

Fay Hartog-Levin, or Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

Stephen J. Rapp, of Iowa, to be Ambassador at Large for War Crimes Issues.

### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

### MILITARY SPOUSES RESIDENCY RELIEF ACT

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 108, S. 475.

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

The clerk will report.

The legislative clerk read as follows:

A bill (S. 475) to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN. Mr. President, I ask unanimous consent that the bill be read the third time and passed; that the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements related thereto be printed in the RECORD.

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

The bill (S. 475) was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 475

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Spouses Residency Relief Act".

#### SEC. 2. GUARANTEE OF RESIDENCY FOR SPOUSES OF MILITARY PERSONNEL FOR VOTING PURPOSES.

(a) IN GENERAL.—Section 705 of the Servicemembers Civil Relief Act (50 U.S.C. App. 595) is amended—

(1) by striking "For" and inserting the following:

"(a) IN GENERAL.—For";

(2) by adding at the end the following new subsection:

"(b) SPOUSES.—For the purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State because the person is accompanying the person's spouse who is absent from that same State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become a resident in or a resident of any other State."; and

(3) in the section heading, by inserting "AND SPOUSES OF MILITARY PERSONNEL" before the period at the end.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act (50 U.S.C.

App. 501) is amended by striking the item relating to section 705 and inserting the following new item:

"Sec. 705. Guarantee of residency for military personnel and spouses of military personnel."

(c) APPLICATION.—Subsection (b) of section 705 of such Act (50 U.S.C. App. 595), as added by subsection (a) of this section, shall apply with respect to absences from States described in such subsection (b) on or after the date of the enactment of this Act, regardless of the date of the military or naval order concerned.

#### SEC. 3. DETERMINATION FOR TAX PURPOSES OF RESIDENCE OF SPOUSES OF MILITARY PERSONNEL.

(a) IN GENERAL.—Section 511 of the Servicemembers Civil Relief Act (50 U.S.C. App. 571) is amended—

(1) in subsection (a)—

(A) by striking "A servicemember" and inserting the following:

"(1) IN GENERAL.—A servicemember"; and

(B) by adding at the end the following:

"(2) SPOUSES.—A spouse of a servicemember shall neither lose nor acquire a residence or domicile for purposes of taxation with respect to the person, personal property, or income of the spouse by reason of being absent or present in any tax jurisdiction of the United States solely to be with the servicemember in compliance with the servicemember's military orders if the residence or domicile, as the case may be, is the same for the servicemember and the spouse.";

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively;

(3) by inserting after subsection (b) the following new subsection:

"(c) INCOME OF A MILITARY SPOUSE.—Income for services performed by the spouse of a servicemember shall not be deemed to be income for services performed or from sources within a tax jurisdiction of the United States if the spouse is not a resident or domiciliary of the jurisdiction in which the income is earned because the spouse is in the jurisdiction solely to be with the servicemember serving in compliance with military orders."; and

(4) in subsection (d), as redesignated by paragraph (2)—

(A) in paragraph (1), by inserting "or the spouse of a servicemember" after "The personal property of a servicemember"; and

(B) in paragraph (2), by inserting "or the spouse's" after "servicemembers".

(b) APPLICATION.—Subsections (a)(2) and (c) of section 511 of such Act (50 U.S.C. App. 571), as added by subsection (a) of this section, and the amendments made to such section 511 by subsection (a)(4) of this section, shall apply with respect to any return of State or local income tax filed for any taxable year beginning with the taxable year that includes the date of the enactment of this Act.

#### SEC. 4. SUSPENSION OF LAND RIGHTS RESIDENCY REQUIREMENT FOR SPOUSES OF MILITARY PERSONNEL.

(a) IN GENERAL.—Section 508 of the Servicemembers Civil Relief Act (50 U.S.C. App. 568) is amended in subsection (b) by inserting "or the spouse of such servicemember" after "a servicemember in military service".

(b) APPLICATION.—The amendment made by subsection (a) shall apply with respect to servicemembers in military service (as defined in section 101 of such Act (50 U.S.C. App. 511)) on or after the date of the enactment of this Act.

#### RECOGNIZING THE NONCOMMISSIONED OFFICERS OF THE UNITED STATES ARMY

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Armed Service be discharged from further consideration of H. J. Res. 44, and that the Senate proceed to its consideration.

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

The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 44) to recognize the service, sacrifice, honor and professionalism of the Noncommissioned Officers of the United States Army.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the joint resolution be read the third time and passed; that the motion to reconsider be laid upon the table; that the preamble be agreed to; further, that any statements relating thereto be printed in the RECORD.

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

The joint resolution (H.J. Res. 44) was ordered to a third reading, was read the third time and passed.

The preamble was agreed to.

#### NATIONAL PURPLE HEART RECOGNITION DAY

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 239, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 239) supporting the goals and ideals of "National Purple Heart Recognition Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I rise today to thank two of my colleagues, Senators LINCOLN and CRAPO for introducing the Senate resolution designating August 7, 2009, as National Purple Heart Recognition Day.

I am proud to support the commemoration of our Nation's Purple Heart recipients by granting them and their families a much deserved day of recognition. More than one and a half million Americans have earned the Purple Heart Medal, and this is just one more way we can honor their service.

The Purple Heart Medal is awarded in the name of the President, and it designates those servicemembers who have been wounded in the service of our Nation during combat or an act of terrorism. Many recipients have paid the ultimate sacrifice, and it is a symbol of true selflessness. The brave men and women of the U.S. Armed Forces today volunteer knowing full well the hazards of their chosen profession. On

August 7, 2009, all Americans should be encouraged to learn about the significance of the Purple Heart, honor those selfless citizens who wear the award and bear the proud scars earned in service protecting and defending our Nation.

Today, there are approximately 550,000 Purple Heart recipients still living in the United States. I am sure that each Member of this body knows someone in their respective States who is a Purple Heart recipient, the family member of a recipient, or the friend of a recipient. A day of recognition is the least we can do to honor those who have been awarded this medal for serving our country.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 239) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 239

Whereas the Purple Heart is the oldest military decoration in the world in present use;

Whereas the Purple Heart is awarded in the name of the President to a member of the Armed Forces who is wounded in a conflict with an enemy force or is wounded while held by an enemy force as a prisoner of war, and is awarded posthumously to the next of kin of a member of the Armed Forces who is killed in a conflict with an enemy force or who dies of wounds received in a conflict with an enemy force;

Whereas the Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit;

Whereas the award of the Purple Heart ceased with the end of the Revolutionary War, but was revived in 1932, the 200th anniversary of the birth of George Washington, out of respect for his memory and military achievements; and

Whereas observing National Purple Heart Recognition Day is a fitting tribute to George Washington and to the more than 1,535,000 recipients of the Purple Heart, approximately 550,000 of whom are still living: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of “National Purple Heart Recognition Day”;

(2) encourages all people in the United States to learn about the history of the Purple Heart and to honor its recipients; and

(3) calls upon the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for members of the Armed Forces who have been awarded the Purple Heart.

#### NATIONAL FETAL ALCOHOL SPECTRUM DISORDERS AWARENESS DAY

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate

proceed to the consideration of S. Res. 240, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 240) designating September 9, 2009, as “National Fetal Alcohol Spectrum Disorders Awareness Day.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 240) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 240

Whereas the term “fetal alcohol spectrum disorders” includes a broader range of conditions and therefore has replaced the term “fetal alcohol syndrome” as the umbrella term describing the range of effects that can occur in an individual whose mother drank alcohol during pregnancy;

Whereas fetal alcohol spectrum disorders are the leading cause of cognitive disability in western civilization, including the United States, and are 100 percent preventable;

Whereas fetal alcohol spectrum disorders are a major cause of numerous social disorders, including learning disabilities, school failure, juvenile delinquency, homelessness, unemployment, mental illness, and crime;

Whereas the incidence rate of fetal alcohol syndrome is estimated at 1 out of 500 live births and the incidence rate of fetal alcohol spectrum disorders is estimated at 1 out of every 100 live births;

Whereas although the economic costs of fetal alcohol spectrum disorders are difficult to estimate, the cost of fetal alcohol syndrome alone in the United States was \$5,400,000,000 in 2003, and it is estimated that each individual with fetal alcohol syndrome will cost taxpayers of the United States between \$1,500,000 and \$3,000,000 in his or her lifetime;

Whereas in February 1999, a small group of parents of children who suffer from fetal alcohol spectrum disorders came together with the hope that in 1 magic moment the world could be made aware of the devastating consequences of alcohol consumption during pregnancy;

Whereas the first International Fetal Alcohol Syndrome Awareness Day was observed on September 9, 1999;

Whereas Bonnie Buxton of Toronto, Canada, the co-founder of the first International Fetal Alcohol Syndrome Awareness Day, asked “What if ... a world full of FAS/E [Fetal Alcohol Syndrome/Effect] parents all got together on the ninth hour of the ninth day of the ninth month of the year and asked the world to remember that during the 9 months of pregnancy a woman should not consume alcohol ... would the rest of the world listen?”; and

Whereas on the ninth day of the ninth month of each year since 1999, communities around the world have observed International Fetal Alcohol Syndrome Awareness Day: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 9, 2009, as “National Fetal Alcohol Spectrum Disorders Awareness Day”; and

(2) calls upon the people of the United States—

(A) to observe National Fetal Alcohol Spectrum Disorders Awareness Day with appropriate ceremonies—

(i) to promote awareness of the effects of prenatal exposure to alcohol;

(ii) to increase compassion for individuals affected by prenatal exposure to alcohol;

(iii) to minimize further effects of prenatal exposure to alcohol; and

(iv) to ensure healthier communities across the United States; and

(B) to observe a moment of reflection on the ninth hour of September 9, 2009, to remember that during the 9 months of pregnancy a woman should not consume alcohol.

#### MEASURE READ THE FIRST TIME—S. 1572

Mr. BROWN. Mr. President, I understand that S. 1572, introduced earlier today by Senator DEMINT, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 1572) to provide for a point of order against any legislation that eliminates or reduces the ability of Americans to keep their health plan or their choice of doctor or that decreases the number of Americans enrolled in private health insurance, while increasing the number of Americans enrolled in government-managed health care.

Mr. BROWN. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

#### ORDERS FOR WEDNESDAY, AUGUST 5, 2009

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Wednesday, August 5; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 10 a.m., with Senators permitted to speak therein for up to 10 minutes each; further, I ask that following morning business, the Senate proceed to executive session and resume consideration of the nomination of Sonia Sotomayor, as provided under the previous order.

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

#### PROGRAM

Mr. BROWN. Mr. President, as a reminder, the Senate will recess from 3 p.m. to 5 p.m. tomorrow to allow for a special Democratic caucus.

#### ORDER FOR ADJOURNMENT

Mr. BROWN. Mr. President, if there is no further business to come before