

write a series of footnotes to the Constitution." This is exactly what our Founding Fathers did not want us to do. Judges are supposed to interpret what we do in this Chamber.

When he was nominated to the district court in 1994, the American Bar Association rated him as not qualified. I voted against him for a number of reasons back in 1994. I don't very often agree with Vice President BIDEN, but I have to say this. Vice President BIDEN made a statement some time ago with which I do agree. That is, if you are in the Senate and you have a judge who is coming up for confirmation by the Senate, and if you oppose that judge when he comes up to be a Federal judge, then later on when he wants to become a circuit judge or even a Justice of the U.S. Supreme Court, if you opposed him at a lower position, you have to oppose him at the next position because the bar necessarily goes up. For that reason and many other reasons, I will be opposing him.

I think it is important that in 2003, in *A Woman's Choice v. Newman*, Hamilton issued an injunction against an Indiana law that required abortion clinics to give women information about alternatives to abortions in the presence of a physician, nurse, or somebody else—just to have that information. This is inconceivable to me this could happen.

Let's keep in mind also this is the same judge who had a ruling—perhaps the most infamous because of his 2005 decision while presiding over the case of *Hinrichs v. Bosma* in which he enjoined the Speaker of Indiana's House of Representatives from permitting sectarian prayers to be offered as a part of that body's official proceedings, meaning that the chaplain or whoever opened the proceedings with a prayer could not invoke the name of Jesus Christ in his prayer.

In his conclusion, Hamilton wrote:

If the Speaker chooses to continue any form of legislative prayer, he should advise persons offering such a prayer (a) that it must be nonsectarian and must not be used to proselytize or advance any one faith over another. This is the first time and only time I believe this has happened in a nomination. This will be coming up for confirmation. I hope all of America will be aware of the fact this is happening.

UGANDA

Mr. INHOFE. Mr. President, I understand my colleagues are getting very close. I want a couple more minutes and that is to mention something that is happening today in the Foreign Relations Committee. Senator FEINGOLD has an amendment with which I wholeheartedly agree. It is actually not an amendment. It is a bill having to do with the LRA. Let me explain quickly what that is.

The LRA, the Lord's Resistance Army, has for about 25 years, led by a guy named Joseph Kony in the northern part of Uganda, been mutilating kids. We have heard of the Child's

Army. They go into the villages and kidnap these kids, take them out, teach them how to be warriors, and once they join up, they send them back to the village to murder their own parents, their own family.

This has been going on for a long period of time. This bill is something about which I am very excited. Finally, we have the attention of the people in the United States, and that is to join in and go after this animal named Joseph Kony.

In the last 18 years, the LRA has captured over 20,000 kids. I have been to northern Uganda. I have been up Guru. I have watched these kids after they have been dismembered, after they cut their lips off, cut their ears off, and all of this.

When this bill first came out, I was opposed to it because Senator FEINGOLD had to pay for this bill with a reduction in some of the funds that would otherwise go to the U.S. Air Force. That has been taken out. So I join him now in saying this is something that has to take place. This is the first time we have actually had the opportunity to bring up this issue, to let it surface.

I personally talked with President Museveni in Uganda, President Kagame of Rwanda, and President of the eastern part of Congo. I have been to Goma where Joseph Kony has kidnaped these kids, murdered these kids, mutilated these kids. I can tell from personal experience this is something we need to get involved in, and we are doing it by virtue of this bill.

I have gone 1 minute past. I apologize to the managers of the bill. I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

MILITARY CONSTRUCTION, VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3082, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Johnson/Hutchison amendment No. 2730, in the nature of a substitute.

Johnson amendment No. 2733 (to amendment No. 2730), to increase by \$50,000,000 the amount available for the Department of Veterans Affairs for minor construction projects for the purpose of converting unused Department of Veterans Affairs structures into housing with supportive services for homeless veterans, and to provide an offset.

Inouye amendment No. 2754 (to amendment No. 2730), to permit \$68,500,000, as requested

by the Missile Defense Agency of the Department of Defense, to be used for the construction of a test facility to support the Phased Adaptive Approach for missile defense in Europe, with an offset.

DeMint (for Inhofe) amendment No. 2774 (to amendment No. 2730), to prohibit the use of funds appropriated or otherwise made available by this Act to construct or modify a facility in the United States or its territories to permanently or temporarily hold any individual held at Guantanamo Bay, Cuba.

Feingold/Sanders amendment No. 2748 (to amendment 2730), to make available \$5,000,000 for grants to community-based organizations and State and local government entities to conduct outreach to veterans in underserved areas.

Mrs. HUTCHISON. 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. JOHNSON. 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. JOHNSON. Mr. President, I am pleased to report that we are getting into the home stretch for the MILCON-VA appropriations bill. We have been on this bill 6 days now—I believe a record for the MILCON/VA bill. I thank my ranking member, Senator HUTCHISON, for her help in clearing amendments last evening which has put us within striking distance of completing this bill today.

The first amendment we are scheduled to vote on today is an amendment I have offered that will provide \$50 million for the VA to renovate and use empty buildings sitting on VA medical campuses to provide housing with supportive services for our homeless vets.

The VA Secretary and the President have made eliminating homelessness among vets a top priority. The amendment is fully offset by redirecting \$50 million over the President's budget request provided in this bill for DOD's Homeowners Assistance Program which the Pentagon has determined is not currently required.

This amendment is supported by 16 vets and homeless service organizations, including the VFW, the Vietnam Veterans of America, and Iraq and Afghanistan Veterans of America.

I ask unanimous consent to have letters in support of my amendment printed in the RECORD.

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

NOVEMBER 13, 2009.

Senator TIM JOHNSON,
Chairman, Senate Appropriations Subcommittee on Military Construction, Veterans Affairs and Related Agencies, Washington, DC.

SENATOR JOHNSON: As organizations working to end homelessness among veterans in America, we are writing to express our strong support and gratitude for your Amendment (SA 2733) to the Fiscal Year 2010 Military Construction, Veterans Affairs and Related Agencies Appropriations Act. The amendment would shift \$50 million to renovate and convert Department of Veterans

Affairs' buildings into housing with supportive services for homeless veterans. We believe this proposed allocation is greatly needed, will be well spent, and ultimately will help save the lives of many brave veterans who have fallen upon hard times.

Far too many veterans are homeless in America: approximately 131,000 on any given night, which represents between one-fourth and one-fifth of all homeless people. Convergent sources estimate that between 23 and 40 percent of homeless adults are veterans. The U.S. Department of Veterans Affairs estimates that over the course of the year, 336,627 veterans experience homelessness.

Community organizations around the country are eager to assist homeless veterans achieve stability, but a shortage of capital, operating and supportive services funding restricts the amount of good work they can do. The allocation provided in your amendment will help provide critical capital funding for housing homeless veterans on VA campuses. We also commend the Committee's proposed funding for the HUD-VASH program, the Grant and Per Diem program and for homeless prevention. Combined, these investments will allow the Department to increase its efforts to ensure every veteran has a safe place to sleep and call home.

We are heartened by the Administration's stated commitment to zero tolerance for veterans' homelessness and strong Congressional support for programs that will help accomplish this goal. While the funding allocated by your amendment is an important contribution to fight against homelessness, we encourage your leadership in doing even more to provide safe and affordable housing for all the men and women who wore the uniform.

Sincerely,

Corporation for Supportive Housing.
AMVETS.
Common Ground.
Disabled American Veterans.
Iraq and Afghanistan Veterans of America.
Jewish War Veterans of the USA.
National Alliance to End Homelessness.
National Association of Black Veterans.
National Coalition for Homeless Veterans.
National Health Care for the Homeless Council.
National Law Center on Homelessness and Poverty.
National Leased Housing Association.
National Policy and Advocacy Council on Homelessness.
Paralyzed Veterans of America.
Vietnam Veterans of America.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,

Washington, DC, November 13, 2009.

Hon. TIM JOHNSON,
U.S. Senate,
Washington, DC.

DEAR CONGRESSMAN JOHNSON: On behalf of the 2.2 million members of the Veterans of Foreign Wars of the United States and our Auxiliaries, I would like to offer our support for SA 2733, the Military Construction, Veterans Affairs and Related Appropriations Act.

Your important amendment would provide \$50,000,000 to VA for the construction of housing with supportive services for homeless veterans. This construction would take unused VA buildings and convert them into housing for our homeless veterans.

Your important amendment provides housing and supportive services, two crucial things that our homeless veterans desperately need. A man or woman who has selflessly served in the armed forces should never have to sleep on the streets of the country they fought for. Your legislation looks to address this tragedy in our country and we applaud your efforts.

We thank you for introducing this valuable legislation that would greatly assist our nation's heroes. We look forward to working with you to help pass this legislation into law.

Sincerely,

ERIC A. HILLEMAN,
Director, National Legislative Service.

Mr. JOHNSON. Mr. President, according to the VA, there are 131,000 homeless vets on any given night. This is shameful. This amendment will allow the VA to put to good use buildings on VHA campuses currently sitting empty. It would allow private and nonprivate groups to operate homeless vet shelters in close proximity to the medical and mental health services these vets need in order to rebuild their lives.

I urge my colleagues to support this amendment.

Mr. President, I yield to Senator HUTCHISON for any remarks she has.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank Senator JOHNSON.

We have worked very well to accommodate the requests of our colleagues to the extent we could. We will have the first vote on his amendment. I am going to support Senator JOHNSON's amendment on homeless veterans. Secretary Gates and Secretary Shinseki are at this very moment practically working on a way to better accommodate veterans who are homeless. It is not right for there ever to be a homeless veteran in our country because every one of them has done so much to protect our freedom.

We do have \$500 million in the bill. This would take \$50 million that the Department says they do not need for other housing assistance for veterans and put it into the homeless sector so there can be a concerted effort to build facilities that would give care, as well as shelter, to these veterans. I support that.

I hope in conference we will be able to consolidate all of this into a program that will meet the needs of our veterans.

It has been great working on this bill. I am very pleased we could do it today rather than last week when so many of us in the Senate were at Fort Hood trying to show the great respect and sympathy for the community at Fort Hood and for all of our armed services, which meant we had to delay the bill from last Tuesday to this Tuesday. I think that was the right thing to do. I thank my colleague.

I thank our great staffs who worked all this week to clear amendments. To the extent we could, I think we have certainly accommodated our other colleagues in the Senate for their priorities.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I ask unanimous consent that the vote sequence prior to the caucus recess period, with respect to amendments re-

maining in order to H.R. 3082, be as follows: Johnson amendment No. 2733; Feingold amendment No. 2748; Cochran amendment No. 2763; that the Inouye amendment No. 2754 be modified with changes at the desk, and once modified, the McCain amendment No. 2776 be withdrawn, the Inouye amendment, as modified, be agreed to, and the motion to reconsider be laid upon the table; further, that an Inouye-Levin colloquy be inserted in the RECORD upon the adoption of the amendment; that after the first vote in any sequence of votes today, the remaining votes be 10 minutes in duration; and that prior to the vote on passage of H.R. 3082, each manager control 2 minutes; provided further, that the other provisions of the November 16 order remain in effect.

The PRESIDING OFFICER. Is there objection?

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I wish to ask the Senator if we could voice vote Senator COCHRAN before we take up the record vote we will take on Senator JOHNSON's amendment.

Mr. JOHNSON. That would be very good.

Mrs. HUTCHISON. I have no objection.

The PRESIDING OFFICER. With that qualification, without objection, it is so ordered.

The amendment (No. 2754), as modified, is as follows:

AMENDMENT NO. 2754, AS MODIFIED

On page 27, between lines 3 and 4, insert the following:

SEC. 128. (a)(1) The amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, DEFENSE-WIDE" is hereby increased by \$68,500,000, with the amount of such increase to remain available until September 30, 2014.

(2) Of the amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, DEFENSE-WIDE", as increased by paragraph (1), \$68,500,000 shall be available for the construction of an Aegis Ashore Test Facility at the Pacific Missile Range Facility, Hawaii.

(b) Of the amount appropriated or otherwise made available by title I of the Military Construction and Veterans Affairs Appropriations Act, 2009 (division E of Public Law 110-329; 122 Stat. 3692) under the heading "MILITARY CONSTRUCTION, DEFENSE-WIDE" and available for the purpose of European Ballistic Missile Defense program construction, \$69,500,000 is hereby rescinded.

The amendment (No. 2754), as modified, was agreed to.

EUROPEAN MISSILE DEFENSE

Mr. INOUE. Mr. President, I rise to engage in a colloquy with Senator LEVIN, chairman of the Armed Services Committee to discuss amendment No. 2754, which has been cosponsored by Senators JOHNSON and COCHRAN, to reallocate unobligated fiscal year 2009 military construction funding to support President Obama's new European missile defense plan.

Mr. LEVIN. I would be pleased to enter into a colloquy with the distinguished chairman of the Appropriations Committee.

Mr. INOUE. I thank the chairman. Funding was appropriated in last year's MILCON/VA appropriations bill for the European missile defense sites but now can no longer be spent. This amendment will enable the Missile Defense Agency to meet the President's timelines for defending Europe and the United States sooner against Iranian missiles. In order to meet the timelines set out by the President to deploy a capability in Europe in the 2015 timeframe, General O'Reilly, Director of the Missile Defense Agency, MDA, has requested the Congress support the use of \$68.5 million to construct an AEGIS Ashore Test Facility at the Pacific Missile Range Facility in Hawaii. The funding would come from the now unneeded funds for the two sites in Europe.

Mr. LEVIN. I want the chairman to know that I am also fully supportive of the administration's new approach to defending Europe from the threat of shorter range Iranian missiles based on the standard missile-3 both on ships and ashore, as well as the use of fiscal year 2009 funding that is no longer required for this purpose.

Mr. INOUE. This amendment responds to that request from MDA, but was originally offered with some reservation because it would circumvent the normal order of business in the Senate. Under ordinary circumstances this project should have been authorized in the fiscal year 2010 National Defense Authorization Act and then appropriated in the Military Construction bill. But, President Obama only publicly announced his European missile defense strategy on September 17 of this year. This announcement came well after the House and Senate Armed Services Committees began the conference negotiation process. In order to implement the President's new plan, General O'Reilly made the request to Congress for an AEGIS Ashore Test Facility on October 7, the same day that the House and Senate completed the conference agreement on the Defense authorization bill. The conferees were not able to consider this late request from the administration. Thus, an amendment on the fiscal year 2010 Military Construction appropriations bill was the best path to get the facility started in order to meet the administration's timelines.

Mr. LEVIN. While I agree that the funding previously authorized and appropriated for the European sites in fiscal year 2009 should be the source of funding for this project, I also feel that the project should be vetted in a manner similar to any other MILCON request. I believe we also have the time to authorize the project. As I understand the current timeline the Missile Defense Agency has sufficient planning and design funding to initiate design of the project and also has sufficient funding to begin the required environmental work. It is also my understanding that construction won't actually begin until late summer of 2010. I

would expect that the preliminary nature of the current funding request would mature in time to support a timely authorization.

Mr. INOUE. I understand that the chairman intends to introduce a separate authorization bill for this project that will precede the normal fiscal year 2011 national Defense authorization bill process.

Mr. LEVIN. That is correct. I will introduce a separate bill today along with Senator MCCAIN. The committee will expedite consideration of this bill provided that we can get the normal assurances that the project is supported by the Secretary of Defense and that the proposed construction costs and timelines are accurate and up to the standards we would normally expect in a similar MILCON project request.

AMENDMENT NO. 2763 TO AMENDMENT NO. 2730

Mr. JOHNSON. Mr. President, I understand there is no objection to the Cochran amendment No. 2763. Therefore, on behalf of Senator COCHRAN, I call up his amendment and ask that the amendment be considered and agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. JOHNSON], for Mr. COCHRAN, proposes an amendment numbered 2763 to amendment No. 2730.

The amendment is as follows:

AMENDMENT NO. 2763

(Purpose: To provide for the modification of a restriction of alienation of certain real property in Gulfport, Mississippi)

At the end of title II, add the following:

SEC. 229. (a) MODIFICATION ON RESTRICTION OF ALIENATION OF CERTAIN REAL PROPERTY IN GULFPORT, MISSISSIPPI.—Section 2703(b) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 469), as amended by section 231 of the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2009 (division E of Public Law 110-329; 122 Stat. 3713), is further amended by inserting after "the City of Gulfport" the following: " , or its urban renewal agency."

(b) MEMORIALIZATION OF MODIFICATION.—The Secretary of Veterans Affairs shall take appropriate actions to modify the quitclaim deeds executed to effectuate the conveyance authorized by section 2703 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 in order to accurately reflect and memorialize the amendment made by subsection (a).

The PRESIDING OFFICER. Without objection, the amendment is agreed to and the motion to reconsider is laid upon the table.

The amendment (No. 2763) was agreed to.

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

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

AMENDMENT NO. 2733

Mr. JOHNSON. Mr. President, I ask for the yeas and nays on the Johnson amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

If all time is yielded back, the question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 346 Leg.]

YEAS—98

Akaka	Feingold	Menendez
Alexander	Feinstein	Merkley
Barrasso	Franken	Mikulski
Baucus	Gillibrand	Murkowski
Bayh	Graham	Murray
Begich	Grassley	Nelson (NE)
Bennet	Gregg	Nelson (FL)
Bennett	Hagan	Pryor
Bingaman	Harkin	Reed
Bond	Hatch	Reid
Boxer	Hutchison	Risch
Brown	Inhofe	Roberts
Brownback	Inouye	Rockefeller
Bunning	Isakson	Sanders
Burr	Johanns	Schumer
Burris	Johnson	Sessions
Cantwell	Kaufman	Shaheen
Cardin	Kerry	Shelby
Carper	Kirk	Snowe
Casey	Klobuchar	Specter
Chambliss	Kohl	Stabenow
Cochran	Kyl	Tester
Collins	Landrieu	Thune
Conrad	Lautenberg	Udall (CO)
Corker	Leahy	Udall (NM)
Cornyn	LeMieux	Vitter
Crapo	Levin	Voinovich
DeMint	Lieberman	Warner
Dodd	Lincoln	Webb
Dorgan	Lugar	Whitehouse
Durbin	McCaIn	Wicker
Ensign	McCaskill	Wyden
Enzi	McConnell	

NAYS—1

Coburn

NOT VOTING—1

Byrd

The amendment (No. 2733) was agreed to.

Mr. JOHNSON. Mr. President, I move to reconsider the vote.

Mr. CARDIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2748, AS MODIFIED

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I ask unanimous consent that my amendment be modified with the modifications I send to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 52, after line 21, add the following:
SEC. 229. Of the amounts appropriated or otherwise made available by this title, the Secretary shall award \$5,000,000 in competitively-awarded grants to State and local government entities or their designees with a demonstrated record of serving veterans to conduct outreach to ensure that veterans in under-served areas receive the care and benefits for which they are eligible.

Mr. FEINGOLD. Mr. President, I understand the amendment will now be accepted.

Mr. JOHNSON. It is accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2748), as modified, was agreed to.

Mr. JOHNSON. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 2763

Mrs. HUTCHISON. Mr. President, to comply with rule XLIV, I ask unanimous consent to have printed in the RECORD a letter from Senator COCHRAN in relation to his amendment.

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

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

U.S. SENATE,

Washington, DC, November 5, 2009.

Hon. DANIEL INOUE,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR DAN: In my letter to Senators Johnson and Hutchison dated May 21, 2009, regarding the Fiscal Year 2010 Military Construction, Veterans Administration, and Related Agencies Appropriations Bill, it was my intent that the item titled "Aircraft Maintenance Administration Facility" read as follows:

Name: Aircraft Fuel Systems Maintenance Facility

Location: Columbus Air Force Base, MS

Purpose: To provide adequate facilities for aircraft fuel systems maintenance, conforming with applicable safety and environmental standards. (\$10,000,000)

I certify that neither I nor my immediate family has pecuniary interest in the congressionally directed spending item that I have requested, consistent with the requirements of paragraph 9 of Rule XLIV of the Standing Rules of the Senate. I also certify that I have posted this request on my website.

Please feel free to call on me if you have any questions about this request. Adam Telle, a member of my staff, is also available as the committee staff considers this issue.

Thank you for your consideration.

Sincerely,

THAD COCHRAN,
U.S. Senator.

Mrs. HUTCHISON. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHNSON. 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. JOHNSON. Mr. President, I note that the second vote has been voiced, and so Members are free to leave.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, we are working on the managers' package, and probably in the next 15 minutes we will clear what has been cleared for the managers' package. There are a couple of people working with objections. But by 12:15, we will clear the managers' package so that following that, in accordance with the previous unanimous consent agreement, at 2:15 we will vote on the Inhofe amendment, after which we will then vote on final passage. So we will have two votes starting at 2:15, and the second vote will be the final vote on Veterans Affairs-Military Construction.

I yield the floor.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from Maryland.

Ms. MIKULSKI. Madam President, I ask unanimous consent to speak as in morning business for the purposes of introducing a very poignant bill.

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

(The remarks of Ms. MIKULSKI pertaining to the introduction of S. 2781 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 2775, AS MODIFIED; 2777; AND 2783, AS MODIFIED

Mr. JOHNSON. Madam President, we have agreed to a final group of amendments in a managers' package.

I ask unanimous consent that the following amendments be called up en bloc and that the amendments be considered and agreed to and, if modified, that the amendment as modified be agreed to and the motions to reconsider be laid upon the table en bloc:

Amendment No. 2775, to be modified; amendment No. 2777; and amendment No. 2783, to be modified.

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

Mrs. HUTCHISON. Madam President, I have no objections to those amendments. I want to clarify that for amendment No. 2775, the modifications are at the desk. The same goes for amendment No. 2783; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mrs. HUTCHISON. Again, I have no objection.

The amendments (No. 2775, as modified; No. 2777; and No. 2783, as modified) were agreed to, as follows:

AMENDMENT NO. 2775, AS MODIFIED

(Purpose: To require a study on the capacity of the Department of Veterans Affairs to address combat stress in women veterans)

At the end of title II, add the following:

SEC. 229. (a) STUDY ON CAPACITY OF DEPARTMENT OF VETERANS AFFAIRS TO ADDRESS COMBAT STRESS IN WOMEN VETERANS.—The Inspector General of the Department of Veterans Affairs shall carry out a study to assess the capacity of the Department of Veterans Affairs to address combat stress in women veterans.

(b) ELEMENTS.—In carrying out the study required by subsection (a), the Inspector General shall consider the following:

(1) Whether women veterans are properly evaluated by the Department for post-traumatic stress disorder (PTSD), military-related sexual trauma, traumatic brain injury (TBI), and other combat-related conditions.

(2) Whether women veterans with combat stress are being properly adjudicated as service-connected disabled by the Department for purposes of veterans disability benefits for combat stress.

(3) Whether the Veterans Benefits Administration has developed and disseminated to personnel who adjudicate disability claims reference materials that thoroughly and effectively address the management of claims of women veterans involving military-related sexual trauma.

(4) The feasibility and advisability of requiring training and testing on military-related sexual trauma matters as part of a certification of Veterans Benefits Administration personnel who adjudicate disability claims involving post-traumatic stress disorder.

(5) Such other matters as the Inspector General considers appropriate.

(c) REPORTS.—

(1) INTERIM REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General shall submit to the Secretary of Veterans Affairs, and to the appropriate committees of Congress, a report setting forth the plan of the Inspector General for the study required by subsection (a), together with such interim findings as the Inspector General has made as of the date of the report as a result of the study.

(2) FINAL REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General shall submit to the Secretary, and Congress, then the Secretary shall make recommendations for legislative or administrative action.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committees on Appropriations and Veterans' Affairs of the Senate; and

(B) the Committees on Appropriations and Veterans' Affairs of the House of Representatives.

AMENDMENT NO. 2777

(Purpose: To require a study to identify the improvements to the information technology infrastructure of the Department of Veterans Affairs that are required to furnish health care services to veterans using telehealth platforms)

On page 52, after line 21, add the following:
SEC. 229. (a) STUDY ON IMPROVEMENTS TO INFORMATION TECHNOLOGY INFRASTRUCTURE NEEDED TO FURNISH HEALTH CARE SERVICES TO VETERANS USING TELEHEALTH PLATFORMS.—The Secretary of Veterans Affairs shall carry out a study to identify the improvements to the infrastructure of the Department of Veterans Affairs that are required to furnish health care services to veterans using telehealth platforms.

(b) AVAILABILITY OF FUNDS.—The amounts appropriated or otherwise made available by

this title under the headings "DEPARTMENTAL ADMINISTRATION" and "INFORMATION TECHNOLOGY SYSTEMS" shall be available to the Secretary of Veterans Affairs to carry out the study required by subsection (a).

AMENDMENT NO. 2783, AS MODIFIED

(Purpose: To make available from Medical Services, \$1,000,000 for education debt reduction for mental health care professionals who agree to employment at the Department of Veterans Affairs)

On page 52, after line 21, add the following: SEC. 229. Of the amounts appropriated or otherwise made available by this title under the headings "VETERANS HEALTH ADMINISTRATION" and "MEDICAL SERVICES", \$1,000,000 may be available for education debt reduction under subchapter VII of chapter 76 of title 38, United States Code, for mental health care professionals who agree to employment at the Department of Veterans Affairs.

RECESS

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

Thereupon, the Senate, at 12:34 p.m., recessed and reassembled at 2:15 p.m. when called to order by the Presiding Officer (Mr. CARPER).

MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

AMENDMENT NO. 2774

The PRESIDING OFFICER. Under the previous order, there will now be 5 minutes of debate, equally divided, on amendment No. 2774, offered by the Senator from Oklahoma, Mr. INHOFE.

Who seeks recognition? The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I yield myself 1 minute.

The Inhofe amendment would actually make us less secure by restricting our ability to improve security at facilities that house detainees who have been transferred from Guantanamo to the United States for their trials. Our communities will be less safe because money cannot be spent to make more secure the places where these detainees are being kept. It seems to me this is kind of a "cutting off your nose to spite your face" approach. Regardless of how people voted on whether we should have trials in the United States, the decision has been made that there are going to be trials in the United States. There already have been trials in the United States. There are detainees who are awaiting trial in the United States. It would seem to me it is in everybody's interest that the places where these detainees are being kept should be as secure as possible. It makes no sense, regardless of what one's position is on the question of where the trial should be held, not to have them kept in the most secure possible facilities.

I hope the Inhofe amendment is defeated. It is counterproductive, no matter what position one takes on the location of trials.

Mr. LEAHY. Mr. President, the amendment sponsored by Senator INHOFE is one of a series of amendments that have recently been offered in the Senate that would put political interests ahead of our national interests. This amendment would prohibit any funds from being used to construct or modify any facility in the United States to hold any individual who is currently being held at the Guantanamo Bay detention facility.

This goal of this amendment is to ensure that the detainees being held at Guantanamo Bay, some for years without charge, cannot be tried in our Federal courts and that the detention facility at Guantanamo Bay cannot close. This is harmful to our national security and devastating to our reputation throughout the world. As a former prosecutor, I find it deeply troubling that the Senate would be asked to prohibit the administration from trying even dangerous terrorists in our Federal courts. As a Senator, I find it shameful that Congress is being asked to help keep open a facility that has been a stain on our reputation throughout the world and has given ammunition to our enemies. GEN Colin Powell was correct when he said, "Guantanamo has become a major problem for America's perception as it's seen; the way the world perceives America."

President Obama addressed that problem in the first days of his Presidency by announcing that he would close Guantanamo Bay, and he has affirmed that commitment by announcing that the administration will have a preference for trying detainees in our proven Federal courts. Just last week, the Attorney General announced that, in consultation with the Secretary of Defense, the U.S. Government will begin to move toward federal criminal trials against five of these detainees, including Khalid Sheikh Mohammed. I have supported President Obama and the Attorney General in these steps, and I will continue to do so. That is why I have voted against amendments that would withhold funding to close the Guantanamo detention facility and prohibit any Guantanamo detainees from being brought to the United States. These amendments undermine the good work the President is doing, and they make us less safe, not safer.

Two weeks ago, the Senate defeated another amendment that would have restricted the authority and the options of our military and law enforcement. Secretary Gates and Attorney General Holder sent us a joint letter opposing that amendment. They reminded us that we should not prohibit the Government from being able to "use every lawful instrument of national power . . . to ensure that terrorists are brought to justice and can no longer threaten American lives." That is exactly what this amendment would do by tying the administration's hands in the event that they need to upgrade

any facility in order to securely house these detainees. I will ask that a copy of the administration's letter be printed in the RECORD.

Again, this week, joined by Secretary Napolitano, Attorney General Holder and Secretary Gates wrote to the Senate in opposition, this time to the Inhofe amendment we consider today. I will ask that the administration's letter be printed in the RECORD.

Instead of closing Guantanamo and moving toward a lawful and effective national security policy, this amendment would say to the world that we refuse to face what we did at Guantanamo and instead would continue the legacy of a place that was created in an effort to lock people up for years without charge and not face the consequences. This amendment would say to the world that we are not strong enough, that our over 200-year-old superior legal tradition is not flexible enough, to allow us to deal with those who attack us. Refusing to close Guantanamo also means we lose our ability to respond with moral authority if other countries should mistreat American soldiers or civilians.

Much debate has focused on keeping Guantanamo detainees out of the United States. In this debate, political rhetoric has entirely drowned out reason and reality. Our criminal justice system handles extremely dangerous criminals, and more than a few terrorists, and it does so safely and effectively. We try very dangerous people in our courts and hold very dangerous people in our jails throughout the country. I know; I put some of them there. We do it every day in ways that keep the American people safe and secure, and I have absolute confidence that we can do it for even the most dangerous terrorism suspects.

The facts speak for themselves. The Judiciary Committee has held several hearings on the issue of how to best handle detainees, and experts and judges from across the political spectrum have agreed that our courts and our criminal justice system can handle this challenge and indeed has handled it many times already. Since January of this year alone over 30 terrorism cases have been either successfully tried or sentenced using our Federal courts. No one has ever escaped from a Supermax facility. In fact terrorists are routinely and securely held at our prisons, including Zacharias Moussaoui, one of the plotters behind the September 11 attacks and Ramzi Yousef, the World Trade Center bomber.

Why would the Senate pass an amendment that suggests that our country and the brave men and women who staff these prisons cannot handle these prisoners, or that they are not up to the task? And why would we pass an amendment that simultaneously makes it harder for the government to securely detain terrorism suspects in our prisons by making any necessary adjustments to hold them? This amendment would ironically