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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, we thank You for this day and for the freedoms and liberties of this Nation. Bless our leaders with wisdom and compassion so that they may serve You with faithfulness.

Guide our Senators so that they will honor one another and serve the common good. Help them to remember that they live and govern only through Your grace. Lord, pour Your love into their hearts so that their words and actions may be seasoned with Your fragrance.

Also, Lord, extend Your loving-kindness to those in our world who do not experience the blessings of freedom. Use our lawmakers to bring deliverance to captives and to help the oppressed go free. We desire to pray according to Your will. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 25, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning we will be in a period of morning business for 1 hour. The first half will be controlled by the Republicans. Once morning business is closed, the Senate will resume consideration of the Homeland Security appropriations bill.

I understand there are a number of amendments that are being talked about to be offered on this legislation today. I hope Members come and do that as quickly as possible.

WOUNDED WARRIOR ASSISTANCE ACT OF 2007

Mr. REID. Mr. President, I yesterday asked by unanimous consent that we adopt the Wounded Warrior legislation that was brought to the Senate during the Defense authorization bill in a form of a bipartisan amendment. A number of Senators worked very hard. Senator MURRAY is on the floor. She worked very hard, and a number of Senators have worked very hard on this legislation. It came about as a result of what we learned at Walter Reed about how our returning troops from Iraq and Afghanistan were being basically neglected. They had been wounded, and they were receiving unacceptable and poor treatment when they came home. That failure was learned

about—not only about the veterans care system, which had many bureaucratic failures, but also the physical facilities that were there failed to meet a minimum level of acceptability. The American people were outraged by the facts that came to light, and the Senate took prompt action.

The Wounded Warrior amendment, now in legislation that is before the Senate, would address the substandard facilities we have talked about and we have seen. It would address the lack of seamless transition and develop one when medical care for troops is transferred from the Department of Defense to the Veterans' Administration, which oftentimes in the past has led to diminished care. It addresses the inadequacy of severance pay. It addresses the need for improved sharing of medical records between the Department of Defense and the Veterans' Administration. We are told now that there are as many as 600,000 pending claims of returning veterans. It addresses the inadequate care and treatment of traumatic brain injury and post-traumatic stress disorder, and a number of other very important items.

So I again renew my request. Yesterday we were told that the Republicans were looking at this. Mr. President, I am going to renew this request. There are all kinds of reasons, I guess, for objecting to something such as this. Now I am told the reason for objecting is the pay raise isn't included. The Wounded Warrior legislation becomes effective upon passage and approval. The pay raise for the troops doesn't become effective until October 1 or January 1—I don't know how the legislation reads, but it is not now. So that would not be a good reason in my estimation, and I think in the estimation of these wounded warriors, for objecting.

The pay raise does not become effective until the beginning of the fiscal year. In fact, I think it is January 1 of next year. It is different than a number

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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of things we pass. But it does not become effective now. So if that is a reason for objecting, it is a poor reason, because they are two different issues. One is the pay raise does not become effective now; this does become effective.

So I ask unanimous consent that the Armed Services Committee be discharged from further consideration of H.R. 1538, and the Senate proceed to its immediate consideration; that the substitute amendment at the desk, which is the text of the Wounded Warriors provision in H.R. 1585, be considered and agreed to; the bill, as amended, be read a third time, passed, and the motion to reconsider be laid on the table; and any statements relating to this matter be printed in the RECORD, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, and I will not object, I would hope to get the majority leader to amend his unanimous consent request. I notified him through floor staff that it would be my hope we could modify the unanimous consent request and not only pass the Wounded Warrior provision, which was regrettably taken down along with the Defense authorization bill last week, but modify that to include the language of section 601 of the Defense authorization bill, which would provide for an increase in military basic pay of all of our uniformed military personnel. So if the majority leader would modify his consent agreement as I have suggested, the bill, in effect, that we would be passing would be Wounded Warrior, plus the military pay raise. That would be my suggestion to the majority leader.

I am not going to object to his unanimous-consent agreement. I agree with him that the Wounded Warrior provisions are extremely important. I was disappointed it was taken down along with the Defense authorization bill last week, but I would respectfully suggest that it be modified to include the pay raise as well.

Mr. REID. I accept the modification. The ACTING PRESIDENT pro tempore. Is there objection to the request, as modified?

Without objection, it is so ordered.

Mr. REID. Mr. President, could we also send this matter to conference?

Mr. MCCONNELL. Mr. President, let me suggest, I do need to consult with the ranking member. I am sure that won't be a problem, but to do it on the spur of the moment without consulting with the ranking member, it would probably not be acceptable to my side. But I can't imagine this would be a problem, and we will get back to the majority leader shortly.

Mr. REID. I understand that, Mr. President. I appreciate the cooperation. This is a good step forward.

The amendment (No. 2402) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 1538), as amended, was read the third time and passed.

Mr. LEVIN. Mr. President, I have offered the Dignified Treatment of Wounded Warriors Act as a stand-alone bill that incorporates the provisions of the Dignified Treatment of Wounded Warriors Act as marked up by the Armed Services Committee and as amended when offered as an amendment to the Department of Defense Authorization Act and passed by a vote of 94 to 0.

Our wounded warriors cannot wait, and should not have to wait, for us to finish the Department of Defense Authorization Act to get the relief contained in this bill. The bill incorporates the ideas of many Senators and the consideration of both the Armed Services Committee and the Committee on Veterans' Affairs. A total of 51 Senators have cosponsored this legislation. It is truly a bipartisan effort to address shortfalls in the care of our wounded warriors. I am delighted the Senate is passing this bill today so that we can move forward to conference with the House of Representatives to reach agreement on a bill that both the House and Senate can pass and send to the President.

This bill addresses the issue of inconsistent disability ratings by requiring that the military departments use VA standards for rating disabilities unless the Department of Defense rating is higher. The bill adopts a more favorable statutory presumption for determining whether a disability is incident to military service by adopting the more favorable VA presumption. The bill requires two pilot programs to test the viability of involving the Veterans' Administration in the assignment of disability ratings for the Department of Defense. The bill also establishes an independent board to review and, where appropriate, correct unjustifiably low Department of Defense disability ratings awarded since 2001.

This bill also addresses the lack of a seamless transition from the military to the Veterans' Administration by requiring the Secretary of Defense and the Secretary of Veterans Affairs to jointly develop a comprehensive policy on the care and management of injured servicemembers who will transition from the Department of Defense to the VA. The bill establishes a Department of Defense and a Department of Veterans Affairs interagency program office to develop and implement a joint electronic health record.

This bill authorizes \$50 million for improved diagnosis, treatment and rehabilitation of military members with traumatic brain injury, TBI, and post-traumatic stress disorder, PTSD. The bill requires the establishment of centers of excellence for both TBI and PTSD to conduct research and train health care professionals. The bill requires that the Secretary of Defense, in

consultation with the Secretary of Veterans Affairs, report to Congress with comprehensive plans to prevent, diagnose, mitigate and treat TBI and PTSD.

This bill increases the minimum severance pay to 1 year's basic pay for those separated with disabilities incurred in a combat zone or combat-related activity and 6 months basic pay for all others. This is quadrupling or doubling, depending on the circumstance, the current arrangement. The bill also eliminates the requirement that severance pay be deducted from disability compensation for disabilities incurred in a combat zone.

This bill also addresses the problem that exists because medically retired servicemembers who are eligible for Tricare as retirees do not have access to some of the cutting-edge treatments that are available to members still on active duty. The bill does that by authorizing medically retired servicemembers to receive the active duty medical benefit for 3 years after the member leaves active duty. This can be extended to 5 years where medically required. The bill authorizes military and VA health care providers to provide medical care and counseling to family members who leave their homes and often leave their jobs to help provide care to their wounded warriors. The Dignified Treatment of Wounded Warriors Act requires the Secretary of Defense to establish standards for the treatment of and housing for military outpatients. These standards will require compliance with Federal and other standards for military medical treatment facilities, specialty medical care facilities, and military housing for outpatients that will be uniform and consistent and high level throughout the Department of Defense.

This bill also includes measures proposed by the Committee on Veterans' Affairs under the leadership of Senator AKAKA that address shortfalls in the VA system for care of our wounded warriors after their transition to the VA.

So in summary, the Dignified Treatment of Wounded Warriors Act is a comprehensive approach that lays out a path for the Department of Defense and the Department of Veterans Affairs to address shortfalls in the care of our wounded warriors while they remain in military service, during the transition from the military to the VA, and after this transition, while in the care of the VA.

Our wounded warriors deserve the best care and support that we can muster. The American people rightly insist on no less. This wide-ranging legislation will improve the provision of health care and benefits to injured military personnel and make the system much more efficient as well.

● Mr. MCCAIN. Mr. President, today the Senate adopted, by unanimous consent, legislation that will make a significant difference in the lives of America's wounded warriors and veterans. I

applaud the passage of the Dignified Treatment of Wounded Warriors Act and the 3.5 percent across-the-board pay raise for the men and women of the U.S. military.

This legislation bridges the gap in health care coverage for the severely wounded, and ensures their access to the broadest possible range of health care services. It authorizes additional care and support for families who are caring for the wounded. The bill increases traumatic brain injury care for veterans, and access to mental health evaluations. It requires the Secretaries of Defense and Veterans Affairs to develop and implement new policy to better manage the care and transition of our wounded soldiers. It also empowers a special board to review disability ratings of 20 percent or less, and to restore to wounded soldiers, if appropriate, a higher disability rating or retired status. And, it authorizes additional funding for traumatic brain injury and post-traumatic stress disorder.

The disability evaluation systems of the Departments of Defense and Veterans Affairs are out of date and in need of reform. This legislation advances that reform by requiring the immediate initiation of pilot projects to fundamentally change and streamline those antiquated systems. The bill also improves benefits related to administrative separation from the military due to injury, increasing severance pay and eliminating the requirement that severance pay be deducted from VA disability compensation for injuries incurred in a combat zone.

The legislation requires the Secretary of Defense to inspect and improve medical treatment and residential facilities, and to study the accelerated construction of new facilities at the National Military Medical Center at Bethesda, MD.

This legislation is an important step toward restoring trust for America's wounded soldiers and veterans. The Senate can be proud that it has put the needs of wounded warriors and our selfless service men and women ahead of partisanship, jurisdictional boundaries and disagreements over policy. We are now ready to move forward to conference with the House of Representatives and make overdue improvements for our soldiers, their families, and our veterans.

While I am pleased we have been able to take this action today, very critical improvements to defense policy and programs remain in the unfinished work on the National Defense Authorization Act for 2008, which the Democratic Senate leadership pulled from the Senate floor last week because of policy disagreements on Iraq.

Failure to pass the Defense authorization bill will curtail many needed initiatives to support our military personnel and their families and to continue the fight on the global war on terror. Our military forces deployed throughout the world, including Iraq and Afghanistan, need the resources,

training, and equipment that this bill would provide. Examples of the important authorities that are being held hostage to the contentious debate on policy in Iraq include: increasing in end-strength for the Army and Marine Corps; providing combat-related special compensation to serve members who are; medically retired because of a combat-related disability; paying over 25 special pays and bonuses designed to improve military recruiting and retention; improving military equipment needed to protect deploying forces, including \$4.0 billion for mine-resistant vehicles known as MRAPs; updating Army combat systems and additional funding for armor and aviation survivability equipment; building five warships and funding for Virginia class submarines; increasing the number of Department of Defense and Department of Energy programs to help reduce the threat of nuclear materials from the former Soviet Union falling into the hands of terrorists; encouraging more focused competition for the billions of dollars that the Department of Defense spends on contract services; and providing critical authorities to combatant commanders to address security priorities and support allies, coalition partners, and others in the war on terror.

I call on the Senate leadership to resume consideration of the Defense authorization bill at the earliest possible time, so that these and many other critical pieces of the legislation will become law for the benefit of our troops. Swift passage of the National Defense Authorization Act for 2008, coupled with support for our wounded warriors and hard-working troops together represent the full measure of support for our military forces that they need, and that they unquestionably deserve.●

Mr. WARNER. Mr. President, Senator LEVIN, along with Senator MCCAIN, have forged a comprehensive, bipartisan legislative package to ensure that wounded and injured members of the Armed Forces receive the finest care and benefits, which they richly deserve.

I thank Senators on both sides who participated in this legislation, on the basis of their own legislative initiatives and their amendments—10 of which were agreed to when the bill was considered by the full Senate on July 12, 2007.

I want to underscore that this bill is—in no way—a reflection of concern about the quality of acute medical care that our soldiers, sailors, airmen, and marines receive when they sustain wounds or illness in the field of battle.

Our men and women in uniform receive the best treatment anywhere in the world, and that fact has been sustained by every outside panel studying the problems arising from the disclosures at Walter Reed last February.

In fact, just today, the President's Commission on Care for America's Wounded Warriors, the Dole-Shalala

Commission, found that the survival rate of those seriously injured has markedly increased compared to the rate in Vietnam and previous wars.

The report of a commission appointed by Secretary Gates, and led by two distinguished former Secretaries of the Army, Togo West and John Marsh confirms this by stating: Through advances in battlefield medicine, evacuation care, the Department has achieved the lowest mortality rates of wounded in history.

Let us never doubt the bravery and skill of our medical personnel.

This bill, approved by the Senate this morning, addresses the failure of systems—again, quoting from the Department of Defense Commission report—failures which included the: product of bureaucratic behavior, inability to reconcile institutional disparities, and leaving the wounded warrior and family to untangle that which government agencies cannot.

It is with great humility that I recall that I was the first Member of the Senate to visit Walter Reed—on February 23, 2007. It happened to be the same day that Secretary Gates visited Walter Reed to conduct his own inspection.

In the intervening months, many encouraging developments have taken place. I applaud the leadership of Secretary Gates in promptly taking action to correct deficiencies at Walter Reed, and insisting on accountability for failures in leadership that contributed to unacceptable conditions for our soldiers.

Our committee has also have received assurances from the Secretary of the Army Pete Geren, Deputy Secretary of Defense Gordon England and the Deputy Secretary of Veterans' Affairs Gordon Mansfield, that each will work tirelessly to improve the consistency and effectiveness of their management of all soldiers and veterans.

The bill which has now been passed by unanimous consent is comprehensive and deserving of our support. It incorporates many of the findings of completed studies and reviews, as well as the constructive ideas of Members of the Senate.

This legislation will ensure that wounded and injured members of the Armed Forces receive the care and benefits that they deserve.

It will improve physical and mental health benefits for the severely wounded, to ensure that they have the broadest possible options for care from military, veterans and private sector health care resources.

It includes significant initiatives in the areas of traumatic brain injury, TBI, and post-traumatic stress disorder, PTSD, for soldiers and veterans. This addresses the Dole-Shalala findings that over 52,000 Iraq and Afghanistan returning veterans have been treated for PTSD symptoms by the VA.

This legislation also creates a special review board to reexamine disability determinations which fall below the 20 percent threshold if a former member

of the armed services feels that he or she received an unfair rating.

Additionally, the bill requires the Departments of Defense and Veterans Affairs to rapidly move to fundamentally change and improve the disability evaluation systems within the two departments.

I am pleased that the legislation will ensure that as policies and programs are developed to improve care and management of wounded soldiers and veterans, that such policies and improvements will apply equally to members of the Active and Reserve components.

The bill also requires that military personnel continue to receive the best possible care at Walter Reed Army Medical Center until equivalent medical facilities are constructed at the National Naval Medical Center, Bethesda, MD, and the Fort Belvoir, VA, Army Community Hospital—and requires the Department of Defense to study the feasibility of accelerating the relocation of medical capabilities in the National Capital Region required by the Base Realignment and Closure Act of 2005.

The Senate can be proud that it has put the needs of our wounded warriors first and set forth bipartisan jurisdictional boundaries.

I want to thank my colleagues—especially Senator AKAKA, chairman of the Senate Committee on Veterans Affairs, and Senator CRAIG, the ranking member, for their cooperation, and for the work of both our committee staffs—working together—in the preparation of this legislation.

It is my hope that we will proceed expeditiously to conference with the other body on wounded warrior legislation and promptly resume consideration of the National Defense Authorization Act for 2008 when Congress reconvenes in September.

We owe this to our men and women in uniform and their families stationed throughout the world. They deserve nothing less than our full support.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 60 minutes, with Senators permitted to speak therein up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees, and with the Republicans controlling the first half and the majority controlling the second.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I wish to proceed on my leader time.

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

HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS JASON LEE BISHOP

Mr. MCCONNELL. Mr. President, most of the men and women who wear our country's uniform would not call themselves heroes, but I am afraid I would have to disagree with that. Those who fight abroad for our freedom here at home are, indeed, heroes. I rise to honor one special Kentuckian among them who was lost to us in the line of duty.

SFC Jason Lee Bishop of Covington, KY, was killed by a car bomb while on patrol operations in Siniya, Iraq, on New Year's Day of 2006. A member of the 1st Squadron, 33rd Cavalry, 3rd Brigade Combat Team, 101st Airborne Division, based in Fort Campbell, KY, he was 31 years old.

For his outstanding service as a soldier in the U.S. Army, SFC Bishop was awarded the Bronze Star Medal and the Purple Heart, as well as many other medals and honors of distinction.

Jason was the first of four children born to his parents Frank and Brenda Bishop in the northern Kentucky town of Covington. His mother remembers Jason as a young child standing on the seat in the family car and singing along with the radio, especially to Kenny Rogers.

Riding in the car with his father was a different experience. Frank taught young Jason how to drive by putting him in the driver's seat at the top of a hill, disengaging the parking brake, and issuing one command: "Drive." On a stick shift, no less.

Jason and his dad enjoyed deer hunting and fishing together, something they did whenever the opportunity arose. Playing cards was another way the two enjoyed each other's company. His family says Jason learned to count using playing cards.

Jason graduated from Covington Holmes High School in 1993 with 4 years of junior ROTC experience. He entered the Army immediately upon graduation.

After basic training and assignment at Fort Knox, also in my State of Kentucky, Jason was sent to the Republic of Korea. He also was deployed to Bosnia for a 10-month tour. Later assigned to Fort Campbell back in Kentucky, Jason was promoted to sergeant first class.

Completing Drill Sergeant School was one of SFC Bishop's proudest accomplishments. Earning that drill sergeant badge was physically and mentally grueling, perhaps the toughest of all of his assignments.

Jason became a darn good drill sergeant. A fellow drill sergeant who served with him at Fort Knox, SFC Daniel Webster, says he is not aware of any combat deaths among the 1,000

men Jason trained at Fort Knox—a remarkable record. "There is no doubt in my mind soldiers are coming back from Iraq and Afghanistan alive because Jason was so committed to their training," SFC Webster added.

In July of 1999, while stationed at Fort Knox, Jason met the woman he would marry, Katrina Bishop. They took their vows in 2002. "He and I were soulmates," Katrina says.

They had a son, Matthew Franklin Bishop. Only 1½ years old when Jason deployed for the last time, he idolized his father. Matt "quickly became his shadow," Katrina says. "Wherever Daddy was, Matt had to be too."

In September 2005, Jason and his unit deployed to Iraq. They would come home without him in September of 2006.

Jason is loved and remembered by his parents Frank and Brenda Bishop; his sisters Jamie, Lacey, and Julia Bishop; his wife Katrina Bishop; his son Matthew Bishop; his daughter Morgan Bishop, as well as many other beloved family members.

A wall that stands at Fort Knox to honor all of the fallen heroes in Iraq and Afghanistan has been named for the soldier who once served there. It is called "Bishop's Wall of Remembrance."

There is also a Sergeant First Class Jason Bishop Memorial Park at Covington that sits directly across from the house in which Jason grew up.

But the tribute to Sergeant First Class Bishop I can speak to most is this medal.

This medal, this coin was sent to me by Katrina Bishop. The Bishop family had it made in honor of their son. On one side it lists Jason's dates of birth and death, his assignment in the 101st Airborne Division, and his service in Operation Iraqi Freedom.

On the other side of the coin it reads: "Sergeant First Class Jason Lee Bishop" and has a picture of his sergeant's stripes. It also lists seven attributes that the Bishop family chose to remember their son, husband, and father by: loyalty, honor, duty, integrity, respect, selfless service, personal courage.

Mr. President, this medal is the Bishop family's reminder of Jason's life, which was tragically ended, and of their love for him, which will never end.

I thank Katrina Bishop for this gift, and I will be honored to keep it in my office. It will serve as a reminder to me, as well, of how much we owe the men and women of our Armed Forces whose highest calling is to fight for the freedom of others.

I ask the Senate to pause for a moment today and hold the family and friends of SFC Jason Lee Bishop in their prayers. They certainly will be in mine.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.