

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

SENATE HOLD ON GSA NOMINEE

Mr. BOND. Mr. President, earlier today, apparently, our distinguished majority leader came to the floor and noted that a nomination for GSA—made on the opening day of Major League Baseball season—still remains unconfirmed for the job and said it was “because a Republican Senator is demanding a Federal building is built in his home State.”

Obviously, I am that Senator. I thank the good Senator from Nevada for raising that question because I and a bipartisan group of Members of Congress and the leaders of the Kansas City area have been working with the GSA for the past several weeks to resolve the concerns I have and get some questions answered on a project very important to the Kansas City community.

Our conversations have amazingly become very productive, and the GSA has assured me they will have information to share very shortly. Unfortunately, until I put this hold on the nominee, progress was not quite so quick. But I expect the issue to be resolved shortly, in what I hope is a matter of a couple days, to the benefit of the GSA and certainly to the benefit of the Kansas City greater community.

Let me point out one other thing before leaving the floor. The community of Kansas City—all of the leadership, the elected officials and others—had gone together to work with the GSA to get a building—a new building—to replace an existing building, which by any stretch of the imagination is extremely expensive, is partly occupied, and is not conducive to good work, as a good workplace, and it needs to be replaced. We had gone all the way through, gotten GSA approval and gotten to OMB. Then it was held up in the Senate. After all the financing had been committed to construct a building on a lease-to-own basis, they decided to pull the plug.

The Commissioner of Public Buildings has assured me that the existing facility is not a fit place for the workers to work. So I had asked and inquired of GSA and advised them that Kansas City needs to know what the plans are. As I say, our bipartisan congressional delegation is now receiving great cooperation, and we are working hard to get this resolved. We hope to do that shortly.

I also want to point to the fact that, according to a report in *governmentexecutive.com*, delay on this nom-

ination reaches back long before my informational hold, which occurred in late July. Since Senator REID suggested the nomination has been pending since April, it raises the question: Why wasn't she approved in April, May, June or July, prior to my informational hold? That was a period during which the baseball season started and stretched long past the All-Star break.

According to *governmentexecutive.com*, the delay was because of concerns by Senator REID that GSA allow Federal employees to travel to Las Vegas to meet, gamble or whatever one does in Vegas. It is important to the Federal employees in Kansas City that they have a building that has a roof that doesn't leak—a proposition of which GSA concurs. Senator REID apparently wants Federal employees to be able to visit Las Vegas, and certainly I want Federal employees to have a good place to work. Senator REID has his priorities regarding the delay on this nomination and I have mine. He wants more people in Las Vegas; I want to get the building that had been promised and was expected by the Federal employees in Kansas City.

Assuming the report in *governmentexecutive.com* is accurate, I wish to make sure it is clear to the Senate that the delay in approval of this nomination has more than one father and is truly bipartisan.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the article to which I referred.

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

[From Congress Daily, Sept. 14, 2009]

SENATE MAJORITY LEADER SLOWS ACTION ON GSA NOMINEE

(By Dan Friedman)

Senate Majority Leader Harry Reid, D-Nev., has missed few chances to complain about blocked executive nominations, regularly ripping Republicans for holds that he said are designed to limit floor time for Democratic legislation.

On Thursday, for example, Reid faulted Republican “stalling tactics” for forcing a cloture vote before the confirmation of Cass Sunstein to head OMB's Office of Information and Regulatory Affairs. In a June floor speech, he blasted Republicans for placing holds on more than 20 nominations.

But multiple Democratic and Republican staffers say Reid himself slowed action on one of the highest-ranking nominees awaiting confirmation, Martha Johnson. She is President Obama's pick to head the General Services Administration.

Johnson, a former GSA chief of staff, cannot start her job until she is confirmed, a GSA spokeswoman said.

Reid is keen to promote travel to Nevada, where he faces a tough re-election fight next year. Aides said he delayed confirmation of Johnson while seeking assurances that the agency, which oversees federal travel policy, did not discourage federal employees from traveling to Las Vegas for business conferences.

Johnson's nomination cleared the Senate Homeland Security and Governmental Affairs Committee in June, and drew no GOP objections when it was circulated to all Sen-

ate offices. But a Democrat apparently held up the nomination and prevented a floor vote, Senate staffers from both parties said.

“We later learned that Reid has expressed some concerns about travel,” said a senior Republican aide. “He had some concerns about that and was using the Martha Johnson nomination as leverage with the White House and GSA.”

The aide said Reid did not place a technical hold, which would not be needed since the majority leader controls the floor schedule.

“It is not accurate to say that Sen. Reid had a hold on the nomination. . . . It is typical practice that a nomination is reviewed once it is received,” a Democratic leadership aide familiar with the matter said. “There were a couple of issues that needed clarification on the nomination.”

Reid has touted his concern about agencies limiting travel to Las Vegas. In an exchange of letters in July, he asked White House Chief of Staff Rahm Emanuel to ensure federal agencies do not prohibit travel to Las Vegas and other conference destinations that “are considered too leisure oriented.” On July 27 he sent a letter asking federal agencies not to limit travel to any specific U.S. cities.

After Reid's concerns were resolved, Sen. Christopher (Kit) Bond, R-Mo., placed his own hold on the nomination last month because of concerns about delays in a federal construction project in Kansas City. Bond has met with Johnson, but is continuing the hold while waiting for further information from the nominee, a spokesman said.

Mr. BOND. I thank the Chair. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURR. 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. BURR. Mr. President, are we in morning business?

The PRESIDING OFFICER. Yes.

Mr. BURR. I ask unanimous consent to speak in morning business for 20 minutes.

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

SECOND AMENDMENT RIGHTS OF VETERANS

Mr. BURR. Mr. President, I come to the floor today to talk about an issue I have been working on for 2 years—namely, ending the arbitrary process through which our own government takes away the second amendment rights of veterans. Let me briefly describe what I mean about this issue.

As most of my colleagues know, the Federal Gun Control Act prohibits the sale of firearms to certain individuals, including convicted felons, fugitives, drug users, illegal aliens, and individuals who have been “adjudicated as a mental defective.” Furthermore, the Gun Control Act prohibits possession of firearms by any of these classified individuals. Needless to say, it is a serious matter. Criminal prosecution is

an option against those who violate the law.

The Brady Handgun Violence Prevention Act requires the government to maintain a database of these individuals. We call this the National Instant Criminal Background Check System, NICS. The Brady law and the NICS database aim to prevent those who may pose a danger to society or to themselves from purchasing a firearm. Gun owners reference to the NICS screen customers—again, it goes without saying it is a serious matter to have one's name on NICS.

Every American should expect a rigorous and fair process before their right to buy arms and bear arms is taken away, especially when criminal prosecution is involved. Unfortunately, when it comes to certain veterans, their spouses, their dependent children, their dependent parents, the process is neither rigorous nor fair. Since 1999—now 10 years—the Veterans' Administration has sent the names of 116,000 of its beneficiaries to the FBI for inclusion under the NICS list. Again, the NICS list means those 116,000 individuals can never purchase a firearm. None of these names were sent to the FBI because they were determined to be criminals or a danger to themselves or, for that fact, a danger to others; they were listed in NICS because they couldn't manage their own financial affairs. We should not take away a constitutional right because someone can't balance their checkbook on time.

VA's review process for assigning a fiduciary is meant to determine one's financial responsibility in managing VA-provided cash assistance, such as VA disability payments, pension benefits, and other benefits. For example, a veteran may be assigned a fiduciary if they have a credit problem. The VA focuses on whether benefits paid by the VA will be spent in a manner for which they were intended to be spent. If you held that threshold to every veteran, you would probably assign a fiduciary to all of them because we don't know in fact where the payments go or what they were intended for.

Nothing involved in the appointment of a fiduciary even gets to the question of whether an individual is a danger to themselves or others or whether the person should or should not own a firearm. Yet that is exactly what happens when the VA appoints a fiduciary to one of our Nation's veterans.

Let me put a human face on the issue, if I can. I want to read excerpts from a letter I received from Jennifer Briest. I have her approval to read it. Jennifer is the wife of Corey Briest. Corey served in Iraq. He was a paramedic. He was severely injured in an IED explosion in 2004, which caused severe burns, damage to his lungs, and severe traumatic brain injury after shrapnel entered his skull. Corey has spent the last 5 years recovering from his injuries. Jennifer reports that he is walking, talking, and enjoying life at home with his two children.

Now it gets really sad. Because of his head injury, Corey still requires help with certain things. The VA said he needed help managing his disability compensation payments, and they named Jennifer, his spouse, as his fiduciary. That is where I would like to read from her letter. Again, I quote from her letter:

On May 19, 2009, we had our annual fiduciary meeting with the VA field examiner. At the end of the meeting our field examiner said he needed to read a statement to us. He read the Brady bill statement and then stated that Corey can't own, possess, use, be around, et cetera, any firearms. He then went on to say that anyone in our household can't own a gun while living in this household.

I asked him about Corey going on adaptive hunting trips and he said that he couldn't. Corey stated that he had a gun that was handed down from his grandfather and that Corey was going to hand it down to his son and the field examiner told him that he couldn't have it. He stated to Corey that if he did own a gun or be around a gun that he would be threatened with imprisonment.

The way that field examiner talked to Corey about this issue was not appropriate. The field examiner said that I could challenge it and handed me a blank sheet of paper with a VA heading. I asked the field examiner for the statement he read to me, but he said that he had to ask his boss [if he could actually provide a copy of that statement]. After two weeks of me e-mailing him, I finally got the attached papers in the mail. I think the VA is taking this way out of concept and I would greatly appreciate your support.

Well, in case any of my colleagues think the government would never prosecute someone like Corey Briest for possession of a firearm, being around a firearm, I wish to read to my colleagues excerpts from a VA directive that went out to all VA regional offices on September 29, this year, on this very issue.

The directive is meant to inform fiduciary field examiners of their obligation if they were to witness a violation of the Brady Act. I am going to quote from this VA memorandum to their field examiners.

Field Examiners or other VA employees who encounter beneficiaries believed to be in violation of the Brady Act are required to notify the Fiduciary Activity Manager as soon as safely possible. At no time should the employee place him/herself in danger. The Fiduciary Activity Manager at the VA regional office of jurisdiction must immediately report the alleged violation to the Bureau of Alcohol Tobacco and Firearms at 1-800-ATF-GUNS.

That is straight out of the Department of Veterans Affairs memorandum to their field examiners. For 2 years I have gone through this in the VA Committee. I have tried to plead with my colleagues that this is a breach of the second amendment of our country's veterans, that no veteran who has had their name reported of the 116,000, have ever been judged by a court to have a mental deficiency. In most cases, this is because there is a fiduciary needed to make sure they stay up to date. But there is not an incapacity on their part that has been judged to be a flaw in

their judgment. Quite frankly, I find it offensive. I find the language of this directive offensive because the premise seems to be that our veterans are dangerous.

But as I mentioned, there is nothing about the current process that even gets to the question of an individual as dangerous. The current process is also a double standard. Only VA beneficiaries fall under these guidelines. The Social Security Administration assigns fiduciaries to help beneficiaries every single day. Yet it does not send their name to the NICS list.

We have a policy on the books that discriminates against individuals because they wore our Nation's uniform, because they fought on behalf of this country. I find it unacceptable and it must end.

I have a bill, S. 669, that would prohibit the VA from continuing this arbitrary and unfair practice. It would require a judge, a magistrate, or another judicial authority to determine that a VA beneficiary is a danger to themselves or to others before their name could be sent to the NICS list.

Twice the Veterans Affairs Committee approved this bipartisan legislation to afford veterans with due process before their second amendment right was snatched away from them. But twice the bill languished on the Senate floor. S. 669 was approved unanimously by the committee back in May. But it has gone nowhere. And the question is: Can veterans wait any longer or should veterans wait any longer?

I am not here to ask that we put guns in the hands of dangerous people. I am here to ask you, to plead with you, that we treat veterans fairly and that their rights are protected like every other citizen.

Many of our veteran organizations and other groups agree with me. The Veterans Second Amendment Protection Act has the support of the American Legion, the Veterans of Foreign Wars, AMVETS, the Military Order of the Purple Heart, the National Alliance on Mental Illness, the National Rifle Association, and Gun Owners of America.

I plead with my colleagues: Ask for S. 669 to be brought to the floor. Do not sit back and say this is an obscure thing that the VA sometimes engages in and sometimes does not. Again, September 29, 2009, 1 month ago, this directive goes out: Subject: Reporting violations of Brady Handgun Violence Prevention Act.

This letter provides guidance to our field personnel who may encounter violations—

Violations by a veteran who served his country, is not a danger to himself or to anybody else, but has been deemed to need fiduciary help even if it is a spouse and a second amendment right was yanked from his hands, and now the VA says to their field examiners: Report it because we will prosecute these individuals.

I am not exactly sure how to respond to Jennifer Briest. That letter she sent

me about: Corey continues to make progress after an IED explosion December 4, 2005.

How do you say to a kid who served his country, who is raising a family: One, we had to turn you in so you can never own a gun. And, two, that gun your father handed down to you, Corey, you have to get rid of it. You cannot hand it down to your child, because even if you handed it down today to your son living in your home, they cannot have that gun, because the Veterans Administration says you cannot.

But if a fiduciary was assigned to Corey's father or to his mother, the Social Security Administration does not send that in to the NICS list to deprive them of their second amendment right. This is the most unfair thing I have seen this country do. It is time we end this practice. It is time we respect our veterans. It is time we treat them fairly. It is time we uphold the Constitution of this United States.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. KLOBUCHAR.) The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2996

Mr. REID. Madam President, I ask unanimous consent that when the Senate considers the conference report to accompany H.R. 2996, Interior appropriations, there be 2 hours of general debate on the conference report, with the time equally divided and controlled between the two leaders or their designees; that if any points of order are raised against the conference report, then any motion to waive the point of order be debated within the time limits provided for debate on the conference report; that upon the use or yielding back of time, and disposition of points of order, if the motions to waive are successful, then the Senate vote on adoption of the conference report, with no further motions in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. REID. Madam President, I will be brief. I know the Republican leader is busy, but I just wish to make a couple of comments on a couple of nominations.

A woman by the name of Tara O'Toole has been nominated to be Under Secretary of Science and Technology at the Department of Homeland Security. This woman has such won-

derful qualifications. She is presently the CEO and director for the Center for Biosecurity at the University of Pittsburgh Medical Center. She is a professor of medicine and public health at the University of Pittsburgh. The Center for Biosecurity is an independent organization dedicated to improving the country's resilience to major biological threats.

Dr. O'Toole is internationally known for her work on biosecurity and on health and safety issues. She has written volumes, literally. She is published in areas of Anthrax, smallpox, plague, biological attacks, containment of contagious disease epidemics, biodefense research, hospital preparedness. These are areas that she has written in. She is coeditor in chief of the Journal of Biosecurity and Bioterrorism. She was a principal author and producer of "Dark Winter," an influential piece of work done in 2001. She has served on numerous government and advisory committees. Her education is significant: a bachelor's degree from Vassar College, a medical degree from George Washington University, and a master of public health degree from Johns Hopkins University. She has completed an internal residency at Yale and a fellowship in occupational and environmental medicine at Johns Hopkins. This is a remarkably powerful foundation for someone who is going to be the Under Secretary, the deputy, second in charge at the Department of Homeland Security. It is such an important job, Under Secretary of Science and Technology.

I had a call on Monday from the Secretary of Homeland Security, Janet Napolitano, saying: I am desperate for this woman. My staffing for bioterrorism is depending on her. She is a person I am going to depend on for the pandemic that the President declared with the H1N1 flu. So I am really concerned about not being able to get this woman confirmed.

I ask unanimous consent, therefore, that the Senate proceed to executive session to consider Calendar No. 331, the nomination of Tara O'Toole to be Under Secretary of Science and Technology at the Department of Homeland Security; that the nomination be confirmed and the motion to reconsider be considered made and laid upon the table, with no further motions in order; that the President of the United States be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. We do have some objections on this side; therefore, I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I would renew my request and inquire about the possibility of a 2-hour time limit of debate on the nomination or any reasonable time agreement, or I will even take an unreasonable time agreement at this stage.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. There are objections on this side; therefore, I must object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. REID. Madam President, I am going to ask unanimous consent that the Surgeon General be confirmed. This is a wonderful woman who has dedicated her life to taking care of the poor and underprivileged. She has done that for two decades on the gulf coast rather than going to some fancy place and seeing how much money she could make. She didn't do that. She has garnered nationwide praise for founding a rural health plan in Bayou La Batre, AL.

More than 40 percent of the town's 2,500 residents have no health insurance. In 2002 she became the first African-American woman to be president of the Medical Association of the State of Alabama. She would be a terrific Surgeon General. Her family situation directs attention to the need for taking care of people who need help. Her father died of diabetes and hypertension. Her brother died at 44 with HIV-related illness. Her mother died of lung cancer. She certainly is qualified and needed during this crisis.

I, therefore, ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 477, the nomination of Dr. Regina M. Benjamin to be Surgeon General of the Public Health Services of the United States; that the nomination be confirmed and the motion to reconsider be considered made and laid upon the table, with no further action in order; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Madam President, reserving the right to object, I think there is a good chance this nomination will be cleared. I need to hotline this nomination. If it comes out the way I anticipate, we should be able to confirm this nominee in wrap-up. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I thank the Chair.

UNANIMOUS CONSENT REQUEST—H.R. 3548

Mr. REID. Madam President, I ask unanimous consent that all postcloture time be yielded back—and we are talking about the unemployment extension bill—and the motion to proceed be agreed to; that once the bill is reported, the following be the only first-degree amendments in order to the bill; that debate time on the listed first-degree amendments be limited to 60 minutes each, except the Baucus-Reid substitute, which would be debated within