

not continued in production—my hope is we will be smart enough, since Lockheed has a role in building the F-35, some of the folks—hands that can build an F-22 can certainly help build F-35s. I would hope that would be the case.

The last thing I would ask everyone to keep in mind—as an old naval flight officer, I used to think about and I still think about how much it costs to fly an aircraft for an hour. It is anywhere from \$20,000 to \$40,000 for the F-22. It is just too much money.

Thanks very much.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Michigan.

Mr. LEVIN. Madam President, in terms of the alleged gap, there is no gap. The QDR said we should be building fighters, F-22 production, into fiscal year 2010. As a matter of fact, what we are now doing is exceeding that production with F-35s. We have 30 F-35s in this fiscal year 2010 budget. There is no gap in fighter production.

As to whether the F-35 is a capable fighter, let me just read from what Secretary Gates says:

The F-35 is 10 to 15 years newer than the F-22, carries a much larger suite of weapons, and is superior in a number of areas—most importantly, air-to-ground missions such as destroying sophisticated enemy air defenses. It is a versatile aircraft, less than half the total cost of the F-22. . . .

The F-22 is costing an awful lot more than has been represented here because they are asking now, if this amendment is defeated, that we would be spending \$1.75 billion for seven F-22s, which is approximately \$250 million a copy for the ones the opponents of this amendment want to build this year.

The President of the United States, the last President of the United States, the previous one; two Secretaries of Defense, this one and the previous one; two Chairmen of the Joint Chiefs of Staff, and the Secretary of the Air Force and the Chief of Staff of the Air Force say it is time to end production of the F-22 to move into greater production of the F-35 which will serve three services, not just one. If not now, when? If not now, when? When will we end production of a weapons system, if not now, when we have both President Obama and President Bush trying to end it, Secretaries of Defense trying to end it, Chairmen of the Joint Chiefs trying to end the production of the F-22? We must now do what is sensible, that which is requested by Secretary Gates, not because he is saluting the Commander in Chief, as has been suggested. He is not just saluting the Commander in Chief; he feels deep in his gut that we must change the way we do business. We must finally bring some of these systems to an end. That is why Secretary Gates so passionately believes we must bring production of the F-22 to an end and move into greater production of the F-35—more F-35s produced in this budget than would be produced of the F-22 if this amendment is defeated.

Madam President, I don't know if there is any more time. If there is, I yield back the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to amendment No. 1469.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

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

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 235 Leg.]

YEAS—58

Alexander	Gillibrand	Merkley
Barrasso	Graham	Nelson (NE)
Bayh	Gregg	Nelson (FL)
Bennet	Hagan	Pryor
Bond	Harkin	Reed
Brown	Johnson	Reid
Burr	Kaufman	Rockefeller
Cardin	Kerry	Sanders
Carper	Klobuchar	Schumer
Casey	Kohl	Shelby
Coburn	Kyl	Specter
Conrad	Landrieu	Stabenow
Corker	Lautenberg	Udall (CO)
DeMint	Leahy	Voinovich
Dorgan	Levin	Warner
Durbin	Lincoln	Webb
Ensign	Lugar	Whitehouse
Enzi	McCain	Wyden
Feingold	McCaskill	
Franken	Menendez	

NAYS—40

Akaka	Cornyn	Murkowski
Baucus	Crapo	Murray
Begich	Dodd	Risch
Bennett	Feinstein	Roberts
Bingaman	Grassley	Sessions
Boxer	Hatch	Shaheen
Brownback	Hutchison	Snowe
Bunning	Inhofe	Tester
Burr	Inouye	Thune
Byrd	Isakson	Udall (NM)
Cantwell	Johanns	Vitter
Chambliss	Lieberman	Wicker
Cochran	Martinez	
Collins	McConnell	

NOT VOTING—2

Kennedy Mikulski

The amendment (No. 1469) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

RECESS

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

Thereupon, the Senate, at 12:39 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010—Continued

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, I will make some brief remarks here, and at the conclusion we will determine whether there is an agreement on the other side so I can go ahead and lay down an amendment. But first I want to discuss what that amendment will be. It is amendment No. 1628, and in a moment I will seek to offer it and get it pending. It is an amendment I introduced with Senator LIEBERMAN, Senator BAYH, and Senator MCCAIN.

Like other Members of this body, we have watched recent events unfold in Iran with great concern. This year began with talk of warming ties and potentially reestablishing contact with Iran; that we would no longer be afraid to talk to Iran and perhaps to even reach some kinds of agreements. In recent months, however, the Iranian regime has continued its support of terrorism, its illegal nuclear weapons program in defiance of its NPT obligations, and its engagement in violent and deadly repression of its own citizens.

While the administration has made clear its intention to continue to pursue high-level talks with Iran, an overture which the regime has not seen fit to even respond, the President has indicated that the window for Iran to negotiate and demonstrate progress toward complying with its international obligations is not open indefinitely.

I think President Obama was correct when he said:

Iran obtaining a nuclear weapon would not only be a threat to Israel and a threat to the United States, but would be profoundly destabilizing in the international community as a whole and could set off a nuclear arms race in the Middle East that would be extraordinarily dangerous for all concerned, including for Iran.

In May, the President indicated that Iran would have until December to show meaningful improvement. More recently, French President Nicolas Sarkozy said on behalf of the G8 nations that they will give Iran until September 2009 to agree to negotiations with respect to its nuclear activities or face tougher sanctions.

If negotiations do not prove fruitful, the United States must be ready to act quickly to increase pressure on Iran to end its support for terrorist groups and its illegal nuclear program.

The Kyl-Lieberman amendment expresses the sense of the Senate that the President should sanction the Iranian Central Bank if, by December, Iran has not verifiably halted its uranium enrichment activities, as well as come into full compliance with the Nuclear Nonproliferation Treaty and the Additional Protocol.

By sanctioning the Central Bank of Iran—Bank Markazi—our Nation would send the message that we will use all methods at our disposal to stop the spread of nuclear weapons and oppose sponsors of terror.

The case against the Iranian Central Bank is strong. It is knee-deep in the regime's illicit activities. Last year, Deputy Secretary of the Treasury Robert Kimmit revealed that between 2001

and 2006 the bank had moved \$50 million from banks in London to Hezbollah front organizations in Beirut. Hezbollah, of course, is a terrorist organization.

It also processes transactions for Iranian banks that already face U.S. sanctions. The Central Bank of Iran is instrumental in helping Iranian banks—the very ones this body voted overwhelmingly to sanction in 2007—to avoid sanctions. In March 2008, the Financial Crimes Enforcement Network of the Department of the Treasury warned financial institutions about the illicit behavior of the Central Bank of Iran. Here is what the advisory said:

The Central Bank of Iran and Iranian commercial banks have requested that their names be removed from global transactions in order to make it more difficult for intermediary financial institutions to determine the true parties in the transaction. They have also continued to provide financial services to Iranian entities designated by the U.N. Security Council in its Resolutions 1737 and 1747. The U.S. Department of Treasury is particularly concerned that the Central Bank of Iran may be facilitating transactions for sanctioned Iranian banks.

Under U.S. law, institutions that aid entities covered by financial sanctions are liable to penalties. The Central Bank's activities clearly warrant such action, and sanctioning the bank would increase the effectiveness of existing measures. I urge my colleagues to support our amendment at such time as we are able to get a vote on it.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Chair and I thank my friend from Arizona, Senator KYL, for his very strong statement. I rise to speak in support of this bipartisan amendment which I have cosponsored along with Senator KYL, Senator BAYH, and Senator MCCAIN.

As you know, President Obama has made a historic offer to Iran's leaders, inviting them to engage in direct diplomacy to resolve the outstanding differences between our two countries. As the President has repeatedly said, the door is open for the Iranians to come in out of the cold, if they choose to do so. It is by suspending their illicit nuclear activities and ending their support for terrorism that the Iranians have a clear path to ending their international isolation and taking their rightful place in the community of nations.

Unfortunately, as Senator KYL said, it has now been more than 3½ months since the formal offer of engagement was made by President Obama, and there has been no reply from the Iranians. Meanwhile, Iran's illicit nuclear activities have continued to speed forward, in violation of multiple U.N. Security Council resolutions. Thousands of additional centrifuges are being installed, and more and more fissile material is being stockpiled.

At the same time, Iran's support for terrorist proxies in Iraq, in Lebanon, and in the Palestinian Authority areas

has continued. And, of course, over the past month we and the rest of the world have watched with horror as the Iranian regime has engaged in a brutal crackdown against its own people, who have sought no more than basic human rights.

President Obama, together with our international allies, has been very clear that we will not wait indefinitely for the Iranians to respond to our offer of talks, nor will we enter into negotiations—if that is the willingness of the Iranians—that go on without end. Two weeks ago, at the annual G8 summit in Italy, the President joined with other world leaders to make clear to the Iranians that they have until the G20 summit in Pittsburgh, at the end of September, to return to the negotiating table or face the consequences.

The amendment Senators KYL, BAYH, MCCAIN, and I have put forward would place the full weight of the U.S. Senate behind the time frame that the President and the G8 have articulated. Our amendment expresses our strong hope that Iran seizes this historic opportunity for direct dialogue.

We also make clear that if the Iranians have failed to engage with us diplomatically by the time of that G20 summit 2 months from now, it is our preference that multilateral sanctions be imposed through the United Nations Security Council. However, the Iranian Government—the regime that controls the people of Iran—must also understand that the United States is itself prepared to put in place what Secretary of State Clinton a while ago referred to as crippling sanctions in the event that they in Tehran continue to flaunt the will of the international community.

Specifically, our amendment asks the President to impose sanctions on the Central Bank of Iran and other banks involved in proliferation and terrorist activities, in the event that the Iranians haven't entered into negotiations that are serious by the time of the Pittsburgh summit or if they haven't suspended enrichment and reprocessing activities within 60 days of that summit.

The Central Bank of Iran is the financial lifeline of that regime. It is an entity that our own Treasury Department says has engaged in deceptive financial practices and facilitated the efforts of other Iranian banks that are involved in bankrolling proliferation and terrorist activities to avoid international sanctions, and that have themselves been sanctioned by the U.N. and our Treasury Department as a result.

I will say this. The idea of imposing sanctions on the Iranian Central Bank is not new. It has already been endorsed by a bipartisan majority in this Chamber. Last year, the Senate Banking Committee, under Chairman DODD, adopted bipartisan legislation by a vote of 19 to 2 to urge the President to immediately impose sanctions against the Central Bank. Also last year, the

House of Representatives passed such legislation that urged immediate sanctions.

More recently, the legislation that Senators BAYH, KYL, and I introduced this spring—the Iran Refined Petroleum Sanctions Act, S. 908—in addition to the other steps it takes—also expresses the sense of the Senate that the President should impose sanctions against the Central Bank of Iran.

I am very grateful to report that S. 908, the Iran Refined Petroleum Sanctions Act, now has 67 Members of the Senate, a strong bipartisan group of 67, or two-thirds, as cosponsors of that legislation. These cosponsors range all across the ideological spectrum of Members of the Senate, and clearly make the point to Iran and to the rest of the world that whatever other differences we have, we stand together here as a strong majority and beyond the Senate in our concern about the nuclear proliferation and terror-sponsoring activities of the Iranian Government.

You might say, if you are one of the 67 cosponsors of S. 908—which does more than this amendment does but includes it—you have already spoken in favor of this amendment.

This amendment, I want to point out and make clear, in no way ties the President's hand in his diplomacy with Iran. That is not our intent. The amendment is about empowering the President, giving him additional leverage in his diplomacy, by endorsing the same timetable that came out of the G8 summit a short while ago. The effect is this, and I will repeat: The Iranians must appreciate that there will be consequences if they fail to respond to the international community's diplomatic initiatives; in other words, if they continue to speed their nuclear program forward.

I think this amendment will send an unmistakable message to the fanatical regime in Tehran, in support of the G8, in support of President Obama: Either you can engage with the United States and the world community and take steps to suspend your nuclear activities or you can continue on your current course, in which case you will face the crippling sanctions this sense-of-the-Senate resolution calls for.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, before my colleague Senator LIEBERMAN leaves the floor, I wish to thank him for this amendment. We are working right now to see if we can get the amendment pending and possibly a voice vote, because it is clear it is a very important amendment and one where I think we need to express very strongly the sense of the Senate, given the situation as it exists in Iran.

I wish to thank Senator LIEBERMAN, and right now it is my understanding that your side is checking to see if it is an agreeable amendment. Hopefully,

we will get that decision and move forward with it right away on a voice vote, if that is agreeable to the Senator from Connecticut.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend from Arizona. I am encouraged by that. And in talking to the other cosponsors, we would be happy to have a voice vote. It would send a message.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, the amendment is straightforward and expresses the sense of the Senate that there should be a date certain—and soon—by which Iran is required to end its nuclear program or face severe sanctions. The amendment expresses that if the Iranian regime has not accepted the offer of the United States of direct diplomatic talks by the time of the G20 summit in late September or if it has not suspended all of its nuclear enrichment and reprocessing activities within 60 days after the summit, and if the U.N. Security Council does not adopt new and significant and meaningful sanctions on the regime, the President should sanction the Central Bank of Iran.

The situation with respect to Iran is nearing the crisis point, if it is not there already. We have all watched the brutal crackdown in the streets of Tehran and elsewhere as the Iranian regime imposed the results of a fraudulent election. We have been astonished by the courage and resolve of those Iranian citizens who have protested for their own inalienable rights in the face of repression. And we have known that, while these dramatic events have played themselves out, the Iranian regime has continued its enrichment of uranium, growing ever closer to the day on which it has a nuclear weapons capability.

The Iranian regime has gotten away with too much for too long. Its illicit nuclear activities, combined with its development of unconventional weapons and ballistic missiles, support for Hezbollah and other terrorist groups, and its repeated threats against Israel and the United States, represent a real and growing threat to the security of the United States and the Middle East. It is in the interest of the United States, and the world's other great powers, to achieve an end to the Iranian nuclear program.

The administration has held out an "open hand," making clear that it intends to open direct talks with Iran. Yet 3½ months since the President's formal offer, the Iranian government has made no response, nor has it suspended its enrichment activities, as required by U.N. Security Council resolutions. Time is not on the side of those pushing the Iranians to cease these dangerous actions. Administration officials and others, including the French President, have stated that they will not wait interminably while the Iranian nuclear program proceeds.

At the G-8 summit 2 weeks ago, the assembled leaders agreed that the Iranians do not have forever, and that they should return to the negotiating table by the time of the G-20 summit in September. This amendment puts the Senate on record behind that timeframe, irrespective of any Senator's individual view about the likelihood of agreement soon.

Make no mistake: we must not wait interminably. According to the IAEA's latest report, Iran has increased its stockpile of low enriched uranium by some 60 percent in the previous 6 months, and has brought the number of active centrifuges above 7,000. The IAEA also reported that Iran denied inspectors access to the Arak heavy water reactor. As the threats—including to the State of Israel—continue.

As the Secretary of State has recently articulated, should Iran continue to defy the international community, it must face severe sanctions. Should the regime not take up the historic offer extended to it, this resolution advocates sanctions on the Iranian Central Bank, the country's major connection to the international financial system. The U.S. Treasury Department has stated that the central bank has engaged in deceptive financial practices and facilitated the movement of funds to those involved in proliferation and terrorist activities. This must end, and in fact 67 Senators have cosponsored legislation—the Iran Refined Petroleum Sanctions Act—that urges the President to sanction the central bank.

By adopting this resolution, we will send an unmistakable message to the government of Iran that its actions are unacceptable and will result in real and severe consequences if continued. The administration has offered to talk; the ball is in the Iranian court, and if that regime continues down its destructive path, we have no choice but to impose crippling sanctions for its continued defiance.

I urge my colleagues to support this amendment.

Let me point out again, this amendment is a sense-of-the-Senate amendment, an important sense of the Senate but certainly one that allows the administration the latitude it needs in its handling of its relations with Iran.

I yield the floor.

Ms. STABENOW. Mr. President, I would first ask to speak as in morning business.

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

Ms. STABENOW. Mr. President, I want to recognize that tremendously hard work both the chair of the Armed Services Committee and ranking member are doing. We are very proud of the chairman, coming from Michigan, and of all of his excellent work in standing up for the troops. This bill is another example of that.

I would like to congratulate him and the Senator from Arizona for working together on this very important bill.

#### HEALTH CARE REFORM

Ms. STABENOW. Mr. President, I want to speak for a moment on health care. We are hearing a lot, as we hear from colleagues, many colleagues—not every one but many colleagues on the other side of the aisle—about the need to be against health care reform, to be a "no."

We all know that saying no to health care reform means we are going to have the status quo. "No" equals the status quo. For too many families, too many businesses all across this country, that is absolutely not acceptable.

The status quo works, it is good—for special interests making profits off the current system. But it is bad for American families, American small businesses, American manufacturers that are trying to pay the bills and trying to make sure health care is available for the employees.

We need change. We are here because the system, with all of its good parts—and there are many strengths in the American system—is also broken in too many cases for people. We want to build on what works and what is great and we want to fix what is broken.

Right now our current health care system is bankrupting too many families. We know over 60 percent of bankruptcies are linked to medical expenses, and 75 percent of families who file bankruptcy actually have health insurance. Those with insurance, on average, are putting out medical expenses of over \$18,000 when they file—even though they have an insurance policy.

There are many families—we are not only talking about those who do not have health insurance, but those who do who find themselves in very difficult situations.

I am constantly amazed when I hear the argument about: We can't do any kind of reform because reform means putting a bureaucrat between your doctor and yourself. You and your doctor can't make decisions about what you need for your health care.

Do you know who stands between you and your doctor right now? An insurance company, an insurance company bureaucrat. Your doctors can't just give you whatever tests they wish. You are not able to get whatever care you need for your family. The first call they make is to the insurance company, and it decides.

Reform is about putting health care decisions back in the hands of doctors and patients and being able to create a system that actually works for people. That is what it is all about.

I set up online the Health Care People's Lobby for those I represent in the State of Michigan so they could share their stories. We have a lot of folks lining the halls who represent all kinds of interests, all kinds of special interests, and they tell us what they think should be happening or not happening. But in Michigan we have set up the Health Care People's Lobby so people can share their stories about the real

world operating under the current system.

If the system worked today, there would be no reason for us to be here. We would be working on something else. But the fact is, we are spending twice as much on health care as any other country and have 47 million people at any one time who do not have health insurance. Those two numbers don't add up.

On top of that, people who are currently covered are battling every day to try to get what they thought they were paying for or to make sure their family is covered or that test or procedure or medicine can be covered.

One constituent of mine in Michigan, Sandra Marczewski from Waterford, MI, wrote to me that she and her husband have been without insurance for 7 months now. She writes:

You have no idea the fear I walk around with every day.

That is too many people in Michigan, over a million people in Michigan, without insurance altogether, and millions more who are fearful every day if they lose their job, their health care goes with it, for themselves and their families. People every night are putting the kids to bed and worrying about whether someone is going to get sick, saying a prayer: Please, God, don't let the kids get sick. Don't let me get sick. I have to be able to go to work so I can make sure we still have our health care.

There are a lot of people, as I mentioned before, who make a lot of money off of the status quo, off of the current system. It is no surprise they don't want to change it. All the ads we see, all the things going on, all the scare tactics that are going on—and there are plenty of scare tactics going on right now—all of that is about trying to scare people and raise red flags. It is easy just to be no, no, no. We certainly hear that around here all the time, people who are just saying no to any kind of progress or change or making things better for people.

The reality is, the status quo for a lot of folks means more profit, and that is underlying a lot of the motivation of what is going on right now. Our job is to make sure the American people can afford health care and have the care they need for their families. For too many families, the status quo means insecurity, expenses, and fear that come along with not knowing whether they are going to be able to afford the health care they have from month to month and whether they will, in fact, even have health care.

We are here because when it comes to health care, American families and businesses are in a serious crisis, and they are asking us for action. The status quo is not good enough anymore. It is not working. It is going to bankrupt families, businesses, and the country. High health care costs are causing cuts in benefits, increases in premiums, adding to the ranks of the uninsured at alarming rates. Even those who have

insurance, as I indicated before, are feeling the pain of the current system. Every day in America families are forced to choose a different doctor because their health care plan was changed, because their employer can no longer afford the old plan they had.

Skyrocketing health care costs make American businesses less competitive in the global economy. It costs us jobs, and I can speak directly to that coming from the great State of Michigan.

Every day in America, families see their health care plan benefits eroding because they cannot keep up with high premiums, copays, and deductibles. Every day in America, people decide to skip a doctor visit and the medication and treatment they know they need because they cannot afford the payment—in the greatest country in the world—because the expense is too high. Year after year, as health care costs increase, American families are losing the very parts of their health care they value most: their choice of doctor, hospital, and insurance plans; their choice of treatments; the security and stability that comes from knowing they are covered if anything goes wrong. That is what we are about fixing. That is what we will fix as we do health care reform.

Recently, Families USA found that the average costs of family coverage in the workplace rose 78 percent in 7 years—78 percent. During those years, health insurance company profits ballooned 428 percent. At the same time, wages went up about 15 percent. So wages go up 15 percent, health insurance profits go up 428 percent, and premiums just keep rising for businesses and individuals.

The fact is, we cannot wait to get started on reform. The status quo is not acceptable and “no” equals the status quo. So we are here working with colleagues to get it done. Doing nothing is not acceptable.

Recently, the nonpartisan Robert Wood Johnson Foundation released a report that projects if Federal reform efforts are not enacted within 10 years, the cost of health care for businesses could double and the number of uninsured could rise to over 65 million people with middle-class families being hit the hardest. The report shows if health care reform is not enacted, individuals and families would see health care costs dramatically increased.

Total individual and family spending on premiums and out-of-pocket costs could increase 68 percent in the next 10 years. I cannot imagine 68 percent out-of-pocket costs. That is if we do nothing, if we listen to those just saying no. Even under the best-case scenario, health care costs would likely increase, according to this report, at least 46 percent. And I can tell you absolutely wages are not going to go up 46 percent. Businesses could see their health care costs doubled within 10 years. The report found that employer spending on premiums would more than double, and even in the best-case economic

condition, employer spending on health care will rise 72 percent. The result would likely be far fewer Americans being able to be offered insurance or accepting employer-sponsored insurance. Estimates suggest a drop of 56 percent of Americans who are now covered by their employers, dropping from 56 to 49 percent in 10 years.

So there are many numbers. There are numbers that relate to the public programs of Medicaid and children's health insurance and the increased cost there as well and what will happen if we do nothing. The amount of uncompensated care in the health care system will increase, and the worst-case scenario: the total of uncompensated care could double.

By the way, when we say “uncompensated care,” that does not mean somebody is not paying for it. That is why our premiums, if you have insurance, go up so much. It means someone can't afford to see a doctor, can't take their children to the doctor, so they don't get the tests on the front end that they need or they don't see a doctor. They wait until they are really sick, and then they go to the emergency room. They are served, as they should be, and it is the most expensive venue in which to do ongoing care for people. But they are served, and then guess what happens. Everyone who has insurance sees their rates go up to pay for it.

That is what it means when we say that covering the uninsured will lower costs as we go out. I mean it will take time to do this, but over time what we are doing is working to change the way we pay for health care now because we pay for it in the most expensive way, by ignoring the problem, not focusing on health and wellness and primary care but waiting until people are in the worst possible situation: they go to the emergency room, they get care when they are sicker than they otherwise would be if they could see a doctor. And then we pay for it. That is what we want to change and will change under health care reform.

So this is about many facets. We know we have a system in America that works for many; they are blessed. We are blessed to have health insurance. For the many who have insurance, it allows them to cover their family needs. The system works well. But for many others it does not. And the reality is, we all pay for a system that does not work effectively for everyone. We all end up paying because the reality is, you can say: Well, I am not going to buy a car, I do not need car insurance; I am not going to buy a house, I do not need house insurance, but sooner or later, you are going to get sick, and just because you don't have health insurance does not mean there is not going to be a cost for yourself and your family.

We are a great country. We can do better than what we are doing today. We have to do better. We are working hard to have a bipartisan effort that will move reform forward in this country, to make a real difference to

change the system so it works for everyone and begins to lower the cost over time of what is happening, the explosion in health care costs in this country.

The option of saying no is not good enough. "No" equals the status quo. We just cannot have that. The public gets it. It is time for us to get it as well and move forward. I yield the floor.

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

AMENDMENT NO. 1628

Mr. MCCAIN. Mr. President, I call up the Lieberman-Kyl amendment and ask for its immediate consideration. It is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant bill clerk read as follows:

The Senator from Arizona [Mr. McCain], for Mr. KYL, for himself, Mr. LIEBERMAN, Mr. BAYH, and Mr. MCCAIN, proposes an amendment numbered 1628.

The amendment is as follows:

(Purpose: To express the sense of the Senate on imposing sanctions with respect to the Islamic Republic of Iran)

At the end of subtitle C of title XII, add the following:

**SEC. 1232. SENSE OF THE SENATE ON IMPOSING SANCTIONS WITH RESPECT TO THE ISLAMIC REPUBLIC OF IRAN.**

(a) FINDINGS.—The Senate makes the following findings:

(1) The illicit nuclear activities of the Government of the Islamic Republic of Iran, combined with its development of unconventional weapons and ballistic missiles and support for international terrorism, represent a grave threat to the security of the United States and United States allies in Europe, the Middle East, and around the world.

(2) The United States and other responsible countries have a vital interest in working together to prevent the Government of the Islamic Republic of Iran from acquiring a nuclear weapons capability.

(3) As President Barack Obama said, "Iran obtaining a nuclear weapon would not only be a threat to Israel and a threat to the United States, but would be profoundly destabilizing in the international community as a whole and could set off a nuclear arms race in the Middle East that would be extraordinarily dangerous for all concerned, including for Iran."

(4) The International Atomic Energy Agency has repeatedly called attention to the illicit nuclear activities of the Islamic Republic of Iran, and, as a result, the United Nations Security Council has adopted a range of sanctions designed to encourage the Government of the Islamic Republic of Iran to cease those activities and comply with its obligations under the Treaty on Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the "Nuclear Non-Proliferation Treaty").

(5) The Department of the Treasury has imposed sanctions on several Iranian banks, including Bank Melli, Bank Saderat, Bank Sepah, and Bank Mellat, for their involvement in proliferation activities or support for terrorist groups.

(6) The Central Bank of Iran, the keystone of Iran's financial system and its principal remaining lifeline to the international bank-

ing system, has engaged in deceptive financial practices and facilitated such practices among banks involved in proliferation activities or support for terrorist groups, including Bank Sepah and Bank Melli, in order to evade sanctions imposed by the United States and the United Nations.

(7) On April 8, 2009, the United States formally extended an offer to engage in direct diplomacy with the Government of the Islamic Republic of Iran through negotiations with the five permanent members of the United States Security Council and Germany (commonly referred to as the "P5-plus-1 process"), in the hope of resolving all outstanding disputes between the Islamic Republic of Iran and the United States.

(8) The Government of the Islamic Republic of Iran has yet to make a formal reply to the April 8, 2009, offer of direct diplomacy by the United States or to engage in direct diplomacy with the United States through the P5-plus-1 process.

(9) On July 8, 2009, President Nicolas Sarkozy of France warned that the Group of Eight major powers will give the Islamic Republic of Iran until September 2009 to accept negotiations with respect to its nuclear activities or face tougher sanctions.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Government of the Islamic Republic of Iran should—

(A) seize the historic offer put forward by President Barack Obama to engage in direct diplomacy with the United States;

(B) suspend all enrichment-related and reprocessing activities, including research and development, and work on all heavy-water related projects, including the construction of a research reactor moderated by heavy water, as demanded by multiple resolutions of the United Nations Security Council; and

(C) come into full compliance with the Nuclear Non-Proliferation Treaty, including the additional protocol to the Treaty; and

(2) the President should impose sanctions on the Central Bank of Iran and any other Iranian bank engaged in proliferation activities or support for terrorist groups, as well as any other sanctions the President determines appropriate, if—

(A) the Government of the Islamic Republic of Iran—

(i) has not accepted the offer by the United States to engage in direct diplomacy through the P5-plus-1 process before the Summit of the Group of 20 (G-20) in Pittsburgh, Pennsylvania, in September 2009; or

(ii) has not suspended all enrichment-related and reprocessing activities and work on all heavy-water related projects within 60 days of the conclusion of that Summit; and

(B) the United Nations Security Council has failed to adopt significant and meaningful additional sanctions on the Government of the Islamic Republic of Iran.

Mr. MCCAIN. The amendment is in the name of Senators KYL and LIEBERMAN. I am calling it up on their behalf.

The ACTING PRESIDENT pro tempore. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1628) was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. I ask unanimous consent to speak as in morning business.

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

HEALTH CARE REFORM

Mr. ALEXANDER. Mr. President, I listened carefully to the Senator from Michigan. Republicans and I believe most Democrats want health care reform this year. The President said he wants health care reform this year. Republicans want health care reform this year. We want to make sure it is done right. Let me put it this way: If we were in an operating room and a seriously ill patient came in and we knew we had only one chance to save that patient's life and to make that patient healthy, our goal would not be to see if we could do it in the next week, it would be to see if we could get it right.

So far, the proposals we have seen coming out of the committees have not gotten it right. One might say: Well, that is a Republican view of Democratic proposals. Perhaps it is. But the proposals we have seen coming out of the Senate HELP Committee and out of the House of Representatives flunk the most important test, which is cost. The most important test is whether Americans can afford their health care and, after we get through fixing it, whether they can afford their government. According to virtually everyone we have heard from, the legislation we have seen simply does not meet that test.

In my opinion, what we should do instead is start with the framework of the bill sponsored by Democratic Senator WYDEN and Republican Senator BENNETT which has 14 cosponsors—8 Democrats, 6 Republicans. This is a different sort of framework that offers virtually every American coverage, does so without any Washington takeover or government-run programs without raising the debt one penny, according to the Congressional Budget Office. Remember, I said that is a framework. I do not agree with every single part of that bill, although I am a cosponsor, but it may be a much better place to start than what we have seen so far.

That is not just my opinion. Lately, we have heard a lot about the Mayo Clinic in Rochester, MN. President Obama has talked a lot about the Mayo Clinic. The point is, at the Mayo Clinic and a few other clinics around the country, there have been significantly better outcomes. In other words, if you go there and come out, you are more likely to be well, and at a lower cost. And the question is, Why?

The President has repeatedly pointed to the Mayo Clinic, Democratic Senators point to the Mayo Clinic, and Republican Senators point to the Mayo Clinic. Here is what the Mayo Clinic had to say on Friday about the legislation that is being considered in the House of Representatives:

Although there are some positives in the current House Tri-committee bill, including insurance for all and payment reform demonstration projects—the proposed legislation misses the opportunity to help create higher quality, more affordable health care for patients. In fact, it will do the opposite.

That is the Mayo Clinic talking.

In general, the proposals under discussion are not patient focused or results oriented. Lawmakers have failed to use a fundamental lever—a change in Medicare payment policy—to help drive necessary improvements in American health care. Unless legislators create payment systems that pay for good patient results at reasonable costs, the promise of transformation in American health care will wither. The real losers will be the citizens of the United States of America.

That is the Mayo Clinic talking about the bill we are beginning to see in the House of Representatives.

I think the prudent thing to do is to try to make that bill better or start over and certainly not try to pass a 1,000-page or 2,000-page bill in 1 week or 10 days without knowing what is in it, as we did with the stimulus bill earlier this year.

That is not just the opinion of the Mayo Clinic. Here is a letter to House Members on July 16, a few days ago, from a number of clinics, including the Mayo Clinic. These are the Inter-mountain Healthcare, Gundersen Lutheran Health System, the Iowa Clinic, the Marshfield Clinic, the Rural Wisconsin Health Cooperative, ThedaCare, and Wisconsin Hospital Association.

I ask unanimous consent to have this letter printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. ALEXANDER. It goes on to say:

On behalf of some of the nation's leaders in health care delivery—

These are the people whose hospitals we go to, whose clinics we go to when we are sick or when we hope to stay well—

we write to you to comment on the House bill.

They say:

We applaud the Congress for working on this. However, we have got significant concerns.

They go on to say there are three of them.

The first is about the Medicare-like public plan, as they call it, a public plan with rates based on Medicare. They say it will have a severe negative effect on their facilities, that they lose a lot of money every year, hundreds of millions of dollars. Because what happens is that Medicare, a government-run plan, pays its doctors and its clinics and its hospitals about 80 percent of what private insurance companies are paying. So roughly 177 million of us have private insurance of one kind or another. If a doctor sees you, he gets paid 100 percent. But if you go to one of these clinics and hospitals, they are paid according to the government rate, which is roughly 80 percent of the private rate. These clinics say that is not sustainable for them, and that if that continues, some of those providers, such as the Mayo Clinic, will eventually be driven out of the market. What market? The market for Medicare patients. Those are the 45 million senior

Americans who absolutely depend on Medicare for their service because for most of them, that is their only option. If that is the case, what that means is they will not be able to go to the Mayo Clinic or to the MeritCare Health System or to the Iowa Clinic or to the doctor they choose because that doctor will not be a part of the Medicare system because of low reimbursement.

So that is the first objection these clinics make to the bill they see coming because the bill they see coming proposes to create another government-run plan with government-set rates.

The second objection they have is geographic payment disparities. They say that we are a big country and there ought to be differences in the pay among different geographies.

Third, and maybe this is the most important of all, that the President has said and many of us in the Senate have said we need to change the way we pay for medical care, and we ought to pay more for value, for quality, for results, and less for volume—in plain English, not how many patients a doctor can see but how many of his or her patients stay well or get well.

We have talked about that for weeks here in our hearings. But what these respected voices in medicine are saying is that the legislation we see today—and understand, this is not even in a bill that has presented to us in the Senate yet in a way upon which we can act—does not meet the test for that. The legislation we have seen so far is running into a lot of trouble.

David Broder, the respected columnist from the Washington Post, said that the plans which have been passed in a partisan way are “badly flawed” and “overly expensive.” I mean, the Democratic plans; we have Republican plans that we would like to be considered. I mentioned that the Wyden-Bennett plan, which is the only really bipartisan plan here, has not been given one bit of consideration so far in the Senate. And then Senator BURR and Senator COBURN have a plan, Senator GREGG has a plan, and Senator HATCH has a plan. We all have different ideas. As I said, we would like for them to be considered, today I'm talking about the Democratic plans that are now being considered.

The Congressional Budget Office, of course, is the nonpartisan office in this Congress that we count on as an umpire to tell us what we are really doing. It is not supposed to have any political rhetoric. Last Thursday, the head of the Congressional Budget Office, Douglas Elmendorf was asked at a Senate Budget Committee hearing what he thought about the bills which had begun to emerge.

He said:

The legislation significantly expands the Federal responsibility for health care costs.

In other words, here we go, at a time when we are in a recession and where the President's proposals for other programs will add more to the debt in the

next 10 years, three times as much as we spent in World War II, and we are talking about legislation that would add another \$2 trillion. We haven't dealt with cost which is where we ought to start. Look at the 250 million who have health care and ask the question: Can you afford it? Then after we get through fixing it, can you afford your government? And what the head of the CBO is saying, as far as the government goes, the answer is no.

Then the Lewin Group, a well-respected private agency, was asked what would happen if we had a government-run program which many of us believe will lead to another Washington takeover. We are getting accustomed to this, Washington takeovers of banks, of insurance companies, of student loans, of car companies, now maybe of health care. The Lewin Group said 88 million people will lose their private employer-sponsored insurance. How could that happen? It could happen because a small employer or a big employer would see one of these plans that is beginning to come out take place. To be specific, the Senate HELP Committee plan says you either have to provide everybody who works for you insurance or pay \$750. There are a lot of employers who cannot afford to provide everybody the kind of insurance that is envisioned. So they will say: OK, we will pay the \$750 fine to the government. What happens? All those employees lose their health insurance. Where do they go? Into the Government plan. That is their option. Some of them may have a choice of other plans, but if they do have a choice and one of the choices is a government-run plan, it may have the same future the Mayo Clinic and others were saying Medicare was causing to them.

The government will set a low price for the doctors and a low price for the clinics. So all these employees who now have insurance that they like will lose that insurance because of the passage of this bill. The government will set the provider rates and physician rates low, and so they will be part of a government plan for which many doctors and many hospitals and many clinics will not offer services. It is similar to giving somebody a bus ticket to a bus station with no busses.

Then there are the Medicare cuts. According to the Washington Post last week, Medicare cuts will pay for one-half the cost of health care for the uninsured in one of the bills being proposed.

If we are to find savings in Medicare and take from the 45 million elderly people who depend on Medicare, every bit of those savings ought to be put back into Medicare and not spent on some new program. I don't think legislation that is paid for half by Medicare cuts is going to go very far in this Chamber.

Then there are the employer taxes. According to the National Federation of Independent Businesses, the House version has an 8-percent Federal payroll tax. I mentioned the Senate



version, a \$750 annual fine per employee, if the employer doesn't offer insurance. The NFIB, small businesses, estimates that will lose about 1.6 million jobs.

How could that be? Well, if a small employer or even a large one has government-mandated costs added and they have less money, they will hire less employees. That is one of the options they have.

Then there is the income surtax. There is a whole string of trouble for these bills. USA Today on Monday said: It is the highest tax rate in a quarter of a century that is proposed: A 45-percent top tax rate with all taxes included.

Then rationing, there are provisions in this bill which would have the government make decisions about which treatment you will have and how long you will have to wait to see a doctor.

Finally—I say “finally” because this is the subject I want to spend a moment on—there is the Medicaid State taxes. Sometimes this gets confusing. Mr. President, 177 million Americans have private insurance, but a lot of people have government insurance now. Veterans do. Military people have TRICARE insurance. About 45 million older people have Medicare. But then there is a program called Medicaid, which is the largest government-run program. About 60 million people are in it now. The Federal Government pays about 57 percent of it, and the States pay 43 percent. Every Governor I know—and I was once one—has struggled with the Medicaid Program. I once came up here in the early 1980s and asked President Reagan to take it all, let the Federal Government run it and give us Governors all of kindergarten through the 12th grade. I thought that would be a good swap.

I saw a couple of Democratic Governors earlier today, and we talked about the story every Governor faces. If you have an extra dollar and you want to put it in higher education so you can improve the quality of the University of Colorado or Tennessee or keep tuition from going up, what happens to it? That dollar is stolen because it has to go in the increasing Medicaid cost. It is an inefficiently managed program. The Federal Government keeps changing the rules. The Governors have to get permission from Washington whenever they make minor changes. It is demolishing State governments right and left.

If our real goal is to help people, then why under these new plans do we say to low-income people—defined as, say, a family of four who makes less than \$32,000—your only option is going to be to go in the Medicaid Program under this plan. It is estimated by the Congressional Budget Office and others that 15 or 20 million Americans will be added to the 60 million in the Medicaid Program. What will they find when they get there? They will find that 40 percent of the doctors don't see Medicaid patients. When we add another 15

or 20 million people to it, it may be a larger number. Why don't they do see Medicaid patients? For the same reason the Mayo Clinic warned about this government plan in its letter. It is because Medicaid only pays its doctors and its hospitals about 72 percent of what Medicare pays.

If you are confused by that, it works out pretty simply. Medicare pays 80 percent of what the private insurers pay, and Medicaid pays about 72 percent of what Medicare pays. If you are a doctor or a clinic or a hospital, you get paid about 60 percent, if you are helping a Medicaid patient, of what you would if you were helping one of us who has his or her own private health care. You can see that will be a pernicious trend. If we continue to dump low-income people into a government-run Medicaid Program, that is what will happen.

There is another thing that happens with Medicaid. Many members of the committees working on this bill said: We can't let that happen. We can't be inhumane and just say we are out here to help people who are uninsured, and we are going to dump 20 million of them into a government-run program that doesn't have enough doctors and hospitals and clinics. We will have to raise what we pay to doctors and clinics. That sounds good, but that is very expensive, particularly for a program such as Medicaid that, according to the Government Accountability Office, \$1 out of every \$10 is fraudulent, is wasted. That is \$32 billion a year. That is the program we are going to expand? That is the program we are going to say to low-income people: Congratulations, go into this program where you are not likely to find a doctor every time you want one, and there are a lot of hospitals and clinics that will not take you because we will not pay them for that.

Because Senators and Congressmen hear that, they say: We will raise the rates. Here is the proposal: The proposal is, we are going to increase the number of people who are eligible for Medicaid by 133 to 150 percent of the Federal poverty level. That is a substantial increase. Then, if we are going to do that and put many more people into the program, we are going to have to order an increase in what we pay the doctors and the clinics to serve them, maybe up to 83 or 85 percent of the Medicare level.

Let me talk about what that would do in one State. We called the State Medicaid director in Tennessee. Our program is called TennCare. We said: What would it cost Tennessee if we increase coverage of Medicaid up to 150 percent of the Federal poverty level? The answer came back, nearly \$600 million a year. That is the State's share of the cost which is a little more than a third. The Federal Government's share is twice that. So the Federal Government is saying: That is all right. We know Tennessee doesn't have the money to do that, so we will pay it all

for the first 5 years. Then, after 5 years, so the talk goes—and we were told, when we were working on this bill, this is an assumption—we will shift these costs back to Colorado, back to Tennessee. Back comes what in today's dollars is about \$600 million to the State of Tennessee.

Remember what I said. This is a program doctors don't want to go to because they don't get paid very well. So we will have to increase the amount of money we pay doctors. So if States are required to pay doctors and providers under the Medicaid system 110 percent of what Medicare is paid, that still isn't what doctors and hospitals get, if they see somebody with private health insurance. That is about the same amount of money, about \$600 million added just for the State cost, which brings the total new state cost for paying physicians and hospitals more and for all the new people in the Medicaid Program to \$1.2 billion. That is a huge amount of money.

We throw around dollars up here and figures that make any amount of money seem unimaginable. What is \$1 trillion, what is \$10 trillion, what is \$40 billion. We former Governors can imagine it. I figured it out. If in 5 years you shifted back to the State of Tennessee just its share of those costs from the expansion of Medicaid and paying the doctors and hospitals more, the bill for the State of Tennessee to pay the increased Medicaid costs would be an amount of money that equals a new 10-percent State income tax.

The truth is, for our State—and I believe for almost every State—it is an amount of money that nobody has enough taxes to pay. You can run politicians in and out and defeat them for raising taxes all day long, and they still couldn't come up with ways to pay for it. In other words, these bills are based on a premise and assumption that will either bankrupt the States or, if the Federal Government says we will pay for it all, it will add \$5, \$6, \$700 billion more over 10 years to the legislation we are considering.

We need to think that through. Is that the best way to help people who are low income? I don't think so. I think there are much better ways. The Wyden-Bennett framework is a better way. It rearranges the tax deductions we have for people who have health insurance from their employers and it says: Let's take the available money and give the money to low-income people who then buy private health insurance. It may be a very basic plan. But at least they would have health insurance, and they wouldn't be stuffed in a government program 40 percent of the doctors wouldn't see and that many of the best clinics and hospitals wouldn't allow them to come in.

We have been told already by the Congressional Budget Office that proposal would not add a penny to the debt. Not only does it not create a new government program, it actually makes the Medicaid Program, except

for Americans with Disabilities, history. In other words, if you are poor, you are not stuffed into a program that nobody else would want to join anyway. You have a chance to buy your own insurance, and you are not consigned to the worst run government program we have today.

So there are some real possibilities with health care, and there are some plans on the table that will lead us in the right direction. We have advice from distinguished Americans with a stake in this—which is every single one of us—but the most distinguished are those who deal with it every day. The Mayo Clinic is saying the proposed legislation misses the opportunity to help create higher quality, more affordable health care for patients. In fact, it will do the opposite.

Shouldn't we slow down and get it right? Shouldn't we get it right? This is the only chance we have to do this. If we do it wrong, we will not be able to undo it. This is 16, 18 percent of the American economy we are talking about. People have tried to do it for 60 years, and they failed.

The only way we will do it is if we do it together. The Democrats have big majorities over on that side. They do in the House. But that is not the way things usually happen around here. The President has said—and I take him at his word—and many of the leaders have said—and I take them at their word—that we would like to get 70, 80 votes for the health care result. We would too.

But in order to do that, we are going to have to do it the way we usually do when we have bipartisan events around here. We get some Democrats and some Republicans and they sit down with the President and they share ideas and they agree on some things. They don't just say: OK, here it is, and we are going to vote down almost every significant idea you have on the way through.

I respect the fact that Senator BAUCUS is trying to do that in the Finance Committee, and perhaps he will succeed, working with Senator GRASSLEY and others. But this is going to take some time. It cannot be done overnight. There are many sections to this bill. Each of them might be 500 pages long. They have enormous consequences to individuals. That is why we have all these clinics writing and saying: If you do it the way it looks like you are going to do it, you may drive us out of the business of helping Medicare patients.

Do we really want to do that? Do we really want to say to 45 million Americans who depend on Medicare: We are going to pass a bill that will accelerate the process whereby respected clinics and the doctor you might choose will not see you anymore because they cannot afford to because the government will not pay them under the system we have?

So I would suggest we start over, literally, conceptually; start over and lis-

ten to these clinics and doctors and focus on the delivery system and focus, first, on those 250 million Americans who already have health insurance and ask the question: Can they afford it? And, what could we do to make it possible for those Americans to afford it? And can we do it in a way that permits us to be able to honestly say when we are through that those same 250 million Americans can afford their government when we are through without adding to the debt?

Then let's look at the 46 million people who are uninsured. Of course, we need for them to be insured. But the fact is, 11 million of the uninsured are already eligible for programs we already have; 10 million or so are non-citizens—half of them legally here, half of them not; a large number of them are making \$75,000 a year and could afford it but just do not buy it; and another significant number are college students.

So we are going to have to go step by step and see in what low-cost way we can include a large number of these 46 million Americans, who are not part of the system, in the system. But that is the wrong place to start. That is the place to end.

So, Mr. President, all I am saying is, on the Republican side of the aisle we can tell you what we are for. Some of us are for the Wyden-Bennett bill with our Democratic colleagues. That is the only bipartisan bill before us today. It has not even been seriously considered by this body, but it is there, and it has significant support in the House. We have two doctors over here: Dr. BARRASSO, who has been an orthopedic surgeon for 25 years, and Dr. COBURN from Oklahoma, an OB/GYN doctor. They would like to be involved in the process. So far their ideas are not really being adopted in the result we might have. We have Senator GREGG from New Hampshire, one of the most respected Senators, who has been a part of many bipartisan efforts, and he has his own bill. He would like to be more a part of it, but his ideas do not fit the way things are going. But the way things are going are too expensive for the Congressional Budget Office and take us in the wrong direction, according to the Mayo Clinic.

So maybe we ought to step back and say: Well, let's listen to these other ideas. Let's go very carefully. Let's work with the President. Let's see if we can get a result. Let's keep a four-letter word out there that is a good word; and that is "cost," and make sure we focus first on the 250 million Americans who have health insurance and make sure they can afford it; and, second, make sure when we finish fixing health care that those same Americans can afford their government.

I thank the Presiding Officer, and I yield the floor.

EXHIBIT 1

JULY 16, 2009.

Hon. RON KIND,  
Longworth House Office Building,  
Washington, DC.

DEAR CONGRESSMAN KIND: On behalf of some of the nation's leaders in health care delivery, we write to you today to comment on the House health care reform bill introduced earlier this week. We would like to thank you for the opportunity to comment on this legislation. We applaud the Congress for its commitment to passing comprehensive health care delivery system reform this year. However, we have significant concerns about the current language of the bill and we ask that these concerns, set forth below, be addressed before the committee action is concluded.

#### MEDICARE-LIKE PUBLIC PLAN

First, we are concerned that a public plan option with rates based on Medicare rates will have a severe negative impact on our facilities. Today, many providers suffer great financial losses associated with treating Medicare patients. For example, several of the systems that have signed onto this letter lost hundreds of millions of dollars under Medicare last year. These rates are making it increasingly difficult for us to continue to treat Medicare patients. The implementation of a public plan with similar rates will create a financial result that will be unsustainable for even the nation's most efficient, high quality providers, eventually driving them out of the market. In addition, should a public plan with inadequate rates be enacted, we will be forced to shift additional costs to private payers, which will ultimately lead to increased costs for employers who maintain insurance for their employees. We believe all Americans must have guaranteed portable health insurance, but it is critical that we not lose sight of the need to ensure adequate and equitable reimbursement.

#### GEOGRAPHIC PAYMENT DISPARITIES

Second, our health care systems are among the most cost-efficient in the country in caring for Medicare patients. However, many of us operate in states with some of the lowest Medicare reimbursement rates in the nation. Current physician payments due to geographic disparities are actually greater under Medicare than under commercial insurance. This may be difficult to believe, given the government's rate-setting power, but flows from the fundamentally flawed payment methodology. To date, health care reform proposals simply continue the current payment methodology, despite the fact that formula changes have been identified to address this problem. We support payment changes that work to reduce geographic disparities, rather than perpetuating the flaws in the current payment system. While we believe that the Institute of Medicine study is a good first step, we encourage Congress to take this further and enact payment reforms that will address the existing disparities.

#### VALUE INDEX PROPOSAL

Third, consistent with statements from President Obama, we believe that focusing on, defining, measuring, and paying for value is essential for controlling cost within the U.S. health care system. The system must be reformed to compensate for value instead of volume. We believe inserting a value index into various aspects of the Medicare payment system (e.g., physician fee schedule, hospital rates) is the means to accomplish this end goal of compensating for quality rather than quantity.

We appreciate the opportunity to comment on this legislation. We urge you to address the above-stated concerns, which will demonstrate that Congress is serious about preserving the best parts of the existing health



care delivery system. If we can be of assistance to you moving forward, please do not hesitate to contact us.

Sincerely,

Everett Clinic, Gunderson Lutheran Health System, HealthPartners, Inter-mountain Healthcare, Iowa Clinic, Marshfield Clinic, Mayo Clinic.

MeritCare Health System, Park Nicollet Health System, Rural Wisconsin Health Cooperative, ThedaCare, Wisconsin Hospital Association, Wisconsin Medical Society.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Illinois.

Mr. BURRIS. Mr. President, throughout this Nation's history, our freedom—and at times our very survival—has rested squarely on the shoulders of the men and women of our Armed Forces.

As a member of the Armed Services Committee, I am proud to know many of these brave warfighters we have. We rely upon their training and discipline. We depend upon their service and their sacrifice. In return, we owe them nothing but the very best.

That means keeping our commitment to every soldier, sailor, airman, and marine at every stage in their career—from the day they report for training to the day they retire and beyond.

We can start to honor this commitment in the most basic way by ensuring that their facilities are safe and adequate. That is why I plan to offer an amendment that would help eliminate vegetative encroachment on training ranges. Excessive vegetation can actually render training grounds unusable. If a training range is heavily overgrown, it can lead to dangerous situations, including fires and obstructive lines of sight.

In a recent study by the U.S. Army, 70 percent of the facilities surveyed are experiencing limitations due to uncontrolled vegetation. This is unacceptable. We must take action now.

My amendment calls upon the Secretary of Defense to perform a comprehensive study of training ranges across every branch of the military. We must develop a plan to reclaim any overgrown land for its rightful use by our fighting men and women of America. This will help us ensure that we can train them adequately and safely so they can fully prepare for any mission they are assigned to perform.

But we cannot stop there. Our commitment begins on the day someone volunteers for service in the Armed Forces. But it does not end, even after their service has drawn to a close. That is why I believe it is important to extend dislocation benefits to every servicemember, including those whose service is coming to an end.

Over the course of a career in the American military, a service man or woman and their family may be ordered to relocate a number of times—moving here, moving there, this assignment, that assignment. Each move can be quite costly. From basic travel expenses to the purchase of household

goods to utilities to rent, it takes a lot to relocate an entire family.

Since 1955, Congress has helped members of the service defray these costs by paying a “dislocation allowance” to each person we reassign to a new duty station. This eases the financial burden on military families and means that personnel decisions can be made without fear of breaking the bank—at least for most servicemembers, that is.

Unfortunately, those who retire are not covered under the current system, despite the fact that their final orders may require a permanent change of station. So after years of supporting service men and women when we ask them to relocate, we abandon them at the time of their final move. We leave them to fend for themselves, even though the expenses they incur will be as high as ever, and even though their income has been reduced to half of what they had been paid during Active Duty.

So we simply cannot stand for this. We cannot allow those who have served us honorably to be left out in the cold at the end of their careers. We must offer these benefits to all Members of our Armed Forces, even those who have been asked to move for the last time.

That is why I am calling for a study to examine the feasibility of extending the dislocation allowance to retiring servicemembers. We should find a way to make this work. The cost of moving demands it. Our servicemembers support it. And, most importantly, it is the right thing to do for our troops.

Colleagues, Members of this great body, let's come together to stand for those who sacrifice on our behalf and protect this great country of ours that allows us to do what we do in America, with freedom and opportunity. Let's provide our men and women in uniform with the support they need at every stage of their careers—from the first day of basic training to the day they are discharged.

Cutting down on vegetation encroachment will keep our trainees safe and help prepare them for years of honorable service. When that service ends, dislocation benefits will help them retire with some measure of financial security.

So I urge my colleagues to join with me in supporting these initiatives I put forth. We owe our troops nothing less.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. 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.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. 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. DEMINT. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

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

#### HEALTH CARE REFORM

Mr. DEMINT. Mr. President, I wish to speak for a few minutes about health care and the need for health care reform in the country today. I think most Americans would agree we need to do everything we can to make affordable health insurance available to every American and, hopefully, that is what this health reform debate will be about.

Unfortunately, we are seeing a pattern develop here that has been going on all year—since the President took office—that has many Americans alarmed at the rapid pace we are spending and borrowing, imposing new taxes, and taking over various aspects of the American economy. I know a lot of Americans are alarmed and some are outraged. More than any other comment, I am hearing Americans say: Why don't you slow down and read the bills before you continue the expansion of government.

Now we are talking about health care, and we see that same pattern of crisis and rush and it “has to be done today, hair's on fire” type of mentality here in Washington so that we almost have to call this a “son of stimulus” health care bill. Because certainly the last time the President tried to ram a massive bill through Congress before we had a chance to read it, we ended up with this colossal stimulus failure that has actually resulted in the loss of jobs in America and a burden of debt on our children that is almost unimaginable. It makes no sense for us to follow that same pattern with health care—nearly 20 percent of our economy—to have a government takeover with a bill we haven't even completely seen yet, that is supposed to be passed in the next 2 weeks, even though the bill wouldn't take effect until 2013. What is the rush? The whole purpose of the Senate is to be the place where the legislation comes to cool down, where we deliberate, we look at the details. The President himself has admitted he is not aware of the details of the bill he is out selling every day.

We do have serious problems in health care that we need to fix. The unfortunate thing is I have no confidence that the President actually wants to make health insurance affordable and available to all Americans because when he was in the Senate, Republicans proposed a number of alternatives that would have done that. Yet in every case—every opportunity he had to make health insurance more available and affordable to Americans—he voted no. Let's review some of them, because I think we have to recognize that the point of this health care debate is not to make sure every American is insured, but to make sure the government is running our health care system. The most personal and

private part of our lives they are talking about turning over to bureaucrats at the Federal level. This makes no sense.

What we could do is be fair to those who don't get their health insurance at work. If people get their health insurance at work, as we do here in Congress, your employer can deduct the cost of it and the employee is exempt from paying taxes on those benefits. That is equivalent to about a \$5,000 a year benefit to families who get their health care or health insurance at work. Why can't we offer that same fairness to Americans who don't get their health insurance at work? It is something I actually proposed here in the Senate while President Obama was a Senator, that we would give fair tax treatment; at least let them deduct it from their taxes. He voted no, as did I believe every Democrat, and they killed the bill in the House. This was basic fairness to make health insurance a little more affordable to people who didn't get it at work. The President voted no.

We hear a lot of talk about how we need a government plan to make the private plans more competitive. Why not make all the insurance companies compete with insurance companies all over the country instead of what we do now? A lot of Americans don't know that the reason we don't have a competitive private health insurance market is that the Federal Government makes it impossible. You have to buy your health insurance in the State where you live, so a few insurance companies basically have monopolies in every State of the country. What if someone such as myself who lived in South Carolina could look all across the country, find a policy I wanted at a better price, and buy it? Why can't we do that? Well, I proposed we do that. We introduced it on the Senate floor. It would have created a competitive health insurance market and allowed people to buy all over the country. Barack Obama voted no, as did all of the Democrats, to kill the bill. Now they are talking about: Well, we need a government option to create some competition, to have a real competitive market. He voted against it.

What about allowing Americans who put money in a health savings account, or their employer puts it in there for them—their own money—why not let them use that money to pay for a health insurance premium if they don't get it at work? It sounded like a good idea to me, to make it a little bit easier, a little more affordable to have your own health insurance, so I proposed that bill here in the Senate. Barack Obama voted no, as did all of the Democrats, and they killed the bill.

What about the idea of allowing a lot of small employers—I was a small businessman for years. It was hard to buy health insurance as a small employer, but I did. It cost me a lot of money, a lot more than the big employers. But what about allowing a lot of small em-

ployers to come together and form associations and buy health insurance so they could offer it to their employees less expensively? Well, it is a good idea that was offered right here on the floor of the Senate by Republicans. Barack Obama voted no, as did most of the Democrats, and they killed the bill.

There is a long list here I could go through, but every single bill, every single health reform idea that has been proposed here, the President, when he was in the Senate, voted against. Everything that would have made health insurance available and affordable to the average American who doesn't get their insurance at work was voted no by this President.

Now he is saying, We need the government to take it over because it is not working. The reason it is not working is we won't let it work. The part of health insurance, the health care system that works the best today is when you have your own health insurance and you pick your own doctor and you and your doctor decide what kind of health care you are going to get. It is not a perfect system, and insurance companies have a lot of work to do to make things work better because I have to argue with them a lot myself. But the part of the health care system that doesn't work is the part that the government runs, Medicaid and Medicare, the SCHIP and TRICARE. Some of the people who get those benefits such as our seniors say Medicare works fine, but, unfortunately, doctors don't want to see them coming because Medicare and Medicaid don't cover the cost of even seeing a patient. So many physicians are closing their practices to our seniors because they have government health insurance. Government health care does not pay enough for the physician and the hospital to see the patient, so they shift the cost over to the private market.

The worst part of all of these government plans is they are trillions of dollars in debt—debt that our children are going to have to pay back. These programs are broke. Yet they want to expand these programs. They want to take the part of health care that is not working and essentially force it on every American. They want every American to have a Medicaid plan where doctors don't want to see us coming because we are not paying enough of their costs.

As I look at this whole health care reform debate—and I am glad to see the President out taking shots at me for saying we have to stop him on this, because we have been on a rampage since he took office, passing one government program after another, expanding spending and debt at levels we have never imagined in this country. It is time to slow down and take stock of where we are. Other countries that have to lend us money to keep us going are beginning to wonder, Can we pay our debts? We have doubled our money supply by the Federal Reserve, and that means big inflation, higher inter-

est rates. Yet we are moving ahead with this health care plan that is going to expand our debt as a nation, raise taxes on small businesses that create the jobs. It looks as if we are going to penalize Americans who don't decide to buy health insurance, and we are moving again toward a government program that we know won't work. There is not one Federal program that has worked as advertised, that has worked to the budget we said it would be to. This week we have had announcements of what we have already passed as far as stimulus over the last year is going to mean trillions of dollars—trillions of dollars—we are going to have to borrow and that our children are going to have to pay back.

I appeal to my colleagues: We don't need to rush through a bill in the next 2 weeks before we go on our August break that affects one-fifth—20 percent—of our total economy, that gets the government to effectively take over the most personal and private service that we ask for as Americans. We don't need to pass a bill such as that, that we won't even have time to read. What the President and I think a lot of the proponents of this bill are afraid of is if we are able to go home on the August break and we take this bill and we put it on the Internet where people can read it, and radio talk shows and bloggers all around the country are able to tell the American people what this bill is and what it will do, and get past this utopian rhetoric that we are hearing from the President and look at the nuts and bolts, because everything he is saying this bill is going to do the Congressional Budget Office and other experts are saying, No, it isn't going to work that way. It isn't going to save us money, it is going to raise our taxes, it is going to cost jobs in America, and it isn't going to fix health care.

We need to go back to the basics, including some of what I have mentioned already, that would reform health care and make private health insurance work better, make it more affordable, and get it into the hands of more Americans. Why should we give up on freedom and move to a government plan when we haven't even given freedom a chance to work in health care?

I know the government can't run health care and I don't want them running my plan. One of the best ideas I have heard in this debate is whatever we pass, Congressmen and Senators ought to have to take that health plan. I am going to have an amendment to that effect if they try to get this on the floor before August.

But I appeal to my colleagues: Let's listen to the American people. Let's stop this rampage toward bigger and bigger government. Let's take our time and look at this bill and, for once, do something right. Our health depends on it.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

AMENDMENT NO. 1515

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the pending amendment be laid aside in order that I might call up amendment No. 1515.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 1515.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation)

At the end of subtitle D of title VI, add the following:

**SEC. \_\_\_\_ . REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.**

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);

(ii) by striking subsection (k); and

(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking “does not apply—” and all that follows and inserting “does not apply in the case of a deduction made through administrative error.”; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking “, 1450(k)(2).”.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking “Except as provided in paragraph (2)(B), the Secretary concerned” and inserting “The Secretary concerned”; and

(2) in paragraph (2)—

(A) by striking “DEPENDENT CHILDREN.—” and all that follows through “In the case of a member described in paragraph (1).”; and inserting “DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1).”; and

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

Mr. NELSON of Florida. Mr. President, this is the widows and orphans amendment. This is the dastardly subject we have been dealing with for years, where there is an offset from an insurance payout, that servicemembers pay insurance premiums and/or retirees pay premiums, which is offset by Veterans Department disability compensation, which otherwise the veteran's surviving spouse and children would be able to, under existing law, be eligible for both, but there is an offset.

This particular amendment is going to eliminate that offset. Every year, we come to the floor on the Defense authorization bill and we offer the amendment and we have an overwhelming vote in the Senate. Every year, it goes to conference and, for years and years, in the conference committee with the House, they would say you cannot pass an amendment that would even reduce the offset for widows and orphans. Only in the last couple years have we had some modest reduction of the offset. Then, on an earlier piece of legislation this year, we had a little bit more reduction of the offset. What this amendment will do is completely eliminate the offset.

I wish to point out at the outset, I have a letter from the Military Coalition, and I ask unanimous consent it be printed in the RECORD.

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

THE MILITARY COALITION,  
Alexandria, VA, July 15, 2009.

Hon. BILL NELSON,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR NELSON: The Military Coalition (TMC), a consortium of nationally

prominent military and veterans organizations, representing more 5.5 million members plus their families and survivors would like to thank you for your sponsoring of Amendment No. 1515 of FY2010 NDAA (S. 1390). This Amendment, like your bill, S. 535, would repeal the law requiring a dollar-for-dollar deduction of VA benefits for service connected deaths from the survivors' SBP annuities. The elimination of this survivor benefit inequity is a top legislative goal for TMC in 2009.

We strongly believe that if military service caused a member's death, the Dependency and Indemnity Compensation (DIC) the VA pays the survivor should be added to the SBP benefits the disabled retiree paid for, not substituted for them. In the case of members who died on active duty, a surviving spouse with children can avoid the dollar-for-dollar offset only by assigning SBP to the children. That forces the spouse to give up any SBP claim after the children attain their majority—leaving the spouse with only a \$1,154 monthly annuity from the VA. Those who give their lives for their country deserve fairer compensation for their surviving spouses. Your amendment would also end this inequity.

The Military Coalition again thanks you for sponsoring this Amendment to restore equity to this very important survivor program and encourages your colleagues vote for its passage.

Sincerely,

The Military Coalition:

Air Force Association, Air Force Sergeants Association, Air Force Women Officers Association, American Logistics Association, AMVETS, Army Aviation Assn. of America, Assn. of Military Surgeons of the United States, Assn. of the US Army, Association of the United States Navy, Commissioned Officers Assn. of the US Public Health Service, Inc. CWO & WO Assn. US Coast Guard, Enlisted Association of the National Guard of the US, Fleet Reserve Assn., Gold Star Wives of America, Inc., Iraq & Afghanistan Veterans of America, Jewish War Veterans of the USA, Marine Corps League, Marine Corps Reserve Association, Military Officers Assn. of America, Military Order of the Purple Heart, National Association for Uniformed Services, National Guard Assn. of the US, National Military Family Assn., National Order of Battlefield Commissions, Naval Enlisted Reserve Assn., Non Commissioned Officers Assn. of the United States of America, Reserve Enlisted Assn. of the US, Reserve Officers Assn., Society of Medical Consultants to the Armed Forces, The Military Chaplains Assn. of the USA, The Retired Enlisted Assn., USCG Chief Petty Officers Assn., US Army Warrant Officers Assn., Veterans of Foreign Wars of the US.

Mr. NELSON of Florida. This letter supports this legislation. It is from the Military Coalition. The Military Coalition is a group of 34 organizations, and their signatures are on the letter—alphabetically, from the Air Force Association all the way to the last one on the list of 34, the Veterans of Foreign Wars of the United States. All those organizations that you would expect are in between; there are 34 of them endorsing this amendment.

I wish to tell you about this particular amendment. I filed this bill—and this is nonpartisan—years ago with Senator SESSIONS and eight other original cosponsors. It will repeal the law that takes almost \$1,200 per month from families who have lost a loved one because of military service. This survivors benefit plan, otherwise known

by its initials as SBP, is an annuity paid by the Defense Department. Survivors receive the benefit when either a military retiree pays a premium as income insurance for their survivors or when a servicemember dies on Active Duty.

The other law is dependency and indemnity compensation, referred to by its initials DIC. It is a survivor benefit paid by the Veterans' Administration. Survivors receive this benefit when the military service caused the servicemember's death.

What this amendment will do is fix this longstanding problem in the military survivor benefits system. The problem is, it requires a dollar-for-dollar reduction of the survivor benefits from the SBP, paid by the Department of Defense, offsetting against the dependents and indemnity compensation, DIC, paid by the Veterans' Administration.

You know the great quote, following one of America's bloodiest wars, by President Lincoln in his second inaugural address—and the war was still raging at that point. He said that one of the greatest obligations in war is to "finish the work we are in; to bind up the Nation's wounds; to care for him who shall have borne the battle"—in other words, the veterans—"and for his widow and his orphan."

Following Lincoln's advice to honor truly our servicemembers, they need to know their widows and orphans, their survivors, will be taken care of. We certainly agree that the U.S. Government must take care of our veterans, their widows, and their orphans. In keeping with that principle, we need to repeal this offset that denies the widows and orphans the annuity their deceased loved ones have earned on Active Duty or have purchased for them. A retired military member can purchase this SBP, and it is an insurance policy so their survivors will have income.

Over in the Veterans' Administration, we have a law that says, if you are disabled a certain percentage, we are going to take care of you. One should not offset the other—particularly, when somebody has paid premiums on an insurance policy.

Well, that dollar-for-dollar offset is what has me so agitated for a decade now. I have already explained that, for the survivors benefit plan, there are two ways to qualify: The military retiree goes out and voluntarily pays into an insurance program with their retirement income. Later, the statute was added that the survivors benefit plan is available to an Active-Duty servicemember if they are killed as a result of military service. For retirees, the SBP is an insurance program that protects the income of survivors; and for Active-Duty military members, SBP is compensation for the servicemembers' beneficiaries.

On the other hand, the dependents indemnity compensation is a benefit payment to the survivors of a servicemember who dies from a service-connected

condition. For almost a decade, I have fought to repeal the law that requires the dollar-for-dollar offset of these two very different benefits. Back in 2005, the Senate took the step in the right direction and passed, by a vote of 92 to 6, my amendment to repeal that offset. When it got down to the conference committee, you know what happened. In the 2008 Defense authorization bill, we cracked the door to eliminating the offset. In the conference committee negotiations with the House, we made some progress when we got a special payment of \$50 per month, which would now increase to \$310 per month by 2017 because of money savings found in the tobacco legislation passed earlier this year.

Our efforts have been important steps in the right direction, but they are not enough. We must meet our obligation to the widows and orphans with the same sense of honor as was the service their loved ones had performed. We need to completely offset this SBP and DIC. We must continue to work to do right by all those who have given this Nation their all and especially for the loved ones they may leave to our care.

In that letter that I have had entered into the RECORD, it says:

The elimination of this survivor benefit inequity is the top legislative goal for [the Military Coalition] in 2009.

I will not take the time to read the names of the 34 organizations that signed the letter, but they are all fairly well known to every one of us.

On February 24 of this year, during a joint session of the Congress, the President said:

To keep our sacred trust with those who serve, we will raise their pay, and give our veterans the expanded health care and benefits they have earned.

I say amen to that. I ask that President Obama help us end this injustice to widows and orphans of our Nation's heroes.

Mr. President, may I inquire if there is someone else who wants to speak now, because if there would not be, I would like to speak as in morning business.

Mr. MCCAIN. I object. Let's dispose of the amendment.

The PRESIDING OFFICER. The Senator from Arizona objects.

Mr. MCCAIN. I object to the Senator from Florida going into morning business until we dispose of the amendment. Then he can do it right away.

Mr. NELSON of Florida. I merely inquired if another Senator wants to speak. Certainly, I would withhold asking for a unanimous consent.

Mr. SCHUMER. Mr. President, I intend to speak on the Thune amendment and was scheduled to speak in the next few minutes. If it is OK with the floor leaders, if my colleague will speak for a brief amount of time, I am happy to go after him. It is up to the floor managers.

Mr. MCCAIN. Mr. President, I say to the Senator from Florida, we will find

out if there are others who want to speak on his amendment. If not, we are in favor of disposing of his amendment. Part of the agreement we made, in order for us to proceed, was that if anyone came to the floor to speak on the pending amendment, that Senator would have priority. If it is agreeable to the Senator from Florida, the Senator from New York would go ahead and then we could go back to him speaking in morning business.

Mr. NELSON of Florida. Of course. It is my understanding the Senator from South Carolina had just spoken as in morning business. That is why I was inquiring. I am very grateful to the ranking member of the committee for us to go ahead and dispose of this amendment.

Mr. MCCAIN. Why don't we wait until after the Senator from New York finishes, to make sure there is no one else who wants to speak on the amendment of the Senator from Florida.

Mr. SCHUMER. Mr. President, if my colleague needs 5 minutes, I am happy to yield to him, if I would come after that. I ask unanimous consent that be the case.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

Mr. NELSON of Florida. I thank the Chair.

(The remarks of Mr. NELSON of Florida pertaining to the introduction of S. 1484, S. 1485, S. 1486, and S. 1487 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. REED. Mr. President, if the Senator from Florida is prepared, I have conferred with the ranking member, the Senator from Arizona, and we are prepared to voice vote the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1515) was agreed to.

Mr. NELSON of Florida. Mr. President, I move to reconsider the vote, and 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 New York.

AMENDMENT NO. 1618

Mr. SCHUMER. Mr. President, I know we are not now on the Thune amendment. I know we have gone aside to other amendments and that we will be debating Thune tomorrow morning, but there are so many of my colleagues who want to speak, and I have a lot to say. So I will speak for 5 minutes tomorrow morning, but I will give the bulk of my speech this afternoon.

Mr. President, I rise in staunch opposition to the Thune amendment. I believe it is a dangerous amendment that would go far beyond authorizing gun possession for self-defense and not only create a serious threat to public safety but also severely undercut American federalism.

Amendment No. 1618, authored by Senator THUNE, would force States and localities from across the Nation to permit individuals from other States to carry hidden and loaded handguns in public, even where the elected representatives of those States have chosen to bar these persons from possessing firearms. The legislation would require every State with concealed carry legislation to honor concealed carry licenses issued by any other State so long as they abide by the State's location restrictions for concealed carry.

This amendment is a bridge too far and could endanger the safety of millions of Americans. Each State has carefully crafted its concealed carry laws in the way that makes the most sense to protect its citizens. It is obvious what is good for the safety of people in New York City or Philadelphia or Chicago or Miami or Los Angeles is not the same thing that is needed in rural Idaho or rural Tennessee. Yet this amendment, in one fell swoop, says the protections some States feel they need to protect law enforcement, to protect its citizenry, would be wiped away.

The amendment will incite the dangerous race to the bottom in our Nation's gun laws. Let's examine the lineup of people who could carry concealed weapons in 48 States under this amendment. And I don't disparage each State for doing what it wants within its own borders, but why impose that on States outside their borders?

Arizona law allows a concealed carry permit to be issued to an applicant who is a known alcoholic. So alcoholics would be in the lineup. They could carry a concealed weapon in States outside of Arizona simply because Arizona allowed them to do so.

Texas, which is one of the top 10 sources of guns recovered in crimes in New York City, a city in which I reside, is obliged to issue a permit to a person who has been convicted repeatedly of illegally carrying a handgun. Therefore, we can place arms traffickers in this lineup.

Mississippi law leaves access to concealed carry permits for members of hate groups.

Alaska and Vermont allow adult residents of their States to carry a concealed weapon without a license or background check as long as they are allowed to possess a gun, even if they have committed violent misdemeanors, have committed misdemeanor sex offenses against minors or are dangerously mentally ill and have been voluntarily committed to a mental institution.

Again, each State has its own views. The State of Vermont is a beautiful

State. It is different from New York State in many ways, and the laws that fit for Vermont don't necessarily fit for New York.

A 17-year-old Crip or Blood from New York—a member of a gang; dangerous, maybe violent—could head to Vermont, obtain a Vermont driver's license, buy a gun, and return to New York or he could buy a whole bunch of guns and return to New York. When law enforcement stops him, a loaded gun tucked in his pants or a whole bunch of guns in his backpack, all he would have to do is claim he is a Vermonter visiting New York, show his Vermont ID, and the New York Police Department would be unable to stop him. This runs shivers down the spines of New York police officers, of New York sheriffs, of New York law enforcement. And it doesn't just apply to New York. This could apply to any large State.

Imagine law enforcement stopping one of these characters with a backpack full of guns—a known member of a major gang—and having to let them go. Imagine how empowered gun smugglers and traffickers would feel. Their business would boom. These are people who make money by selling guns illegally to people who are convicted felons. They could go to the State with the weakest laws, get a concealed carry permit—if that State allowed it, and in all likelihood it might—and then start bringing concealed guns into neighboring States and States across the country. Their business would boom, but our safety would be impaired. Imagine routine traffic stops turned into potential shootouts.

Police officers in New York have the safety and the peace of mind in knowing that the only people who might legally have a gun are those who have been approved by the police department. That is how we do it in a city such as New York. We have had our problems with crime. Thank God it is much lower now, due to the great work of the New York City police. But now they would be totally unprepared, walking on tiptoe. And if the criminal simply said: I am from this State—wow. I shudder at the thought.

Beyond the very real threat this poses to law enforcement and the safety of our police officers and the safety of our citizens, it would create a logistical nightmare. A police officer making a stop of a car would have to have in front of him or her the laws of all 45 States that now allow or whose residents would now be allowed or even whose people had gotten carry permits who would now be allowed to carry concealed weapons in New York.

What about States rights? I have not been on the side—it is obvious—of the gun lobby for as many years as I have been here in the House and Senate. I have always believed, though, there is a right to bear arms and that it is unfair to say the second amendment should be seen through a pinhole and the first, third, fourth, fifth, sixth, seventh, and eighth amendments should

be seen broadly. I don't think that is fair.

But every amendment has limitations. Through the years when I have been involved in this issue, the NRA and other gun groups have argued, frankly, that the States ought to make their own decisions. All of a sudden we see a 180-degree hairpin turn. Now they are saying that the States cannot make their own decisions. Why is it that every other issue should be resolved by the States except this one? The amendment flies in the very face of States rights arguments and takes away citizens' rights to govern themselves.

I say to my colleagues who have laws and citizenry who probably want the laws not drawn as tightly as my State, if you open up this door, one day you will regret it. Because if you say that the Federal Government should decide what law governs, you are taking away States' right to govern themselves.

In the 1990s, after the passage of the Brady Act, the National Rifle Association funded multiple legal challenges to it, citing the 10th amendment, that the right to bear arms therefore resided in the States. Indeed, Mary Sue Falkner, who was then a spokesman for the NRA, said at the time:

This is not a case about firearms per se, but about whether the Federal Government can force States and local governments against their will to carry out Federal mandates.

Similarly, in reference to Brady, the NRA's chief lobbyist said that the Federal Government was getting too much involved in State affairs.

The gun lobby's rallying cry has always been, "Let each State decide." But with this amendment, again, a 180-degree flip.

Clearly, large urban areas merit a different standard than rural areas. To gut the ability of local police and sheriffs to determine who should be able to carry a concealed weapon makes no sense. It is wrong to take away any State's rights to make decisions about what can make a resident safer. A one-size-fits-all approach to community safety leads us down a very precarious road.

Make no mistake, this is a serious amendment. It is, even though not the intention of the author, a dangerous amendment. There will be needless suffering, injuries, and deaths if this amendment is agreed to.

I talked to my colleague Senator THUNE. We are friends. We saw each other in the gym this morning. He said to me: What about truckdrivers who have the gun in the cab of their truck and ride across State lines? I am sympathetic to that. I supported laws that allow police officers in New York to carry their gun when they cross over into New Jersey to shop or whatever. But you do not need this law to deal with that problem, because it creates so many other issues. There are ways we can deal with the problem that the Senator from South Dakota brought up

to me in the gym this morning, without decimating State laws that protect individual safety.

Make no mistake about it, this amendment would affect every State in the country, but I do not see the Governors on board. It would affect every city in the country. I don't see the mayors on board. It would affect every county in the country, but I don't see the sheriffs on board. It would affect every town in the country, but I don't see police chiefs on board.

Before we rush to judgment, shouldn't we ask our Governors, our mayors, our sheriffs, our police chiefs if this will make our communities safer or less safe? If this will put the men and women, the brave men and women who defend us and protect us on police forces, in jeopardy? Why don't we seek their guidance?

I urge my colleagues to give thoughtful and careful consideration to the consequences of the Thune amendment. I believe if they do, they will vote against it tomorrow at noon.

I yield the floor.

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

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

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

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

#### HEALTH CARE REFORM

Mr. DURBIN. Mr. President, as we meet here today we are discussing the Defense authorization bill. We debate it each year. It is basically an authorization for the expenditure of funds in defense of America. It is a significant bill with a lot of different parts. I commend the Senators who have brought this to the floor, Senator CARL LEVIN, the chairman of the Armed Services Committee, and his Republican counterpart, Senator JOHN MCCAIN.

I know this bill is important and I know we will be returning to substantive amendments on this bill very shortly. But while we have this break in the action, I want to address another issue which is being debated in almost every corridor on Capitol Hill, and that is the issue of health care reform. It is an interesting issue and an amazing challenge to this Congress, to try to grapple with the health care system in the most prosperous Nation on Earth.

Despite our prosperity, we know there is something fundamentally flawed with our health care system. We spend more than twice as much per person in America on health care as any other country, and the results do not show that money is being well spent. Many other countries, spending a fraction of what the United States spends, end up with very different and much better results in terms of sur-

vival from certain diseases and illness, and mortality rates. There is something to be learned here about how we can be more effective in providing health care for our citizens and not break the bank.

Most Americans know what I am talking about when I talk about cost, because they are facing cost issues every day. They know health insurance premiums in America in the last several years have gone up three times faster than the incomes and wages of Americans. We have learned it is not unusual for one-fourth of Americans to spend 1 out of every \$10 in income for health insurance. Some, a smaller group but a significant group, spend up to \$1 out of every \$4 in income on health insurance. The number keeps going through the roof with no end in sight. It worries us, not just as individuals and members of families, but businesses that are trying to do the right thing for their employees and be competitive.

It worries units of government because, whether it is your State government providing assistance for Medicaid or whether it is the Federal Government concerned about Medicare and Medicaid, the costs of health care are growing so quickly that they could easily put us into a perpetual debt situation, something we do not want to see, something we cannot leave to our children.

Now we are debating in the House and in the Senate, in a variety of different committees, how to change this health care system. Needless to say, it is a contentious debate. There are a lot of different points of view. There are some people and companies in America that want no change in our health care system. Most people do. Some don't. Many of those who are resisting change, who are unwilling to support the President's efforts to move us in this direction, are the very same companies and people who are profiting from the current system.

Make no mistake, when you spend billions of dollars on a system, much more than any other country, you are going to end up in a situation where many people are profiting handsomely from the current system. When you talk about reform—reducing the cost, reducing the payments, being more cost effective—these people see money going out the window, and they are going to fight it.

That is what the battle is all about. We have been through it before, and now we have returned to it. But in addition to cost, there is also the issue of the availability of health insurance. This morning's Chicago Tribune, on the front page, told the story of a man who sadly is one of the victims of this situation. He lives in a suburb of Chicago, and he works as a doorman at one of the buildings. He had a bad back. He finally was told—he tried a lot of conservative treatment; it just did not work—you are going to have to have back surgery.

So he did what he was supposed to do. He went to his insurance company and said: The doctor is recommending a surgery, and I want to know if it will be covered by my health insurance. Well, the health insurance company sent back to him written confirmation that the costs of the surgery would be covered by his health insurance. So he went through with the surgery and ended up incurring \$148,000 in medical bills.

I think you know how this story ends. They turned in the bills to the insurance company, and they denied them. They said: We did not really approve this surgery. You should have taken a more conservative approach to it.

Well, he thought he had done everything he was supposed to. What followed was a battle with this insurance company, day after day, month after month, while people were saying: Send us the \$148,000. This man of limited means was fighting to finally get this health insurance company to pay what they promised to pay. It took him months.

When it was all over, Mr. Napientek, Michael Napientek, ended up with coverage. Had he failed to get the coverage for that surgery, it would have wiped out his entire life's savings. That is the reality of health care. That is the situation too many people find themselves in, so vulnerable in a situation where one medical bill denied by an insurance company bureaucrat can literally wipe out their life's savings.

We can do better. We have to do better. That is what this debate is all about. First, we have to reduce the cost of health care for families and businesses and governments across America. There are ways to do that. We can lower costs to make sure every American has access to insurance. We can make it clear that no one can be turned down for insurance coverage because of a preexisting condition. We can make certain there is no discrimination in the premiums that are charged individual Americans because one is a male and another female; one is a certain age and another not. We can make certain there is more fairness in the way people are treated by these health insurance companies.

This idea of denying coverage for preexisting conditions, imagine how frustrating that must be to realize that if you turned in a claim this year on your health insurance because you had a bad back, and you went to the doctor next year, when it came time for surgery they would not cover it.

This happened to a friend of mine, a fellow I grew up with in East St. Louis, IL, in the trucking business. He not only owned the business, he drove the trucks. When he reached 60 years of age, his back was killing him. Well, at that point his company had lost its health insurance. Why? Because the wife of one of the employees had a sick baby. Her sick baby incurred a lot of medical bills, and the cost of health insurance went through the roof. They



had to cancel the company's health insurance, give the employees some money, and say: Fend for yourself.

He was in the same boat. He went out to get private health insurance, complained about a bad back. The following year when the doctor said he needed back surgery, he turned in a claim to his health insurance company, and they said: No, it is a preexisting condition. We will not cover your back surgery.

Do you know what he had to do? He ended up filing a worker's compensation claim claiming that his back injuries had to do with bouncing around in a truck for 30 or 40 years, not an unreasonable conclusion. Do you know who he sued? He sued himself. He sued as an employee of the company. He sued himself as owner of the company.

Is that crazy to reach that point? And he won, incidentally. They said it is subject to worker's compensation. We will pay for the surgery.

He had done everything right, providing health insurance for his employees until he could not afford it, trying to get private insurance for himself at the age of 60, then turning in a claim and being turned down. He could have been wiped out by that surgery, just as the man on the front page of the Chicago Tribune.

We are all in this vulnerable situation because the health insurance companies have so much power over our lives. I listen to those on the other side of the aisle who come—not all of them but many—every single day and say we do not need to change this system. Who are they talking to? Who are they listening to? They are not listening to people like these who find out every day that they do not have coverage, that the cost of insurance is too high, that their doctor is in a debate with a clerk at an insurance company over whether they are going to get the necessary and proper treatment for a medical condition. That is the reality.

There are many ways to address this, and we should. We have to address it by making sure everyone has access to health insurance regardless of pre-existing conditions, health status for a medical condition. We have to get rid of the so-called lifetime caps.

Imagine that a diagnosis tomorrow that you or someone you love in your family has a chronic condition that is going to call for medical treatment for a long period of time, and then you realize there will come a moment when that health insurance company would say: We are out of here. You just broke the bank. You hit the cap on your policy.

We have to put an end to that. We also have to limit the out-of-pocket expenses individuals have to pay. There comes a point where people cannot afford this expense. We have to require equal treatment for men and women—Black, White, and brown, young and old, whether they live in a rural area or in a city.

We have to make sure if a health insurance policy in America is offered, it

is a good policy that covers the basic needs. There are policies that do not. They sell health insurance you can afford, and guess what. It is worthless. That is not good for America and it is not good for our families.

There are ways to lower costs. We ought to be pushing for prevention. We ought to be trying to find ways to keep people well, incentives for the right conduct and healthy outcomes. Right now there is not much of a reward or an incentive for wellness. We also have to give support to small businesses. When we look at the insured in America, most of them are small business employees and their children. The poorest people in America are covered by Medicaid, the government health insurance, as they should be.

Folks are fortunate, like myself, under the Federal Employees Health Benefits Program, and most others who have health insurance policies, to have coverage. But the folks in the middle who get up and go to work every day for the small businesses of America—and their kids—are the ones who do not have coverage. We can do better.

One of the proposals before us in Congress is to make sure small businesses can start getting into pools where they can use that pooling power to reach out and have health insurance coverage that is affordable. That is within our reach.

Senator REED is on the Senate floor today. He and I were fortunate enough to be at lunch today when our colleague from Connecticut, CHRIS DODD, got up and spoke about what had happened in the HELP Committee, the Health, Education, Labor and Pensions Committee, in preparing a bill on health care reform. There were 800 amendments filed. They met for 61 days. Some 400 amendments were considered and voted on. Over 100 of those were from the Republican side of the aisle. They were trying their best to create a bipartisan compromise to get through the bill.

But Senator DODD came up and talked about this, not in terms of a specific bill and its provisions; he talked about the historic opportunity we have. He said for many of us, for most of us now serving in the Senate, this may be the only time in our political careers when we can change the health care system for the better; when we can make sure that people in America have a better chance to be able to afford the cost of health care.

He certainly inspired us when he pulled out this magazine and showed us a picture of our colleague, Senator TEDDY KENNEDY, on the cover of Newsweek, and the quote from TED KENNEDY that says: "We're almost there."

There is a long essay in here about TED KENNEDY's terrific public career and how much of it has been spent on this issue of health care; what it meant to him personally when his son was diagnosed with bone cancer and had to have his leg amputated; what he went through in a plane crash; when he has

seen others and what they have gone through.

TEDDY KENNEDY reminds us that these opportunities do not come around very often. There is lots we can debate and argue about, but at the end of the day the American people want to see the debate end. They want to see us acting together responsibly for health care that is centered on patients; to make sure they have a health insurance policy they like, that they can keep; to make certain they have a good strong confidential relationship with their doctors for themselves and their families; to make sure, as well, they are not excluded from coverage for pre-existing conditions; to make sure that health insurance is going to be affordable; and to make sure it covers all Americans.

We can do it. We are a great and prosperous nation. We have a President who is committed to it. And working with him on a bipartisan basis we can get this done. We can work with the health care professionals—the doctors, the nurses, those leading hospitals—who can show us the way to reduce the cost of care without reducing its quality.

This is our chance. For those who are saying no, that they want the status quo, they do not want to change it, only a small percentage of Americans agree with them. Most Americans agree what I have talked about today needs to be done. We have to overcome those voices of negativity and doubt who continue to come to the Senate floor, those who create fear of change.

Let me tell you, this is a great, strong country that tackles big problems. We have never been assigned a bigger assignment than this one, health care for America. It touches all 300 million of us. We have to make sure it is done fairly, done effectively, and done quickly. If we let this drag out for months beyond this year, it is going to be harder and harder for us to reach our goal.

I encourage my colleagues on both sides of the aisle to work toward that goal, make certain that President Obama's leadership is rewarded with health care reform that does make a difference.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 1501

Mr. BOND. Mr. President, I rise today to discuss an amendment that I am cosponsoring with my friend and fellow cochair of the Senate National Guard Caucus, Senator LEAHY. We will be introducing a bipartisan amendment to strengthen one of our Nation's most important military and civilian resources, the National Guard.

The National Guard, as I think everybody in this body knows, has a long and proud history of contributing to America's military operations abroad while providing vital support and security to civil authorities at home.

Since September 11, 2001, our citizen soldiers and airmen have taken on

greater responsibilities and risk, from fighting in Iraq and Afghanistan to providing critical disaster assistance in the United States.

Now we see the tremendous value of the National Guard forces every time we look as they confront terrorists, provide critical support in unique areas such as Afghanistan where the agribusiness development teams are working to help provide agricultural know-how and better income to the farmers of Afghanistan, to areas where they provide water, food, and health supplies to victims of natural disasters.

Furthermore, the Guard is a tremendous value for the capability it provides our Nation. It provides 40 percent of the total military force for around 4.5 percent of the budget. In other words, the Guard provides tremendous bang for the buck.

There is no doubt today we are asking more from the men and women of the National Guard than ever before, often at great cost to their families and their own lives.

I think this means we have a heavy responsibility to support our citizen soldiers and airmen in their unique dual mission of developing military support abroad and providing homeland defense stateside.

While serving abroad, National Guard troops serve under Air Force and Army Commands in what is known as title 10 status, which refers to the section in the U.S. Code dealing with the military. But when the Guard operates at home, they serve under the command and control of the Nation's Governors in title 32 status.

I had the honor of serving as commander in chief of the Missouri National Guard for 8 years. I can tell you that Missouri has a wide range of natural and sometimes human disasters ranging from tornadoes and floods to blizzards and ice storms. I called out the Guard for every single one of those and several more I probably cannot even remember: threatened prison insurrections, other civil disobedience, to tracking down escapees from prison. Right after Katrina—I think it was about a year after Katrina—I visited Jefferson Barracks, MO, where one of our National Guard engineer units is stationed.

They told me proudly that when Katrina hit, they immediately sent one of their National Guard battalions to Katrina. They had all the equipment, the high-wheeled vehicles, the communications equipment. They did such a wonderful job, the adjutant general of Louisiana called and said: You have two more battalions; send us another one. They said: That is where the problem comes in. We only have equipment for one out of three battalions. The Guard was one-third resourced. We could have sent them down there in tennis shoes and a taxicab, but they needed the equipment that an engineer battalion has to deal with the problems of the aftermath of the floods and the hurricane. I think there is a lot more

we can do to make this unique arrangement work more smoothly. The Guard will continue to play a critical role in response to another natural disaster or, heaven forbid, terrorist attack. To the men and women of the National Guard, we say: Thank you for that support.

But more needs to be done. The amendment we are introducing today to strengthen the Guard consists of two planks which are designed, first, to increase the Guard's voice inside the Pentagon and, second, to clarify how the Federal military support to civil authorities will occur here at home.

We would give the Chief of the National Guard more muscle in the Pentagon, providing a seat for him on the Joint Chiefs of Staff. With 40 percent of the force, one would think that big a portion of our total military capability would deserve to sit with the outstanding leaders of the Army, the Air Force, the Marines, and others who are there. One would think this large a segment of our force would be represented. When we have big decisions on the future of our resource allocation for the military—title X and, in this case, also title XXXII—they ought to be at the table.

Last year—I thank my colleagues—we successfully authorized the promotion of the Chief of the National Guard to the rank of four-star general in last year's empowerment legislation. Additionally, this year's empowerment amendment will make certain that the Chief of the National Guard Bureau has a Vice Chief in the grade of lieutenant general. When you are dealing with that many problems, there is a major operation that needs to be handled by a deputy to the four-star Chief of the National Guard. It is critical to the day-to-day operations of the National Guard Bureau and to ensure the Guard is adequately represented inside the Pentagon.

This amendment will also fill the gaps between civilian and military emergency response capabilities. We would give the National Guard Bureau, in consultation with the States' adjutant generals, budgetary power to identify, validate, and procure equipment essential to their unique domestic missions so they will be better prepared to respond to emergencies here at home. The next time they call for a second engineer battalion, I hope we have the equipment to send one to whatever State or maybe our own State where they are needed.

The amendment also supports the designation of National Guard general officers as commanders of Army North and Air Force North commands. This will ensure unity of effort and of command between the National Guard in the 54 States and territories and the very important U.S. North command which protects the United States in the continental United States.

Finally, our amendment gives State Governors tactical control of Federal troops responding to emergencies in-

side their State or territory. Time and time again, we have seen Reserve units stationed within close proximity to a natural or manmade disaster forced to stand by and watch when they could have been assisting injured victims in preventing loss of property. This amendment ensures that all available military forces be utilized as early as possible in an emergency situation. This way, our State leaders can act more quickly and decisively to mitigate disasters at home. Our citizen soldiers stand ready to defend the Nation, secure our homeland from natural disasters and terrorist attacks, and are now fighting overseas in the war on terror. Neither the homeland response nor the Federal military support missions of the Guard are likely to diminish in importance at any time in the foreseeable future. In fact, the need for the National Guard is greater now than ever before. Now more than ever, as budgets are constrained and entitlements continue to grow at alarming rates, we should not be looking to reduce the Guard but, rather, fully to man and equip it.

We have a responsibility to give the Guard the equipment, resources, and bureaucratic muscle they need to meet their critical dual mission. In order to do so, it is imperative we strengthen the decisionmaking capability of Guard leaders within the Department of Defense and make sure they are at the table.

As one former leader of the Guard said: If you want us in on the big plays, at least let us in the huddle when you are planning to call those plays. That is what this amendment does.

I thank my colleagues for their past support of the Guard. I join with Senator LEAHY in asking for continued support of the National Guard by voting for this amendment.

I yield the floor.

AMENDMENT NO. 1597

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to set aside the pending Thune amendment and call up my amendment No. 1597.

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

The clerk will report.

The assistant bill clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK], for himself, Mr. BAYH, Mr. KYL, and Mr. INHOFE, proposes an amendment numbered 1597.

Mr. BROWNBACK. I ask unanimous consent that reading of the amendment be dispensed with.

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

(Purpose: To express the sense of the Senate that the Secretary of State should redesignate North Korea as a state sponsor of terrorism)

At the end of subtitle C of title XII, add the following:

**SEC. 1232. SENSE OF THE SENATE ON REDESIGNATION OF NORTH KOREA AS A STATE SPONSOR OF TERRORISM.**

(a) FINDINGS.—The Senate makes the following findings:

(1) On October 11, 2008, the Department of State removed North Korea from its list of state sponsors of terrorism, on which it had been placed in 1988.

(2) North Korea was removed from that list despite its refusal to account fully for its abduction of foreign citizens, proliferation of nuclear and other dangerous technologies and weapon systems to terrorist groups and other state sponsors of terrorism, or its commission of other past acts of terrorism.

(3) On March 17, 2009, American journalists Euna Lee and Laura Ling were seized near the Chinese-North Korean border by agents of the North Korean government and were subsequently sentenced to 12 years of hard labor in a prison camp in North Korea.

(4) On April 5, 2009, the Government of North Korea tested a long-range ballistic missile in violation of United Nations Security Council Resolutions 1695 and 1718.

(5) On April 15, 2009, the Government of North Korea announced it was expelling international inspectors from, and re-commissioning, its Yongbyon nuclear facility and ending its participation in disarmament talks.

(6) Those actions were in violation of the June 26, 2008, announcement by the President of the United States that the removal of North Korea from the list of state sponsors of terrorism was dependent on the Government of North Korea agreeing to a system to verify its declarations with respect to its nuclear programs.

(7) On May 25, 2009, the Government of North Korea conducted a second illegal nuclear test, in addition to conducting tests of its ballistic missile systems launched in the direction of the western United States.

(8) North Korea has failed to acknowledge or account for its role in building and supplying the secret nuclear facility at Al Kibar, Syria, has failed to account for all remaining citizens of Japan abducted by North Korea, and, according to recent reports, continues to engage in close cooperation with the terrorist Iranian Revolutionary Guard Corps on ballistic missile technology.

(9) There have been recent credible reports that North Korea has provided support to the terrorist group Hezbollah, including by providing ballistic missile components and personnel to train members of Hezbollah with respect to the development of extensive underground military facilities in southern Lebanon, including tunnels and bunkers.

(10) The 2005 and 2006 Country Reports on Terrorism of the Department of State state, with respect to Cuba, Iran, North Korea, and Syria, "Most worrisome is that some of these countries also have the capability to manufacture WMD and other destabilizing technologies that can get into the hands of terrorists. The United States will continue to insist that these countries end the support they give to terrorist groups."

(11) President Barack Obama stated that actions of the Government of North Korea "are a matter of grave concern to all nations. North Korea's attempts to develop nuclear weapons, as well as its ballistic missile program, constitute a threat to international peace and security. By acting in blatant defiance of the United Nations Security Council, North Korea is directly and recklessly challenging the international community. North Korea's behavior increases tensions and undermines stability in Northeast Asia. Such provocations will only serve to deepen North Korea's isolation. It will not find international acceptance unless

it abandons its pursuit of weapons of mass destruction and their means of delivery."

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of State should designate North Korea as a country that has repeatedly provided support for acts of international terrorism for purposes of—

(1) section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.));

(2) section 40 of the Arms Export Control Act (22 U.S.C. 2780); and

(3) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

Mr. BROWNBAC. Mr. President, this is a bipartisan amendment put forward by Senator BAYH and myself. I ask unanimous consent that Senators KYL and INHOFE be added as cosponsors.

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

Mr. BROWNBAC. This is a bipartisan resolution and sense of the Senate that the administration should relist North Korea as a state sponsor of terrorism. As my colleagues know, the Bush administration, through a great deal of hoopla, listed North Korea as a state sponsor of terrorism. They took them off the list in spite of such terrible and erratic behavior as nuclear weapons, missile technology, and now taking U.S. citizens hostage and holding them. Nonetheless, the Bush administration, as part of the six-party talks, did an agreement, a deal to delist them as a state sponsor of terrorism. All that got us was more nuclear weapons, more missiles being sent off, more provocative action by the North Koreans, and a dismal situation.

What we are asking with the amendment is that it is a sense of the Senate that North Korea should be relisted as a state sponsor of terrorism.

In that regard, I wish to enter a few items in the RECORD to be printed at the end of my presentation that are currently in the news. This is yesterday's front page of the Washington Post where it talks about "[North] Korea's Hard-Labor Camps: On the Diplomatic Back Burner."

I ask unanimous consent that this full article be printed in the RECORD.

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

(See exhibit 1.)

Mr. BROWNBAC. That is an old story. Unfortunately, we know very well about the gulags that exist in North Korea and the 200,000 people we believe are in those. Here is today's Washington Post. This was new information I found shocking: North Korea building mysterious military ties with the military junta in Burma now taking place and the possibility of them giving military equipment and supplies, I suppose possibly even nuclear arms and missile technology, to the military government in Burma.

I ask unanimous consent that this be printed in the RECORD at the end of my statement.

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

(See exhibit 2.)

Mr. BROWNBAC. If that is not enough to relist them as a state sponsor of terrorism, I don't know what is. But there is a full record we can go forward with on relisting North Korea as a state sponsor of terrorism. At the outset, I think we ought to look at this and say this is an extremely tough situation for the United States. It is one on which we need to take aggressive action to confront them on what they are doing to militarize some of the worst places and worst actors around the world and what North Korea is doing to threaten interests of the United States.

All this is taking place while Kim Jong Il is ill. To what degree, we don't know for sure. A succession is being discussed. Of what nature, we are not sure. But clearly North Korea is doing the most provocative things they have probably done in the history of that provocative nation. It is taking place right now. We should notice it and recognize these are terrorist actions. We should clearly call for them to be relisted.

I have, many times, spoken before regarding the long and outrageous list of crimes of the Kim regime. I will not go through those again at great length. But I will say the crimes committed by the North Korean regime include not only those external and diplomatic of nature—violating agreements, treaties, conventions, and proliferating dangerous technologies to the world's worst actors—but the regime has also committed massive and unspeakable crimes against the North Korean people themselves who for decades have been beaten, tortured, raped, trafficked, starved, used as medical experiments, subjected to collective familial punishment, and executed in the most brutal and painful ways. If you want further details on that, read yesterday's Washington Post article.

Hundreds of thousands languish in the gulag and concentration camps spread out over the entire country. All the while, the world watches and wrings its collective hands. As we pledged never again, we watch as yet again another criminal regime commits a genocide. Never again becomes yet again.

I have introduced legislation to address these issues. I hope the Foreign Relations Committee can find time to take it up.

The amendment before us today deals with another aspect of the North Korean criminal state, its longstanding and robust sponsorship of international terrorism. The amendment would place the Senate on record as standing for the proposition that North Korea's hostile and provocative actions will not be ignored. Indeed, they will have meaningful consequences under the law. This amendment, of which Senator BAYH is the lead cosponsor, expresses the sense of the Senate that the Secretary of State should redesignate North Korea as a state sponsor of terrorism based on its nuclear and missile

proliferation, abductions, and material support for terrorist groups.

On October 11, 2008, the State Department removed North Korea from the list of state sponsors of terrorism on which it had been placed since 1988. At the time, this is what President Bush said to the North Korean regime upon announcing that North Korea would be removed. He said:

We will trust you only to the extent that you fulfill your promises. If North Korea makes the wrong choices, the United States will act accordingly.

They have made the wrong choices. We should act accordingly.

At the same time, then Candidate Obama said:

Sanctions are a critical part of our leverage to pressure North Korea to act. They should only be lifted based on North Korean performance. If the North Koreans do not meet their obligations, we should move quickly to reimpose sanctions that have been waived and consider new restrictions going forward.

They have not lived up to their obligations. They have continued provocative actions. They should be relisted.

Let's examine how well the North Korean regime has lived up to its commitment since being removed from the list. Since removal last October, the North Korean regime has done the following: launched a multistage ballistic missile over Japan in violation of U.N. Security Council sanctions; kidnapped and imprisoned two American journalists and sentenced them to 12 years of hard labor in a North Korean prison camp; pulled out of the six-party talks vowing never to return; kicked out international nuclear inspectors and American monitors; restarted its nuclear facilities; renounced the 50-year armistice with South Korea; detonated a second illegal nuclear weapon; launched additional short-range missiles; is preparing to launch long-range missiles capable of reaching the United States; and today news accounts are reporting about North Korean proliferation to the Burmese junta, including perhaps nuclear proliferation.

Add to this a long history of other ongoing illicit operations that finance the North Korean regime's budget, including the following: extensive drug smuggling; massive and complex operations to counterfeit U.S. currency, many of which are believed to be in wide circulation; money laundering; terrorist threats by the regime against the United States, Japanese, and South Korean civilians. That is what this regime and group has done and is doing. That is some of what they have done since they were delisted from the terrorist list.

What have we done in response? The U.N. Security Council has passed another sanctions resolution similar to the same resolution North Korea has brazenly violated to get us to this point. In 2006, the State Department, in its terrorism report, said this about keeping North Korea on the list: North Korea "continued to maintain their ties to terrorist groups."

They said:

Most worrisome is that some of these countries [including North Korea] also have the capability to manufacture [weapons of mass destruction] and other destabilizing technologies that can get into the hands of terrorists.

If that was the justification for the terror list in 2006, certainly North Korea's actions today fit that standard—perhaps even more so than back then, and I believe it is more so.

We cannot have it both ways. If we removed North Korea from the terrorism list last year as a reward for its dubious cooperation on nuclear weapons, we would only be reversing that step by adding it back after the regime betrayed its commitments and followed up with hostile and provocative actions.

I would also like to address this issue: It often has been raised with me—and the Secretary of State herself has raised this indirectly with me—that the multiple statutes that control the list of state sponsors of terrorism do not provide the legal ability for the Secretary of State to redesignate. I think this argument is flawed, and I would like to summarize that by reading the relevant portions of each of these acts, because here is the key point on it, that they are saying: Well, we have to find factual basis that is different from the first round for us to do that. We are going through a legal review of doing this. But here the state sponsor of terrorism list is controlled under two different acts: the Arms Export Control Act and the Foreign Assistance Act.

As to countries covered by the prohibition, it says this. This is quoting from the Arms Export Control Act:

The prohibitions contained in this section apply with respect to a country if the Secretary of State determines that the government of that country has repeatedly provided support for acts of international terrorism.

That is what it says in the Arms Export Control Act. The list I have just read goes through what has taken place, and they are clearly and repeatedly providing support for acts of international terrorism. It does not say anything about they cannot be relisted or we have to go through some elaborate finding process, that it cannot be based on actions they have done. These are the actions they have done in the last 6 months that are of public record. And it says the Secretary of State makes this determination and has fairly wide discretion to be able to do it.

Under section 628 of the Foreign Assistance Act, it says: The United States shall not provide any assistance to any country if the Secretary of State determines that the government of that country has repeatedly provided support for acts of international terrorism.

Again, the statute is very broad in its statement. It does not say anything about they cannot relist them. It says they can do this on the discretion of the Secretary of State.

I do not know why we need to wait any longer, with the actions this government has taken and even with these most recent ones reported today of working with Burma or of the publicly done ones we know about of nuclear weapons detonation or the ones of missile technology being launched. Why do we need to wait longer?

I recognize this is a sense of the Senate, so it is just a sense of this body. But this body has had a strong impact in prior actions when we took a sense-of-the-Senate resolution to list the Revolutionary Guard in Iran, that we believed they should be listed as a state sponsor of terrorism. The administration acted not long after that to list them as a state sponsor of terrorism.

I believe if this body took strong action here now and said we believe North Korea should be relisted as a state sponsor of terrorism, it would send a very strong and proper signal to the administration—not that we are doing your job, but we believe this is the case and this is something that is meritorious toward North Korea and its actions.

That is why I urge my colleagues to support the bipartisan Bayh-Brownback amendment and vote for this amendment to the Defense authorization bill.

Mr. President, with that, I yield the floor.

#### EXHIBIT 1

[From the Washington Post, July 20, 2009]

N. KOREA'S HARD-LABOR CAMPS: ON THE DIPLOMATIC BACK BURNER

(By Blaine Harden)

SEOUL.—Images and accounts of the North Korean gulag become sharper, more harrowing and more accessible with each passing year.

A distillation of testimony from survivors and former guards, newly published by the Korean Bar Association, details the daily lives of 200,000 political prisoners estimated to be in the camps: Eating a diet of mostly corn and salt, they lose their teeth, their gums turn black, their bones weaken and, as they age, they hunch over at the waist. Most work 12- to 15-hour days until they die of malnutrition-related illnesses, usually around the age of 50. Allowed just one set of clothes, they live and die in rags, without soap, socks, underclothes or sanitary napkins.

The camps have never been visited by outsiders, so these accounts cannot be independently verified. But high-resolution satellite photographs, now accessible to anyone with an Internet connection, reveal vast labor camps in the mountains of North Korea. The photographs corroborate survivors' stories, showing entrances to mines where former prisoners said they worked as slaves, in-camp detention centers where former guards said uncooperative prisoners were tortured to death and parade grounds where former prisoners said they were forced to watch executions. Guard towers and electrified fences surround the camps, photographs show.

"We have this system of slavery right under our nose," said An Myeong Chul, a camp guard who defected to South Korea. "Human rights groups can't stop it. South Korea can't stop it. The United States will have to take up this issue at the negotiating table."

But the camps have not been discussed in meetings between U.S. diplomats and North Korean officials. By exploding nuclear bombs, launching missiles and cultivating a reputation for hair-trigger belligerence, the government of Kim Jong Il has created a permanent security flash point on the Korean Peninsula—and effectively shoved the issue of human rights off the negotiating table.

"Talking to them about the camps is something that has not been possible," said David Straub, a senior official in the State Department's office of Korean affairs during the Bush and Clinton years. There have been no such meetings since President Obama took office.

"They go nuts when you talk about it," said Straub, who is now associate director of Korean studies at Stanford University.

Nor have the camps become much of an issue for the American public, even though annotated images of them can be quickly called up on Google Earth and even though they have existed for half a century, 12 times as long as the Nazi concentration camps and twice as long as the Soviet Gulag. Although precise numbers are impossible to obtain, Western governments and human groups estimate that hundreds of thousands of people have died in the North Korean camps.

North Korea officially says the camps do not exist. It restricts movements of the few foreigners it allows into the country and severely punishes those who sneak in. U.S. reporters Laura Ling and Euna Lee were sentenced last month to 12 years of hard labor, after being convicted in a closed trial on charges of entering the country illegally.

North Korea's gulag also lacks the bright light of celebrity attention. No high-profile, internationally recognized figure has emerged to coax Americans into understanding or investing emotionally in the issue, said Suzanne Scholte, a Washington-based activist who brings camp survivors to the United States for speeches and marches.

"Tibetans have the Dalai Lama and Richard Gere, Burmese have Aung San Suu Kyi, Darfurians have Mia Farrow and George Clooney," she said. "North Koreans have no one like that."

#### EXECUTIONS AS LESSONS

Before guards shoot prisoners who have tried to escape, they turn each execution into a teachable moment, according to interviews with five North Koreans who said they have witnessed such killings.

Prisoners older than 16 are required to attend, and they are forced to stand as close as 15 feet to the condemned, according to the interviews. A prison official usually gives a lecture, explaining how the Dear Leader, as Kim Jong Il is known, had offered a "chance at redemption" through hard labor.

The condemned are hooded, and their mouths are stuffed with pebbles. Three guards fire three times each, as onlookers see blood spray and bodies crumple, those interviewed said.

"We almost experience the executions ourselves," said Jung Gwang Il, 47, adding that he witnessed two executions as an inmate at Camp 15. After three years there, Jung said, he was allowed to leave in 2003. He fled to China and now lives in Seoul.

Like several former prisoners, Jung said the most arduous part of his imprisonment was his pre-camp interrogation at the hands of the Bowibu, the National Security Agency. After eight years in a government office that handled trade with China, a fellow worker accused him of being a South Korean agent.

"They wanted me to admit to being a spy," Jung said. "They knocked out my front teeth with a baseball bat. They fractured my skull a couple of times. I was not a spy, but

I admitted to being a spy after nine months of torture."

When he was arrested, Jung said, he weighed 167 pounds. When his interrogation was finished, he said, he weighed 80 pounds. "When I finally got to the camp, I actually gained weight," said Jung, who worked summers in cornfields and spent winters in the mountains felling trees.

"Most people die of malnutrition, accidents at work, and during interrogation," said Jung, who has become a human rights advocate in Seoul. "It is people with perseverance who survive. The ones who think about food all the time go crazy. I worked hard, so guards selected me to be a leader in my barracks. Then I didn't have to expend so much energy, and I could get by on corn."

#### DEFECTORS' ACCOUNTS

Human rights groups, lawyers committees and South Korean-funded think tanks have detailed what goes on in the camps based on in-depth interviews with survivors and former guards who trickle out of North Korea into China and find their way to South Korea.

The motives and credibility of North Korean defectors in the South are not without question. They are desperate to make a living. Many refuse to talk unless they are paid. South Korean psychologists who debrief defectors describe them as angry, distrustful and confused. But in hundreds of separate interviews conducted over two decades, defectors have told similar stories that paint a consistent portrait of life, work, torment and death in the camps.

The number of camps has been consolidated from 14 to about five large sites, according to former officials who worked in the camps. Camp 22, near the Chinese border, is 31 miles long and 25 miles wide, an area larger than the city of Los Angeles. As many as 50,000 prisoners are held there, a former guard said.

There is a broad consensus among researchers about how the camps are run: Most North Koreans are sent there without any judicial process. Many inmates die in the camps unaware of the charges against them. Guilt by association is legal under North Korean law, and up to three generations of a wrongdoer's family are sometimes imprisoned, following a rule from North Korea's founding dictator, Kim Il Sung: "Enemies of class, whoever they are, their seed must be eliminated through three generations."

Crimes that warrant punishment in political prison camps include real or suspected opposition to the government. "The camp system in its entirety can be perceived as a massive and elaborate system of persecution on political grounds," writes human rights investigator David Hawk, who has studied the camps extensively. Common criminals serve time elsewhere.

Prisoners are denied any contact with the outside world, according to the Korean Bar Association's 2008 white paper on human rights in North Korea. The report also found that suicide is punished with longer prison terms for surviving relatives; guards can beat, rape and kill prisoners with impunity; when female prisoners become pregnant without permission, their babies are killed.

Most of the political camps are "complete control districts," which means that inmates work there until death.

There is, however, a "revolutionizing district" at Camp 15, where prisoners can receive remedial indoctrination in socialism. After several years, if they memorize the writings of Kim Jong Il, they are released but remain monitored by security officials.

#### SOUTH'S CHANGING RESPONSE

Since it offers a safe haven to defectors, South Korea is home to scores of camp sur-

vivors. All of them have been debriefed by the South Korean intelligence service, which presumably knows more about the camps than any agency outside of Pyongyang.

But for nearly a decade, despite revelations in scholarly reports, TV documentaries and memoirs, South Korea avoided public criticism of the North's gulag. It abstained from voting on U.N. resolutions that criticized North Korea's record on human rights and did not mention the camps during leadership summits in 2000 or 2007. Meanwhile, under a "sunshine policy" of peaceful engagement, South Korea made major economic investments in the North and gave huge, unconditional annual gifts of food and fertilizer.

The public, too, has been largely silent. "South Koreans, who publicly cherish the virtue of brotherly love, have been inexplicably stuck in a deep quagmire of indifference," according to the Korean Bar Association, which says it publishes reports on human rights in North Korea to "break the stalemate."

Government policy changed last year under President Lee Myung-bak, who has halted unconditional aid, backed U.N. resolutions that criticize the North and tried to put human rights on the table in dealing with Pyongyang. In response, North Korea has called Lee a "traitor," squeezed inter-Korean trade and threatened war.

#### AN ENFORCER'S VIEW

An Myeong Chul was allowed to work as a guard and driver in political prison camps because, he said, he came from a trustworthy family. His father was a North Korean intelligence agent, as were the parents of many of his fellow guards.

In his training to work in the camps, An said, he was ordered, under penalty of becoming a prisoner himself, never to show pity. It was permissible, he said, for bored guards to beat or kill prisoners.

"We were taught to look at inmates as pigs," said An, 41, adding that he worked in the camps for seven years before escaping to China in 1994. He now works in a bank in Seoul.

The rules he enforced were simple. "If you do not meet your work quota, you do not eat much," he said. "You are not allowed to sleep until you finish your work. If you still do not finish your work, you are sent to a little prison inside the camp. After three months, you leave that prison dead."

An said the camps play a crucial role in the maintenance of totalitarian rule. "All high-ranking officials underneath Kim Jong Il know that one misstep means you go to the camps, along with your family," he said.

Partly to assuage his guilt, An has become an activist and has been talking about the camps for more than a decade. He was among the first to help investigators identify camp buildings using satellite images. Still, he said, nothing will change in camp operations without sustained diplomatic pressure, especially from the United States.

#### INCONSISTENT U.S. APPROACH

The U.S. government has been a fickle advocate.

In the Clinton years, high-level diplomatic contacts between Washington and Pyongyang focused almost exclusively on preventing the North from developing nuclear weapons and expanding its ballistic missile capability.

President George W. Bush's administration took a radically different approach. It famously labeled North Korea as part of an "axis of evil," along with Iran and Iraq. Bush met with camp survivors. For five years, U.S. diplomats refused to have direct negotiations with North Korea.

After North Korea detonated a nuclear device in 2006, the Bush administration decided

to talk. The negotiations, however, focused exclusively on dismantling Pyongyang's expanded nuclear program.

In recent months, North Korea has reneged on its promise to abandon nuclear weapons, kicked out U.N. weapons inspectors, exploded a second nuclear device and created a major security crisis in Northeast Asia.

Containing that crisis has monopolized the Obama administration's dealings with North Korea. The camps, for the time being, are a non-issue. "Unfortunately, until we get a handle on the security threat, we can't afford to deal with human rights," said Peter Beck, a former executive director of the U.S. Committee for Human Rights in North Korea.

#### A FAMILY'S TRIBULATIONS

Kim Young Soon, once a dancer in Pyongyang, said she spent eight years in Camp 15 during the 1970s. Under the guilt-by-association rule, she said, her four children and her parents were also sentenced to hard labor there.

At the camp, she said, her parents starved to death and her eldest son drowned. Around the time of her arrest, her husband was shot for trying to flee the country, as was her youngest son after his release from the camp.

It was not until 1989, more than a decade after her release, that she found out why she had been imprisoned. A security official told her then that she was punished because she had been a friend of Kim Jong Il's first wife and that she would "never be forgiven again" if the state suspected that she had gossiped about the Dear Leader.

She escaped to China in 2000 and now lives in Seoul. At 73, she said she is furious that the outside world doesn't take more interest in the camps. "I had a friend who loved Kim Jong Il, and for that the government killed my family," she said. "How can it be justified?"

#### EXHIBIT 2

[From the Washington Post, July 21, 2009]

CLINTON: U.S. WARY OF GROWING BURMESE, NORTH KOREAN MILITARY COOPERATION  
(By Glenn Kessler)

BANGKOK, July 21—The Obama administration is increasingly concerned that nuclear-armed North Korea is building mysterious military ties with Burma, another opaque country with a history of oppression, Secretary of State Hillary Rodham Clinton said Tuesday.

"We know that there are also growing concerns about military cooperation between North Korea and Burma, which we take seriously," Clinton told reporters after talks in the Thai capital. "It would be destabilizing for the region. It would pose a direct threat to Burma's neighbors."

U.S. officials traveling with Clinton, who is in Thailand to attend a regional security forum, said the concerns about Burma and North Korea extend to possible nuclear cooperation. North Korea has a long history of illicit missile sales and proliferation, including secretly helping to build a Syrian nuclear reactor that was destroyed in 2007 by Israeli jets.

"This is one of the areas we'd like to know about," said one official. "We have concerns, but our information is incomplete."

Burma, also known as Myanmar, is regarded as one of the world's most oppressive nations, run by generals who have enriched themselves while much of the country remains desperately poor. North Korea is an equally grim country, with vast prison camps and an ailing dictator, Kim Jong Il.

The evidence of growing Burmese-North Korean cooperation since formal ties were restored in 2007 is extensive, but the full extent of the military relationship is unclear.

The nuclear connection is even murkier, but intelligence agencies have tracked suspicious procurement of high-precision equipment from Europe, as well as the arrival in Burma of North Korean officials associated with the company connected to the Syria reactor, according to David Albright, director of the Institute for Science and International Security in Washington.

"Something may be going on, but no one has any proof. It is a mix of suspicions and concerns," Albright said, adding that close examination of satellite imagery of suspected nuclear sites has turned up no evidence. But he said that the purchases of high-precision equipment were especially troubling because the equipment did not make sense for use in missiles and it was shipped to educational entities that had connections to Burmese nuclear experts.

Japanese officials last month also arrested three people for attempting to illegally export dual-use equipment to Burma, via Malaysia, under the direction of a company involved in the illicit procurement for North Korean military programs.

Moreover, Albright said, European and U.S. intelligence agencies have identified people associated with Namchongang Trading Corp., a North Korean company also known as NCG, as working in Burma. NCG reportedly provided the critical link between Pyongyang and Damascus, acquiring key materials from vendors in China and probably from Europe and secretly transferring them to a desert construction site near the Syrian town of Kibar.

The State Department last month cited NCG for being "involved in the purchase of aluminum tubes and other equipment specifically suitable for a uranium enrichment program since the late 1990s."

U.S. officials have observed other troubling connections. The U.S. Navy last month closely tracked Kang Nam 1, a rusty North Korean freighter, after the government in Pyongyang tested a nuclear weapon. Although U.S. officials were never completely certain the ship was headed to Burma, the ship returned to North Korea after the United States, China and other countries put pressure on Burma to respect a United Nations resolution barring most North Korean weapons exports.

Photographs that have emerged in recent weeks also show an extensive series of 600 to 800 tunnel complexes and other underground facilities built in Burma with North Korean technical assistance near its new capital, Naypyidaw. North Korean officials can be spotted in the photos, which were taken between 2003 and 2006 and posted on the Web site of YaleGlobal Online by journalist Bertil Lintner, an expert on Burma.

Burma has uranium deposits, but as a signatory to the nuclear Non-Proliferation Treaty, it is required to allow inspections of any nuclear facilities. Russia in 2007 agreed to help build a 10-megawatt light-water reactor in Burma, but little appears to have come of the project.

At the news conference, Clinton also strongly criticized the Burmese government for its well-documented use of gang rape as a military tactic, organized by Burmese officers, against ethnic minorities. A new offensive against the Karen ethnic group has sent more than 4,000 refugees fleeing across the border into Thailand in recent weeks.

"We are deeply concerned by reports of continuing human rights abuses within Burma, particularly by actions that are attributed to the Burmese military concerning the mistreatment and abuse of young girls," Clinton said.

The Obama administration is conducting a review of its Burma policy, which Clinton said has been placed on hold while Wash-

ington awaits the outcome of the trial of Nobel Peace Prize laureate Aung San Suu Kyi.

"We have made clear we expect fair treatment of Aung San Suu Kyi, and we have condemned the way that she has been treated by the regime in Burma, which we consider to be baseless and totally unacceptable," Clinton said.

The National League for Democracy, Suu Kyi's party, won a landslide electoral victory in 1990, but the military leadership refused to accept it. Since then, she has been under house arrest for most of the time, as have hundreds of her supporters.

In May, just days before Suu Kyi's six-year term under house arrest was due to expire, the government put her on trial for an incident involving a U.S. citizen who swam across Rangoon's Lake Inya to reach Suu Kyi's lakefront bungalow and allegedly stayed there one or two nights.

Suu Kyi was taken to Rangoon's notorious Insein Prison on charges of violating the terms of her detention by hosting a foreigner, which could bring a three- to five-year prison term, according to Burmese opposition officials. Suu Kyi, 63, is said to be in poor health and has recently been treated for dehydration and low blood pressure.

"Our position is that we are willing to have a more productive partnership with Burma if they take steps that are self-evident," Clinton said. She called on Burmese authorities to "end the violence against their own people," including ethnic minorities, "end the mistreatment of Aung San Suu Kyi" and release political prisoners.

**THE PRESIDING OFFICER.** The Senator from Rhode Island.

**MR. REED.** Mr. President, the chairman of the Foreign Relations Committee, Senator KERRY, is prepared to comment and speak. I ask unanimous consent that at the conclusion of his remarks, the Senator from Delaware be recognized as in morning business.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

**THE SENATOR FROM MASSACHUSETTS.**

**MR. KERRY.** Mr. President, obviously North Korea's actions in recent weeks—months, really; testing a nuclear device on May 25 and launching ballistic missiles on July 4—received the appropriate objection in many different ways of China, Japan, South Korea, the United States, and many other countries. Clearly, those actions threaten to undermine the peace and security of northeast Asia, and the U.S. response to those actions ought to be and, I believe, is already resolute. China responded very clearly. The sanctions have been toughened—individual sanctions for the first time. A number of steps were taken by both the United Nations and China. China, incidentally, has been unprecedented in the personalization of some of the sanctions that it has put into place.

I know the Senator from Kansas cares, obviously, enormously about the underlying issue here. But I have to say this amendment, while well intended, simply does not do what it is supposed to do. It has no impact other than the sense of the Senate: sending a message which at this particular moment, frankly, works counterproductively to other efforts that are underway.



Right now, the Secretary of State is meeting at ASEAN. Right now, the various countries involved in this delicate process are working to determine how to proceed forward with respect to getting back to talks and defusing these tensions. For the Senate just to pop on an amendment like this at this moment in time not only sends a signal that complicates that process, but I think it also, frankly, will make it more difficult to secure the return of two American journalists, Laura Ling and Euna Lee.

It simply is an inappropriate interference without a foundation, I might add—without a foundation—in the law. Let me be very specific. When President Bush lifted the designation of terrorism—in fact, nothing that the Senator from Kansas has laid out here actually is supported either by the intelligence or by the facts. I could go through his amendment with specificity. Let me give an example. This is from the findings in his amendment:

On March 17, 2009, American journalists . . . were seized near the Chinese-North Korean border by agents. . . .

He is citing that as a rationale for putting them back on the list. Well, the fact is, the families themselves, as well as the two journalists—but the families—have acknowledged that they, in fact, were arrested for illegally crossing the border. So that is inappropriate. But not only is it inappropriate to cite a fact that is not a fact, but it is not a cause for putting somebody on the terrorism list.

Nowhere do any of the actions cited here fit into the statutes that apply to whether somebody is designated as appropriately being on the terrorism list. Let me be more specific about that. When President Bush took them off the list, here is what they said. This is the President's certification:

The current intelligence assessment satisfies the second statutory requirement for rescission. Following a review of all available information, we see no credible evidence at this time of ongoing support by the DPRK for international terrorism, and we assess that the current intelligence assessment, including the most recent assessment published May 21, 2008, provides a sufficient basis for certification by the President to Congress that North Korea has not provided any support for international terrorism during the preceding 6-month period.

There is no intelligence showing to the contrary, as we come to the floor here today, and it is inappropriate for the Senate simply to step in and assert to the contrary.

Moreover, the President said:

Our review of intelligence community assessments indicates there is no credible or sustained reporting at this time that supports allegations (including as cited in recent reports by the Congressional Research Service) that the DPRK has provided direct or witting support for Hezbollah, Tamil Tigers, or the Iranian Revolutionary Guard. Should we obtain credible evidence of current DPRK support for international terrorism at any time in the future, the Secretary could again designate DPRK a state sponsor of terrorism.

Well, we have not. It simply does not fit under the requirements.

We need to use the right tools. This amendment is flawed and I am convinced could actually undermine what I know is going on right now in terms of efforts by a number of different parties to try to move this process forward. This is not the way a responsible Senate ought to go about trying to deal with an issue with this kind of diplomatic consequence.

The relisting, incidentally, has no practical effect in terms of anything it would do with respect to our current policy other than raise the issue with respect to the Senate at this moment but, as I say, inappropriately with respect to the statutes it concerns.

President Bush actually preserved all the existing financial sanctions on North Korea at the time he lifted the terror designation, and he kept them all in place by using other provisions of law.

The fact is, this administration has, in fact, responded in order to put real costs on North Korea for its actions. We led the international effort at the United Nations Security Council, and we did enact sweeping new sanctions on North Korea, and by all accounts they are biting.

The U.N. Security Council resolution 1874, passed unanimously, imposed the first ever comprehensive international arms embargo on North Korea. Those sanctions are now beginning to take effect. A North Korean ship suspected of carrying arms to Burma turned around after it was denied bunkering services in Singapore, and the Government of Burma itself warned that the ship would be inspected on arrival to ensure that it complied with the U.N. arms embargo. So that is real. That is happening. Significantly, China has agreed to impose sanctions both on North Korean companies and individuals involved in nuclear and ballistic missile proliferation.

So the sanctions that were recently imposed by the Obama administration, in concert with the international community, are having a real impact. So I think we ought to give them time to work. I do not think we ought to come in here and change the dynamics that, as I say, I know are currently being worked on by the Secretary of State. As we are here in the Senate today, those meetings are taking place. It is better for the United States and the international community to focus our efforts on concrete steps rather than resort to a toothless and symbolic gesture. This will have no impact ultimately because we are still going to go down our course, but it can ripple the process which the administration has chosen to pursue.

I might also point out, the President and Secretary of State have been closely communicating with allies and with partners in the region. They are currently involved in discussions with China, Russia, South Korea, and Japan on this issue. Even as we debate the

issue here, the effort at the ASEAN Forum is specifically geared to try to coordinate our approach with our treaty allies and with others. We ought to give the administration the opportunity to succeed.

Third, obviously all of us reject the recent actions taken by North Korea. There is no doubt about that. But it was not so long ago that we were actually making some progress on the denuclearization effort. And observers of the region—those who are expert and who follow it closely—are all in agreement as to the rationale which has driven North Korea to take some of the actions it has taken.

I was in China about a month and a half ago. I spent some time with Chinese leaders on this issue because one of the tests took place while I was there and I saw the Chinese reaction up close and personal. I saw the degree to which they were truly upset by it, disturbed by it, and took actions to deal with it. The fact is that they explained it, as have others, as a reaction by North Korea to perhaps three things: No. 1, the succession issues in North Korea itself; No. 2, the policies of the South Korean Government over the course of the last year or so; and No. 3, the fact that while they had nuclear weapons and had been engaged in a denuclearization discussion with the United States, most of the focus appeared to have shifted to Iran, and there was some sense that the focus should have remained where those nuclear weapons currently exist.

So I believe we need to preserve diplomatic flexibility in the weeks and months ahead. There is an appropriate time for the administration to come to us. There is an appropriate way for us to deal with this issue, to sit down with the administration, to make it clear to them that we think we ought to do this, to talk with them about it, to engage in what the rationale might be under the law. But as I say, none of the reasons that are legitimate under the law for, in fact, a designated country as going on the terrorist list is appropriate or fit here. I think that is the most critical reason of all.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, thank you very much. I thank the floor manager on the majority side for this unanimous consent which allows me to proceed now under morning business.

I wish to say a word or two about the Defense authorization bill which is before us, and then I want to pivot. I will talk about the health of our Nation's defense, but also about the health care of our people.

Let me start off by extending my thanks to the leaders of the Armed Services Committee, Senator LEVIN and Senator MCCAIN, and their staffs for the good work they have done. I wish to thank Senator REED of Rhode Island for his contributions as well. Standing here on the floor, I am looking at Senator REED, a graduate of the

Military Academy at West Point, and right across the aisle, at Senator MCCAIN, a graduate of the Naval Academy. It is great to have that kind of experience here in the Senate. They are sitting on opposite sides of the aisle, coming from schools that are sometimes thought to be rivals, but they are able to work together when we need them to.

I wish to express my thanks to the President and to the Secretary of Defense Bob Gates. We have learned that in the last 7 years, cost overruns from major weapons systems in this country grew from about \$45 million in 2001 to last year almost \$300 billion, a growth over 7 years in cost overruns for major weapons systems in 2001 of \$45 million and last year almost \$300 billion. What we need is for the administration as well as the Secretary of Defense and the Joint Chiefs to say to the folks on the Armed Services Committee, but also to say to us in the Senate and in the House: These are the weapons systems we need, these are the threats we believe we face as a nation, and to give us some sense of priorities of the weapons systems we should support and fund, the troop levels we need and, frankly, the weapons systems we don't need and the troop levels we don't need.

I was privileged to follow on the heels of the Presiding Officer, Senator KAUFMAN, about a month and a half ago to Afghanistan and Pakistan. He and Senator REED, I think, led that CODEL and shared with us our needs in that part of the world. We need a military strategy and we also need a civilian strategy in Afghanistan, and I think this administration has given us a good two-pronged approach. We have good new leadership there on the military side. Basically, though, they said our job here is counterinsurgency. We need more troops, more trainers to train the Afghans and to train the military side, and then the civilian side. We also need mobility in terms of a lot of additional helicopters, about 150 new helicopters or additional ones coming in to provide the mobility to move our men and women all over the southern part of Afghanistan, and to meet the Taliban threat.

The kind of weapon we don't use there or don't need there, I will be very blunt, is the F-22 which we discussed and debated here for the last several days, a fighter aircraft that has been around for a dozen or so years. We are still building more of them, but they have never flown a flight mission in Iraq and never flown a flight mission in Afghanistan either. The F-22 is limited in what it can do. It basically is a fighter, air-to-air combat. The Afghans, the Taliban, don't have fighter aircraft. In Iraq, the folks we are fighting there don't have aircraft. Meanwhile, we have F-15s, F-16s, F-18s. We are going to build 2,500 F-35s, for less than half the price of the F-22, which not only do dog fights but can also do ground-to-air support and a variety of

different functions that the F-22 cannot for a lot less money. The administration, I think wisely, said as hard as it is sometimes to stop the production line on aircraft, in this case the F-22, in terms of what is cost effective, we need to refocus on the F-35 and on counterinsurgency, preparing for those kinds of challenges we face. We voted to do that, a 58-to-40 vote. I was very pleased with the vote and I commend everyone who voted as they did, and, frankly, the people who took the opposite view. There were some tough issues to deal with, I know particularly from folks in whose States the aircraft are being produced and systems for those aircraft are being produced. I know it is difficult to accept. But I am encouraged by that vote.

My hope is we will pay heed to some of the priorities sent to us by the Secretary of Defense, which are designed to make sure we spend money on weapons systems that we are likely to need in the 21st century—certainly in the next decade or two or three—and I think with today's vote, we are on a better path to do that.

#### HEALTH CARE REFORM

Sort of pivoting, if I can, after having said a word about the health of our Nation's defense, let me talk about the health of the people in our country. Some of my colleagues are probably getting tired of hearing me say this, but when talking about health care, I mention four things: No. 1, we spend more money for health care than any other nation on Earth. No. 2, we don't get better results. No. 3, we have 14,000 people in this country today losing their health care. No. 4, some 47 million Americans today don't have health insurance, don't have health care. We have to do better than this. I believe we can.

There has been a big focus, as there should be, on extending health care coverage to 47 million folks who don't have it, and we need to address that, obviously. Having said that, the other concern we need to address is reining in the growth of health care costs. We are getting clobbered as a nation in terms of being able to compete with the rest of the world where we pay so much more money for health care than any other nation, and employers pay, and we are getting clobbered as a Federal Government with the cost of Medicare and Medicaid, and State governments trying to bear their share of the cost of Medicaid. They see enormous pressures on their State budgets.

Over lunch today, I said to my colleagues in our caucus meeting that wouldn't it be great if somehow we could have our cake and eat it too. I said that with a piece of chocolate cake staring me right in the face. But as it turned out, there are delivery systems, if you will, of health care in this country where they are not necessarily having their cake and eating it too, but where they are able to provide better health care, better outcomes, at a lower price. Think about that: better

health care, better outcomes, better quality of health care at a lower price.

The names are beginning to become familiar to us. Some are already familiar: Mayo in Minnesota, and now they have an operation down in Florida too to see if that model will work in Florida, and it has; Kaiser Permanente in northern California, an outfit called Intermountain Health—all of these are nonprofits—Cleveland Clinic in Cleveland, OH, an outfit called Geisinger in Hershey, PA; there is what is called a health care cooperative in the State of Washington, I believe it is around Puget Sound, called Puget Sound Cooperative where they have been able to emulate this interesting result of better quality outcomes, better health care, lower prices.

What we need to do is to attempt not only to extend health care coverage to folks who don't have it—47 million—but to rein in the growth of health care costs. The idea that health care costs grow at 2 or 3 or 4 percent over the consumer price index, to continue to do that is going to cripple us economically and competitively as a nation. It is going to cripple our ability to rein in our large and growing deficits.

In the last 8 years in this Nation we ran up as much new debt as we did in the first 208 years of our Nation's history. Think about that: In the last 8 years, we ran up as much new debt in this country as we did in our first 208 years as a nation. This year we are on track to have the biggest single-year deficit we have ever had. We are also in the worst economic downturn since the Great Depression, and we are trying to stimulate the economy and get it moving. I am encouraged that it is starting to move, but that is a huge deficit, coming on the heels of, frankly, 8 years where we spent like drunken sailors, and I know how drunken sailors spend. It is not a pretty sight, and this is, frankly, not a pretty sight either.

We need to go to school on the Mayos, the Geisingers, the Cleveland Clinics, the Kaiser Permanentes, the Puget Sounds, the Intermountain Healths, and see what we can learn from them. What is their secret? How are they able to do this, better outcomes, less price?

As it turns out, there are a number of things they do in common. I wish to mention a few of them today. Among the things they do, they have literally brought on to their staff the doctors at Cleveland Clinic, for example, who provide health care. They are on staff at the Cleveland Clinic. The same is true at Mayo and these other nonprofits.

I saw an interesting special on CNN a couple of weekends ago. They were interviewing a number of people who worked at the Cleveland Clinic. They interviewed a fellow who is a doctor, a cardiologist, as I recall. He used to be in private practice. He said, in the old days when I was on my own in private practice or group practice, I got paid, compensated, for the number of hearts I operated on. If somebody came to me

and they had a heart problem and it could be addressed by diet or exercise or medicine, he said, usually I didn't prescribe those things. I didn't get paid for doing that. If they needed to have a heart operation and we could address their problem with an operation, he said, I got paid for that. As a result, I was more inclined to operate on people's hearts than to use some approaches that were arguably more cost effective. He went on to say, now I work for the Cleveland Clinic. I am a staff doc here. I don't have to operate on people's hearts to be compensated. I can provide good advice, help people with their diet problems, their exercise problems, their weight problems. I can help people better understand what their opportunities are with medicine. I still get paid. Bingo.

So a light went off for me. Some of us are hearing quite a bit the need to get away from these fee-for-service deals where we basically incentivize doctors, hospitals, and nurses to ask for and order more visits, more procedures, more MRIs, more lab tests, for imaging, more x-rays, because they get paid for it, because they know that by doing more of everything, they reduce the likelihood that they are going to be sued. That sort of gets us in this conundrum where we overuse health care. If we are going to have real success in drawing down the costs of health care, part of it will be addressing the issue of fee for service, get away from that practice, and get away from the overutilization of the health care we have.

Let me mention some of the things they are doing at these five or six entities I mentioned, these nonprofits. Among the things they do is coordinate care. I use my mom as an example. My mom is now deceased. She lived in Florida for roughly the last 30 or so years of her life. She had dementia; she had congestive heart failure; she had arthritis. She had five doctors. The last years of her life that she was down there, my sister and I would go down to visit my mom about every other month or so. We would take turns, and we would go with our mom to visit her doctors. These five doctors my mom had never talked to each other. In fact, I don't think they knew that the other doctors existed. They were all in the aggregate prescribing something like 15 different kinds of prescription medicines. We kept them at her home in what looked like my dad's old fishing tackle box. It was compartmentalized with medicines to take before breakfast, during breakfast, after breakfast; before lunch, during lunch, and throughout the day. Some of those medicines my mom was prescribed, she didn't need to take. Somebody needed to know what she was taking and say, You shouldn't be taking these two medicines in combination; they are hurting you. We didn't have good coordination of care of my mom.

One of the things these nonprofits do is coordinate the care that is provided to my mom or anybody's mom or dad.

Another thing that would have been very helpful for my mom or other people in that situation is to have electronic health records. If my mom had an electronic health record such as we have in the VA and like we are developing in Delaware and some other States, when my mom went from doctor's office to doctor's office they would know in each office who else she was seeing and the medicines she was being prescribed, the lab tests and everything. They would have it right there for her when she came for her regular visit.

We have a great ability to harness information technology or electronic health care records, which are a big part of that. Our nonprofits I have talked about—the half dozen or so—have that in common. On wellness and prevention, we know it is not just from nonprofits but out in California is Safeway, and these people have supermarkets all over America and several hundred thousand employees. Their health care costs from 2004 to 2008 have been level and flat. They have incentivized employees to do the right thing for themselves, in terms of holding down their weight, helping them get off tobacco, to fight obesity and lethargy, to get off the sofa, and to eat what is right; and there are antismoking campaigns and all kinds of stuff. So we have a good model there to perform.

It is not just the nonprofits but a lot of employers are starting to get into this as well.

There are another one or two points I will mention on the nonprofits. On chronic disease management, such as heart disease and diabetes, I am told that about 80 percent of the cost of these chronic diseases can be controlled by four factors: diet, exercise, overweight/obesity, and smoking. Those four factors control about 80 percent of the cost of our expenditures on chronic care. If we work with those four items, we will help reduce the costs and provide better outcomes for people. We will also hold down our costs. There are a couple lessons from the nonprofits and others. Part of it is pharmacy—making sure people who need pharmaceutical medicines, small and large molecules, are taking those, and somebody is checking to make sure they are taking what they need.

Focusing on primary care, many of those people coming out of medical schools want to be specialists. They are not interested in being primary care doctors. We need more primary care doctors. We need to change the incentives to get more primary care doctors, which is what we need. Another idea is for us to pool insurance costs. As my colleagues know, we have the Federal Employee Health Benefit Plan. We have an insurance pool where we pool all the Federal employees and their dependents and the retirees and their dependents into one large pool to purchase health insurance. They get it at a not cheap price but a pretty good

price. One of the reasons why is, when you have a lot of people in the purchasing pool, you get a good variety and much better costs. If you think about the administrative costs for health insurance, as a percentage of premiums, I am told, in the Federal Employee Health Benefit Program, it is about 10 percent. When it comes to people buying individual policies and small businesses, their administrative costs as a percentage of premiums are about 30 percent. So the idea of creating large purchasing pools makes a whole lot of sense.

I will close here. The idea that we would pass health care legislation and stop extending coverage for people who don't have it—if that is all we do, we have failed the American people. We have to do at least two things. One is extend coverage but also make sure the coverage we extend provides better coverage, better quality outcomes and better health care and that we do so at a price that is diminished and does not continue to expand by several times the rate of inflation. We can do that going forward. That is what we need to do.

My friends have been generous in allowing me to proceed. I see several Senators are anxious to get back into the debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCain. Mr. President, I rise in support of the amendment offered by the Senator from Kansas concerning North Korea.

I must say I was entertained by the outlook—as far as North Korea's behavior is concerned—by the distinguished chairman of the Foreign Relations Committee. I can't remember when I have disagreed more.

The State Department's 2008 Country Reports on Terrorism stated that “as part of the six-party talks process, the U.S. reaffirmed its intent to fulfill its commitment regarding the removal of the designation of the DPRK as a state sponsor of terrorism in parallel with the DPRK's actions on denuclearization and in accordance with criteria set forth by law.”

They certainly haven't taken any action on denuclearization, and it certainly hasn't been in accordance with the criteria set forth by law.

There was a problem with this trade, however. We delisted North Korea, and we got something worse than nothing. Facts are stubborn things. In response to our action, Pyongyang has embarked on a pattern of astonishing belligerence and has reversed even the previous steps it had taken toward the denuclearization prior to its removal from the terrorism list.

A few facts. In December 2008—just 2 months after the United States removed Pyongyang from the list—North Korea balked at inspections of its nuclear facilities and ceased disablement activities at the Yongbyon reactor. In March, the regime seized two American

journalists near the China-North Korean border and subsequently sentenced them to 12 years of hard labor in the North Korean gulag. These are two American citizens who may have strayed over a border. Does that mean they are sentenced to 12 years of hard labor in the most harsh prison camps in the world? What are we going to do about it? It is remarkable. Two weeks later, it tested a long-range ballistic missile, in violation of U.N. Security Council resolutions, and then announced it was expelling international inspectors from Yongbyon, reestablishing the facility, and ending North Korean participation in disarmament talks. In May, Pyongyang conducted its second nuclear test; in June, a North Korean ship suspected of carrying illicit cargo departed North Korea in likely defiance of U.N. Security Council obligations; and earlier this month, Pyongyang again launched short- and medium-range missiles into the Sea of Japan, including on the Fourth of July.

All these are indications that the North Koreans somehow should not be listed as terrorists? I think we ought to, frankly—I respect and appreciate my friend from Kansas. Maybe we ought to have a binding resolution, rather than a sense of the Senate. It is remarkable that these events have taken place against a backdrop of belligerence and intransigence by North Korea. Pyongyang has never accounted for or even acknowledged its role in assisting the construction of a nuclear reactor in Syria, which the Israelis had to bomb. Similarly, it has refused to provide a complete and correct declaration of its nuclear program. Of course, something we all know, which is one of the great tragedies in the history of the world, is this is a gulag of some 200,000 people, where people are regularly beaten, starved, and executed. According to the Washington Post, most of them work 12- to 15-hour days until they die of malnutrition-related illnesses, usually at around the age of 50. They are allowed just one set of clothes. They live and die in rags, without soap, socks, underclothes or sanitary napkins. It is a horrible story.

It is not an accident that the average South Korean is several inches taller than the average North Korean. This regime may be the most repressive and oppressive and Orwellian in all the world today. So the Chinese have been serious—according to Mr. KERRY, the Senator from Massachusetts, the Chinese have been resolute on the issue of the ship inspections. The U.N. Security Council resolution calls for monitoring and following of the ship, and if the decision is made that they need to board a North Korean ship, if the North Koreans refuse, then the following ship cannot board but can follow them into a port, where the port authorities are expected to board and inspect the vessel. And then that violation is reported to the U.N. Security Council. That ought to rouse some pretty quick action. I

don't share the confidence of the Senator from Massachusetts that if a North Korean ship goes into a port at Myanmar, you will see likely action, except maybe the offloading of whatever materials are being bought by Myanmar.

Look, the North Koreans have clearly been engaged in selling anything they can to anybody who will buy it because they need the money—whether it be drugs, counterfeit currency, nuclear technology or missiles. Every time we have held onto the football, like Lucy, they have pulled it away.

I think this is a very modest proposal of the Senator from Kansas. I point out that years and years of six-party talks, different party talks, negotiations, conversations, individuals who have been assigned as chief negotiators who then end up somehow negotiating, with the end being further negotiations, has failed.

If the North Koreans continue to test weapons, test missiles, sooner or later, they will match a missile with a weapon that will threaten the United States of America. Right now, those missiles they are testing go over Japanese territory. I think it is pretty obvious we are dealing with a regime of incredible and unbelievable cruelty and oppression of their own people. The newly published Korean bar association details the daily lives of the 200,000 political prisoners estimated to be in the camps. Eating a diet of mostly corn and salt, they lose their teeth, their gums turn black, their bones weaken and, as they age, they hunch over at the waist.

This is a regime that, in any interpretation of the word, is an outrageous insult to the world and everything America stands for and believes in. I believe they will pose a direct threat, over time, to the security of not only Asia but the world. They were able to export technology all the way to Syria, obviously. Why should they not be able to export that to other parts of the world?

I urge my colleagues to vote in support of the amendment by the Senator from Kansas, and I hope we can vote on that sooner rather than later.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to add Senator BENNETT from Utah as a cosponsor of the amendment.

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

Mr. BROWNBACK. I thank my colleague from Arizona. I think he understands more than anybody in this body the situation and what happens in a gulag-type situation. That has drawn me to the topic of North Korea for a couple years—the human rights abuses. Hundreds and thousands of North Koreans are fleeing to be able to simply get food, and a couple hundred thousand of them are in the gulag system. It is unbelievable that this can happen in 2009. We have Google Earth that can even

show this. But we just say: OK, that is the sort of thing that happens there. It is mind-boggling to me that we wouldn't act resolutely.

I appreciate the chairman of the Foreign Relations Committee, the Senator from Massachusetts, who is a distinguished Senator and is very bright and experienced in foreign policy. I could not disagree with him more about North Korea. We have had an ongoing dialog and discussion about this. He makes the point that we should not pop this on the bill.

I have been trying for months for us to relist them as terrorists. They should not have been delisted in the first place. It was a terrible process move on the Bush administration to try to move the talks forward, saying we are going to delist you and you are going to do something for us. Pyongyang and Kim Jong Il said thank you very much, and now we are going to stick it in your face, which is what they have continued to do. I have listed the things, as the Senator from Arizona has mentioned as well.

The thought that we are acting resolutely, to me, is an insult to the people in North Korea who have lived under this oppressive regime. We are not acting resolutely toward North Korea. We are not putting any sanctions on them. We have asked for international sanctions, but why aren't we willing to put sanctions on ourselves? If we think this is such a proper course to follow, and we are willing to push it on an international body, why wouldn't we be willing to do it ourselves? Why wouldn't we be willing to list them as a terror nation, as a state sponsor of terror? I don't understand that; why, if it is good in the international arena, we wouldn't do it ourselves.

Plus, we need to have teeth into this. This is a modest—a modest—proposal. It is a resolution, a sense of the Senate that North Korea should be relisted as a state sponsor of terrorism. We are not relisting them. That is an administration call. We are saying we, as a body, given the provocative actions that have taken place since they have been delisted clearly merits the relisting of North Korea as a state sponsor of terrorism. That is our opinion, and that is what we are saying to the administration.

Without a foundation in the law, it is clearly—as I read previously—allowed for the Secretary of State to determine that the government of that country has repeatedly provided support for acts of international terrorism. That is the actual wording of the law in the Arms Export Control Act. Clearly, they have acted to sponsor international terrorism with their relation with Burma, with the missiles, with the nuclear weapons, and with the proliferation they have done and continue to do.

He says, and is suggesting, that delisting has no practical effect. I believe it does have a practical effect, and it certainly does on the administration's stance toward North Korea

and their international posture toward North Korea. Plus, it has a practical effect on what we can provide for as far as aid from the United States to North Korea. We shouldn't be providing aid to the North Koreans. We should provide food aid, if we can monitor it. We shouldn't be giving oil to the North Koreans. That should be limited so the administration cannot do that. They would not be able to if they are listed as a state sponsor of terrorism.

Mr. President, it will hurt the people of North Korea and those who are in the North Korean gulags if we don't relist them. It recovers any vestige of hope they might have that at some point in time somebody of enough stature, such as the United States Government, is going to take enough notice that they are going to put pressure on the North Korean regime. I have talked with some people who were refuseniks in the Soviet Union, in a Soviet gulag during an era where we had far less communication capacity than we do today, and yet they were able to get messages at that point in time into the Soviet gulag that the Americans were putting pressure on the Soviet Union and the lack of human rights in the Soviet Union, and it gave them hope. It gave them hope in the Soviet gulag.

If we can pass this, it can give people in the gulags in North Korea hope that somebody is at least paying enough attention to put pressure on this, and maybe they may be able to live longer, or actually live at all. It can give them hope, instead of "abandon hope all ye who enter here," as it says at the entrance to Inferno and as it is in the gulag system in North Korea.

So it is a modest resolution, and I would hope my colleagues would vote overwhelmingly for this resolution to relist North Korea as a state sponsor of terrorism.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 1528

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 1528 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself, Mr. GRAHAM, Mr. BEGICH, Mr. CORNYN, Mrs. HUTCHISON, and Mr. THUNE, proposes an amendment numbered 1528.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide authority to increase Army active-duty end strengths for fiscal year 2010 as well as fiscal year 2011 and 2012)

Strike section 402 and insert the following:

**SEC. 402. ADDITIONAL AUTHORITY FOR INCREASES OF ARMY ACTIVE-DUTY END STRENGTHS FOR FISCAL YEARS 2010, 2011, AND 2012.**

(a) AUTHORITY TO INCREASE ARMY ACTIVE-DUTY END STRENGTH.—

(1) AUTHORITY.—For each of fiscal years 2010, 2011, and 2012, the Secretary of Defense may, as the Secretary determines necessary for the purposes specified in paragraph (2), establish the active-duty end strength for the Army at a number greater than the number otherwise authorized by law up to the number equal to the fiscal-year 2010 baseline plus 30,000.

(2) PURPOSE OF INCREASES.—The purposes for which an increase may be made in the active duty end strength for the Army under paragraph (1) are the following:

(A) To increase dwell time for members of the Army on active duty.

(B) To support operational missions.

(C) To achieve reorganizational objectives, including increased unit manning, force stabilization and shaping, and supporting wounded warriors.

(b) RELATIONSHIP TO PRESIDENTIAL WAIVER AUTHORITY.—Nothing in this section shall be construed to limit the authority of the President under section 123a of title 10, United States Code, to waive any statutory end strength in a time of war or national emergency.

(c) RELATIONSHIP TO OTHER VARIANCE AUTHORITY.—The authority in subsection (a) is in addition to the authority to vary authorized end strengths that is provided in subsections (e) and (f) of section 115 of title 10, United States Code.

(d) BUDGET TREATMENT.—

(1) IN GENERAL.—If the Secretary of Defense increases active-duty end strength for the Army for fiscal year 2010 under subsection (a), the Secretary may fund such an increase through Department of Defense reserve funds or through an emergency supplemental appropriation.

(2) FISCAL YEARS 2011 AND 2012.—(2) If the Secretary of Defense plans to increase the active-duty end strength for the Army for fiscal year 2011 or 2012, the budget for the Department of Defense for such fiscal year as submitted to Congress shall include the amounts necessary for funding the active-duty end strength for the Army in excess of the fiscal-year 2010 baseline.

(e) DEFINITIONS.—In this section:

(1) FISCAL-YEAR 2010 BASELINE.—The term "fiscal-year 2010 baseline", with respect to the Army, means the active-duty end strength authorized for the Army in section 401(1).

(2) ACTIVE-DUTY END STRENGTH.—The term "active-duty end strength", with respect to the Army for a fiscal year, means the strength for active duty personnel of Army as of the last day of the fiscal year.

Mr. LIEBERMAN. Mr. President, I am pleased and proud to introduce this amendment with a bipartisan group of cosponsors. To state it briefly, it extends the authorized end strength of the U.S. Army by 30,000 over the next 3 years, effective with the commencement of fiscal year 2010. It doesn't mandate this increase, but it expands the authority of the Secretary of Defense, obviously, with the support and authorization of the President of the United States, the Commander in Chief, to extend the end strength of the U.S. Army. End strength means how many soldiers can the U.S. Army have. Of course, it does this to reduce the tremendous stress on the U.S. Army, which is carrying the burden of combat

in two wars, in Iraq and Afghanistan today, and over the next year or 18 months will be in this unique position.

Progress has been made, thank God, in Iraq, and the Iraq Security Forces are progressively taking over responsibility for keeping the security in their country. The drawdown of American soldiers is happening in a methodical and responsible way, and I again express my appreciation to President Obama that it is happening in that way. At the same time, we are increasing our troop presence in Afghanistan. Bottom line: The demand for members of the U.S. Army on the battlefield over the next year, 18 months, at the outside 2 years, is going up. If the supply remains constant, that means the stress on every soldier in the U.S. Army and his or her family will not be reduced. As a matter of fact, it will go up. The term for this—which I will get to in a minute—in the Army is "dwell time."

This is an amendment that began with members of the Senate Armed Services Committee, and a comparable amendment in the House Armed Services Committee, recognizing, as we all do, the tremendous stress that our Army is under, the extraordinary job they are doing in Iraq and Afghanistan.

This is really the next great generation of the American military. But we see in it some tough statistics: the increase in mental health problems, the increase in divorces of members of the service, and, worse, of course, the increase in suicides.

There are many things we have supported in this Senate and the Congress—and the administration has—to respond to each one of those problems. But in a way, the most direct thing we can do is to increase the size of the U.S. Army so there is less pressure on every soldier in the Army, in this sense. Every time we add another soldier to the U.S. Army—and we are talking about authorization to add 30,000 more—it means that much more time every other member of the U.S. Army can spend back at base retraining, preparing and, most important of all, spending time with their families.

As I know the Presiding Officer knows—and I know the President of the United States knows it too—the good news is that the Secretary of Defense, Bob Gates, who has done and is doing an extraordinary job for our country with, of course, the support and authorization of President Obama, yesterday announced that he would be temporarily increasing the Active-Duty end strength of the U.S. Army by 22,000 soldiers over the course of the next 3 years.

I cannot sufficiently express my words of appreciation for Secretary Gates's decision. He acted by employing the emergency authority he has in an authorization of the use of force and a built-in statutory waiver he has up to 3 percent of existing end strength to expand the size of the Army. This amendment, which had been planned,

and was in the committee before this great action by Secretary Gates yesterday, is now before us, and I am honored to offer this amendment with a bipartisan group of cosponsors who are listed on this amendment as a way to do two things: The first is that it literally increases from 547,000 to 577,000-plus the authorized end strength of the U.S. Army, and to leave that authority there in case there is a need that Secretary Gates and the President see in the coming 3 years to raise the number.

Mr. MCCAIN. Mr. President, will the Senator yield for a question?

Mr. LIEBERMAN. I will be happy to yield.

Mr. MCCAIN. It is my understanding that the amendment authorizes the additional forces Secretary Gates said yesterday in his speech that we need—or the day before yesterday. Why do we need to put this into the bill?

Mr. LIEBERMAN. Two reasons. The first is that it is a bit beyond what Secretary Gates did. He authorized using the extraordinary powers he possesses as Secretary in this time of conflict up to 22,000 for the next 3 years. The amendment authorizes—doesn't mandate, doesn't appropriate—30,000 for the next 3 years. So it gives some latitude, depending on how conditions go in Iraq and Afghanistan, to go a bit further—8,000 more, if necessary, over the next 3 years.

Second, I say to my friend from Arizona, when this amendment started, we didn't know Secretary Gates was going to do this. I am grateful he did, but this amendment now—frankly, as Secretary Gates himself said to me yesterday, and I appreciate it and I don't think he would mind if I repeated it on the Senate floor—gives the Senate and Congress the opportunity to essentially vindicate and support the step that the Secretary has made and, as he put it, send a message from the Senate to the members of the U.S. Army that help is on the way.

Mr. MCCAIN. And there is no doubt that the Army very badly needs the help now and in the foreseeable future.

Mr. LIEBERMAN. My friend from Arizona is absolutely right. There is no doubt, based on the demand, certainly temporarily, over the next 18 months, perhaps 2 years, as we are drawing down in Iraq, but not as rapidly as we are adding forces in Afghanistan, that there is at least a temporary need for more than the authorized 547,000 members of the U.S. Army.

Mr. MCCAIN. And if I could question the Senator further, perhaps this would illuminate any requirement for stop loss or for involuntary extensions in a combat area.

Mr. LIEBERMAN. Absolutely. As a matter of fact, one of the reasons Secretary Gates gave yesterday I will read:

The decision to eliminate the routine use of "stop loss" authority in the Army requires a larger personnel flow for each deploying unit to compensate for those whose

contract expires during the period of deployment.

So, yes, this makes it possible to end the use of stop loss, which is essentially, in layman's terms, a way to require people to stay actively deployed longer than they originally were going to be deployed.

Mr. MCCAIN. I thank the Senator.

Mr. LIEBERMAN. I thank my friend from Arizona. We have illuminated most of the reasons in our exchange why this amendment is important. I will simply add a few more things Secretary Gates said yesterday, which is:

The army has reached a point of diminishing returns in their multiyear program to reduce the size of its training and support "tail."

That is the training and support which supports the Active-Duty Army.

The cumulative effect of these factors is that the Army faces a period where its ability to continue to deploy combat units at acceptable fill rates is at serious risk.

Here is the point I just made in response to Senator MCCAIN's question.

Based on current deployment estimates, this is a temporary challenge—

A temporary point of stress. We hope and pray that is true. It certainly looks like it is—

which will peak in the coming year and abate over the course of the next 3 years.

Mr. President, in addition to the Secretary of Defense, we heard from the Army's Chief of Staff, GEN George Casey, and Secretary of the Army Pete Geren, who have been advocates within the Pentagon for this increase in end strength, and I thank them for that. Admiral Mullen, Chairman of the Joint Chiefs, told our Armed Services Committee earlier this year that the light at the end of the tunnel, as he put it, is still more than 2 years away, and that is only if everything goes according to plan, which in combat, obviously, often does not.

Again, I say this is an authorization; it is not a mandate. I will add that Secretary Gates announced yesterday that he will find a way to fund the additional troops in this year and fiscal year 2010—the one that begins October 1—by reprogramming other funds appropriated to the Pentagon for fiscal year 2011, which is the budget that will be presented to us next year, if it is probable that the Department of Defense will require funding as part of its normal operations, and more likely as part of the OCO fund—the overseas contingency operation fund—which supports our presence in Iraq and Afghanistan.

I cannot say enough, I know all of us in the Senate believe we cannot say enough, in gratitude to the members of the U.S. Army who are leading the battle for us against the Islamic extremists and terrorists who attacked us on 9/11/01. We owe them a debt we can never fully repay.

One thing we can do, that Secretary Gates did yesterday and the Senate can do in this amendment, is to send a message to our troops in the field that help

is on the way in the most consequential way, which is additional members of the Army.

I ask that when the vote be taken, it be taken by the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LIEBERMAN. Again I say to my colleagues I am doing that, although I expect there will be very strong support for this, because I believe it is the most visible way for this Senate to send the message to the U.S. Army of appreciation and gratitude, to them and their families, that help is on the way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, let me commend Senator LIEBERMAN and others who support this amendment. We in the Armed Services Committee are very supportive of previous increases; indeed, we led the way on some of them. Because of the stress on the Army and the number of commitments which had been made in Iraq and Afghanistan, we must give the kind of support to our troops they deserve and the American people want us to give.

One of the ways we can reduce some of the stress is by increasing the end strength so the dwell time is more sufficient and there are other positive spinoffs as well from this kind of increase in the authorized end strength.

The Secretary made a very powerful speech the other day when he called for an increase of 22,000, I believe, in the end strength. That end strength is temporary, it is almost as large as this—not quite; this is 30,000, but this is surely in the ballpark. It is appropriate. It is authority, it is not mandatory, and I think it is a very positive signal to send to our men and women in uniform and to their families. I very much support the amendment.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, briefly I thank Senator LEVIN, the chairman of the Armed Services Committee, not just for his strong statement of support now but for the support he has given during our committee's deliberations to the goal of achieving an increase in Army end strength.

I yield the floor.

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

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

AMENDMENT NO. 1475

Mr. CARDIN. Mr. President, I am going to talk about an amendment we



have not yet cleared unanimous consent for it to be brought up. I am hopeful that will come. But in order to advance the issue, I intend to talk about my amendment, No. 1475, without offering it at this time. I think it is an appropriate amendment to talk about at this point following Senator LIEBERMAN's amendment because his amendment deals with increasing our forces.

One of the reasons it is important to do that is the stress that the restricted numbers provide on our military personnel. Senator LIEBERMAN mentioned, and I will repeat, the number of suicides and attempted suicides by our young men and women serving in the military has increased and one of the reasons, frankly, is that the repeated deployments and the length of the deployments have added to the stress of our servicemen.

Health experts agree that there is most likely a combination of factors leading to this increase in suicides. Many of these factors are simply the results of the prolonged conflict that our Nation finds itself in, including multiple deployments, extended separations from family and loved ones, and the overwhelming stress of combat experiences; each placing a unique and tremendous strain on the men and women of our all-volunteer force.

But while Congress has recognized these strains, and acted to help provide relief by increasing the size of our forces and thereby reducing the number and frequency of deployments, we cannot as easily remedy the stress or mental trauma created by combat experience.

For those who have had to witness the ugliness and devastation of war first-hand, they have encountered something very unnatural for the human mind to comprehend or accept. For these service members, recovering from these experiences involves a long and arduous journey in learning to identify, control and cope with a wide array of emotions. And this learning process is often only accomplished with the guidance and management of highly trained mental or behavioral health specialists.

In this light, we in Congress have acted to increase funding for more mental health providers and improved access for our troops and their families, and we have sharpened the focus of the military on addressing these care needs. That is very positive and has had a very positive effect.

What we must now focus on, and direct the military's attention to, is the potentially harmful practice of administering antidepressants to a population that frequently moves throughout a theatre of war and is therefore susceptible to gaps in mental health management. We are not certain they are getting the follow-up care they need.

A 2007 report by the Army's fifth Mental Health Advisory Team indicated that, according to an anonymous

survey of U.S. troops, about 12 percent of combat troops in Iraq, and 17 percent of combat troops in Afghanistan, are taking prescription antidepressants or sleeping pills to help them cope with this stress. This equates to roughly 20,000 troops on such medications in theatre right now.

What I find particularly troubling, when reviewing these figures, is that the Pentagon has yet to establish an official clearinghouse that accurately tracks this kind of data. In fact, the Army's best reported estimate can only tell us that the authorized or prescribed drug use by troops in Iraq and Afghanistan is believed to be evenly split between antidepressants—mainly selective serotonin reuptake inhibitors, or SSRIs—and prescription sleeping pills. My amendment would provide us with the information so we know what is happening with the use of these drugs.

Providing that this best estimate contains some degree of accuracy, it is important for us to also recognize that many of these same antidepressants, after strong urging by the FDA, recently expanded their warning labels to state that young adults—ages 18–24 years old—may be at an elevated risk of suicidal thoughts and behavior while using the medication. This same age group—18–24 years old—represents 41 percent of our military forces serving on the front lines in Iraq and Afghanistan.

While keeping this warning label in mind, it is imperative that my colleagues understand that nearly 40 percent of Army suicide victims in 2006 and 2007 are believed to have taken some type of antidepressant drugs—and overwhelmingly these SSRIs. And as I mentioned at the beginning of this statement, the number of Army suicides reported each month are outpacing each preceding month.

This class of antidepressants—these SSRIs—are unlike most earlier classes of psychiatric medications in that they were, from their inception, specifically designed for use as an antidepressant—that is, they were engineered to target a particular process in the brain that plays a significant role in depression and other anxiety disorders. More significantly, however, these SSRIs are unlike most other antidepressant medications because they are still allowed by Department of Defense policy to be prescribed to service members while they are deployed and directly engaged in overseas operations.

Now, to be fair, there is widespread consensus in the community of professional mental health providers, and empirical evidence to support, that SSRIs do offer significant benefit for the treatment of posttraumatic stress and some forms of depression. And although there are some side effects, they are reportedly much milder and shorter in duration than other antidepressants. Additionally, SSRIs are also believed to potentially prevent, or at least some believe, lessen

the more harmful long-term effects of posttraumatic stress disorder.

My concern, however, and hopefully that of my Senate colleagues, is not the long-term efficacy of these SSRIs, but more pointedly the volume and manner in which these drugs are being administered to our service men and women overseas.

You see, unlike medications that work on an as-needed basis, SSRIs only begin to work after having been taken every day—at a specific dosage—for a significant period of time. This frequently translates to a 3 to 6 week latency period before the therapeutic effect materializes and patients begin to feel improvement. In light of the population I have been discussing, there are two very readily apparent problems with this shortcoming—first, is that service members serving in forward operating areas, such as Afghanistan and Iraq, are quite frequently subject to moving between bases or into other areas—some so remote that there may be no trained mental health provider available to administer the treatment and to make sure it is effective.

Second, and more importantly, is that this initial period is when patients, particularly younger patients, often suffer an escalation in the severity of depression and/or anxiety.

In essence, DOD may be prescribing SSRIs to its service members, without the assurance that they will remain in a capacity to be observed by a highly trained mental health provider. Worse yet, these same patients may very likely find themselves ordered off to conduct combat operations during this same latency period.

Let's return our focus back to the alarming increase in the number of military and veteran suicides reported in 2008 and 2009.

At what point do we step forward to direct that action be taken by DOD to capture, track and report this data? And at what point do we ensure that DOD is properly prescribing, dispensing and administering these drugs to our troops without having in place the necessary controls and or patient management practices?

As a first step in this direction, the amendment I intend to introduce will accomplish a better understanding as to the potential magnitude of this issue. This amendment directs the Department of Defense to capture, at a macro level—at a macro level, not individual information, without divulging or violating any protected patient health information—the volume and types of antidepressants, psychotropics or antianxiety drugs being prescribed to our men and women serving in Iraq and Afghanistan. It will also require DOD, beginning in June of 2010 and then annually thereafter through 2015, to report to Congress an accurate percentage of those troops currently and previously deployed to Iraq and Afghanistan since 2005 who have been prescribed these types of drugs.

I wish to reiterate that this measure specifically directs the disclosure of

this information by DOD to be done in such a way as to not violate the individual patient privacy rights of our service men or women as defined by HIPAA.

This legislation further directs DOD to contact the National Institute of Mental Health and provide any and all data as determined necessary by the Institute to conduct a scientific peer reviewable study to determine whether these types of prescriptions, and/or the method in which they are being prescribed and administered by DOD, are in any way contributing to the rising number of suicides by servicemembers or Iraq or Afghanistan veterans.

I want to specifically address one issue I have heard from some who express concern about this amendment by saying it would stigmatize, in the eyes of our troops, those seeking mental health care. Nothing could be further from what this amendment does. This amendment would collect information in an anonymous manner, and it will be invisible to the servicemembers serving on the front line.

The men and women serving in our military, and equally so their families, deserve our utmost assurance that we are doing everything in our power to see that our Nation's warfighters are provided the best medical care available. An integral part of our commitment must also be to ensure that these service men and women volunteering to serve our Nation are not being exposed to what may potentially endanger them when they seek medical care and mental health service.

This amendment is very simple. It asks us to gather information so we can make a judgment in a macro sense, without violating the individual privacy of our service men and women. It allows us to gather the information, to have the best information. This Congress has a proud record of providing the necessary resources for the health care of our warriors and their families.

This amendment will complement that by making sure that we have the analytical tools to make sure we are providing the right type of mental health services to our service men and women who are in theater. It gets us the information in order to judge what is being done today.

I would hope my colleagues would agree that we would want to have this information, and I hope at a later time I will have the opportunity to actually offer the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. First of all, let me commend the Senator from Maryland on his amendment. I support it. I hope it can be cleared or placed in order so that we can adopt it on a rollcall if it cannot be cleared.

AMENDMENT NO. 1528

I ask unanimous consent that we now proceed to a vote on the Lieberman amendment, a rollcall vote on the Lieberman amendment.

Mr. MCCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Idaho (Mr. CRAPO).

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

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 236 Leg.]

YEAS—93

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

NAYS—1

Feingold

NOT VOTING—6

Byrd	Kennedy	Specter
Crapo	Mikulski	Webb

The amendment (No. 1528) was agreed to.

Mr. LEVIN. I move to reconsider the vote, and 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 Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator LEAHY be added as a cosponsor on the amendment which we just adopted, the Lieberman amendment.

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

AMENDMENT NO. 1688

Ms. SNOWE. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, I rise in support of this vital amendment in order to correct dispari-

ties among the Small Business Administration's, SBA, small business contracting programs. Building on my efforts to bring true parity to the programs, this amendment will create a more equitable and flexible method for Federal agencies to fairly allocate Federal procurement dollars to small business contractors across the Nation. Earlier this year, I offered an amendment, cosponsored by my colleague from Maine, Senator COLLINS, to create parity as part of S. 454, the Weapon Systems Acquisition Reform Act of 2009. Unfortunately, that amendment was not accepted.

For years it has been unclear to the acquisition community what, if any, is the true order of preference when determining which small business contracting program is at the top of the agency's priority list. The SBA's regulations state that there is parity among the programs, and this had been the general practice in effect until two Government Accountability Office decisions were released on September 19, 2008, and May 4, 2009.

The decisions stated that the Historically Underutilized Business Zone—HUBZone—program had preference over all other small business contracting programs. While the interpretation benefits HUBZone businesses, it comes at the expense of other vital small business contracting programs. This targeted amendment provides equity for the SBA's small business contracting programs.

The amendment provides Federal agencies with the necessary flexibility to satisfy their government-wide statutory small business contracting goals. This amendment makes clear to purchasing agencies that contracting officers may award contracts to HUBZone, service-disabled veterans, 8(a), or women-owned firms with equal deference to each program. It would provide these agencies with the ability to achieve their goaling requirements equally through an award to a HUBZone firm, a service-disabled veteran-owned small business, and a small business participating in the 8(a) business development program. And of course this list will also include women-owned small businesses once the women's procurement program is fully implemented by the SBA.

In addition, this amendment brings the SBA's contracting programs closer to true parity by giving HUBZones a subcontracting goal. HUBZones are the only small business contracting program without a subcontracting goal. In addition, the amendment authorizes mentor protégé programs modeled after those used in the 8(a) program for HUBZones, service-disabled veteran and women-owned firms.

The essence of true parity is where each program has an equal chance of competing and being selected for an award. During these difficult economic

times, it is imperative that small business contractors possess an equal opportunity to compete for federal contracts on the same playing field with each other.

I urge my colleagues on both sides of the aisle to support this amendment.

AMENDMENT NO. 1500

Mr. GRASSLEY. Mr. President, I rise today to support the section 1072 of S. 1390, National Defense Authorization Act of 2010. This section authorizes the Comptroller General of the United States to assess military whistleblower protections.

As everyone knows, I strongly believe whistleblowers play an important role in the accountability of all government. This should also be true for the men and women who wear uniforms and serve in the Armed Forces.

In 1988, Congress passed legislation that gave members of the armed services unique whistleblower protections. Despite this military whistleblower law, I have concerns that military whistleblowers could be underserved by the regulations and processes created by the Department of Defense, DOD, and the DOD, Office of Inspector General, OIG.

During the course of my own investigation of several military whistleblower cases, I learned some matters which may question how effectively military whistleblower reprisal cases are handled by the DOD and DOD OIG. The Government Accountability Office, GAO, has noted in its past work that the effectiveness of the Federal protection for military whistleblowers rests principally on a two-stage process of investigation and administrative review. The first stage involves a DOD, service, or guard inspector general's investigation of the specific facts and interpretation of issues associated with a whistleblower reprisal allegation. In the second stage of the investigation/administrative review process, the DOD OIG reviews and approves the findings of the service or guard inspectors general. This review is designed to provide assurance that the findings and recommendations in a report were made in compliance with applicable investigatory guidelines and meet legal sufficiency. The second stage of this procedure is crucial for the military whistleblower process to work as intended.

In addition to the tasking included in S. 1390, the military whistleblower reprisal appeal process should be examined by the GAO as well. The military whistleblower law, 10 USC § 1034, gives the Boards for the Correction of Military Records—BCMR—of each armed service the appeal authority in these often unique and complex matters. I believe the report requested by the underlying bill is important and I support its inclusion. However, it is important for the GAO to also study the effectiveness of the BCMR appeal process to ensure military whistleblowers are afforded a fair administrative process to combat reprisal.

Last year, I first introduced the idea of a GAO military whistleblower study when I requested this work of the Acting Comptroller General Gene L. Dodaro in a letter dated July 18, 2008. I followed up on my letter to the GAO with a legislative proposal through a filed amendment to the Defense Department appropriations bill for 2009 which instructed the GAO to conduct a comprehensive analysis of this issue. Unfortunately, that amendment did not make it through the legislative process. I thank Chairman LEVIN and Ranking Member MCCAIN for including this sensible military whistleblower study in the current bill.

Accordingly, I offer this latest amendment to include a review and analysis of the military whistleblower reprisal appeals heard by the Boards for the Correction of Military Records.

Mr. DURBIN. Mr. President, the National Defense Authorization Act for Fiscal Year 2010 authorizes almost \$680 billion for the Department of Defense and the national security programs of the Department of Energy.

The bill provides pay and health care to servicemembers and their families; funds troops with the equipment and resources they need to fight and provide security; strengthens our ability to train foreign militaries and protect against IEDs and rogue nuclear threats; and terminates questionable weapons programs.

It also includes legislation to complete the James A. Lovell Federal Health Care Center in Illinois.

It gives the VA and the Navy the authority they need to finalize a model partnership between the North Chicago VA Medical Center and the Naval Health Clinic Great Lakes.

This is a model that the Departments hope can be replicated around the country.

Combining separate Federal hospitals will provide better care for our servicemembers and veterans while saving valuable taxpayer dollars.

Given the conflicts we face abroad, this bill provides the right amount to spend in support of our troops. Today, the United States is the world's leader in defense spending. Last year, U.S. military spending accounted for almost half of the world's total military spending. We spend more than the next 46 countries combined. U.S. military spending, combined with that of our close allies, makes up 72 percent of all military spending in the world. Our defense budget is six times larger than China's and 100 times larger than Iran's.

These funds make good on a promise to our men and women in our military. Our troops continue to do everything we ask of them in the wars in Iraq and Afghanistan. These conflicts have taken an extraordinary toll on servicemembers and their families that we cannot forget.

The Armed Forces, particularly the Army and the Marine Corps, will continue to be heavily stressed, even as we

start to redeploy our forces from Iraq. Servicemembers still do not have enough dwell time between deployments and the Army has seen a troubling rise in the number of suicides. These are indications of the strain that multiple and continued deployments are taking on the force. The President requested increasing the size of the Army to 547,400 soldiers and increasing the Marine Corps to 202,100 Marines, while preventing cuts in Navy and Air Force personnel. This bill supports the President's request. It also authorizes an additional 30,000 soldiers in 2011 and 2012, should the Secretary of Defense believe such troops are necessary. Additional soldiers and marines will help ease the burdens caused by multiple deployments.

More personnel will give each service more breathing room to care for its wounded warriors. Others can continue the fight while injured and ill servicemembers can recover in wounded transition units.

This legislation creates a task force to assess the policies and programs that support the care and transition of recovering wounded and seriously ill members of the Armed Forces. The task force will consider whether servicemembers have sufficient access to care for posttraumatic stress disorder and traumatic brain injury, the signature injury of the wars. It will look at how well we help injured warriors transition from the Department of Defense to the Department of Veterans Affairs.

The task force will also review the support available to family caregivers as they care for recovering injured and seriously ill members of the Armed Forces. For every servicemember successfully recovering from a serious injury or illness, there is often a family member who has put the brakes on his or her life to care for that person.

Last week, my office received a call from the family of Jordan Hoyt, a soldier from Barry, IL. He was seriously injured in Afghanistan and is receiving care at Walter Reed Army Medical Center here in Washington. His wife Haley has moved to Washington to be near Jordan while he goes through months of surgery and rehabilitation. She has brought with her their infant child, who was born while Jordan was away serving his country. Haley is from Quincy. She has left her family behind to help Jordan recover from his injury. She has also delayed her educational plans to study criminal justice. Haley is 19 years old. After Jordan leaves Walter Reed, the couple will return to Quincy to live with her mother, who has already provided them with incredible support. While taking care of wounded servicemembers is our basic responsibility, we also need to support the families whose lives have been upended by the wars. I commend the committee for including this task force to look at the needs of family caregivers.

This President inherited many challenges at home and abroad, including two wars and a challenging situation in

Pakistan. This bill supports President Obama's new direction in addressing these priorities. In June, our military redeployed from Iraq's cities under the Status of Forces Agreement concluded by the government of Iraq and the previous administration. The Iraqis must continue to take responsibility for their own future.

I commend the President's increased focus on defense and development in Afghanistan; preventing the reemergence of the Taliban and al-Qaida; and strengthening economic, agricultural, educational, and democratic development. These goals are important to development in Afghanistan, but they are essential to our military's strategy. I support the National Defense Authorization Act and commend Chairman LEVIN and Senator MCCAIN for their leadership.

Almost 3,000 soldiers from the Illinois Army National Guard are currently deployed to Afghanistan. Members of the Illinois Guard's 33rd Infantry Brigade Combat Team are helping train the Afghan National Police and providing force protection at military bases. It has been a difficult deployment, with many casualties. Gen William Enyart, the Adjutant General of Illinois, has had to attend the funerals of too many of his soldiers. He sent me an article he had written this spring. Why do the young soldiers serve, he asked? This is what he wrote. They serve because:

They are our kids, they are our protectors. They are what stand between us and chaos. They don't have to be asked to serve. They don't have to be asked to go into danger. They do it, not out of hate, not out of vengeance, but out of love. Love of family, love of community, love of fellow soldier.

I think he is right. Members of the Armed Forces and their families make these sacrifices to keep our country safe. We owe them much in return. This bill takes one step by providing them the resources they need. I ask my colleagues to support this legislation and to send it to the President for his signature.

#### MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senator HATCH to be recognized for 15 minutes, then Senator MURRAY for 8 minutes, then Senator BURRIS for 6 minutes, and Senator BROWN for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### DEFENSE AUTHORIZATION

Mr. LEVIN. Mr. President, there will be, then, no more amendments we will be able to take up tonight on the Defense authorization bill. We will pick up that bill tomorrow.

The PRESIDING OFFICER. The Senator from Utah.

#### GUANTANAMO BAY

Mr. HATCH. Mr. President, I rise to express my concerns about the administration's failure to make the deadline of issuing a report on the Guantanamo detainee policy. Today's deadline, similar to the January 2010 closure deadline, was self-imposed. It concerns me that the administration maintains that closure will occur even though the execution of this process has been less than stellar.

In January, on his very first full day in office, President Obama signed the order to close the Guantanamo Bay detention facility in 12 months. The President created separate task forces to examine closure and detainee issues. These task forces were developed and staffed by the Obama administration to achieve successful closure in 1 year. The product of this review is to include a report on a broader detainee policy.

Today marks the first deadline in this process. It was set to be the date of release and publication of the task force report on a broader detainee policy going forward. The administration's failure to meet the deadline appears to me to be the "canary in the coal mine" that a January closure of Guantanamo without a detailed plan is an exercise in futility.

Yet the White House downplays the missed deadline and publicly states that the January closure is still on track. Is it? Despite not having a plan and missing a deadline for a key integral part of the closure process, the administration claims it can still meet the overall deadline of closure by January 1. I find that notion suspect at best and completely absurd at worst.

In May, a Gallup Poll indicated that 65 percent—65 percent—of Americans oppose the closure of the Guantanamo Bay detention facility. Even so, the administration intends to follow its timeline and close Guantanamo by January 2010. The task force examining the cases of the remaining 229 detainees has only reviewed half the necessary caseload thus far.

The Justice Department hopes to complete its review by an October reporting deadline, but that benchmark is quickly slipping away too. This review process has taken twice the amount of time the administration thought it would take. Yet keeping Guantanamo open beyond January is inexplicably still not an option in the administration's view.

Recently, media reports are circulating that the administration's Guantanamo closure plan has been fraught with political miscalculation and internal dissension. Moreover, the complex nature of this issue will undoubtedly force the transfer of detainees inside the United States. Since the announcement of the President's intention to close Guantanamo, I have joined other Senators in pointing out the lack of planning and clear miscalculation of this decision. That pool has grown and a groundswell of bipartisan support is signaling the White House to "pump the brakes."

In May, the Senate voted 90 to 6 to strip out funding in the fiscal year 2010 war spending request that would authorize \$80 million for the transfer of detainees to the interior of the United States of America. Now that the failure to meet this deadline has been reported by outlets such as the Wall Street Journal, Washington Post, and New York Times, the administration still does not get it. Senior administration officials are letting hubris get in the way. This is neither the proper manner nor the time to close Guantanamo.

There should have been more study of this issue prior to setting us on a course for closure. It is easy to say that Guantanamo can be closed when you are a candidate for President. It is even easier to sign an order on your very first full day in office as President that says in 12 months Guantanamo will close. What is hard is taking a deliberative, methodical approach and then formulating the proper plan to balance the safety of this country with the needs of lawful detention. Had the administration conducted a careful and thorough review of this issue, the conclusion would have been that Guantanamo fulfills both requirements. Instead, the administration has painted itself into a corner.

Clearly, the administration miscalculated and underestimated the depth and breadth of this issue. From the onset, the administration has tried to reverse-engineer the process for closing Guantanamo—starting from the end and working backward. If changes are not made immediately, administration officials will force this issue on American cities and towns in just 185 days. They will limp across the finish line. We have 185 days until Guantanamo is closed. The days until the plan is released ARE a big question mark. They are going to limp across the finish line on January 22, 2010, and herald their accomplishments a victory despite its ill-conceived planning and three stooges-like manner of execution.

Guantanamo is still an asset to this country. It complies with international treaties and exceeds the standards of domestic corrections facilities. I don't see how anyone who is honest about this matter can characterize it in any other way, especially when there is not a sufficient replacement located domestically to meet the Justice Department's needs. It is my fervent hope that the President and Attorney General will reconsider their ill-considered plan to close Guantanamo and recognize the obvious, that a \$200 million facility that is already operational and in compliance with international treaties should not be shuttered.

This is an important issue. I don't think the American people are going to stand to have these very dangerous people brought on shore to our country when we have a \$200 million facility that meets international treaty obligations sitting there doing the job. I think the administration needs to get