automobile accident on base at Quantico, VA, where he was stationed. He was 23 years old.

Lieutenant Pierce graduated from Lincoln Southeast High School in 2002, where he led the relay team to a State championship in 2001. After graduating from Arizona State University in 2006, he was commissioned as a second lieutenant into the U.S. Marine Corps.

All of Nebraska is proud of Lieutenant Pierce's service to our country, as well as that of the thousands of brave men and women serving in the U.S. Armed Forces.

Lieutenant Pierce is remembered as a devoted son, brother, and grandson. He is survived by his parents Larry and Linda; his brother Aaron, and his grandparents, Edwin and Ruth Steffens, and Luther and Esther Pierce.

I ask my colleagues to join me and all Americans in honoring 2LT Seth Pierce.

#### MEDICARE PHYSICIAN PAYMENTS

Ms. STABENOW. Mr. President, if Congress does not act soon, Medicare payments to physicians and health care professionals will be cut by 10 percent on January 1, 2008 as a result of the fatally flawed sustainable growth rate formula.

This does not make any sense. While costs continue to increase, physicians will actually be paid less than they are paid today.

While a 10 percent cut in 2008 is completely indefensible, it does not end there. When combined with the additional cuts required under current law through 2016, physician payment rates will be reduced by approximately 40 percent.

What will be the result? Doctors will decrease the number of Medicare patients they accept, defer purchase of health information technology, and rural outreach services will be discontinued. The Medicare Program, which for more than 40 years has lifted countless seniors out of poverty, and has ensured access to necessary, affordable, quality medical care for our most vulnerable citizens, would be destabilized. The health of the nearly 42 million Americans who rely on Medicare would be threatened.

Physicians are the foundation of the Medicare Program and our Nation's health care system and patients of all ages depend upon them for health care services. Every aspect of our health care system, from hospitals to rural health clinics, relies upon the skills and services of physicians. Yet, on average, physician payments in 2007 are below what they were in 2001.

It defies common sense to think that payment rates that are lower today than they were 6 years ago will be enough to maintain the access to care our seniors need. Very simply put, the projected 2008—and beyond—payment

cuts will place beneficiary's access to health care at risk.

I am proud of the work that over 20,000 M.D.s and D.O.s in Michigan do, providing more than 1.4 million seniors and people with disabilities in Michigan with high-quality medical services under the Medicare Program.

I want them to be able to continue to do that, but there is simply no way that can be expected unless we do something now about the payment system used to reimburse physicians for Medicare services.

Physicians in Michigan will lose \$670 million for the care of elderly and disabled patients over the next 2 years due to the 10 percent cut in Medicare payments for 2008 and the additional 5 percent cut in 2009. My physicians are looking at cuts of more than \$10 billion by 2016 as a result of the SGR formula and 9 years of cuts.

We certainly cannot expect that physicians can continue to provide the same level of care while their payments are cut \$670 million over the next 2 years alone.

Several studies and surveys have shown that payment cuts will result in physicians modifying their participation in the Medicare Program and limiting the number of new Medicare patients they treat.

We also know from the studies that the lack of a predictable and equitable Medicare payment system encourages older physicians to retire, discourages younger physicians from entering specialties that predominately treat Medicare patients, and hinders investment in health information technology.

In addition to the studies that have been conducted, and our own common sense, the Medicare Payment Advisory Commission, an independent Federal body established by Congress in 1997 to advise us on issues affecting the Medicare program, has been telling us since 2001 that the Medicare sustainable growth rate formula is a flawed, inequitable mechanism for controlling the volume of services and that it should be repealed.

It is absolutely critical that ultimately Congress needs to enact a long-term solution to this issue. In the short term, we need to end the practice of dealing with the cuts on a yearly basis in a manner that results in deeper automatic physician payment reductions in future years.

At a minimum, I believe we must pass legislation this year that provides physicians with 2 years of positive Medicare payment updates and do so in a way that does not add to the cost of eliminating the SGR.

By providing 2 years of positive Medicare payment updates for physicians, we would avoid having to come back next year facing the same issue and would instead create the ability for Congress to develop a new, sustainable Medicare physician payment system.

I thank Senator BAUCUS, the Senate Finance chairman, for his work on behalf of Medicare beneficiaries and physicians and I fully support his goal of

#### HONORING OUR ARMED FORCES

##### LIEUTENANT SETH PIERCE

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of