

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

AMENDMENT NO. 2783, AS MODIFIED

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

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

RECESS

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

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

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

AMENDMENT NO. 2774

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

Who seeks recognition? The Senator from Michigan is recognized.

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

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

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

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

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

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

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

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

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

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

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

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

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

make us less safe by making our prisons less secure. This is playing games with national security.

It is not only President Obama who believes that closing Guantanamo will make us a more secure and honorable nation. I agree with the conviction expressed by Senator GRAHAM and Senator MCCAIN who said, “[w]e support President Obama’s decision to close the prison at Guantanamo, reaffirm America’s adherence to the Geneva Conventions, and begin a process that will, we hope, lead to the resolution of all cases of Guantanamo detainees.”

It is time to act on our principles and our constitutional system. It is time to close Guantanamo and try and convict those who seek to do us harm. Where the administration decides to try them in Federal courts, our courts and our prisons are more than up to the task.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the administration’s letter to which I referred.

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

OCTOBER 30, 2009.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATORS REID AND MCCONNELL: We write to oppose the amendment proposed by Senator Graham (on behalf of himself and Senators McCain and Lieberman) to H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2010. This amendment would prohibit the use of Department of Justice funds “to commence or continue the prosecution in an Article III court of the United States of an individual suspected of planning, authorizing, organizing, committing, or aiding the attacks on the United States and its citizens that occurred on September 11, 2001.”

As you know, both the Department of Justice (in Article III courts) and the Department of Defense (in military commissions, reformed under the 2010 National Defense Authorization Act) have responsibility for prosecuting alleged terrorists. Pursuant to a joint prosecution protocol, our departments are currently engaged in a careful case-by-case evaluation of the cases of Guantanamo detainees who have been referred for possible prosecution, to determine whether they should be prosecuted in an Article III court or by military commission. We are confident that the forum selection decisions that are made pursuant to this process will best serve our national security interests.

We believe that it would be unwise, and would set a dangerous precedent, for Congress to restrict the discretion of either department to fund particular prosecutions. The exercise of prosecutorial discretion has always been and should remain an Executive Branch function. We must be in a position to use every lawful instrument of national power—including both courts and military commissions—to ensure that terrorists are brought to justice and can no longer threaten American lives.

For these reasons, we respectfully request that you oppose this amendment.

ROBERT M. GATES,
Secretary of Defense.
ERIC H. HOLDER, JR.,
Attorney General.

NOVEMBER 17, 2009.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATORS REID AND MCCONNELL: We write to oppose Senator Inhofe’s amendment (No. 2774) to H.R. 3082, the Military Construction, Department of Veterans Affairs, and Related Agencies Appropriations Act for Fiscal Year 2010. This amendment would prohibit the use of funds appropriated or otherwise made available in H.R. 3082 to “construct or modify a facility or facilities in the United States or its territories to permanently or temporarily hold any individual who was detained as of October 1, 2009, at Naval Station, Guantanamo Bay, Cuba.”

Like the President and numerous others, both Republicans and Democrats, we are convinced that closing the Guantanamo Bay detention center is in the national security interests of the United States. Al Qaeda has repeatedly used the existence of the facility as a recruitment tool. We are convinced that as long as the Guantanamo Bay detention center remains open, our enemies will continue to exploit its existence for this purpose.

We acknowledge that closing Guantanamo has proven difficult, but that is not a reason for the Congress to preclude this important national security objective. At present, we are making progress toward this goal. An interagency team is assessing the suitability of a maximum security prison in Thomson, Illinois, to serve as a detention center for certain Guantanamo Bay detainees who may be transferred to the United States. On Friday, the Department of Justice announced that it will prosecute the alleged 9/11 conspirators in federal court, while the Department of Defense will resume other cases against those allegedly responsible for the USS Cole bombing and other acts of terrorism in military commissions, which have been reformed as a result of the bipartisan passage of the Military Commissions Act of 2009.

We need to get on with the work of enhancing our national security by finally closing the Guantanamo Bay detention center. The Inhofe amendment would have the opposite effect and would likely prevent further progress on this important issue. We ask that you join us in opposing the Inhofe amendment.

ERIC H. HOLDER, JR.
ROBERT M. GATES.
JANET NAPOLITANO.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, inquiry. Is this the final argument before the vote on the Inhofe amendment?

The PRESIDING OFFICER. Yes; the Senator has 2½ minutes remaining.

Mr. INHOFE. Mr. President, this amendment has been here three times before. In fact, this amendment has been supported with over 90 votes each time it came through. Unfortunately, once one of the bills went into conference, it was taken out. They replaced it with a 45-day provision.

What this does—it is a one-sentence amendment, very easy to understand. It says:

None of the funds appropriated or otherwise made available by this Act may be used to construct or modify a facility or facilities in the United States [to house terrorists].

If you want terrorists here, then vote against this amendment. This may be

the last shot you have at it. We have the Inouye-Inhofe amendment already passed in the Defense authorization bill, but it is in conference. We do not know whether it will come out. This is the second shot we have to try to keep terrorists from coming into the United States.

I retain the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I would like to speak quickly in opposition to this amendment.

It has been my strong belief—

Mrs. HUTCHISON. Is the Senator from Virginia speaking on the 2½ minutes of the majority?

Mr. WEBB. That is correct. It has been my strong belief that individuals who were charged with international terrorism should be classified as enemy combatants, and I stated many times I do not believe they belong in our country. They don’t belong in our courts. They don’t belong in our prisons. At the same time, I recognize that the President retains the constitutional authority to bring charges against these individuals in article III courts. The Graham amendment did resolve that issue in terms of their transfer to U.S. soil.

This amendment, unfortunately, would not address that issue. It prohibits appropriation of funds to modify facilities in the United States in order to hold such individuals. I believe that would prevent law enforcement officials from taking the steps that are necessary to improve security in our local communities and that it would put our security at risk. It is for this reason I oppose the amendment and I yield the floor.

The PRESIDING OFFICER. The minority has 9 minutes 30 seconds remaining, the majority has about 25 seconds remaining.

Mr. INHOFE. Let me repeat. We have voted on this amendment before. We voted three different times. This was actually structured as the Inouye-Inhofe amendment once and the Inhofe-Inouye amendment once. It has passed overwhelmingly. This is the only way we can see that we can assure we are not going to have those individuals who are now at Gitmo in the United States. I think we have discussed this several times. I strongly support this amendment.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, how much time is remaining?

The PRESIDING OFFICER. There remains 56 seconds.

Mrs. HUTCHISON. Mr. President, I wish to speak in favor of the amendment. I do not think these prisoners from Guantanamo Bay should be in our country. I think we should stand firm, we should stand clear that this Senate, as we have voted before, does not want prisoners from Guantanamo Bay transferred to American soil. It will be a security risk to America. We do not need

to do it. This would be a way to stop this and do what is right for our country; that is, keep these prisoners where they are secure, away from any ability to harm America. I urge a vote for the Inhofe amendment.

The PRESIDING OFFICER. The majority has 23 seconds.

Mr. DURBIN. Neither the Senator from Oklahoma nor the Senator from Texas has addressed the amendment before us. This is not an amendment about transferring from Guantanamo to the United States. It is about whether we will spend the money to make sure, when these detainees are under trial in the United States, which they can be legally, they will be held safely. The Inhofe amendment precludes the expenditure of funds to improve the security of law enforcement facilities to contain these Guantanamo detainees.

Mrs. HUTCHISON. Mr. President, if we don't want to house those prisoners here, we should not try them here. That is the answer for this. Vote for the Inhofe amendment.

The PRESIDING OFFICER. All time has expired.

Mr. JOHNSON. I move to table the amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 347 Leg.]

YEAS—57

Akaka	Feinstein	Mikulski
Baucus	Franken	Murray
Bayh	Gillibrand	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown	Kaufman	Sanders
Burris	Kerry	Schumer
Byrd	Kirk	Shaheen
Cantwell	Klobuchar	Specter
Cardin	Kohl	Stabenow
Carper	Landrieu	Tester
Casey	Lautenberg	Udall (CO)
Conrad	Leahy	Udall (NM)
Dodd	Levin	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden

NAYS—43

Alexander	Ensign	McCain
Barrasso	Enzi	McConnell
Bennett	Graham	Murkowski
Bond	Grassley	Pryor
Brownback	Gregg	Risch
Bunning	Hatch	Roberts
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Snowe
Cochran	Johanns	Thune
Collins	Kyl	Vitter
Corker	LeMieux	Voinovich
Cornyn	Lieberman	Wicker
Crapo	Lincoln	
DeMint	Lugar	

The motion was agreed to.

Mr. DURBIN. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FEINGOLD. Mr. President, I voted against the amendment offered by Senator INHOFE, No. 2774. It is time for Congress to allow the administration to work toward the goal that so many of us support: closing the detention facility at Guantanamo Bay once and for all. The administration has provided its plan to Congress, and has provided individualized reports on each detainee before any transfer occurs. While closing Guantanamo may not be easy, it is vital to our national security that we close this prison, which is a recruiting tool for our enemies. In particular, I oppose this amendment because it would prohibit the executive branch from spending money to upgrade security at U.S. detention facilities where Guantanamo detainees might be held, thereby making the American people less safe.

AMENDMENT No. 2743

Mr. BURR. Mr. President, I wish to speak to amendment No. 2743 which would reallocate \$750,000 from the general operating expense account to fund programs to end veterans' homelessness, including the Department of Veterans Affairs' Homeless Provider Grant and Per Diem Program, and VA's Supportive Services Grants Program.

This money will help more than 131,000 veterans who are homeless on any given night including the estimated 1,659 homeless veterans in my home state. Many veterans are considered homeless or at risk due to their poverty, lack of support systems, and poor living conditions.

Homeless veterans are comprised of middle-age and elderly veterans, as well as younger veterans returning from Iraq and Afghanistan. The VA has identified 1,500 homeless veterans who fought during the current wars and of those, only 400 have participated in programs specifically targeting homelessness.

Sadly, homelessness among the ranks of recently separated combat veterans is not a new phenomenon, and their plight for the Nation's compassionate assistance is just as strong today as it was centuries ago. According to Todd DePastino, a historian at Penn State, homeless veterans of the post-Civil War era sang old Army songs to dramatize their need for work.

After World War I, thousands of veterans marched and camped in the Nation's Capital to express their frustration over bonus money. Many of these veterans were either homeless or at risk of becoming homeless.

After the Vietnam war, returning veterans were faced with serious physical, mental, and socio-economic problems that put them at serious risk of becoming homeless. According to VA the number of homeless male and female Vietnam era veterans is greater than the number of servicemembers who died during the Vietnam war.

It is important that Congress and VA remember the lessons learned from previous wars. We must work together to prevent homelessness before it begins

with the goal of eliminating homelessness. Much progress has been made, but we can do better.

My amendment targets two specific areas within VA's medical care budget for more funding. The Homeless Provider Grant and Per Diem Program offers funding to community agencies that provide services to homeless veterans. The purpose of the program is to promote the development and provision of supportive housing and/or supportive services with the goal of helping veterans achieve and maintain residential stability.

The supportive services programs allow veterans who are at risk or who are reentering the workforce to receive services that will reduce their likelihood of becoming homeless. Supportive services include health care services; daily living services; personal financial planning; transportation services; income support services; fiduciary and representative payee services; legal services; child care; housing counseling; and other services necessary for maintaining independent living.

In short, these programs are comprehensive and they work.

My original intention was to offer an amendment that would reallocate \$43,387,240, on top of the money in this amendment, for homeless programs. Ten years ago that money was originally appropriated for the Multifamily Transitional Housing Loan Guarantee Program. Since that program has been suspended, I believe this money could be put to a better use. However, the Congressional Budget Office tells me that rescinding the \$43 million and spending it on this bill would run afoul of our budget rules. I will therefore look for another opportunity to put this unused money to a better use in the near future. In the meantime, CBO has informed me that the amendment is compliant. I thank my colleagues for their support of my amendment.

Mrs. BOXER. Mr. President, I am so pleased that today the Senate will pass the fiscal year 2010 Military Construction and Veterans Affairs and Related Agencies Appropriations Act. This legislation provides \$133.9 billion in critical funding to ensure that our Nation's veterans have the care and services that they have earned and deserve. Specifically, it includes for the first time advance appropriations for veterans medical services—ensuring that the Department of Veterans Affairs receives funds in a timely and predictable manner. It also provides \$45 billion for veterans' health care, including \$4.6 billion for mental health treatment and programs.

In addition, the bill includes \$23.2 billion for military construction and family housing, including \$9.9 million to replace the 144th Squadron's current operations facilities at Fresno-Yosemite International Air National Guard Base. The squadron currently operates across several outdated facilities that are not sufficient for modern day operations. The facility will ultimately be

used to house F-15C Eagle aircraft squadron operations. F-15Cs are expected to arrive at the base in 2012 to replace the aging F-16C fleet. The 144th Fighter Wing provides air defense for California from Oregon to the Mexican border and is vital to the Nation's security.

The Senate voted on a number of amendments to this bill that have important consequences and I want to provide some additional information on two of my votes.

Last night, the Senate rejected a motion to send this bill back to the Appropriations Committee. I joined 68 of my colleagues in voting against this motion because I believe that this is a strong, bipartisan bill. By sending this bill back to committee, we would be unfairly asking our Nation's veterans to wait even longer for care. The men and women who have served our country so honorably should not be forced to wait for critical services.

And today, the Senate voted to reject an amendment that would prohibit the use of funds in this bill to build or make security improvements to a facility in the United States to hold a detainee who is transferred here from Guantanamo Bay. What it would have done is prevent the administration from making vital security improvements to our detention facilities. Ensuring that detention facilities have the highest possible security is critical to our national security and this amendment would have restricted that ability unnecessarily.

Mr. AKAKA. Mr. President, this Military Construction and Veterans Affairs Appropriations Act for 2010 rightfully prioritizes the health care of the Nation's wounded warriors by substantially increasing discretionary health care spending for fiscal year 2010. This bill includes a \$45.1 billion appropriation for the Veterans Health Administration that will enable VA to treat an estimated 6.1 million patients in 2010, including \$533 million to support the enrollment of 266,000 nondisabled, modest-income veterans. This funding furthers the Administration's goal of enrolling more than 500,000 of these previously ineligible veterans by 2013. In addition to enrolling more veterans of modest means, this bill provides for \$440 million to improve the health of rural veterans.

The 2010 Milcon-VA Appropriations Act includes a total of \$34.7 billion for medical services, \$4.8 billion for construction, and \$580 million for medical and prosthetic research. Total discretionary spending will be increased over \$3.9 billion above the fiscal year 2009 enacted level.

I am delighted that for the first time VA will receive advance appropriations—an additional \$48.2 billion in for fiscal year 2011—for three VA medical care accounts. This coincides with the landmark legislation, Veterans Health Care Budget Reform and Transparency Act of 2009, which was signed into law as Public Law 111-81 by the President

on October 22, 2009. Funding VA health care in advance will go a long way toward rectifying the chronic underfunding of VA health care, which has left so many of the Nation's veterans with unmet health care needs.

This bill fully funds VA's research programs. The \$580 million appropriation for VHA research represents a \$70 million increase from the fiscal year 2009 enacted level and an amount equal to the budget request. Through these funds, VA will be able to pursue targeted research goals like developing better prosthetic devices for the younger veterans returning from the Iraq and Afghanistan wars. VA can continue research into conditions like post-traumatic stress disorder, traumatic brain injury, and gulf war illness. In addition, VA can continue to recruit and retain quality health care providers, as over three-quarters of VA's researchers also provide direct patient care.

I am pleased that this bill contains an amendment I offered that will extend VA's authority to operate the Manila VA Regional Office.

Earlier this year, over 60 years after the end of the World War II, surviving Filipino World War II veterans finally received a measure of compensation for their service in the form of a one-time lump sum payment. These past months have demonstrated that dispersing these payments has been an enormous challenge, with multiple steps to authenticate the service of these World War II veterans.

Unfortunately, VA's authority to operate the Manila VA Regional Office will expire on December 31, 2009. There remains much work to be done in order to continue processing claims and ensuring these veterans are awarded benefits they have waited six long decades to receive. For this and other purposes, the operational authority of the Manila Regional Office must be extended.

The Manila Regional Office currently administers compensation, pension, vocational rehabilitation and employment, and education benefits to over 18,000 beneficiaries. In addition, VA also administers Social Security in the Philippines. Keeping this facility fully functioning is necessary for these deserving individuals to receive critical veterans' benefits as well to carry out an integral part of the U.S. mission to the Republic of the Philippines.

I extend my deepest thanks to the staff of the Manila Regional Office who have continued to demonstrate unwavering dedication to their duty to assist Filipino World War II veterans and indeed all veterans who apply for benefits from VA.

Finally, I mention Senator BURR's amendment, included in the underlying bill, that would directly support efforts to address homelessness among our Nation's veterans. His provisions, of which I am a cosponsor, are offset by funds currently allocated for administrative costs for an existing homeless program that is essentially defunct—the Multifamily Transitional Housing Loan Guarantee Program.

I will be working with Senator BURR in the future to ensure that the unspent money for this program—\$43 million—can be used for more active homeless programs, such as the Grant and Per Diem Program.

In closing, I thank Senators JOHNSON and HUTCHISON, the chair and ranking member of the Subcommittee on Military Construction and Veterans Affairs; Senators INOUE and COCHRAN, the chair and ranking member of the Appropriations Committee; and their staffs for their hard work in putting this bill together and for working to incorporate important veterans-related provisions in the package. Additionally, I thank the Members who filed VA-related amendments who worked with the Veterans' Affairs Committee to come to agreement on issues that could be addressed in this bill.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The substitute, as amended, is agreed to.

The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mrs. HUTCHISON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 348 Leg.]

YEAS—100

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

The bill (H.R. 3082), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. JOHNSON. 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. Under the previous order, the Senate insists on its amendment, requests a conference with the House, and the Chair appoints the following conferees.

The Presiding Officer appointed Mr. JOHNSON, Mr. INOUE, Ms. LANDRIEU, Mr. BYRD, Mrs. MURRAY, Mr. REED, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. LEAHY, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. MCCONNELL, Ms. COLLINS, Ms. MURKOWSKI, and Mr. COCHRAN.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from South Dakota.

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

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

Mr. JOHNSON. Mr. President, I wish to thank my colleagues for their help in getting this bill completed. It was a long and slow process, but I am thankful we were able to dispose of a majority of the amendments that were offered.

This is a good bill. It is truly a bipartisan bill and contains some good programs that will help out military men and women and our Nation's vets. The bill provides investments in infrastructure for our military, including barracks and family housing, training and operational facilities, and childcare and family support centers. In addition, it fulfills the Nation's promise to our vets by providing the resources needed for the medical care and benefits that our vets have earned through their service.

As I have mentioned, for the first time the bill contains advance funding for vets' medical care for fiscal year 2011. This funding will ensure that the VA has a predictable stream of funding and that medical services will not be adversely affected should another stop-gap funding measure be needed in the future.

I wish to thank my ranking member, Senator HUTCHISON, for her work on this bill. She was critical in getting the amendments cleared on her side of the aisle. I wish to thank her staff, Dennis Balkham and Ben Hammond, for their hard work. I also wish to thank the majority staff, Chad Schulken and Andy Vanlandingham, for their hard work on this important bill. I would especially like to thank the subcommittee clerk, Christina Evans, for her hard work and leadership on this subcommittee.

I also wish to acknowledge the hard work of the floor staff and the cloakroom staffs. Thank you, Dave and Lula, for helping us get to this point.

Mr. President, let me again thank my colleagues. Thank you.

I yield the floor, and I note 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 Indiana is recognized.

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

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

EXECUTIVE SESSION

NOMINATION OF DAVID F. HAMILTON TO BE UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of David F. Hamilton, of Indiana, to be United States Circuit Judge for the Seventh Circuit.

The PRESIDING OFFICER. Under the previous order, there will now be 60 minutes of debate divided between the Senator from Vermont, Mr. LEAHY, and the Senator from Alabama, Mr. SESSIONS.

The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, I wish to begin by thanking our colleague, Chairman LEAHY, for his leadership in this area. He has been a model of decorum and patience, and I am personally grateful for his leadership.

My father, as my colleagues may recall, served for 18 years on the Judiciary Committee. I lack his patience and therefore never have, but I admire very much Senator LEAHY and those who help shepherd these judicial nominations, which, unfortunately, are all too frequently unnecessarily contentious.

Secondly, I note the presence—I am sure he will be speaking shortly—of our colleague, Senator SESSIONS. Although Senator SESSIONS and I have a disagreement over this nomination, we have worked well in many areas, and I look forward to collaborating with him in the future in those many areas where we do find ourselves in agreement.

Today, I find myself in agreement with my friend and colleague from my home State of Indiana, Senator LUGAR, who yesterday on this floor issued a compelling statement in support of the nomination of David Hamilton for the Seventh Circuit Court of Appeals. For all those Members of this body or those viewing us from afar who have questions about Judge Hamilton, I strongly recommend they read Senator LUGAR's very eloquent statement in his behalf. He went through every suggested con-

troversy point by point, debunking those who raised concerns about Judge Hamilton, and ended up by noting his 40 years of acquaintance with both the nominee and his family and his strong support for Judge Hamilton's nomination.

I rise today to speak in favor of the nomination of Judge David Hamilton. I join with Senator LUGAR to recommend Judge Hamilton because I know firsthand that he is a highly capable lawyer who understands the limited role of the Federal judiciary.

In recent days, some of Judge Hamilton's critics have unfairly characterized his record and even suggested that his nomination should be filibustered. I rise today to set the record straight and hope my colleagues will join Senator LUGAR and me in supporting this superbly qualified nominee.

Before I speak to Judge Hamilton's qualifications, I wish to briefly comment on the state of the judicial confirmation process generally. In my view, this process has too often become consumed by ideological conflict and partisan acrimony. I believe this is not how the Framers intended us to exercise our responsibility to advise and consent.

During the last Congress, I was proud to work with Senator LUGAR to recommend Judge John Tindler as a bipartisan, consensus nominee for the Seventh Circuit. Judge Tindler was nominated by President Bush and unanimously confirmed by the Senate by a vote of 93 to 0.

It was my fervent hope Judge Tindler's confirmation would serve as an example of what could happen when two Senators from different parties work together to recommend qualified, nonideological jurists to the Federal bench.

I know President Obama agrees with this approach. His decision to make Judge Hamilton his first judicial nominee was proof that he wanted to change the tone and follow the "Hoosier approach" of working across party lines to select consensus nominees.

On the merits, Judge Hamilton is an accomplished jurist who is well qualified to be elevated to the appellate bench. He has served with distinction as a U.S. district judge for over 15 years, presiding over approximately 8,000 cases. He is now the chief judge of the Southern District of Indiana, where he has been widely praised for his effective leadership. Throughout his career, Judge Hamilton has demonstrated the highest ethical standards and a firm commitment to applying our country's laws fairly and faithfully.

In recommending Judge Hamilton, I have the benefit of being able to speak from personal experience, because he was my legal counsel when I had the privilege of serving as Indiana's Governor.

If you ask Hoosiers about my 8 years as Governor, you will find widespread agreement that we charted a moderate, practical, and bipartisan course. As my