

## S. J. RES. 16

At the request of Mr. MCCONNELL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. J. Res. 16, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

## S. RES. 235

At the request of Mr. WHITEHOUSE, the names of the Senator from Rhode Island (Mr. REED), the Senator from Oklahoma (Mr. INHOFE), the Senator from Washington (Ms. CANTWELL), the Senator from Maine (Ms. SNOWE), the Senator from Idaho (Mr. CRAIG), the Senator from Michigan (Mr. LEVIN), the Senator from Michigan (Ms. STABENOW) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. Res. 235, a resolution designating July 1, 2007, as "National Boating Day".

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Mrs. LINCOLN):

S. 1682. A bill to amend title 10, United States Code, to improve the management of medical care for members of the Armed Forces, to improve the speed and efficiency of the physical disability evaluation system of the Department of Defense, and for other purposes; to the Committee on Armed Services.

Ms. SNOWE. Mr. President, I rise today to proudly join my friend and colleague Senator BLANCHE LINCOLN in the introduction of the Servicemembers' Healthcare Benefits and Rehabilitation Act of 2007.

In March, I was able to visit one of Maine's returning soldiers who has been assigned outpatient care at the Walter Reed Army Medical Center. We spoke about the many issues and obstacles faced by our wounded troops as they struggle not only to recover from their injuries, but to prepare themselves for their future. During our meeting, this soldier covered many of the pitfalls faced by troops as they confront the bewildering processes of medical and physical evaluation boards without the benefit of anyone to advocate on their behalf. In fact, he aptly described the process as an "adversarial" system that onerously demands wounded soldiers to provide the "burden of proof" for their claims.

In response, we have crafted this legislation in order to remedy a variety of flaws that currently plague the military health care system, including: inequitable disability ratings, a lack of advocacy within military outpatient facilities, inadequate mental health treatment, and inefficient transition from the DOD to the VA.

First off, our bill would address the concerns I have heard from a number of returning troops from my home state of Maine and across this Nation who have gone without the proper advocacy and case management for medical ben-

efits during their stay at military outpatient facilities. It is inexcusable that our returning heroes are often forced to navigate the esoteric physical disability evaluation system, PDES, within an adversarial atmosphere.

The measure we are proposing would require the Secretary of Defense to provide each recovering servicemember in a military medical treatment facility with a medical care manager who will assist him or her with all matters regarding their medical status, along with a caseworker who will assist each servicemember and his or her family in obtaining all the information necessary for transition, recovery, and benefits collection. Further, provisions we included will create a DOD-wide Ombudsmen Office to provide policy guidance to, and oversight of, ombudsman offices in all military departments and the medical system of the DOD. Only then, will our returning servicemembers recover within an atmosphere that is based upon advocacy.

Additionally, recent news reports and independent analysis have revealed troubling statistics regarding rampant inaccuracies within the military disability ratings system. According to Pentagon data analyzed by the Veterans' Disability Benefits Commission, since 2000, 92.7 percent of all disability ratings handed out by physical evaluation boards, PEBs, have been 20 percent or lower. Under the current policy, those who receive disability ratings under 30 percent and have served less than 20 years of military service are discharged with only a severance check, deprived of full military retirement pay, life insurance, health insurance, and access to military commissaries.

Further evidence of a troubled disability ratings system shows that since America went to war in Afghanistan and Iraq, fewer veterans have received disability ratings of 30 percent or more, inferring that the DOD may have lowered the ratings for injured troops who would have otherwise received a host of lifelong benefits. On top of that, it currently takes an average of 209 days for troops to complete the PDES process by receiving notification of potential discharge and a subsequent disability rating.

As a means of fixing these blatant flaws within the military disability ratings system, this legislation consolidates the physical evaluation system by placing the informal and formal physical evaluation boards under one command, as a method of streamlining and expediting the process. Our troops deserve timely care and efficient treatment upon their return home, and therefore, no recovering servicemember should be forced to endure lengthy delays in a medical hold or holdover status due to bureaucratic inefficiencies.

The bill also requires that physicians preparing each individual medical case for all PEBs report multiple diagnosed medical impairments that, in concert,

may deem a servicemember to be unfit for duty. Under the current system, the U.S. Army, for example, only rates physical impairments that individually cause a servicemember to be deemed unfit for duty, ultimately dismissing ailments that may significantly hinder a servicemember's ability to continue his or her service in the military or find gainful employment in the civilian sector.

Over the past year, the American public has also become acutely aware of the effects of traumatic brain injury, TBI, which has become the signature injury of the wars in Iraq and Afghanistan, affecting thousands of returning servicemembers. Therefore, it is now more imperative than ever for both the DOD and the VA to implement mental health treatment policies that accurately diagnose and adequately treat debilitating mental health injuries among our injured troops.

Our bill addresses these issues by including a provision that requires all servicemembers who are expected to deploy to a combat theater to receive a mental health assessment that tests their cognitive functioning within 120 days before deployment, a mental health assessment within 60 days after deployment, to include a comprehensive screening for mild, moderate, and severe cases of TBI. Additionally, all servicemembers will receive a third mental health assessment at the time of their predischarge physical.

The measure we are putting forward today also aims to update the current disability ratings system used by the military and the VA to include the effects of TBI and post traumatic stress disorder, along with any other mental health disorders that may affect our Nation's returning warriors. The Secretary of Veterans Affairs would be required to issue a report to Congress detailing a plan to update the Veterans' Administration Schedule for Ratings Disabilities, VASRD, to align its disability ratings to more closely reflect the effects of mental health disorders, including TBI and PTSD on the modern workforce.

The Servicemembers' Healthcare Benefits and Rehabilitation Enhancement Act of 2007 also calls on the Secretaries of Defense and Veterans Affairs to provide Congress with a report detailing plans to increase the role of eligible private sector rehabilitation providers for assisting the VA in providing comprehensive post acute inpatient and outpatient rehabilitation for TBI and PTSD, if in certain instances the VA is unable to provide such services.

The Veterans Health Administration is, unequivocally, the foremost expert in providing mental health treatment for our recovering servicemembers, yet in varying circumstances, the VA may require additional health care coverage in remote areas. All of our returning heroes, despite the severity of their mental health ailments, or their location geographically, deserve every

available option for rehabilitative services, to ensure that they never go untreated.

Additionally, to help ease the transition from the military health care system to the VA system, both the DOD and the VA must adopt and implement a unified electronic medical database. Interagency database compatibility would not only increase medical efficiency, but it would significantly ease the transition into civilian life for injured or retiring servicemembers who deserve timely and effective health care. Therefore, our legislation establishes and implements a single electronic military and medical record database within the DOD that will be used to track and record the medical status of each member of the Armed Forces in theater and throughout the military health care process, and will be accessible to the VA through the Joint Patient Tracking Application, JPTA. This electronic records system will be identical to the Vista system, currently used by the VA, which has served as a model of excellence for electronic medical databases among our Nation's health community.

I have nothing but the utmost respect for those brave Americans who served in uniform with honor, courage, and distinction. The obligation our Nation holds for its servicemembers and veterans is enormous, and it is an obligation that must be fulfilled every day. We must always remain cognizant of the wisdom laid forth by President George Washington, when he stated, "The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the Veterans of earlier wars were treated and appreciated by their country."

At a time when over 600,000 courageous men and women have returned from combat in both Iraq and Afghanistan, I believe it is now up to Congress to do everything in its power to answer the call of our men and women who have nobly served our Nation in uniform, to ensure that they receive the heroes' treatment they rightly earned and rightly deserve. Again, I want to thank my colleague, Senator LINCOLN, for her assistance in making this a stronger bill and bringing it before the Senate. I strongly urge my colleagues to support this legislation.

By Mr. BIDEN (for himself and Mr. LUGAR):

S. 1684. A bill to establish the Return of Talent Program to allow aliens who are legally present in the United States to return temporarily to the country of citizenship of the alien if that country is engaged in post-conflict or natural disaster reconstruction, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, two of the greatest challenges we face today are how to address the needs of postconflict countries, and countries

that are suffering from large-scale natural disasters. These are critical issues, and ones that we cannot afford to get wrong, for the sake of the people living in those nations, and for the sake of our own security.

On the post-conflict front, a recent commission organized by the Center for Strategic and International Studies and the Association of the U.S. Army found, to no one's surprise, that "failed states matter—for national security as well as for humanitarian reasons. If left to their own devices, such states can become sanctuaries for terrorist networks, organized crime and drug traffickers, as well as posing grave humanitarian challenges and threats to regional stability."

Currently, the most obvious case in point is the reconstruction of Iraq. In addition to Iraq, unfortunately, we can talk about many other states that are either unstable, or are tenuously recovering from past conflicts including Afghanistan, East Timor, Kosovo, Haiti, and the Democratic Republic of the Congo.

Earthquakes, floods, drought and landslides often have the most dire impacts in developing countries that are the least equipped to respond. The countries ravaged by the 2004 tsunami are recovering, but there is still a long way to go: Indonesia lost over 150,000 people, with half a million left homeless. In India, almost 20,000 people lost their lives and 2.79 million people were affected, losing homes, land, and livestock. The tsunami set back development in the Maldives by 20 years, devastating the country's economic backbone and tourism industry.

We need comprehensive, and creative, strategies to help countries rebound from conflicts or natural disasters. One such strategy is to allow, and indeed encourage, immigrants to the United States to use their skills, talents, and knowledge to help rebuild their native lands. The diaspora is an extraordinary collective resource. These individuals know the communities. They know the culture. They know the language, more than any contractors, and more than any humanitarian workers from the outside, no matter how well-trained they may be or how much expertise they may have.

So today, I am introducing legislation, as I did in the last Congress, that would create a "return of talent" visa program.

The idea is simple: to allow legal immigrants in the United States to return home to help with reconstruction efforts, without jeopardizing their immigration status. Legal permanent residents will be able to return temporarily to their countries after a conflict or a significant natural disaster to help rebuild, without their time out of the United States affecting their ability to meet the requirements for U.S. citizenship.

Under current law, a legal permanent resident who wants to apply for U.S. citizenship is required to be physically

present in the United States for at least half of the 5 years immediately preceding the date of filing the naturalization application.

This residency requirement could be particularly difficult to meet for those who have family and friends in their countries of origin who are in desperate need of help, and whose skills are especially in demand to help their countries of origin rebuild, for example, teachers, engineers, translators, and health care workers. We should not stand in their way of returning, bringing their talent and expertise home, and helping them help others at a time of greatest need.

This legislation would encourage skilled and committed individuals to return to their countries of origin to revive the business, industry, agriculture, education, health and other sectors that have been weakened or destroyed after years of conflict or devastating disasters.

The program would apply to immigrants from countries where U.S. Armed Forces have engaged in armed conflict or peacekeeping, or countries where the United Nations Security Council has authorized peacekeeping operations in the past 10 years. Immigrants from countries which received funding from the U.S. Office of Foreign Disaster Assistance also would be eligible to participate in the program.

Estimates of the number of individuals who could participate in this program are relatively low. For example, the United States admitted 4,749 Afghani and 4,077 Iraqi immigrants in 2005 who are now legal permanent residents eligible to pursue U.S. citizenship. Immigrants from Indonesia numbered 3,924 and Bangladesh, 11,487 in the same year. Yet while the program would have a small impact on the U.S. naturalization process, the contributions of even a few hundred individuals could have a tremendous positive effect on reconstruction work.

At this moment the Senate is seized with finding a resolution to the massive and critical question of immigration reform. A return of talent program would fit well with whatever decisions we reach because, simply put, everybody wins: The United States is able to support badly needed rebuilding efforts without increasing foreign aid; immigrants are able to use their skills and resources to help communities without disrupting their path to U.S. citizenship; and communities abroad that are recovering from conflict and disaster receive much-needed assistance.

A return of talent program is an important piece of our overall strategy to stabilize and rebuild countries torn by conflict and devastated by natural disaster. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1684

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Return of Talent Act”.

**SEC. 2. RETURN OF TALENT PROGRAM.**

(a) IN GENERAL.—Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:

**“TEMPORARY ABSENCE OF PERSONS PARTICIPATING IN THE RETURN OF TALENT PROGRAM**

“SEC. 317A. (a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall establish the Return of Talent Program to permit eligible aliens to temporarily return to the alien’s country of citizenship in order to make a material contribution to that country if the country is engaged in post-conflict or natural disaster reconstruction activities, for a period not exceeding 24 months, unless an exception is granted under subsection (d).

“(b) ELIGIBLE ALIEN.—An alien is eligible to participate in the Return of Talent Program established under subsection (a) if the alien meets the special immigrant description under section 101(a)(27)(N).

“(c) FAMILY MEMBERS.—The spouse, parents, siblings, and any minor children of an alien who participates in the Return of Talent Program established under subsection (a) may return to such alien’s country of citizenship with the alien and reenter the United States with the alien.

“(d) EXTENSION OF TIME.—The Secretary of Homeland Security may extend the 24-month period referred to in subsection (a) upon a showing that circumstances warrant that an extension is necessary for post-conflict or natural disaster reconstruction efforts.

“(e) RESIDENCY REQUIREMENTS.—An immigrant described in section 101(a)(27)(N) who participates in the Return of Talent Program established under subsection (a), and the spouse, parents, siblings, and any minor children who accompany such immigrant to that immigrant’s country of citizenship, shall be considered, during such period of participation in the program—

“(1) for purposes of section 316(a), physically present and residing in the United States for purposes of naturalization within the meaning of that section; and

“(2) for purposes of section 316(b), to meet the continuous residency requirements in that section.

“(f) OVERSIGHT AND ENFORCEMENT.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall oversee and enforce the requirements of this section.”.

(b) TABLE OF CONTENTS.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 317 the following:

“317A. Temporary absence of persons participating in the Return of Talent Program”.

**SEC. 3. ELIGIBLE IMMIGRANTS.**

Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

(1) in subparagraph (L), by inserting a semicolon after “Improvement Act of 1998”;

(2) in subparagraph (M), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(N) an immigrant who—

“(i) has been lawfully admitted to the United States for permanent residence;

“(ii) demonstrates an ability and willingness to make a material contribution to the

post-conflict or natural disaster reconstruction in the alien’s country of citizenship; and

“(iii) as determined by the Secretary of State in consultation with the Secretary of Homeland Security—

“(I) is a citizen of a country in which Armed Forces of the United States are engaged, or have engaged in the 10 years preceding such determination, in combat or peacekeeping operations;

“(II) is a citizen of a country where authorization for United Nations peacekeeping operations was initiated by the United Nations Security Council during the 10 years preceding such determination; or

“(III) is a citizen of a country which received, during the preceding 2 years, funding from the Office of Foreign Disaster Assistance of the United States Agency for International Development in response to a declared disaster in such country by the United States Ambassador, the Chief of the U.S. Mission, or the appropriate Assistant Secretary of State, that is beyond the ability of such country’s response capacity and warrants a response by the United States Government.”.

**SEC. 4. REPORT TO CONGRESS.**

Not later than 2 years after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit a report to Congress that describes—

(1) the countries of citizenship of the participants in the Return of Talent Program established under section 317A of the Immigration and Nationality Act, as added by section 2;

(2) the post-conflict or natural disaster reconstruction efforts that benefitted, or were made possible, through participation in the program; and

(3) any other information that the Secretary of Homeland Security determines to be appropriate.

**SEC. 5. REGULATIONS.**

Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall promulgate regulations to carry out this Act and the amendments made by this Act.

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Bureau of Citizenship and Immigration Services for fiscal year 2008, such sums as may be necessary to carry out this Act and the amendments made by this Act.

**SUBMITTED RESOLUTIONS****SENATE RESOLUTION 249—HONORING THE LIFE OF RUTH BELL GRAHAM**

Mrs. DOLE (for herself, Mr. BURR, Mr. STEVENS, and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 249

Whereas Ruth Bell Graham returned to the United States to attend Wheaton College, where she met and fell in love with her future husband, Billy Graham, who would become one of the most acclaimed evangelists in the world;

Whereas Ruth Bell Graham married Billy Graham on August 13, 1943 at Montreat Presbyterian Church in her beloved Western North Carolina;

Whereas Ruth Bell Graham was the devoted mother of five children (Virginia, Anne, Ruth, Franklin, and Nelson Edman) and the grandmother of 19 grandchildren;

Whereas Ruth Bell Graham was a renowned author and poet who penned 14 books

that have moved and inspired people around the globe;

Whereas Ruth Bell Graham and Billy Graham were recognized with the Congressional Gold Medal in 1996 for their “outstanding and lasting contributions to morality, racial equality, family, philanthropy, and religion”; and

Whereas Ruth Bell Graham touched countless lives worldwide by sharing her tremendous faith, her deep compassion for the less fortunate, her great talents and her light-hearted wit.

Now, therefore, be it

*Resolved*, That the Senate honors the life, work, and legacy of Ruth Bell Graham, a loyal companion who shined with grace and courage beside her husband Billy Graham, and a dedicated mother who fostered individuality and humility in her five children.

**SENATE RESOLUTION 250—EXPRESSING THE SENSE OF THE SENATE CONDEMNING THE MILITARY JUNTA IN BURMA FOR ITS CONTINUED DETENTION OF AUNG SAN SUU KYI AND OTHER POLITICAL PRISONERS**

Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mrs. CLINTON, Mr. MCCAIN, Mrs. BOXER, Mr. LUGAR, Mrs. LINCOLN, Ms. MURKOWSKI, and Mrs. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 250

Whereas Nobel Peace Prize Laureate Aung San Suu Kyi has dedicated her life to the peaceful, non-violent movement for democracy and reconciliation in the Union of Burma;

Whereas Aung San Suu Kyi and the National League for Democracy won a majority of parliamentary seats in Burma’s last election held in 1990;

Whereas the State Peace and Development Council of Burma refuses to cede power and permit representative government and has detained Aung San Suu Kyi under house arrest for 11 of the last 17 years;

Whereas the ruling military junta has committed numerous, well-documented atrocities against the people of Burma;

Whereas Aung San Suu Kyi continues to promote peaceful dialogue and reconciliation despite mistreatment from the State Peace and Development Council;

Whereas the United States recognizes and supports the dedication and commitment to freedom demonstrated by Aung San Suu Kyi. Now, therefore, be it

*Resolved*, That the Senate—

(1) honors Nobel Peace Prize Laureate Aung San Suu Kyi for her courage and devotion to the people of the Union of Burma and their struggle for democracy; and

(2) calls for the immediate release of Aung San Suu Kyi and other political prisoners by the State Peace and Development Council.

**SENATE RESOLUTION 251—HONORING THE FIREFIGHTERS AND OTHER PUBLIC SERVANTS WHO RESPONDED TO THE FIRE IN CHARLESTON, SOUTH CAROLINA, ON JUNE 18, 2007**

Mr. GRAHAM (for himself, Mr. DEMINT, Mr. DODD, Mr. MCCAIN, Mr. KENNEDY, Mr. CHAMBLISS, Mr. KERRY, Mr. ISAKSON, Mrs. DOLE, Mr. SCHUMER, Mrs. CLINTON, Mr. BIDEN, and Mr.