has been no regulation. You have hedge funds buying into these things. They are unregulated, by and large. There is no regulation, no oversight, Katy-barthe-door, do what you want to do, the private sector will be fine.

It is not fine. This is having a significant and serious impact on this country's economy. I am going to come back to this in a moment, but let me describe the other issue that is happening.

We wake up this morning and oil is $90 to $100 a barrel. You ask why is that the case? Why is oil $90 to $100 a barrel? Once again, it is lack of oversight. Here we have a futures market on which oil is bought and sold. This futures market has now become an unbelievable orgy of speculation.

I was reading yesterday from an article, an analyst from the Oppenheimer Company in New York, was talking about the price of oil. He says:

I'm absolutely convinced that oil prices shouldn't be a dime above $55 a barrel. Oil speculators include the largest financial institutions of the world. I call it the world's largest gambling hall. It is open 24–7. Unfortunately there are segments of the market that are unregulated. This is like a highway with no cops, no speed limit, and everybody is going 120 miles an hour.

What is happening with oil? It is interesting, if you take a look at this unbelievable speculation that is going on in the futures market. You have industrial banks in this country, investment banks. They are actually buying tanks to store oil. This takes the oil off the market. They are doing this because they believe that the price of oil will be higher in the future. So they take oil off the market now, store it, and sell it later for a profit. This creates an upward pressure on price. You now have hedge funds hip deep in the futures markets. They didn't used to be. It used to be that the futures market for oil had a relationship to the supply and demand with respect to oil. There were other tensions in various parts of the world that might affect it some, but not like we have seen recently. As is the case in most areas, this has gotten way out of hand. There is no way that current supply-and-demand relationships with oil justify $100 a barrel. It is a futures market that is propelled by unbelievable speculation in search of profits by a whole range of interests, especially now including hedge funds and investment banks and others.

The question is, who are the victims of all of this? The victims are people, the people who drive up to the gas pump. The victims on the subprime market are the people who cannot repay a mortgage; and somebody says maybe they should have known better. Maybe so, but when a broker is going to make a $30,000 commission by writing a $1 million mortgage and selling over the phone 2 percent interest rates, I am telling you there are a whole lot of folks who get sucked into that.

The point here is we face a situation in several areas where there is a total, complete lack of common sense. There is this little book written by Robert Fulghum a long while ago that would, in my judgment, provide some benefit to some people. The title of the book is, ''All I Really Need To Know I Learned In Kindergarten.'' The lessons are not unusual. The lessons are: Play fair, don't hit, don't take what is not yours, wash your hands, flush—you know, the things I learned in kindergarten; the things that are important.

We could write a primer on ''All The Things I Really Need To Know I Learned In Kindergarten.'' We could write that primer and instantly people would say you can't have an oil futures market that is rampant in speculation with hedge funds and others now pushing up the price of oil having little to do with supply and demand. You can't have a mortgage industry in which the mortgage companies decide they are going to provide loans to people who cannot afford to repay the loan and make very big profits and lock them in with a prepayment penalty. They are all fat and happy and making a massive amount of money. You can't have that without a significant consequence to our economy.

What do I suggest? It is simple. Let's sober up a little bit on fiscal policy in this administration and this Congress. Maybe we can say to the President: You want $196 billion. OK. You tell us how you want to pay for it. Send us the recommendation, and we will certainly take a look at that. We want to do everything that needs to be done to support our troops. But a substantial portion is not going to support our troops. It is going to support big contractors that have been bilking the taxpayer for a long time. We are going to take a hard look at that and investigate it and get to the bottom of it.

We need to get back on track in trade and fiscal policy. Ignoring it might feel good, but it is not the right thing for the future.

With respect to the issue of subprime lending and futures markets, if that doesn't persuade Members of this body there needs to be some thoughtful, sensible regulation, then I don't know what will. I chaired the hearings on Enron. It was to my subcommittee that Ken Lay came on behalf of Enron, raised his hand, and took the fifth amendment. Mr. Lay is dead. Many of the folks who worked with him at Enron are in prison. But I understand what happened in that scandal. The American public, again, was a victim. They got fleeced. In Enron's case, they were manipulating markets to drive up the cost of electricity on the west coast and bilk people out of billions of dollars. What did it mean? It meant we had to put in place some regulations to prevent that from happening again. What does this mean, the subprime scandal that exists, and its impact on the economy? It means we have to put in place some regulations to prevent this sort of thing from happening. People have profited in a very unholy way at the expense of a lot of victims across the country.

What does it mean when people go up to the gas pump this afternoon and pay a substantial amount for a tank of gasoline at a time when the price of oil is running toward $100 a barrel and the futures market is driving that price up, having very little to do with supply and demand but more to do with an orgy of speculation? It means we ought to care about that. It means there ought to be some regulatory oversight.

This administration has a lot to answer for, as does the Congress. I am pleased to be a part of the majority, and we are working hard to try to respond to and deal with these issues. But these issues are not going to go away. The prosperity of this country's future is at stake. We need to get it right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

VETERANS DAY 2007

Mr. AKAKA. Mr. President, over the past weekend, our Nation observed Veterans Day, a day to commemorate the connection between the American people and America's veterans. This connection is something that the American people are always aware of at the bottom of their hearts, though it may not always be in the front of our minds as we go about our daily lives.

We Americans often define ourselves by the freedoms we enjoy. America's veterans are men and women who sacrificed some of their own freedoms to serve and defend our Nation. The connection between these two groups—the defended and the defenders—may not always be visible, but it cannot be denied. Veterans Day gave us the opportunity to recall that connection, to honor those who wore the uniform of our country.

As chairman of the Committee on Veterans' Affairs, it has been my privilege to work alongside other leaders in answering a simple question: How do we best honor veterans? Having so recently celebrated Veterans Day, I am pleased to report on the committee's work in the areas of legislation and oversight to try to answer that question.

The Committee on Veterans' Affairs has worked diligently to fulfill its oversight and legislative responsibilities, demonstrated in part by our hearing and meeting schedule. We have held 40 hearings and meetings, including 7 field hearings, since our organizational meeting in January. The committee has heard from 220 witnesses, and reported 4 nominees to the Senate, each of whom was later confirmed.

At our committee's very first meeting, I discussed my agenda to work with other members to bring the Department of Defense and the Department of Veterans Affairs together to provide a seamless transition for veterans from DOD to VA. We focused on seamless transition and set an agenda to pursue the issue in the coming year.

These actions were taken long before the horrible news reports about conditions at Walter Reed shocked the country into action. Our foresight positioned the committee, in collaboration with the Senate Armed Services Committee, to craft legislation that attacked the flaws within the DOD and VA systems. I am pleased that our legislative responses were incorporated into the National Defense Authorization Act. I look forward to seeing them become law.

Two weeks after the organizational meeting, the committee held its first hearing, which was on VA and DOD cooperation and collaboration. We heard testimony from officials from VA and DOD, as well as the personal stories of veterans who slipped through the cracks during their transition from military service to veterans status. This would be the first of a number of hearings the committee would hold on VA and DOD cooperation and collaboration. Later hearings on this issue focused on specific areas such as health care, education, information technology, and benefits.

In February, I contacted DOD on behalf of VA's Polytrauma Center health care providers so as to ensure that VA providers had easy and appropriate access to DOD's Joint Patient Tracking Application. This medical information sharing application is important to data sharing between VA and DOD. I was pleased when DOD responded shortly thereafter, providing assurance that they would resume their important data sharing practices.

The decision to focus on cooperation and collaboration between DOD and VA was made well before news broke on the deplorable conditions at Walter Reed. As these news stories moved questions about veterans care into the forefront of America's attention, our committee put our focus on the total system of care, involving DOD and VA.

Shortly after the press revelations of problems at Walter Reed Army Medical Center, I visited Walter Reed, along with my good friend and colleague, Senator CARL LEVIN, chairman of the Senate Armed Services Committee. On the way back to the Capitol from that visit, we agreed to hold an unprecedented joint hearing of the Armed Services and Veterans' Affairs Committee on the issue of DOD–VA cooperation and collaboration. On April 12, we held that hearing, further pursuing answers both about what was happening at Walter Reed and how we could fix it and about the overall state of the relationship between the two Departments.

From that hearing and subsequent work on the problems at Walter Reed and elsewhere in both the DOD and VA systems, and how those problems affected wounded servicemembers, it was clear that a commonsense approach was needed.

One specific focus of that effort was on how to reform the DOD disability system so as to promote greater uniformity among the services and between the services and VA. On April 30, I introduced S. 1252, a bill that would mandate a number of changes to the DOD disability evaluation system, including uniform use of the Veterans Affairs rating schedule across the military services, inclusion of all conditions which render a member unfit when making a disability rating, uniform training of Medical Evaluation Board/Physical Evaluation Board personnel, and accountability by DOD to ensure compliance with disability rating regulations and policies.

Just as veterans and servicemembers benefit when VA and DOD work together, the Committee on Veterans' Affairs and the Senate Committee on Armed Services saw an opportunity to collaborate on legislative solutions. All of the provisions of S. 1252 were included as part of S. 1606, the joint SVAC and SASC proposed Dignified Treatment of Wounded Warriors Act of 2007, which was later included in the 2008 National Defense Authorization Act.

While demands on VA have dramatically increased over recent years, VA funding has not. To allow the hard working men and women of VA to do their jobs without having to worry about whether there will be sufficient funding, we have sought a substantial increase to VA funding. I am pleased that the funding level in VA's fiscal year 2008 appropriations bill amounts to the largest funding increase in the history of the Department.

The appropriations bill also includes significant increases that will enable the Veterans Benefits Administration to pay for up to 3,100 new full-time employees. I hope the VBA will use these funds to attack the current backlog of veterans' claims aggressively. I will continue to work with my colleagues to enact this historic and long overdue increase in funding for veterans.

In working on the legislative front, the committee has taken a collaborative approach with other Members of the Senate and the House of Representatives. Our focus has been on getting good law enacted, whatever the vehicle. I am pleased to report on the committee's progress on many pieces of legislation, some of which have already been enacted into law.

As we continue to pursue adequate funds to pay for the true cost of war, we must also recognize that the nature of the battles our troops are fighting has changed as well. VA health care must be better prepared to address traumatic brain injury, the signature wound of the current war. To improve VA's diagnosis, treatment, and rehabilitation for traumatic brain injuries, I introduced S. 1233, the proposed Traumatic Brain Injury and Health Programs Improvements Act of 2007. This bill, amended to include a number of other health care provisions, was reported by the committee. In addition, many of the provisions of S. 1233 were later incorporated into the Wounded Warriors Act and the National Defense Authorization Act.

S. 1233 would increase access to VA health care for combat veterans, extending the period of eligibility during which recently released or discharged combat veterans have unfettered access to VA care from 2 to 5 years. This provision will help ensure that these newest combat veterans have more time to identify and deal with invisible wounds, such as traumatic brain injury and PTSD. Another key provision of the bill relating to the treatment of invisible wounds is a requirement that VA provide a servicemember with a mental health evaluation within 30 days of making such a request.

S. 1233 also would enhance care for older veterans already in the VA system. It would repeal the 2003 VA regulation which barred Priority 8 veterans, so-called ''higher-income'' veterans, from enrolling in the VA health care system, essentially re-opening the system to these veterans. Many issues have been raised this year with regard to access to VA care for veterans residing in more rural areas, and S. 1233 includes an entire section aimed at looking at ways to increase access for rural veterans.

I am also very proud of the provisions in S. 1233 that seek to expand and enhance services for homeless veterans. We all recognize the sad reality that veterans suffer disproportionately from homelessness. S. 1233 would not only increase the resources available to community-based entities that provide reintegration services to those who are already homeless, it would also provide supportive services to low-income veterans to help prevent homelessness.

This bill also contains a significant increase in the travel reimbursement benefit paid to certain veterans who are forced to commute long distances to access care at VA facilities. The current mileage reimbursement rate is only 11 cents per mile, and this rate has not been increased since 1978. The committee bill would increase the rate to 28 cents per mile—a substantial increase and one that will hopefully help ease the financial burden for those who have to travel sometimes hundreds of miles to get to a VA hospital or clinic.

Two other health care bills that I introduced this year are currently moving through the committee process—S. 2160, the proposed Veterans Pain Care Act of 2007, and S. 2162, the proposed Mental Health Improvements Act of 2007. The committee is scheduled to mark up both of these bills, along with two others, tomorrow. I hope to see each of them passed by the end of this year.

For too many veterans, returning home from battle will not bring an end to conflict. They will return home, but the things they have done and seen in combat will follow them. Invisible wounds such as PTSD are complicated and can manifest themselves in many different ways. Studies have estimated that as many as 1 out of every 5 Iraq

war veterans are likely to suffer from readjustment issues. It is clear that action is necessary on the part of Congress to ensure that VA is equipped to deal with these issues.

In April, the committee held a hearing dedicated to veterans' mental health concerns and VA's response. We heard very compelling testimony from witnesses who suffered the consequences of invisible wounds in their families and their own lives. Randall Omvig spoke of his son's suicide upon returning from Iraq. Tony Bailey spoke of his son's struggle with substance abuse, and of his ultimate death from it. Patrick Campbell shared his own experience with PTSD and the experiences of his fellow servicemembers. Their touching and often painful stories put human faces on an issue that is to often reduced to numbers.

The proposed Mental Health Improvements Act is a direct outgrowth of that hearing and the testimony given by those who have suffered with mental health issues and by their family members. The bill addresses the immediate needs of veterans by ensuring high quality mental health services at VA facilities and in their communities. The measure also seeks to address the plight of veterans who suffer both from PTSD and substance abuse.

S. 2160, the proposed Veterans Pain Care Act of 2007, would enhance VA's pain management program. It is estimated that nearly 30 percent of Americans—some 86 million people—suffer from chronic or acute pain every year. A recent study conducted by VA researchers in Connecticut found that nearly 50 percent of veteran patients that are seen at VA facilities reported that they experience pain regularly.

While pain increases in severity with age, it is also a growing problem among younger veterans who have been injured in the wars in Iraq and Afghanistan. Many of these veterans are coming home with severe injuries—often traumatic brain injuries—that require intensive rehabilitation. In some cases, younger veterans will have to live with the long-term effects of their injuries, of which pain is a large and debilitating part.

Pain management is an area of health care that by many accounts is not yet to up to par, in both the private and public sectors. S. 2160 would standardize VA's pain management program on a national, systemwide level, by requiring VA to establish a pain care initiative at every VA health care facility. Every hospital and clinic would be required to employ a professionally recognized pain assessment tool or process, and ensure that every patient who is determined to be in chronic or acute pain is treated appropriately. The bill also calls for comprehensive research on pain management to improve care for chronic pain.

During this session, I introduced S. 1163, the proposed Blinded Veterans Paired Organ Act of 2007, a bill that would offer enhanced benefits to veterans who suffer from service-connected impairment of vision. The bill was amended in committee and the language that was favorably reported to the full Senate was inserted into H.R. 797, the House companion, and passed on November 2. The Senate-passed H.R. 797 would broaden the benefit eligibility requirements for two distinct groups of veterans with impaired vision due to service—those with service-connected blindness in one eye who subsequently suffer loss of vision in the other eye later in life and those who receive special monthly compensation for multiple disabilities, including vision impairment.

The amended bill also includes a series of provisions that would enhance memorial and burial benefits for veterans and private cemeteries, including permanently authorizing VA to provide government headstones or markers for the privately marked graves of veterans interred at private cemeteries; instructing VA to design a medallion or other device to signify a decedent's veteran status, to be placed on a privately purchased headstone or marker, as an alternative to a Government-Furnished headstone or marker; extending the time limit for States to be reimbursed for the unclaimed remains of veterans; and authorizing $5 million for operational and maintenance expenses at State cemeteries. The provisions in the bill are fully paid for through legislative repeal of a Court of Veterans Appeals decision which inappropriately extended a needs-based benefit to a population that Congress did not intend to receive it.

Because inflation erodes the value of the dollar, Congress is responsible for adjusting compensation for service-connected disabilities. This year I sponsored S. 423, the proposed Veterans' Compensation Cost-of-Living Adjustment Act of 2007. The veterans' COLA legislation ensures that the purchasing power of veterans' benefits, including compensation for veterans and assistance for their survivors, is maintained. This annual COLA is done in recognition of the Nation's gratitude towards veterans young and old for their service and sacrifices.

As the sponsor of the Senate version of this bill, I was pleased to support the passage of the House companion, H.R. 1284. I applaud Congress and the President for their work in making it law as of Monday, November 5, 2007. I hope veterans, including the 17,000 recipients of compensation who are served by VA's Honolulu Regional Office, benefit from this demonstration of our appreciation.

Oversight investigations carried out by committee staff uncovered concerns in the veterans' benefits system as well. To improve the benefits system, the committee reported S. 1315, the proposed Veterans' Benefits Enhancement Act of 2007. This bill would improve veterans' life insurance, adaptable housing, education benefits, and provide the committee with more oversight data. It would also address a 60-year wrong that is still being done to Filipino veterans who served under the U.S. Armed Forces during World War II.

In the years since the end of the Second World War, Filipino veterans and their advocates, especially my distinguished colleague, Senator INOUYE, have worked tirelessly to secure these veterans the status they were promised when they agreed to fight under U.S. command in defense of their homeland and to protect U.S. interests in the region.

This bill would also more than double the maximum amount of Veterans Mortgage Life Insurance that a service-connected disabled veteran may purchase from $90,000 to $200,000. The VMLI program was established in 1971 and is available to those service-connected disabled veterans who have received specially adapted housing grants from VA. In the event of the veteran's death, the veteran's family is protected because VA will pay the balance of the mortgage owed up to the maximum amount of insurance purchased.

The measure would also establish a new program of insurance for service-connected disabled veterans that would provide up to a maximum of $50,000 in level premium term life insurance coverage. This new program would be available to service-connected disabled veterans who are less than 65 years of age at the time of application. Under the new program, eligible service-connected veterans would be able to purchase, in increments of $10,000, up to a maximum amount of $50,000 in insurance.

S. 1315 would also increase the amount of supplemental life insurance available to totally disabled veterans by 50 percent, from $20,000 to $30,000. This provision stems from S. 643, the proposed Disabled Veterans Insurance Act of 2007, which I introduced in February of this year. Many totally disabled veterans find it difficult to obtain commercial life insurance. This legislation will give totally disabled veterans better life insurance, a small measure of support for veterans who sacrificed so much.

In addition, this bill would expand eligibility for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance. This insurance program went into effect on December 1, 2005. All insured servicemembers under SGLI from that point forward were covered under traumatic injury protection regardless of where their injuries occur. However, individuals sustaining traumatic injuries between October 7, 2001, and November 30, 2005, which were not incurred as a direct result of Operations Enduring or Iraqi Freedom, are not eligible for a retroactive payment under the traumatic injury protection program. S. 1315 would expand eligibility to these individuals.

The reported bill would allow for home improvements for totally disabled servicemembers prior to release from active duty. This provision is very important because many servicemembers return home to finish their rehabilitation and recuperation prior to discharge from the military. Their homes need to be adapted so that they can live comfortably and independently.

S. 1315 also contains a number of provisions derived from S. 1215 which I introduced on April 25 that would make four small but necessary changes in existing laws relating to education and employment. First, it would restore the funding cap on the amount of funding available for State Approving Agencies to the fiscal year 2007 level of $19 million. Without this restoration, these entities that assist VA in approving programs of education would be facing a reduction of more than 30 percent beginning in fiscal year 2008. It is particularly important for SAAs to have adequate resources as more veterans return to civilian life and begin to use their educational benefits.

Second, it would update the special unemployment study required to be submitted by the Secretary of Labor to the Congress by requiring that it cover veterans of Post 9/11 Global Operations. It would also require the report to be submitted on an annual, rather than a biennial, basis. By updating this report, we will have more data available to us on more recent groups of veterans those who served and are serving in the Gulf War and Post 9/11 Global Operations. This should better help us assess the needs of current veterans entering the work force and develop appropriate responses.

Third, the bill would extend for 2 years a temporary increase in the monthly educational assistance allowance for apprenticeship or other on-the-job training. Eliminating the temporary increase would mean a monthly benefit rate cut on veterans enrolled in this type of training and remove marketable incentive to encourage individuals to accept trainee positions they might not otherwise consider.

Finally, the bill would provide for a waiver of the residency requirement for State veterans' employment and training directors. By giving the Secretary of Labor the ability to waive the 2-year residency requirement, this provision would help ensure that the best qualified individuals from any state may be considered for SDVET vacancies.

Both S. 1233 and S. 1315 were reported to the Senate in late August and have been pending floor action ever since. It is most unfortunate that we have been unable to reach agreement to proceed to their consideration, due in part to an abrupt and unexpected change in the minority committee leadership. Late last week, just days before Veterans Day, the other side of the aisle affirmatively blocked consideration of this important legislation that has the support of a majority of the members of the Veterans' Affairs Committee. Let me be clear—I do not expect all Members to support or agree with these bills, only to allow for their consideration by the full Senate. If members have amendments to offer, bring them forward. We can then craft an agreement under which the Senate might do its work and debate these bills.

One final legislative item that I wish to mention—recently, I worked with my colleague Senator WEBB on a matter of symbolic and real importance to servicemen and women as well as to veterans. Concerned that the Department of the Army was in a rush to replace the Tomb of the Unknown at Arlington National Cemetery, I introduced an amendment to the National Defense Authorization Act requiring the Army to prepare a comprehensive report for Congress before any further action could be taken. I am hopeful that this provision will be in the final agreement on the NDAA and look forward to the report, and its recommendations on how to best steward this national treasure.

As chairman of the Senate Veterans' Affairs Committee, I am mindful of the employment issues facing veterans, members of the Guard and Reserves, and their families as they seek to move from the military to the civilian workforce. Making this transition is never easy, and for younger veterans it can be particularly difficult. For members of the National Guard and Reserves, returning to a job they previously held may be challenging for a variety of reasons. For family members, the uncertainty of multiple and extended deployments poses different obstacles. Finally, the obstacles facing those who are disabled during their service can sometimes seem overwhelming. The needs of these individuals deserve our utmost attention and resources.

The committee has held two oversight hearings on employment issues this session. The more recent of the two hearings focused specifically on the Uniformed Services Employment and Re-employment Rights Act of 1994, or USERRA. As our troops are returning home from battle, many of them seek to return to the jobs that they held prior to their military service, particularly those serving in Guard and Reserve units. I must admit to being particularly upset at the volume of USERRA claims related to Federal service. It is simply wrong that individuals who were sent to war by their government should, upon their return, be put in the position of having to do battle with that same government in order to regain their jobs and benefits.

It is well known that veterans make good employees. Despite the challenges many face, veterans across the country are working and excelling in the labor force. They know how to work and they bring with them a wealth of expertise and experience. I believe the employment data supports my belief since rates of unemployment for veterans generally are lower than their nonveteran counterpart. However, the rate of unemployment for younger veterans and those recently separated from active duty tends to be higher than their nonveteran peers. I pledge to continue to pursue these issues aggressively in the months ahead.

The issues regarding veterans' educational benefits are especially important to me. Having attended college at the University of Hawaii under the original World War II GI bill, I know the value of this important benefit first hand.

The complexity and the importance of the issues surrounding the various education assistance programs administered by VA have been heard at two hearings this session. I plan to build off of the findings from both hearings for the committee's future work in this area. Educational assistance benefit has an important role in terms of a readjustment benefit for returning veterans and servicemembers. Properly tailored, these same benefits form an important keystone in recruiting and retaining high caliber young men and women in the Armed Forces. The balance between these twin goals is very complex and needs careful examination.

I am concerned that the current structure of benefits has some flaws. It is disturbing to me that servicemembers who are in the line of fire and who place their own safety in jeopardy in service to our country have to pay for their educational benefits. It is also disturbing that members of the Guard and Reserve who complete multiple deployments in combat situations run the risk of having no educational benefits available to them.

I do not expect to see a quick or easy answer for veterans' education benefits reform. I believe we will need to build a foundation for cooperation, compromise and consensus building. That will take some time. But I believe this process has begun, and that by working together, we will be able to develop something that is really meaningful to veterans, their families, and their futures.

As I noted earlier, the committee held seven field hearings over the year. The first, chaired by Senator BROWN, was held on May 29, 2007, in New Philadelphia, OH, and focused on the issues facing veterans in the rural areas of Appalachia. Two months later, the committee held its second field hearing, chaired by Senator TESTOR, again focusing on the needs of rural veterans. This hearing was held on July 21, 2007, in Great Falls, MT. These hearings, along with the insights of our committee members, enabled the committee to develop and mark up legislation to address certain issues facing rural veterans.

On August 17, 2007, Senator MURRAY chaired a field hearing in Tacoma, WA. The hearing focused on the mental health care services available to veterans and servicemembers in the State of Washington.

In August, I chaired a series of field hearings in my home State of Hawaii, on the islands of Maui, Oahu, and the Big Island. These hearings brought high-ranking VA officials from Washington, DC, to examine the state of VA services for Hawaii's veterans and returning servicemembers.

On August 28, 2007, the committee held a field hearing in Augusta, GA, on cooperation and collaboration between VA and DOD, chaired by Senator ISAKSON. The specific focus of the hearing was on VA and DOD care for wounded servicemembers returning from Afghanistan and Iraq.

The committee has also carried out aggressive oversight activity during this session. Since January, the majority staff has conducted 95 days of oversight involving 28 trips to 18 states as well as to Korea, Guam and American Samoa. Oversight investigations have included visits to nine separate VA regional offices.

During these nine visits, oversight staff reviewed a total of 119 individual veteran claim files, including 45 claim files for members of the National Guard and various Reserve units. Claims were selected for review based upon claims for service-connected disability due to traumatic brain injuries, posttraumatic stress disorder, or musculoskeletal conditions. In particular, the reviews were conducted to identify any systemic problems impeding the fair and efficient adjudication of veterans' claims.

On a national level, one of the most critical issues identified by the claims review was a VA regulation which resulted in the denial of a rating higher than 10 percent for almost all traumatic brain injuries, or TBI, claims. As noted earlier, TBI has been described as a signature wound of the current conflicts. Medical evidence supports the view that severe long-term consequences can result from blast injuries involving improvised explosive devices, or IED, such as those used in Iraq and Afghanistan. Despite this, VA adjudicators believed that they could not authorize a rating in excess of 10 percent, or $115 per month, because of a current VA regulation.

Upon learning of this problem, I contacted VA's Under Secretary for Benefits, Daniel Cooper, to ask why veterans with migraine headaches were eligible for higher disability ratings than combat veterans with TBI. I was pleased when Under Secretary Cooper informed me that VA adjudicators have been instructed to stop limiting ratings to 10 percent if not warranted. However, because Under Secretary Cooper's instruction is not binding upon the Board of Veterans Appeals or the United States Court of Appeals for Veterans Claims, I also wrote to the Acting Secretary for Veterans Affairs, Gordon Mansfield, to ask that the ''10 percent and no more'' regulation be rescinded. I understand that VA is now working on new regulations for the adjunction of TBI claims which will hopefully resolve this matter. I will continue to monitor these claims and VA's actions.

In addition to the restrictive instruction in the rating schedule, it appears that neither the military services nor VA are providing comprehensive and thorough evaluations of veterans with mild and moderate TBI. While veterans who are being treated at polytrauma centers appear to be getting appropriate diagnosis and treatment, this is not true for veterans with significant, but less severe injuries. I believe that it is imperative that veterans with silent wounds, such as mild and moderate TBI have a comprehensive evaluation of their signs and symptoms by appropriate medical specialists. New data, such as the recently released information from VA that nearly 6 percent of the veterans from Iraq and Afghanistan screened have sustained traumatic brain injuries, adds to the importance of legislation that improves VA's ability to respond aggressively.

Review of service medical records for claims involving PTSD indicated poor follow-up, assessment and referral of servicemembers who endorsed symptoms of PTSD on postdeployment surveys. This matter has been noted by the GAO and others. In some cases, veterans were discharged for a ''personality disorder'' which was not manifested prior to combat exposure and with no evaluation of classic PTSD symptoms. In other cases, veterans with significant psychiatric symptoms were not considered for a military disability retirement, but were awarded benefits by VA upon discharge.

The committee's oversight investigations indicate that VA generally did a better assessment of claims for service-connected PTSD than the military services. However, for some disorders, VA will not grant service-connection for the small number of veterans who were diagnosed with PTSD during military service without independent verification of the stressor which gave rise to the diagnosis by military doctors. Some veterans who served in Iraq, but did not receive a medal acknowledging their participation in combat, have experienced difficulty establishing their ''personal participation in combat'' in order to validate the existence of a combat stressor.

Under current law, veterans who allege disabilities related to their combat experience may prove their claim without presentation of official military documents. In order to clarify this issue and provide combat veterans with the benefits intended, I recently introduced S. 2309, the proposed Compensation for Combat Veterans Act. This bill would provide that service in a combat zone, recognized as such under the Internal Revenue Code, shall be sufficient proof that the veteran engaged in combat for purposes of the relaxed evidentiary requirement. I hope that we will be able to address this issue in the coming months.

There is no question that the Guard and Reserve have experienced difficulties due to our current combat engagements, in a fashion quite similar to branches such as the Army and Marine Corps. There is some concern that members of the National Guard and Reserve units receive less favorable consideration of their service-connected claims than members of the Armed Forces. While oversight investigations did not substantiate allegations of less favorable treatment for Guard and Reserve claimants, other issues may require further analysis. Many regional office staff reported significant difficulties in obtaining copies of the medical records of members of the Guard and Reserve. As a result, I wrote to the National Guard Bureau to express my deep concern about a policy that I had been told exists in some states that requires National Guard members to sign a release form before their Service Medical Records can be shared with VA for purposes of adjudicating a claim for compensation benefits. Acting upon my request, the National Guard Bureau sent guidance to the field that removes the requirement that servicemembers sign release forms to have their records provided to VA.

VA cannot be expected to end the benefits backlog if it lacks the staff to adjudicate veterans claims. While VA froze hiring in this area, there has been an increase in the number and complexity of claims received. As a consequence, the backlog has ballooned beyond already disconcerting levels. Although the infusion of additional monies for staff should improve the situation, some offices have too few experienced staff compared to the number of new hires. Oversight studies have found that less experienced staff is more likely to make errors on veterans' claims.

In some cases, service medical records are maintained in an electronic format and are not provided to VA adjudicators in any form. In other cases, medical reports are scanned into the Veterans Health Administration electronic records, but are not able to be viewed by VA adjudicators who use a CAPRI system to access VHA records. I have questioned VA about the need to make these records available to VBA and am awaiting a response.

While the committee does much direct oversight, as chairman, I also rely on the VA's inspector general. Indeed, the IG has consistently served as the committee's right hand in the execution of our oversight responsibilities. In the last year alone, the IG has provided us with a number of professional inquests and reports on issues of critical importance to veterans' health care. In the areas of traumatic brain injury, mental health, and substance abuse, among others, the IG has identified the problems and solutions with an insightfulness that few can match. The IG has also responded to my investigation requests in an efficient and collegial manner. The IG is, without question, the central gear in VA's internal

controls and quality assurance mechanism.

All American's have a role to play in honoring veterans. Ordinary citizens give in extraordinary ways, such as volunteering at VA hospitals and VA shelters, and supporting local Veterans Service Organizations. For those of us who serve in Congress, we have a special privilege and responsibility to honor veterans by ensuring that they receive the benefits and care they have earned through service. This Congress has done much for veterans already, but there is more to be done.

The Committee on Veterans' Affairs will continue to do its share throughout this Congress. To name just two items of pending business, we will hold a markup tomorrow on pending legislation, including a bill that is designed to improve significantly VA's programs which address the mental health needs of veterans, especially those recently returned from combat, and second, the Committee is preparing to consider the nomination of Dr. James Peake to become Secretary of Veterans Affairs.

I close with this thought: On the battlefield, one never leaves behind a fallen comrade. Similarly, veterans should never be left behind by a system designed to care for and honor them. We cannot stand by while veterans who have fought for our country have to fight to get the care and benefits they have earned through their service. The Committee on Veterans' Affairs will respond to whatever challenges may arise in our work on behalf of those who rose up to defend and serve our Nation. To our veterans: Our thoughts, prayers, gratitude, honor and pride are with you, not only on Veterans Day, but always.

RECESS

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

Thereupon, at 12:28 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER.)

The PRESIDING OFFICER. Who seeks recognition?

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

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

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

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. REED. Thank you, Mr. President.

NOMINATION OF MICHAEL MUKASEY

Mr. REED. Mr. President, last week, this Senate deliberated and voted on the nomination of Judge Mukasey for the position of Attorney General of the United States. I opposed that nomination, and I believe it is appropriate to indicate formally and officially and publicly my concerns and my rationale for this vote.

This was not a decision that was made lightly. The Constitution gives the President the unfettered right to submit nominees to the Senate, but the Constitution also gives the Senate not only the right but the obligation to provide advice and consent on such nominations.

We do not name a President's Cabinet, but it does not mean we are merely rubberstamps for his proposals. Senatorial consent must rest on a careful review of a nominee's record and a thoughtful analysis of a nominees's ability to serve not just the President but the American people.

As I have said in the past, unlike other Cabinet positions, the Attorney General has a very special role—decisively poised at the juncture between the executive branch and the judicial branch. In addition to being a member of the President's Cabinet, the Attorney General is also an officer of the Federal courts and the chief enforcer of laws enacted by Congress.

He is, in effect, the people's lawyer, responsible for fully, fairly, and vigorously enforcing our Nation's laws and the Constitution for the good of all Americans.

Although I believe Judge Mukasey to be an intellectually gifted and legally skilled individual, I am very concerned about his ability to not just enforce the letter of the law but also to recognize and to carry out the true spirit of the law.

Frankly, I found Judge Mukasey's lawyerly responses to questions regarding the legality of various interrogation techniques, in particular waterboarding, evasive and, frankly, disturbing.

Waterboarding is not a new technique, and it is clearly illegal. As four former Judge Advocates General of the military services recently wrote to Senator LEAHY, in their words:

> In the course of the Senate Judiciary Committee's consideration of President Bush's nominee for the post of Attorney General, there has been much discussion, but little clarity, about the legality of ''waterboarding'' under United States and international law. We write because this issue above all demands clarity: Waterboarding is inhumane, it is torture, and it is illegal.

These gentlemen have devoted themselves to their country, as soldiers and sailors and aviators, and also as attorneys. At the crux of their service was the realization that what we espoused, what we stood for, would also be the standard we would claim for American soldiers and aviators and sailors and marines if they were in the hands of hostile forces. It is clear in their eyes—and should be clear in our eyes—that waterboarding is inhumane, it is torture, and it is illegal.

It is illegal under the Geneva Conventions, under U.S. laws, and the Army Field Manual. The U.S. Government has repeatedly condemned the use of water torture and has severely punished those who have applied it against our forces.

As Evan Wallach—a judge in the U.S. Court of International Trade and a former JAG who trained soldiers on their legal obligations—wrote in an opinion piece in the Washington Post, it was for such activities as waterboarding that members of Japan's military and Government elite were convicted of torture in the Tokyo war crimes trials.

The law is clear about this horrifying interrogation technique. Waterboarding is illegal torture and, to suggest otherwise, damages the very fabric of international principle and more importantly, of what we would claim and demand for our own soldiers and sailors and marines.

Now, Judge Mukasey was given several opportunities to clearly state that waterboarding is illegal. Instead, he went through a lengthy legal analysis regarding how he might determine if a certain interrogation technique was legal and then told us that if Congress actually wrote a law stating that a particular technique is illegal, he would follow the law. I found the last declaration almost nonsensical. This is the minimum requirement we would expect of any citizen of this country, that if we passed a law, they would follow the law.

I think we expect much more from the Attorney General. We expect him to be a moral compass as well as a wise legal advisor. We expect he would be able to conclude, as these other experts and as our history has shown, that this technique is indeed illegal. We need an Attorney General who has the ability to both lead the Department of Justice and to tell the President when he is crossing his boundaries. We do not need a legal enabler to the President. We need an Attorney General who will stand up for his obligation to the Constitution, and make this his foremost obligation, rather than his obligation to the President.

Not definitively stating that a technique such as waterboarding is illegal demonstrates to me that Judge Mukasey does not have those qualities we need in an Attorney General. As we learned from Attorney General Gonzales, we need someone who is willing to stand up to the President instead of helping the President negotiate around either the letter or the spirit of the Constitution.

This is not just an academic exercise. If the question of whether waterboarding is illegal torture was asked of the parents of American soldiers, their answer would be quite