

voter turnout was approximately 20 percent for military voters as opposed to approximately 40 percent for the general population. These statistics illustrate that those who are fighting to protect our democracy are not being afforded the opportunity to participate in it.

Both the Department of Defense and State and local election officials have not done enough to address these problems. The Military and Overseas Voter Empowerment Act of 2009 would address some of these problems to help military personnel have their votes count. The bill establishes new requirements for the States and for the Department of Defense to make it easier for military and overseas voters to participate in elections. The key requirement is for States to allow sufficient time for these voters who are overseas to receive their ballots, vote, and return them in time to be counted.

Other provisions in the bill include having States provide online and fax systems to deliver registration and absentee ballots; making the Department of Defense provide improved ballot delivery and mail service for troops; and having the Department of Defense provide improved Federal voting assistance such as designating and training voter assistance officers and providing registration and absentee ballot information at every installation. While these are challenges, they are not insurmountable, especially when we consider the outcome—providing the men and women in uniform with the opportunity to vote. We, as Americans, owe them that opportunity.

My office has been in touch with the office of the Secretary Of State of Nevada to continue to work through these challenges. Implementing these changes will not be simple. My colleagues and I have modified the bill to address some of these concerns and will continue to work with our States and localities going forward.

For example, the original version of the bill focused attention on the steps that States must take, even though we know that many States, such as Nevada, have local election officials who carry out important election activities. We never had any intention of reaching into States and rearranging that relationship. That is why the Rules Committee modified the bill to clarify that election responsibilities identified in the bill can, of course, be delegated to the appropriate local election officials. The negotiation process is ongoing because the objective of ensuring that military votes are counted on election day is so critical.

I fully expect we will find new issues to work through, but we must keep our eyes on the main goal—improving the system to protect the voting rights of our military personnel. There are few rights we exercise greater than choosing our own elected officials. We cannot call ourselves a democracy if we do not count the votes of our citizens in elections of government officials. The

men and women who put their lives on the line for you and me to protect our country are certainly no exception. It is time that we take steps to protect their right to vote.

I encourage my colleagues to make sure that this particular amendment is included in the Defense authorization bill. This is critical ahead of the election so States have time to prepare and every person in the military who wishes to exercise their right to vote is allowed to do so and their vote is counted in time for the 2010 elections.

#### RECESS

Mr. ENSIGN. I ask unanimous consent that the Senate stand in recess, as under the previous order.

There being no objection, the Senate, at 1:43 p.m., recessed until 1:56 p.m., and reassembled when called to order by the Presiding Officer (Mrs. HAGAN).

#### QUORUM CALL

Mr. DURBIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names:

#### [Quorum No. 3 Leg.]

Akaka	Dorgan	McConnell
Alexander	Durbin	Merkley
Barrasso	Enzi	Murkowski
Bennet, Colorado	Feingold	Murray
Bennett, Utah	Franken	Pryor
Bingaman	Gillibrand	Reed, Rhode
Bond	Graham	Island
Boxer	Gregg	Reid, Nevada
Brownback	Hagan	Risch
Bunning	Inhofe	Roberts
Burr	Inouye	Sessions
Burriss	Isakson	Shaheen
Cantwell	Johanns	Shaheen
Cardin	Kaufman	Specter
Casey	Klobuchar	Tester
Chambliss	Kohl	Udall, New
Coburn	Kyl	Mexico
Cochran	Leahy	Vitter
Corker	Levin	Voinovich
Cornyn	Lieberman	Warner
Crapo	Martinez	Webb
DeMint	McCain	Whitehouse
Dodd	McCaskill	Wicker

The PRESIDING OFFICER (Mr. INOUE). A quorum is present.

#### DISMISSAL OF ARTICLES OF IMPEACHMENT AGAINST SAMUEL B. KENT, JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS

The PRESIDING OFFICER. Under the previous order, the Senate will convene as a Court of Impeachment in the trial of Samuel B. Kent, former United States District Judge for the Southern District of Texas.

The Sergeant at Arms will make the proclamation.

The Sergeant at Arms of the Senate, Terrance W. Gainer, made the proclamation, as follows:

Hear ye! Hear ye! All persons are commanded to keep silent, on pain of

imprisonment, while the House of Representatives is exhibiting to the Senate of the United States, Articles of Impeachment against Samuel B. Kent, former Judge of the United States District Court for the Southern District of Texas.

The PRESIDING OFFICER. The Secretary for the majority.

The SECRETARY FOR THE MAJORITY. Mr. President, I announce the presence of the managers on the part of the House of Representatives to continue proceedings on behalf of the House concerning the impeachment of Samuel B. Kent, former Judge of the United States District Court for the Southern District of Texas.

The PRESIDING OFFICER. The managers on the part of the House will be received and assigned their seats.

The managers were thereupon escorted by the Sergeant at Arms of the Senate, Terrance W. Gainer, to the well of the Senate.

The PRESIDING OFFICER. The majority leader of the Senate is recognized.

Mr. REID. Mr. President, at this time the oath should be administered in conformance with article I, section 3, clause 6 of the Constitution and the Senate's impeachment rules to those Senators who were not in the Chamber while the Articles of Impeachment were presented.

The PRESIDING OFFICER. Are there Senators who were not present?

Senators shall now be sworn: Do you solemnly swear that in all things appertaining to the trial of the impeachment of Samuel B. Kent, former Judge of the United States District Court for the Southern District of Texas, now pending, you will do impartial justice according to the Constitution and laws. So help you God.

SENATORS: I do.

Mr. REID. The Secretary will note the names of the Senators who have been sworn today and will present to them for signing the book which is the Senate's permanent record of the administration of the oath.

The following named Senators are recorded as having subscribed to the oath this day:

BENNET  
COCHRAN  
FRANKEN  
ROBERTS

The PRESIDING OFFICER. The managers on the part of the House will now proceed.

Representative SCHIFF. Mr. President, following the resignation of Judge Samuel B. Kent effective June 30, 2009, the House adopted the following resolution directing the managers to request on the part of the House that the Articles of Impeachment be dismissed, which, with the permission of the President of the Senate, I will read:

H. Res. 661 in the House of Representatives, U.S., July 20, 2009.

Resolved, That the managers on the part of the House of Representatives in the impeachment proceedings now pending in the Senate

against Samuel B. Kent, formerly judge of the United States District Court for the Southern District of Texas, are instructed to appear before the Senate, sitting as a court of impeachment for those proceedings, and advise the Senate that, because Samuel B. Kent is no longer a civil officer of the United States, the House of Representatives does not desire further to urge the articles of impeachment hitherto filed in the Senate against Samuel B. Kent.

Mr. President, pursuant to the terms of the said resolution, the managers on the part of the House, by direction of the House of Representatives, respectfully request the Senate to discontinue the proceedings now pending against Samuel B. Kent, former Judge of the United States District Court for the Southern District of Texas.

The PRESIDING OFFICER. The majority leader of the Senate.

Mr. REID. Mr. President, as the Sergeant at Arms advised the Senate prior to the July 4 recess, following the service of the summons on Judge Kent by the Sergeant at Arms on June 24, 2009, Judge Kent tendered his resignation as a United States District Judge, effective June 30, 2009. At the direction of the Senate, the Secretary delivered Judge Kent's original statement of resignation to the President. On June 29, 2009, counsel to the President accepted Judge Kent's resignation on behalf of the President. The House of Representatives has now moved that the Senate dismiss the Articles of Impeachment.

Mr. President, I have conferred with the distinguished Republican leader, Mr. McCONNELL, and with the distinguished Chairman and Vice Chairman of the Impeachment Trial Committee on the Articles Against Judge Samuel B. Kent appointed by the Senate, the Senator from Missouri, Mrs. MCCASKILL, and the Senator from Florida, Mr. MARTINEZ. All are in agreement that, with the resignation of Judge Kent, the purposes of the House's prosecution of the Articles of Impeachment against Judge Kent have been achieved. Judge Kent is no longer serving on the Federal bench, and he has ceased drawing his judicial salary. It is agreed that no useful purpose would now be accomplished by proceeding further with the impeachment proceedings against Judge Kent.

Accordingly, I now move that the Senate order that the Articles of Impeachment against former Judge Samuel B. Kent be dismissed and that the Secretary be directed to notify the House of Representatives of this order.

The PRESIDING OFFICER. The question is on agreeing to the motion to dismiss the Articles of Impeachment.

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I wish to thank, on behalf of the entire Senate

and the House of Representatives, the Chairman and Vice Chairman and all of the members of the Impeachment Trial Committee for their willingness to undertake this task. I ask unanimous consent that the Impeachment Trial Committee on the Articles Against Judge Samuel B. Kent be terminated.

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

Mr. REID. That concludes the proceedings on the trial of the impeachment of Judge Samuel B. Kent. As such, I move that the Court of Impeachment stand adjourned sine die.

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

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. McCONNELL. Mr. President, I ask unanimous consent to proceed as in morning business.

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

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

(The remarks of Mr. McCONNELL pertaining to the introduction of S. 1493 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010—Continued

Mr. BURRIS. Mr. President, I rise to speak on the National Defense Authorization Act, S. 1390.

Mr. President, as a member of the Armed Services and Veterans Affairs committees, I have addressed this Chamber many times about the need to keep our Nation's commitment to the brave men and women who fight for this country.

It is a commitment that begins on the day they volunteer for military service, and it extends through the day they retire and beyond.

But just as we work to uphold our obligation to servicemembers who are in harm's way, we need to offer strong support to those who they leave here at home.

Military families bear a burden that must not be forgotten. They, too, deserve our utmost gratitude.

Mr. President, that is why we must increase funding for impact aid, a program which, in part, provides assistance to school districts that serve military families.

Throughout my career in public service, I have been a strong believer in education as a powerful force to shape lives—to give people the tools they need and the inspiration that will help them succeed.

But even when we see an improvement in scholastic performance at the national level, certain groups of students continue to fall further and further behind.

Many children of Federal employees, including military personnel, fall into one of these groups.

Military installations—and other Federal facilities—occupy land that might otherwise be zoned for commercial use.

Because of this, local school districts suffer from a reduced tax base to fund their expenses.

This limits the amount that can be spent in the classroom and leaves students at a serious disadvantage compared with children in neighboring towns.

In North Chicago, IL—the home of the Great Lakes Naval Training Center—only half of the 4,000 students meet or exceed State standards.

Even with some Federal assistance, North Chicago's School District 187 is able to spend just under \$7,000 per student, per year.

But nearby District 125 has the resources to spend nearly twice as much per pupil, and the school performs among the best in the State.

An increase in impact aid funding would help to level this playing field, ensuring that the children of our soldiers, sailors, airmen and marines are not at a disadvantage because of their parents' service.

Impact aid funds are delivered directly to the school districts in need, so they do not incur administrative costs at the State level.

This makes it one of the most efficient—and effective—Federal education programs.

Scott Air Force Base is located near Mascoutah, IL—a community whose schools receive impact aid funding.

The local school district is able to spend only \$6,000 per year on each child, but 90 percent of the students meet or exceed State standards.

If these are the results that some students can achieve with only \$6,000 per year, imagine how well Mascoutah's schools might perform with even a small increase in available funds.

It is impressive that school districts like North Chicago and Mascoutah are able to operate as effectively as they do, especially when compared to the national per-pupil expenditure of \$9,700 per student.

Mr. President, it is vital that we target Federal assistance to those who need it most.

That is why I am proud to be a member of the Senate impact aid coalition, a group of 35 Senators devoted to protecting this important program.

And that is why I believe that the \$50 million we have set aside for schools