



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155

WASHINGTON, WEDNESDAY, JULY 15, 2009

No. 106

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Eternal God, we lift grateful hearts for the great heritage of our Nation. Thank You for those who purchased our freedom with blood, toil, and tears. Give us this day a vivid vision of what You expect our Nation to become, as we accept the torches of integrity and faithfulness from those who have gone before us.

Lord, give our lawmakers a reverence for Your Name and a determination to please You with their thoughts, words, and deeds. Enable them to bear with fortitude the fret of care, the sting of criticism, and the drudgery of unapplauded toil. Direct them to the sources of moral energy so that Your strength may be linked to their limitations.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND BURRIS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 15, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, my understanding is the clerk will report the matter before the Senate at this time.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1390, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1390) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Levin/McCain amendment No. 1469, to strike \$1,750,000,000 in procurement, Air Force funding for F-22A aircraft procurement, and to restore operation and maintenance, military personnel, and other funding in divisions A and B that was reduced in order to authorize such appropriation.

AMENDMENT NO. 1469 WITHDRAWN

Mr. LEVIN. Mr. President, I withdraw Senate amendment No. 1469.

The ACTING PRESIDENT pro tempore. The Senator has that right.

AMENDMENT NO. 1511

(Purpose: To provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes)

Mr. REID. On behalf of Senator LEAHY, myself, and others, I call up amendment No. 1511, which is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. LEAHY, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. LEVIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CARDIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. SPECTER, Mr. FRANKEN, Ms. MIKULSKI, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. KERRY, Mr. UDALL of Colorado, Mr. DODD, Mr. HARKIN, Mr. WYDEN, Mr. CASEY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. BOXER, Mr. BROWN, Mr. AKAKA, Mr. SANDERS, Mrs. MURRAY, and Mr. REED, proposes an amendment numbered 1511.

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

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. I now ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second. The yeas and nays are ordered.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S7509

AMENDMENT NO. 1539 TO AMENDMENT NO. 1511

Mr. REID. I now call up a second-degree amendment which is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. KENNEDY, proposes an amendment numbered 1539 to amendment No. 1511.

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

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

The amendment is as follows:

(Purpose: To require comprehensive study and support for criminal investigations and prosecutions by State and local law enforcement officials)

At the end of the amendment, insert the following:

SEC. —. COMPREHENSIVE STUDY AND SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) STUDIES.—

(1) COLLECTION OF DATA.—

(A) DEFINITION OF RELEVANT OFFENSE.—In this paragraph, the term “relevant offense” means a crime described in subsection (b)(1) of the first section of Public Law 101–275 (28 U.S.C. 534 note) and a crime that manifests evidence of prejudice based on gender or age.

(B) COLLECTION FROM CROSS-SECTION OF STATES.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors’ Association, shall, if possible, select 10 jurisdictions with laws classifying certain types of offenses as relevant offenses and 10 jurisdictions without such laws from which to collect the data described in subparagraph (C) over a 12-month period.

(C) DATA TO BE COLLECTED.—The data described in this paragraph are—

(i) the number of relevant offenses that are reported and investigated in the jurisdiction;

(ii) the percentage of relevant offenses that are prosecuted and the percentage that result in conviction;

(iii) the duration of the sentences imposed for crimes classified as relevant offenses in the jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no laws relating to relevant offenses; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) COSTS.—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data collected under this paragraph.

(2) STUDY OF RELEVANT OFFENSE ACTIVITY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall complete a study and submit to Congress a report that analyzes the data collected under paragraph (1) and under section 534 of title 28, United States Code, to determine the extent of relevant offense activity throughout the United States and the success of State and local officials in combating that activity.

(B) IDENTIFICATION OF TRENDS.—In the study conducted under subparagraph (A), the Comptroller General of the United States shall identify any trends in the commission of relevant offenses specifically by—

(i) geographic region;

(ii) type of crime committed; and

(iii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(b) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—At the request of a law enforcement official of a State or a political subdivision of a State, the Attorney General, acting through the Director of the Federal Bureau of Investigation and in cases where the Attorney General determines special circumstances exist, may provide technical, forensic, prosecutorial, or any other assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State; and

(3) is motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(c) GRANTS.—

(1) IN GENERAL.—The Attorney General may, in cases where the Attorney General determines special circumstances exist, make grants to States and local subdivisions of States to assist those entities in the investigation and prosecution of crimes motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(2) ELIGIBILITY.—A State or political subdivision of a State applying for assistance under this subsection shall—

(A) describe the purposes for which the grant is needed; and

(B) certify that the State or political subdivision lacks the resources necessary to investigate or prosecute a crime motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(3) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 10 days after the application is submitted.

(4) GRANT AMOUNT.—A grant under this subsection shall not exceed \$100,000 for any single case.

(5) REPORT AND AUDIT.—Not later than December 31, 2008, the Attorney General, in consultation with the National Governors’ Association, shall—

(A) submit to Congress a report describing the applications made for grants under this subsection, the award of such grants, and the effectiveness of the grant funds awarded; and

(B) conduct an audit of the grants awarded under this subsection to ensure that such grants are used for the purposes provided in this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$5,000,000 for each of the fiscal years 2008 and 2009 to carry out this section.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Leahy amendment No. 1511 to S. 1390, the National Defense Authorization Act for Fiscal Year 2010.

Evan Bayh, Roland W. Burris, Benjamin L. Cardin, Patrick J. Leahy, Sheldon

Whitehouse, Jeff Bingaman, Bernard Sanders, John F. Kerry, Carl Levin, Frank R. Lautenberg, Dianne Feinstein, Tom Harkin, Robert Menendez, Richard J. Durbin, Christopher J. Dodd, Charles E. Schumer, Harry Reid.

Mr. REID. Mr. President, Senator LEVIN will give an explanation as to why the amendment was withdrawn. But my friend, the Republican leader, has the first right of recognition.

HEALTH CARE WEEK VI, DAY III

Mr. MCCONNELL. Mr. President, as Republicans and Democrats debate the best way to reform health care, Americans are increasingly concerned about the price tag and about who gets stuck with the bill. The Federal deficit suddenly stands at more than \$1 trillion for the first time in history, and so far this year we are spending about \$500 million a day in interest alone on the national debt. It is as if every single American gets up in the morning, walks over to the window, and tosses \$2 out into the wind every day for the next 10 years. It is not a bad analogy, but that is what we are doing. And now the advocates of a government takeover of health care are talking about spending trillions more.

So Americans are worried about cost—and they have good reason to be.

Not only are we in a tough situation fiscally, we have no idea how much this reform will really cost. We know from experience with government-run programs like Medicare and Medicaid that early estimates often grossly underestimate what they end up costing. We know that some of the estimates we are hearing about health care reform are misleading. And we also know that the administration is building up a substantial track record of its own of dubious predictions that it has used to sell its ideas to the public.

We saw it with the stimulus. In selling one of the most expensive pieces of legislation in history, the administration said it had to be passed right away, with almost no scrutiny. If we did not pass it right away, they said, the economy would collapse.

Here is what the President said about the importance of passing the stimulus bill as quickly as possible: “If we don’t act immediately, then millions more jobs will disappear, the national unemployment rates will approach double digits, more people will lose their homes and their health care, and our nation will sink into a crisis that at some point is going to be that much tougher to reverse.”

As it turns out, the administration overpromised.

They predicted the stimulus would keep the unemployment rate from approaching double digits. We passed the stimulus, and unemployment is now approaching double digits. It was supposed to keep millions of jobs from disappearing. We passed it, and since then we have lost more than 2 million jobs. It was supposed to save or create between 3 and 4 million jobs. We passed it, and now the administration is backpedaling on that prediction too. Now it

says it is “very hard to say” how many jobs have been saved or created. The stimulus was supposed to have an immediate impact. We passed it, and it has not. Despite all the predictions about its effect on the economy, the administration now says it expects unemployment to continue to rise in the months ahead.

Now, in an attempt to pass an even costlier and far-reaching government action, a government takeover of health care, the administration is making similarly aggressive claims about the dangers of not approving its plan.

The administration says that if we do not pass its health care proposal then the economy will get even worse. It says that if we do not approve its health care proposal then the quality of everyone’s health care will be jeopardized. It says that if we do not pass this trillion dollar bill now, then we will miss out on a chance to save money on health care down the road.

I do not know if these claims are accurate, and I do not believe the administration is making these claims in bad faith. But I do know that Americans got burned on the stimulus, and I know that some in the administration have said that a crisis is a terrible thing to waste. So at the very least, Americans have a right to be skeptical about the administration’s latest effort to rush through a major piece of legislation without allowing us to evaluate it. It is a worthwhile question: Why does the administration say we have to send them a bill that would essentially nationalize one-sixth of the U.S. economy when many parts of the legislation itself would not even go into effect for another 4 years?

Americans are right to be skeptical when administration officials say we cannot fix the economy without fixing health care, or that the Democrat plan for health care will not cause people to lose their current insurance when the CBO says it will, or that a government-run takeover of health care will not add to the ballooning national debt. After the stimulus, Americans have a right to be skeptical about all these claims, especially when they are told these reforms have to happen quickly, and especially when our experience with Medicare and Medicaid and government health care at the State level shows us that initial estimates and predictions can be way off the mark.

Senator COLLINS, for example, has discussed the problems they have had in Maine as a result of its attempt to create a government-run health plan, of what a disappointment that has been. Six years ago, Maine instituted Dirigo Health as a government option after advocates made the same promises about what it would do to bring down costs and increase access that the advocates of a nationwide government health plan are making right now in Washington.

Yet 6 years later, the Dirigo experiment has turned out to be a colossal, and extremely costly, failure. Despite

initial promises, it has not covered most of the uninsured. And yet it has led to higher taxes on thousands of Maine residents who were already struggling to pay for private coverage. In short: Dirigo turned out to cause the same problems in Maine that some of us are predicting for all Americans if Congress rushes to approve a national government plan.

Americans want us to take the time necessary to make health care less expensive and more accessible, while preserving what they like about our system. Americans want health care reform, but they do not want to give a green light to a reform that only ends up costing them more for worse care than they currently have. The fact that Americans are increasingly concerned about how much health care reform is going to cost should not be a reason to rush. It should be a reason for us to take the time to get it right.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, to explain where we are, let me take a few minutes, first of all, on the procedures. Then I want to go back and make some comments about the Levin-McCain amendment, which will come back. This is temporarily withdrawn because we could not get to a vote.

The bottom line is we were here all day yesterday. We attempted repeatedly to obtain an agreement as to when we could vote on the Levin-McCain amendment.

We had a lot of time yesterday for people to make speeches. We had time the day before. We have time anytime. But we have to get to a vote on that amendment.

The reason we were not able to get to a vote is because of the next amendment, which the majority leader indicated is going to be taken up on this bill, the so-called hate crimes amendment. We have a law relative to hate crimes. This had been an important amendment to the law to add a group who had been left out, two groups previously left out of the existing hate crimes law. It would have also had an important definition of Federal interest in this hate crimes legislation.

Hate crimes legislation is not new. This body had approved hate crimes legislation a couple years ago on the Defense authorization bill. The argument was made at that time that the hate crimes bill should not be offered on a Defense authorization bill. Senator KENNEDY offered hate crimes legislation a couple years ago on the Defense authorization bill. The debate was extensive at that time as to why on this bill.

The reason it was offered on this bill is obvious. This is legislation. The Senate rules allow for amendments such as hate crimes or any other amendment to be offered on legislation that is pending before the Senate. The minority has offered many nonrelevant amendments this year on legislation. On the American Recovery and Rein-

vestment Act, there was an amendment relative to ACORN. On the DC voting rights bill, there were amendments relative to guns and to the fairness doctrine. On and on and on. The Senate rules permit nongermane, non-relevant amendments to be offered to pending legislation. It is not at all new. The opportunity to do that has been taken by many of us this year, last year, the year before and, I am sure, next year. First, it is not new. It is common in the Senate to offer amendments which are not relevant to a bill that is pending. That is allowed under our rules.

The hate crimes amendment is an important amendment. I don’t think anybody would deny the importance of this amendment. With hate crimes going up in the United States, it is critically important we strengthen our hate crimes law. There are Senators who oppose the amendment. That is the reason we are here, to debate, to argue for or to argue against. But I don’t think one can argue it is uncommon, unusual or improper to offer non-relevant amendments to legislation which is pending. Regardless of one’s position on hate crimes, it is very difficult to argue it is not significant legislation.

Thirdly, as Senator KENNEDY so powerfully argued—and those of us who joined with him a few years ago on this amendment surely agreed—the values that are involved in this legislation, the effort to make America a better place, a place freer of hate crimes, surely is one of the values our men and women put their uniforms on and fight for. The closer we can come to a society which is freer of hate crimes, the better off we are internally, the closer we will live up to what we stand for in our basic fundamental documents and our history. It is what men and women who fight for the United States and carry out their missions are fighting for—not just physical threats to this country but for the values for which we stand, for freedom from hate, for diversity, for freedom from intimidation and violence based on one’s religion, ethnicity or the other attributes listed in the hate crimes legislation.

It is important legislation. It relates to the values of this country, values which our men and women take such risks for when they go into harm’s way. The rules of this body allow for it.

Somehow or other, the fact that we were going to proceed to a hate crimes amendment on this bill, even whether it was next in line or whether it was down the line in terms of amendments, the fact that it was made clear that, again, on a Defense authorization bill, as we have in the past, in the past with 60 Members of this body supporting it, the fact that that was made known in an open and honest way to Members of this body apparently precipitated a determination on the part of some that they not allow us to get to a vote on the pending Levin-McCain amendment. That prospect, that open statement

that there would be a hate crimes amendment offered on this bill became the impediment, apparently, from all we can determine, to our getting agreement for a time for a vote on Levin-McCain.

The question is, How to remove that impediment. There were two choices: Either agree not to offer the hate crimes amendment or remove the impediment. We have to now remove the impediment. There is not a willingness on the part of a significant number of Senators—and I believe a majority—not to offer a hate crimes amendment. It is pending legislation that is before us.

The amendment is an important amendment. It has been offered before. There is precedent for offering it on the Defense authorization bill. The rules allow for it, so we don't need a precedent, but there is a precedent for doing so. There are dozens of precedents for offering nonrelevant amendments to legislation which is pending before the Senate.

We will come back, obviously, to the Levin-McCain amendment. The Levin-McCain amendment is a very important amendment on this bill. We have to deal with the decision of the Armed Services Committee, on a close vote, to add F-22 planes, which uniformed and civilian leaders of the military indicate they do not want and do not need and we cannot afford. We have had some debate. We had plenty of time for others to debate it. Everyone who wanted to speak on the subject, I believe, had more than enough opportunity to do so. Last night we heard from the Senator from Georgia as to his reasons for offering the amendment in committee to add the additional F-22s. I compliment the Senator from Georgia for all the hard work he has done on our committee. It is another example of how the Armed Services Committee works together. Our Presiding Officer is a distinguished member of the committee so he knows this firsthand, how we work together, guided by one basic principle: for the good of the Nation, for the good of the men and women in the armed services. We disagree, obviously, on the Levin-McCain amendment. There is surely, however, agreement that our intentions are always to adhere to that principle—what is best for our Nation, what is best for the men and women who put on the uniform of the Nation.

So while there was committee disagreement and disagreement on this floor on the question of whether additional F-22s should be produced, the disagreement is not along party lines and rarely, if ever, is along party lines on the Armed Services Committee. I wish to, again, compliment not only the Senator from Georgia but also other members of the committee for sticking to that very important principle.

I also agree with something the Senator from Georgia said last night relative to another of our operating prin-

ciples. We have the right and the duty to challenge assumptions made in the bill sent to us by any administration and to act in accordance with our best judgment about what is right and what is in the best interests of the Nation. We are not a rubberstamp to every proposal offered by the executive branch. The Congress, hopefully, never will be.

The Senator from Georgia pointed out a number of cases where we have acted as anything but a rubberstamp to a budget request. We added funds, for instance, in this bill for a larger pay raise than the executive branch requested to honor the service of the men and women in the military who have been bearing an extraordinarily heavy burden for the country fighting in Iraq and Afghanistan. We added \$1.2 billion for a more mobile variant of the Mine Resistant Ambush Protected Vehicle, called the MRAP. This MRAP variant is called the MRAP all-terrain vehicle. The reason we did this is because we knew there was an emerging requirement for these new vehicles to support our forces in Afghanistan that had not been reflected in the budget request. I don't believe any member of the Armed Services Committee or any Member of this body should act as a rubberstamp for any budget request, and the evidence will show over and over again, year after year, that our committee does not act as a rubberstamp.

The question on the Levin-McCain amendment is whether we are right, that the leadership of our military, both civilian and uniformed, made a sound judgment when they, similar to their predecessors in the Bush administration, determined that we should end production of the F-22. The debate is not about whether we will have the capability of the F-22. It is a debate about how many F-22 aircraft we should have and at what cost.

We are talking about whether we will accept the recommendation of two Commanders in Chief, two Secretaries of Defense, plus the Joint Chiefs of Staff and their chairmen, that 187 F-22s is all we need, all we can afford, and all we should buy. Senator MCCAIN and I have made a number of arguments about why we believe stopping the F-22 program at 187 is the right thing to do. I will not repeat all those arguments now, particularly since we have temporarily withdrawn the amendment. But it is important that I clarify promptly a number of points made by the Senator from Georgia during the debate yesterday so they do not remain uncontested.

First, the Senator said that the Air Force had not been involved in any of the studies that led to determining that 187 F-22s was the correct number of aircraft to buy. A few days ago, the committee heard contrary testimony from the vice chairman of the Joint Chiefs of Staff that there are at least two studies that support the department's plans for tactical aviation, including stopping F-22 production, including a recently completed study.

This is what he said:

There is a study in the Joint Staff that we just completed and partnered with the Air Force on that, number one, said that proliferating within the United States military fifth-generation fighters to all three services was going to be more significant than having them based solidly in just one service, because of the way we deploy and because of the diversity of our deployments.

So the Vice Chairman of the Joint Chiefs referred to a recent study that led to the conclusion that Senator MCCAIN and I support. That study was partnered with the Air Force, unlike what was stated last night by the Senator from Georgia that these studies did not have Air Force involvement.

There is a strong analytical underpinning for the decision of the administration, including the Air Force. A letter from the Secretary of the Air Force and the Chief of Staff of the Air Force on this matter is one underpinning, one of the strong evidences that that conclusion is correct. The letter is already part of the record so I will quote briefly from it. The Secretary of the Air Force and the Chief of Staff of the Air Force concluded in part, as follows:

In summary, we assessed the F-22 decision from all angles, taking into account competing strategic priorities and complementary programs and alternatives, all balanced within the context of available resources. We did not and do not recommend that F-22s be included in the FY10 defense budget. This is a difficult decision, but one with which we are comfortable.

That is from the letter of the Secretary of the Air Force and the Chief of Staff of the Air Force, so it should make very clear what the Air Force's position is on the matter.

On another matter that was raised by the Senator from Georgia last night, listening to his arguments, one might conclude that the F-22 is the only aircraft we have or are planning to have that could operate effectively in the presence of very capable enemy surface-to-air missile systems. But the Department has provided contrary evidence. In his letter to myself and Senator MCCAIN on July 13, the Secretary of Defense said the following:

... the F-35 is a half generation newer aircraft than the F-22, and more capable in a number of areas such as electronic warfare and combating enemy air defenses. To sustain U.S. overall air dominance, the Department's plan is to buy roughly 500 F-35s over the next five years and more than 2,400 over the life of the program.

The key words in that sentence by the Secretary of the Defense in his letter is that there will be a "more capable" aircraft in the F-35 than the F-22 "in a number of areas such as . . . combating enemy air defenses."

I think we all agree our military needs to maintain air dominance. But as the Secretary's letter points out, the F-22 aircraft is not the only aircraft the Department is relying upon to contribute to making that air dominance a reality. In fact, in certain areas, such as electronic warfare and combating surface-to-air missiles, the Department of Defense is counting on

the F-35 fleet to meet those missions with greater effectiveness even than with the F-22.

The Senator from Georgia, last night, argued that proposing cuts in a number of areas—just like the committee 13-to-11 vote indicated and his proposal accomplished—that shifting funds to the F-22 program and shifting money from other areas was not doing any harm to other programs within the Defense Department.

I have previously talked about the specifics relative to this issue, and I wish to summarize the difference on this point very briefly, as, again, we will be coming back to this issue. It is withdrawn temporarily, but, obviously, we will return to this issue and resolve this issue prior to the determination of this bill.

First, we did not assume any first-year savings from acquisition reform or business process reengineering. Both these initiatives will yield savings. The Senator from Arizona and I, and with the support of our colleagues on the Armed Services Committee, all unanimously supported acquisition reform.

At the time we adopted that, and at the time the President signed our bill, we indicated there will be significant savings from reforming the acquisition system. But those savings do not occur in 2010. Nobody has alleged, and there is no support for any conclusion, that savings from acquisition reform are going to occur in the first year it is in effect. As a matter of fact, its main thrust is to apply to new weapons systems to make sure their technologies, for instance, are mature so we do not end up producing equipment that has technologies incorporated in it that have not been adequately tested.

So we are not going to see savings in fiscal year 2010, as the Senator from Georgia assumed in his amendment that was adopted barely by the committee to fund the F-22 add-on. The result is \$500 million he assumed from savings ends up as across-the-board real program cuts.

I also would point out that the cost estimate of S. 1390 that we just received from the Congressional Budget Office did not assume any savings from those initiatives. Those, again, were savings which helped to fund the additional F-22s—alleged savings. They are phantom savings in the first year.

Secondly, on the operation and maintenance reductions that were used to fund the F-22 add, the original committee position on this matter—O&M, operation and maintenance reductions—was developed consistent with the Government Accountability Office analysis. The reductions, however, that were taken in operation and maintenance by the Senator from Georgia when he offered this amendment in committee to add the F-22s go far beyond what was indicated by the Government Accountability Office's analysis and far beyond what is prudent.

Finally, relative to the offsets that were taken, the \$400 million cut applied

to the military personnel funding top line will greatly complicate the Department's ability to manage the All-Volunteer Force and to provide for bonuses and incentives that will be needed to support the force. It might even be troublesome enough that the Department of Defense would be forced to ask for a supplemental appropriations—something we wanted to get away from this year and finally have.

So one other thing is, there are some who suggest: Well, the F-35 is just a paper airplane that is the future. We have the F-22 now. The F-35 is not here yet. It is here. There are—in this budget alone, in the fiscal year 2010 budget, which is the fourth year, by the way, of production of the F-35—there are 30 F-35s being produced for the military. So this is not a future deal when we talk about F-35s. This is a here-and-now deal. We are already into low-rate initial production. There are already at least five test aircraft flying, and we have 30 F-35s funded in this bill which is before this body now.

Let me summarize the situation relative to the Levin-McCain amendment that would strike the additional funding for the F-22s, the additional planes that the military does not want, does not need, and says we cannot afford.

First, the F-22 is a very capable aircraft. There should be no doubt about it. We have them. We need them. And they are valuable.

Next, the Air Force has already bought, and will pay for, 187 F-22 aircraft. So the debate is not about whether we will have that capability of the F-22 for the next 20 years. We will. We should, and we will. The debate is over how many F-22s are enough to meet the Nation's requirements. Two Presidents—President Obama and President Bush—two Secretaries of Defense, three Chairmen of the Joint Chiefs, current members of the Joint Chiefs of Staff all agree that 187 F-22s is all we need to buy and all we should buy.

The debate also concerns what damage will be done if we do not reverse the cuts that were taken to pay for the additional F-22s—to pay for the \$1.75 billion in the F-22 add. Those cuts are \$400 million to military personnel accounts, \$850 million to operations and maintenance accounts, and \$500 million across-the-board reductions to the Department of Defense budget.

We received a letter from the President this week saying he will veto the Defense authorization bill if it includes the F-22 production.

So our amendment is a critically important amendment. It involves a lot of money, and there is a lot of principle involved as to whether we should continue to be building weapons we no longer need and we have enough of. We need the F-22. There is no doubt about that. But we have enough of the F-22, according to all our military leaders—civilian and uniformed leaders alike.

But we cannot get to a vote, and that is the fact of the matter. We have wait-

ed for an agreement to get to a vote on the Levin-McCain amendment. Repeatedly, I have asked whether we can set a time for a vote, and the answer has come back: We cannot set a time for a vote. It is clear that for some reason, which, frankly, I do not fully understand—the reason we are not permitted to get to a vote on the Levin-McCain amendment is because of the prospect, the fact that either the next amendment or somehow down the line on this bill there is going to be offered a hate crimes amendment.

How that and why that should result in a denial of an opportunity to vote on the Levin-McCain amendment escapes me, I must say. Because we are going to get to the hate crimes amendment whether we are allowed a vote on the F-22 amendment. Not allowing us a vote, not agreeing to a time for a vote on the Levin-McCain amendment does not obviate the fact there is going to be a hate crimes amendment offered. As a matter of fact, it is now the actual amendment before us. And everyone knew that.

So I do not understand the logic behind the refusal to permit a vote on an amendment—the Levin-McCain amendment—because of objection to going to a vote on hate crimes, when we are going to that hate crimes amendment anyway and when we are going to have to come back to the Levin-McCain amendment. Everybody knows it. We are going to have to resolve both those amendments. So the decision some made to deny us an opportunity to vote at this time on Levin-McCain simply stymies this body from doing what it is going to do.

There are many people who disagree with the Levin amendment. Fine. There are many people who disagree on the hate crimes amendment. That is their right. But what is undeniable is, we are going to resolve both, one way or the other. We are going to resolve both of those and hopefully a lot of other material and a lot of other amendments. They are both going to be resolved, one way or the other, on this bill. Argue both sides, argue neither side, but you cannot argue, it seems to me, that we should not allow a vote on the first amendment before us—Levin-McCain—because of opposition to another amendment which is going to be offered.

I know there is strong opposition to hate crimes. I understand it. I understand why people say it should not be on this bill, despite the rules which allow it. I respect the right to disagree with it. But I do not understand the logic or the strategy which denies us the opportunity to vote on an amendment which has been thoroughly debated—the Levin-McCain amendment—because there is another amendment down the line which is going to be offered which people object to, when they know it is coming up. Despite strong feelings that it should not come up, it is coming up. It is now before us. Everyone knew it was going to come up.

So now we are stymied. We are stymied from resolving an amendment which has to be resolved, one way or the other—Levin-McCain—because of objection to another amendment being offered. I don't get the logic. I don't understand the strategy. I understand the feelings and I respect the feelings, although I disagree with people who oppose the Levin-McCain amendment and I disagree with people who oppose the hate crimes amendment. So I understand the feelings. I don't share the feelings, but I respect them, and I respect their right to fight against these amendments. But for the life of me, I do not understand why we are denied an opportunity to vote on Levin-McCain because of an objection to another amendment. All it does is slow down this body. It stymies this body from resolving issues which are going to be resolved. As certain as this body is here, this is going to be resolved. These are going to be resolved like a lot of other amendments. I don't know how they will be resolved. That is not certain; it never is. But they will be resolved because that is the nature of the Senate, to resolve these issues.

Again, I thank my good friend from Arizona. I know there are differences on the question of whether hate crimes ought to be offered on this bill. I respect him deeply, and I respect his positions and his right to hold them. While I surely disagree with the decision that has been made to not permit us to move at this time to a resolution of Levin-McCain, I nonetheless have a great understanding of the feelings here. I appreciate them and I respect them.

I yield the floor.

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

Mr. McCAIN. Mr. President, I know there are a lot of other issues that are consuming the interests of my colleagues and the American people, such as the confirmation hearings of Judge Sotomayor; the HELP Committee, of which I am a member, is reporting out one of the most massive takeovers and expenditures of taxpayer dollars in history; and we have this bill on the floor, and there are other issues. So it has probably gone unnoticed that we have seen another really—if not unprecedented, certainly highly unusual action on the part of the majority.

Frankly, to my colleagues on this side of the aisle and the American people, elections have consequences. What we have just seen is an amendment before this body and a piece of legislation before this body that I think one could argue is probably of more importance than any other we consider because it authorizes the measures necessary to preserve the security of this Nation, care for the men and women who are serving in the military, and meet the future threats we will face in the 21st century.

So what has happened here is that the majority leader, with the agree-

ment of my friend from Michigan, whom I highly respect and regard, has made it clear that their highest priority is not that. Their highest priority is a hate crimes bill—a hate crimes bill that has nothing to do whatsoever with defending this Nation.

My friend from Michigan just complained that we haven't had a time for the vote. Of course we haven't had a time for the vote on the Levin-McCain amendment because we have been made aware that a hate crimes bill—and by the way, not an ordinary, small, specific amendment, but 17 pages, plus 6 additional pages, encompassing a piece of legislation that is before this body that has never moved through the Judiciary Committee. It has not moved through the Judiciary Committee, the appropriate committee of oversight.

So the majority leader of the Senate comes to the floor, after prevailing upon the distinguished chairman to withdraw his amendment—an amendment of some consequence, a \$1.75 billion expenditure, and, far more important than even the money, a real confrontation between special interests and the national interests—so that we can move to the hate crimes bill.

The hate crimes bill is not without controversy, I say. In fact, it is interesting that on June 16, 2009, the U.S. Commission on Civil Rights sent a letter to the Vice President and to the leaders of the Congress opposing the hate crimes bill.

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

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

COMMISSION ON CIVIL RIGHTS,
Washington, DC, June 16, 2009.

Re S. 909.

Hon. JOSEPH BIDEN, Jr.,
President, U.S. Senate,
Hon. ROBERT C. BYRD,
President Pro Tempore, U.S. Senate,
Hon. HARRY REID,
Majority Leader, U.S. Senate,
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Hon. RICHARD DURBIN,
Majority Whip, U.S. Senate,
Hon. JON KYL,
Minority Whip, U.S. Senate,
Hon. PATRICK LEAHY,
Chairman, Senate Judiciary Committee,
Hon. JEFF SESSIONS,
Ranking Member, Senate Judiciary Committee.
Hon. RUSSELL FEINGOLD,
Chairman, Senate Judiciary Subcommittee on the Constitution,
Hon. TOM COBURN,
Ranking Member, Senate Judiciary Subcommittee on the Constitution.

DEAR MR. PRESIDENT AND DISTINGUISHED SENATORS: We write today to urge you to vote against the proposed Matthew Shepard Hate Crimes Prevention Act (S. 909) ("MSHCPA").

We believe that MSHCPA will do little good and a great deal of harm. Its most important effect will be to allow federal authorities to re-prosecute a broad category of defendants who have already been acquitted by state juries—as in the Rodney King and Crown Heights cases more than a decade ago. Due to the exception for prosecutions by "dual sovereigns," such double prosecutions

are technically not violations of the Double Jeopardy Clause of the U.S. Constitution. But they are very much a violation of the spirit that drove the framers of the Bill of Rights, who never dreamed that federal criminal jurisdiction would be expanded to the point where an astonishing proportion of crimes are now both state and federal offenses. We regard the broad federalization of crime as a menace to civil liberties. There is no better place to draw the line on that process than with a bill that purports to protect civil rights.

While the title of MSHCPA suggests that it will apply only to "hate crimes," the actual criminal prohibitions contained in it do not require that the defendant be inspired by hatred or ill will in order to convict. It is sufficient if he acts "because of" someone's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability. Consider:

Rapists are seldom indifferent to the gender of their victims. They are virtually always chosen "because of" their gender.

A robber might well steal only from women or the disabled because, in general, they are less able to defend themselves. Literally, they are chosen "because of" their gender or disability.

While Senator Edward Kennedy has written that it was not his intention to cover all rape with MSHCPA, some DOJ officials have declined to disclaim such coverage. Moreover, both the objective meaning of the language and considerable legal scholarship would certainly include such coverage. If all rape and many other crimes that do not rise to the level of a "hate crime" in the minds of ordinary Americans are covered by MSHCPA, then prosecutors will have "two bites at the apple" for a very large number of crimes.

DOJ officials have argued that MSHCPA is needed because state procedures sometimes make it difficult to obtain convictions. They have cited a Texas case from over a decade ago involving an attack on a black man by three white hoodlums. Texas law required the three defendants to be tried separately. By prosecuting them under federal law, however, they could have been tried together. As a result, admissions made by one could be introduced into evidence at the trial of all three without falling foul of the hearsay rule.

Such an argument should send up red flags. It is just an end-run around state procedures designed to ensure a fair trial. The citizens of Texas evidently thought that separate trials were necessary to ensure that innocent men and women are not punished. No one was claiming that Texas applies this rule only when the victim is black or female or gay. And surely no one is arguing that Texans are soft on crime. Why interfere with their judgment?

We are unimpressed with the arguments in favor of MSHCPA and would be happy to discuss the matter further with you if you so desire. Please do not hesitate to contact any of us with your questions or comments. The Chairman's Counsel and Special Assistant, Dominique Ludvigson, is also available to further direct your inquiries.

Sincerely,

GERALD A. REYNOLDS,
Chairman.
ABIGAIL THERNSTROM,
Vice Chair.
PETER KIRSANOW,
Commissioner.
ASHLEY TAYLOR, JR.,
Commissioner.
GAIL HERIOT,
Commissioner.
TODD GAZIANO,
Commissioner.

Mr. McCAIN. The U.S. Commission on Civil Rights sends a letter saying:

Dear Mr. President and distinguished Senators: We write today to urge you to vote against the Matthew Shepard Hate Crimes Prevention Act.

That is basically the bill the majority leader has just inserted into the process of legislation designed to defend this Nation's national security. Of course there are strong feelings on it. This is a complete abdication of the responsibilities of the Judiciary Committee but, more importantly, could hang up this bill for a long period of time. While we have young Americans fighting and dying in two wars, we are going to take up the hate crimes bill because the majority leader thinks that is more important—more important—than legislation concerning the defense of this Nation. I am sure the men and women in the military serving in his home State would be interested to know about his priorities.

So here we are. Now we will go through—I am sure the majority leader will file cloture, we will go through 30 hours of debate, and we will have another vote. All of this is unnecessary. Why couldn't we move the hate crimes bill—remember, this is not a single-shot amendment on a specific small issue; this is a huge issue, the whole issue of hate crimes. It is a huge issue. It deserves hearings and debate and amendment in the Judiciary Committee. But what are we going to do? For reasons that I guess the majority leader can make clear because I don't get it, he wants to put it on the national defense authorization bill and pass it that way. He will probably succeed, and he will call it "bipartisan." The last time I checked, it has 44 Democratic cosponsors and 2 Republicans. That is the definition, by the way, around here of bipartisan bills. That is the way the stimulus package was bipartisan. That is how the omnibus spending bill was bipartisan. And I am pretty confident that if health care "reform" passes, it will probably be in another "bipartisan" fashion.

So we will have some hours of debate. We will have more exacerbated feelings between this side of the aisle and that side of the aisle. I would imagine that the hate crimes bill, given the makeup of this body, may even be put on a defense authorization bill—a huge issue. A huge issue will now be placed on a defense authorization bill and passed through the Congress and signed by the President. That is a great disservice to the American people. The American people deserve debate and discussion and hearings and witnesses on this legislation. They deserve it. They don't deserve to have a hate crimes bill put on this legislation which has no relation whatsoever to hate crimes.

I will probably have a lot more to say about this in the hours ahead. I have been around this body a fair amount of time. I have watched the Defense authorization bill wind its way through Congress, and occasionally, including

at other times, I have seen amendments put on bills which are non-germane, but I haven't seen the majority leader of the Senate—the majority leader of the Senate, whose responsibility is to move legislation through the Senate—take a totally nonrelevant, all-encompassing, controversial piece of legislation and put it on a bill that is as important to the Nation's security as is this legislation. We are breaking new ground here, let's have no doubt about it. It is one thing to sometimes have one Member or two or others propose amendments that happen to be their pet project or their pet peeve. It is an entirely different thing—it is an entirely different thing, and I have never seen it before—that the majority leader of the Senate comes to the floor and introduces an irrelevant piece of legislation that is controversial, that is fraught with implications for this and future generations, to a bill that is totally nonrelevant. After 30 hours of debate, we will have a vote on closing that debate and including it in the legislation. I am deeply, deeply disappointed, and I question anyone's priorities who puts this kind of legislation ahead of the needs of the men and women who are serving our military with bravery, courage, and distinction.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, we are currently on the Department of Defense authorization bill and an amendment that has been offered by the Democratic majority leader relative to the creation of a new Federal crime of hate crimes.

Earlier, the Senator from Arizona, Mr. McCAIN, came to the floor to question the wisdom of adding that kind of legislation to a bill related to the Department of Defense. Most people, when they hear that argument, would say: Why don't they do these bills separately? It turns out that under the Senate rules, oftentimes there are few opportunities to move a bill forward. It is not at all unusual for Senators to come forward and offer what appears to be, and may in fact be, an unrelated amendment to a bill that is likely to pass and be signed by the President. Too often, we pass bills that die in transit to the House or once over in the House never see the light of day. They have the same complaint about the Senate.

This is legislation, hate crimes legislation, which we believe is timely, important, and which we want to make part of this debate and ultimately would like to offer it to the President

for signature. It has been debated in the House of Representatives, and it is a bill that I think we can quickly come together with the House on and agree on common terms. So it is an important opportunity.

I might say to Senator McCAIN that I have offered what we would call unrelated amendments in the past, and he has as well. Going back many years, in 1993 Senator McCAIN offered a line-item veto amendment to a bill involving voter registration. He also offered that same amendment to research bills and to a bill involving the travel rights of blind individuals. He had a supermajority requirement to increase taxes added to a bill—unrelated—on the subject of unemployment compensation. So it is not unusual. I have done it. Senator McCAIN has done it.

In fact, this year we have seen it happen repeatedly. In fact, most of the amendments have come from the other side of the aisle. Senator VITTER—on a bill that tried to put the economy back on track—offered an amendment that was critical of an organization known as ACORN. It had nothing to do with the stimulus package. It was his personal feeling about that organization that led to the amendment. Senator ENSIGN of Nevada offered a controversial amendment which, in fact, stalled a bill that was relating to the voting rights of the citizens of the District of Columbia. Senator ENSIGN's amendment dealt with gun control, which didn't have a direct bearing on the question of DC voting rights. Senator DEMINT raised the question of the fairness doctrine of the Federal Communications Commission—another amendment to the DC voting bill. Senator THUNE of South Dakota offered an amendment relative to concealed firearms, again on the DC voting rights bill.

The list goes on. To suggest what was done this morning is unusual is to ignore the obvious. For the better part of this year, amendments have been coming from the Republican side of the aisle that are unrelated to the subject matter of the bill, and that has been a fact of Senate life.

This amendment being offered by Senator REID, as well as many others relative to hate crimes, is a very important one. I would like to speak to it. I speak in strong support of the passage of this hate crimes legislation. We plan on voting on it as an amendment to the Defense authorization bill. For several years, the Senate has taken up these two measures, and for several years both the House and the Senate have passed the hate crimes bill only to see it blocked by filibuster threats or veto vows.

We are fortunate to have a new President who supports this hate crimes legislation. When the House of Representatives took up this legislation just a couple months ago, President Obama issued a statement which said:

I urge Members on both sides of the aisle to act on this important civil rights issue by

passing this legislation to protect all our citizens from violent acts of intolerance.

What a difference a year has made. When Congress took up the hate crimes bill last Congress, President Bush called it “unnecessary and constitutionally questionable.” He promised to veto it.

The American people said last November that they wanted a President who will take our country in a different direction. President Obama is doing that, and he is doing it on this issue as well.

The hate crimes bill has another important supporter who, sadly, cannot be with us on the floor today, and that is Senator TED KENNEDY of Massachusetts, who has been our leader on this issue for over 10 years. I wish he were here to make another impassioned speech for its passage. Nobody speaks to this issue with more authority and clarity than Senator KENNEDY. Senator KENNEDY has been called the heart and soul of the Senate. Passing this bill will honor the great work he has given in his public career to the cause of civil rights.

The Kennedy hate crimes bill now before us is one of the most important pieces of civil rights legislation of our time. I am proud to cosponsor it. I generally believe Congress should be careful in federalizing crime. In the case of hate crimes, there is a demonstrated problem and a carefully crafted solution.

Here is the problem—in fact, it is twofold. First, the existing Federal hate crimes law, passed in 1968 after the assassination of Dr. Martin Luther King, covers only six narrow categories. In order for the current law to apply, a person has to be physically assaulted on the basis of race, national origin, or religion, while engaging in one of the following specific activities: using a public accommodation, serving as a juror, attending a public school, participating in a government program, traveling in interstate commerce, or applying for a job.

The Kennedy hate crimes bill now being considered would expand coverage so that hate crimes could be prosecuted wherever they took place as long as there is an interstate commerce connection, such as the use of a weapon. Federal prosecutors would no longer be limited to the six narrow areas I mentioned earlier in the bill passed some 41 years ago.

Secondly, the bill would expand the categories of people covered under the Federal hate crimes law. The current law provides no coverage for hate crimes based on a victim’s sexual orientation, gender, gender identity, or disability. Unfortunately, statistics tell us that hate crimes based on sexual orientation are the third most common after those based on race and religion. About 15 percent of all hate crimes are based on sexual orientation. Our laws cannot ignore this reality.

Let me address some of the arguments that have been made against

this hate crimes bill. Some of my constituents—in fact, most of those who write in opposition to the bill—are writing either personally or on behalf of churches. There are people who believe this bill would be an infringement on religious speech. Their concern is that a minister could be prosecuted if he sermonizes against homosexuality, and after that a member of his congregation assaults someone on the basis of their sexual orientation. I understand their concern, but it is misplaced.

The chair of the Judiciary Committee, Senator PATRICK LEAHY, held a hearing last month on the hate crimes bill. Attorney General Eric Holder was the star witness. I attended the hearing and asked the Attorney General point-blank whether a religious leader could be prosecuted under the facts I just described. I talked to him about a minister in a church who might stand before his or her congregation and argue that the Bible states clearly, from their point of view, that persons engaged in homosexual conduct are sinners, and if after that sermon someone sitting in the congregation, in anger, turns and strikes someone who is gay, can the minister be held responsible for inciting this person to strike someone of a different sexual orientation. This is what the Attorney General said in response to this hypothetical question I raised:

This bill seeks to protect people from conduct that is motivated by bias. It has nothing to do with regard to speech. The minister who says negative things about homosexuality, about gay people, this is a person I would not agree with, but is not somebody who would be under the ambit of this statute.

Based on that representation from the Nation’s top law enforcement officer, I hope some from religious communities who have been writing to my office will understand that my response to them over the months and years that they have been writing is consistent with the interpretation of this hate crimes bill by the Attorney General of the United States.

It is also important to point out that the Kennedy hate crimes bill requires bodily injury. It does not apply to speech or harassment. It does not apply to those who would carry signs with messages of their religious beliefs. Attorney General Holder assured the Senate that, unless there is bodily injury involved, no hate crimes prosecution could be brought. I don’t know how he could have been clearer or more definitive. I am certain that some who don’t want to accept the clear meaning of his words will dispute him, but he was very clear for all of the people of good faith who would listen.

And listen to the words of Geoffrey Stone, a first amendment scholar at the University of Chicago Law School:

It is settled First Amendment law that an individual cannot constitutionally be punished for attempting to incite others to commit crimes, unless the speaker expressly incites unlawful conduct and such conduct is

likely to occur imminently. The last time the Supreme Court upheld a criminal conviction for incitement was more than a half century ago.

I also note that 24 States—nearly half of the States in America—have hate crime laws on the books that include sexual orientation, and religious leaders are not being prosecuted in those States. That is just not the purpose of the hate crimes laws. Prosecutors aren’t going around looking to put ministers or people with religious beliefs contrary to certain sexual orientations in jail.

Moreover, I think it is time that many people in the religious community would come forward and support this legislation. They should take comfort in knowing that if they believe intolerance and hate are not part of their spiritual message, this law is a good law in support of their beliefs.

This law would go beyond the six narrow areas I covered earlier. It would be an important consideration since 20 percent of all hate crimes are committed on the basis of a person’s religion. This hate crimes law will actually protect those discriminated against because of their religious belief. That should be another reason for those of faith to come forward and consider supporting it.

Another criticism of the Kennedy bill is one that has been around for a long time. It is an argument about States’ rights. They argue there is no need to pass a Federal hate crimes law because the States can do the job on their own.

This argument is remarkably similar to one we faced almost a century ago when Congress debated an antilynching law. Between 1881 and 1964 there is evidence that almost 5,000 people—in fact, 4,749—were lynched in the United States. Predominantly the victims were African Americans. Yet Congress resisted addressing this problem for generations.

Let me read some quotes from a 1922 CONGRESSIONAL RECORD when Congress debated whether to pass a bill making lynching a Federal crime. One Member of Congress said:

The great body of the good people of the country know that the Federal Government should let the States solve these purely local questions. They know that peace and confidence cannot come from distrust and suspicion and that this Congress cannot, by statute, change God’s eternal laws.

Another House Member said:

The question is whether or not we shall duplicate the State function by conferring the same power upon the Federal Government as to this class of crimes. Ours is a government of divided Sovereignties.

The arguments this year against the hate crimes bill sound very similar to the arguments in 1922 against the antilynching law.

We can all agree that criminal law is primarily a State and local function. It is estimated 95 percent of prosecutions for crimes occur at that level. But there are some areas of criminal law in which we have agreed the Federal Government can and should step in to help.

There are over 4,000 Federal crimes, 600 of which have been passed in the last 10 years. Hate crimes are a sad and tragic reality in America. Last month's horrific shooting, not far from here, at the Holocaust Museum in Washington, DC, was the most recent reminder that hate-motivated violence still plagues our Nation.

Earlier this year in my home State of Illinois, two White men in the town of Joliet used a garbage can to beat a 43-year-old Black man outside a gas station while yelling racial epithets and stating: "This is for Obama." The victim sustained serious injuries, lacerations, and bruises to his head.

Last year, a University of Illinois student was walking near his college campus with three friends when an attacker, yelling antigay slurs, pushed him so forcefully he was knocked unconscious and suffered a head injury.

These are incidents in my home State, which I am proud to represent, but I am not proud of this conduct, and I do not think America should be proud of this kind of intolerance and assault—physical assault—that has taken place.

According to FBI data, which is based on voluntary reporting, incidentally, there are about 8,000 hate crimes in America every year. Some experts estimate the real number is closer to 50,000.

The Kennedy hate crimes bill will not eliminate hate crimes in America, but it will help ensure these crimes do not go unpunished.

When Senator KENNEDY introduced the hate crimes bill in April, here is what he said—for TED, whom I wish could be with us today, I will repeat his words so he is part of the RECORD in support of this bill. Here is what he said:

It has been over 10 years since Matthew Shepard was left to die on a fence in Wyoming because of who he was. It has also been 10 years since this bill was initially considered by Congress. In those 10 years, we have gained the political and public support that is needed to make this bill become law. Today, we have a President who is prepared to sign hate crimes legislation into law, and a Justice Department that is willing to enforce it. We must not delay the passage of this bill. Now is the time to stand up against hate-motivated violence and recognize the shameful damages it is doing to our Nation.

In the words of Senator KENNEDY, and in my own words as well, I urge my colleagues to support this important legislation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Mr. President, it is my understanding that we are now on the hate crimes amendment which

takes the form of the Hate Crimes Prevention Act introduced by Senator KENNEDY. I wish to speak on that amendment.

I begin by commending and thanking Senator KENNEDY for his leadership and dedication on this issue for a long time. He has been the leader, he has been persistent, and I know he remains fully supportive.

This has been offered as an amendment to the Defense authorization bill. The reason is because it is so long overdue.

This amendment will expand the Federal definition of a hate crime so that the Federal Government can prosecute crimes committed because of a person's gender, gender identity, disability, or other sexual orientation.

It would increase the Justice Department's authority to prosecute by removing old restrictions that say a hate crime must involve a victim who is attacked because of hate and attacked while voting, attending a public school, serving on a jury or involved in another specially designated activity. So the application of the existing legislation is highly limited, and this would remove that limitation.

It would authorize \$5 million in Federal grants to help States, localities, and Indian tribes investigate and prosecute hate crimes. It would also allow the Federal Government to give important technical, forensic, and prosecutorial assistance to States and localities that prosecute these kinds of crimes.

It would authorize the Department of Justice to begin programs to combat hate crimes committed by children and teenagers. This is important because this is a rising area of concern.

It would allow law enforcement to gather more data about violent hate crimes so we know how big the problem is and can work to fight against it.

Let me give a little bit of history. I have been working on hate crimes since I joined the Senate and the Judiciary Committee almost 17 years ago. I know the history of this amendment very well. In the 103rd Congress, I introduced the Hate Crimes Sentencing Enhancement Act to substantially increase criminal sentences whenever a crime was committed on Federal land that had an element of hatred to it relating to race, color, religion, national origin, ethnicity or sexual orientation. The bill was actually enacted into law in 1994, and it was an important first step.

In the 105th Congress, Senator KENNEDY introduced the Hate Crimes Prevention Act for the first time, and I was one of 33 cosponsors. That was 1997, and this is the bill we are still talking about today, 12 years later. In the 106th Congress, Senator KENNEDY reintroduced the bill. The bill was bipartisan, it had 43 cosponsors, but it did not pass.

In the 107th Congress, 2 years later, Senator KENNEDY reintroduced it again. It was bipartisan, and this time

it had 50 cosponsors. In July of 2001, it was reported out of the Judiciary Committee, but a cloture vote in 2002 failed by a vote of 54 to 43. That was 7 years ago. One-half of the Senate was cosponsoring this bill, but we lost by six votes on a cloture vote.

Senator KENNEDY reintroduced the bill in the 108th, the 109th, and the 110th Congresses. Each time there was broad and bipartisan support, but the bill did not pass. In this Congress, the bill has 45 cosponsors. The Attorney General has testified in support of it, and a similar bill has already passed the House. I believe it is time to pass this legislation.

Let me be candid and say I still do not understand the opposition to the bill. It does not criminalize speech. It only applies to violent acts. These are acts where the victim is targeted because of who they are—because of their race, or national origin, or disability, or religion, or gender, or their sexual orientation. We should have passed this bill many years ago.

According to the FBI, hate crimes occur in the United States at a rate of approximately one for every single hour of the day. FBI statistics are not complete because they rely on voluntary reporting from local law enforcement agencies, but they are, nonetheless, I think, chilling and compelling. In 2007, 7,264 hate crimes incidents were reported to the FBI with a total of 9,535 victims. Approximately 50 percent of the victims were attacked because of their race, 18 percent because of their religion, 16 percent because of their sexual orientation, 13 percent because of their ethnicity or national origin, and 1 percent because of a disability.

The nonprofit Southern Poverty Law Center estimates that if we had information about all the hate crimes that occur in the United States, the total number would be close to 50,000.

These crimes come in all sizes and all shapes, but they have one common theme: They leave people terrified, hurt, even dead, and they rip communities apart.

I think we all remember the story of James Byrd, Jr., a 50-year-old Black man, who was savagely murdered in Jasper, TX, in 1998, 11 years ago, while this bill was under consideration. Mr. Byrd was walking home from his parents' home late one night. He was picked up by three White men in a pickup truck. They took him to the woods, they savagely beat him, they chained him to the back of the truck, and they dragged him 2 miles to his death. His torso was found at the edge of a paved road. His head and arm were found in a ditch a mile away. The three men were later discovered to be Ku Klux Klan supporters, bearing racist tattoos.

A crime like this is not just tragic for the victim and his family but it makes an entire group of people terrified to leave their homes at night, and

it tears communities apart in a potentially irreparable way. This is a heinous crime. Hate was the driving motivation and the law and the punishment ought to reflect that.

Mr. Byrd was killed 11 years ago, and things have not gotten better. Let me tell you about three trends I find particularly disturbing. First, hate crimes targeting Hispanic Americans rose 40 percent between 2003 and 2007. FBI statistics show these crimes are rising every single year. In 2003, 426 crimes against Latinos; in 2004, 475; 2005, 522;—see it ratcheting up—2006, 576; and 2007, 595. That is a 40-percent increase in 4 years.

The Leadership Conference on Civil Rights has reported that this increase in violence correlates with the heated debate over comprehensive immigration reform, and we have all heard the talk shows that preach hatred. This is part of the result. Regardless of the reason, though, for the trend, it is unacceptable for us to stand by and let these crimes increase.

Another example: In Shenandoah, PA, this year, a 25-year-old Mexican immigrant and father of two was beaten to death by a group of high school football players who yelled ethnic slurs as they punched and kicked him. They beat him until he was unconscious and convulsing. He died 2 days later from those injuries.

Just last week, a Latina janitor in Ladera Ranch, CA, was doing her maintenance round when two men hit her on the head and stabbed her with a switchblade while yelling racial slurs at her. Another hate crime last week.

These are brutal, and the victims are attacked because of who they are—their skin color, their religion, their heritage—and their attackers' hate and vengeance.

There is a second troubling trend. The FBI reported 1,265 hate crimes against gay men and lesbians in 2007, and these are only the crimes reported. Many more crimes against this particular community are believed to go unreported to local law enforcement. The FBI has been reporting at least 1,000 hate crimes against this community every single year since 1995.

These crimes are equally chilling. Last December, a woman in my State, in the San Francisco Bay area—in Richmond, CA—who happened to be lesbian, was attacked by four men when she got out of her car, which had a gay pride sticker on its license plate. They raped her and made comments about her sexual orientation. Then they drove her 7 blocks away and raped her over and over again before leaving her naked on the ground near a burned-out apartment complex.

This is the United States of America. In my State, too, in Oxnard, CA, a 15-year-old openly gay boy named Larry King was harassed and bullied by his classmates for many years. One day, in 2008, he was sitting in an English class in school, when a fellow classmate stood, took out a handgun and shot

him in the head. Larry King died in the hospital a few days later.

It is essential we give law enforcement all the resources we need to investigate, to solve, to prosecute, and to punish these crimes.

Finally, there is a third area I am very concerned about. Most of the worst of these crimes are being committed today by young people. On election night, just last year, four young men between the ages of 18 and 21 drove to a predominantly African-American neighborhood in Staten Island, where they brutally beat a Black teenager who was walking home from watching the election results. They went on to assault another Black man, and they used their car to run over a third man they believed to be black. They injured this man so badly he was left in a coma.

In Shenandoah, the individuals who savagely beat a 25-year-old Mexican immigrant to death were all 21 or younger. And in Oxnard, the boy who shot Larry King was 14 years old. Imagine being consumed by hatred at 14 years old and what that means for the future of your life.

Why would anyone oppose giving the Department of Justice more resources to fight these crimes? These hate crimes are terrifying. These are the daily lives of Americans we are talking about—innocent people who are walking to work, driving home at night, working or, yes, sitting in our Nation's school classrooms.

This legislation is important. It will allow the Federal Government to prosecute where States or localities are not willing to. It will allow the Justice Department to assist States and localities that want to prosecute but don't have the resources or expertise they need. It does not criminalize speech. It only applies to violent acts, not expressive conduct. It is bipartisan and supported by a majority of Congress.

Twenty-six State attorneys general are advocating for it and so are more than 41 civil rights groups, 55 women's groups, 79 Latino groups, 16 gay rights groups, 63 religious organizations that represent hundreds of individual congregations, by the International Association of Chiefs of Police, the Federal Law Enforcement Officers Association, the Major Cities Chiefs of Police, the International Brotherhood of Police Officers, the United States Conference of Mayors, the American Veterans Committee, and many others.

This legislation is long overdue. There is a problem out there. It deserves to be solved. It deserves to be deterred. It deserves to be punished. This bill is long overdue.

I thank Senator KENNEDY for his long history of leadership on this issue. Indeed, if we are able to pass this bill today, or whenever we vote, it will, in fact, be a major tribute to him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I wish to repeat and emphasize the unprece-

dent fashion that we are now addressing legislation that concerns our Nation's security and the well-being and welfare of the men and women who are serving it.

I always thought the job of the majority leader of the Senate was to move legislation through the Senate. Obviously, the majority leader has come to the floor of the Senate and, at the request of the majority leader, the chairman of the committee has taken out an amendment that addresses a \$1.75 billion F-22 amendment that the President has placed his personal stamp on passing, that the Secretary of Defense has viewed as one of his highest priorities, as did the Secretary of the Air Force and other administration officials. What did we do? We come to the floor and withdraw the amendment, withdraw it so we can take up a major piece of legislation.

I am reminded that there are amendments proposed by various Members of this body who believe their amendments need to be proposed and believe there is no other avenue but to put them on pending legislation. The majority leader of the Senate can bring up legislation wherever he wants to. That is the privilege of the majority. That is the right of the majority.

Here we are trying to address an issue of paramount importance to the well-being of the men and women of the United States of America. Here we are trying to address an issue of \$1.75 billion, which has far more importance, in many respects, than the actual cost of the F-22s themselves, and without a hearing in the Judiciary Committee, without a bill reported out by the Judiciary Committee, which is the committee of oversight, the majority leader of the Senate has one very important amendment pulled and then puts in a piece of legislation which is far-reaching in the consequences and very controversial.

I introduced into the RECORD a little while ago the U.S. Commission on Civil Rights opposes this legislation. Doesn't this legislation, the hate crimes bill, deserve the amending and debate process that legislation is supposed to go through—committees and then on the floor of the Senate, open to amendments? No, it has been inserted now on the Defense authorization bill, and within a short time, I am sure the majority leader will come to the floor and file a motion for cloture to cut off debate on an issue of significant importance to all Americans and railroad it through on a "bipartisan basis," with possibly two Republican votes.

That is not the way this body should work. It is an abuse of power. It does not make for comity on both sides of the aisle. In fact, those of us who are committed to seeing this authorization bill done as quickly as possible because we are worried about the security of this Nation take great offense when the majority leader of the Senate, whose job is to move legislation through the Senate, brings extraneous

and unrelated legislation to a bill as important as this to the men and women of this country and our Nation's security. To somehow equate that with other amendments that have been proposed, from time to time, by Members on both sides, I think is not an appropriate comparison. I resent it a great deal. It is not good for the health of this body, in my view.

Perhaps there is precedent for this. Perhaps there is precedent when a Defense authorization bill, an issue probably, as I say, of the highest criticality, with an amendment on it that the President of the United States has fully weighed in on and committed on, is taken off the floor, is taken away from consideration in order to put in an extraneous and very controversial full package of legislation.

The hate crimes bill before us is not an amendment. It is legislation. It is an encompassing bill, 20-some pages long. We are going to have about 30 hours of debate, a discussion on it, the majority leader will come and cut off debate and we will probably pass it, thereby exacerbating a situation where those of us who oppose this legislation—and it is important legislation—will be faced with a dilemma of choosing between a bill which will harm, in my view, the United States of America and its judicial system and defending the Nation. I do not think that is fair to any Member of this body.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

AMENDMENT NO. 1521

Mr. ENSIGN. Mr. President, yesterday Senator BROWN and I introduced bipartisan and commonsense legislation as both an amendment to the National Defense Authorization Act and as a stand-alone bill. This is not the first time we have worked together on legislation. I would like to recognize and thank the junior Senator from Ohio for the bipartisan manner that both he and his staff have worked on this particular issue.

In particular, I would also like to thank the Nevada Office of Veterans Services and the National Association for State Veterans Homes for bringing this matter to our attention.

As stated, our legislation is both bipartisan and common sense. Currently, an individual is allowed into a State veterans home if the individual is, No. 1, an eligible veteran as defined by the U.S. Code; No. 2, the spouse of an eligible veteran; or, No. 3, a Gold Star parent.

The problem, though, arises in the way that the Veterans Affairs Department defines a Gold Star parent. Under current regulations, an eligible parent is one who has lost all of their children while serving their country. I know it doesn't make sense, but that is the way the definition is. As a consequence, state veterans homes are forced to deny admissions to Gold Star parents if they have any surviving children. Losing a child in war is a stunning and

life-altering event for anyone. Senator BROWN and I believe that for these families, having one child make the supreme sacrifice in service to our country is sacrifice enough to authorize the surviving parent's elder care in a State veterans home later in life. Our legislation would change that to permit entry into a VA nursing home to any parent who lost a son or daughter in war while fighting to protect our freedoms and our very way of life.

As most people are aware, State veterans homes were founded for servicemembers following the American Civil War. They have become institutions that our veterans and their dependents have come to rely on for nearly 150 years. Currently, there are 137 State veterans homes in all 50 States and Puerto Rico that, on a daily basis, provide hospital, rehabilitation, long-term care, Alzheimer's care, and end-of-life care to approximately 30,000 veterans and dependents.

I would also like to take this opportunity to recognize the Nevada State Veterans Home in Boulder City, NV, for the great work they do. U.S. News and World Report recently rated this veterans home as a 5-star facility and the top nursing home in my home State of Nevada. I think it is only fair that the parents who have lost a son or a daughter have access to first-class facilities such as this.

I thank, once again, the junior Senator from Ohio and ask my other colleagues to support this important legislation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mrs. SHAHEEN. Madam President, I rise in support of strengthening our Federal hate crimes clause to include crimes motivated by a victim's sexual orientation, gender, gender identity or whether the victim has a disability. By passing the Matthew Shepard Hate Crimes Prevention Act, we will take a long-overdue step toward ensuring that our law enforcement officials have the resources they need to prevent and properly prosecute some of the most toxic and destructive violent crimes we face. I also thank my colleagues who have worked tirelessly to see this important legislation enacted into law. For the better part of the last decade, Senator KENNEDY, along with Senators LEAHY, COLLINS, and SNOWE, have shown leadership on this issue, even when the odds of success were small. Their diligence is one of the reasons this legislation today enjoys the support of more than 300 law enforcement, civil rights, civic, and religious organizations. As a new Member of the Sen-

ate, I am proud to join them this year as an original cosponsor of the Matthew Shepard Hate Crimes Prevention Act. I truly hope my colleagues will join me to pass this amendment.

In 1998, Matthew Shepard, a 21-year-old college student, was beaten and murdered just because he was gay.

The brutality of this crime captured the attention of the Nation. It was an attack not just on Matthew and his family but on an entire community. I had the opportunity a couple of years ago to meet Judy Shepard, Matthew's mother.

I applaud her willingness to try and make something positive out of such a terrible tragedy. She has been a tireless advocate to try and get hate crimes legislation passed and to point out the impact of these violent acts on families across this country.

The Matthew Shepard attack sent a message of hate and intolerance to LGBT youths and their families and instilled in countless young Americans a sense of fear simply because of their sexual orientation.

Despite this, Matthew's murderers were not charged with a hate crime because no such law exists in Wyoming or on the Federal level. It is impossible to know for certain the full effect of crimes motivated by hate on the communities they target. What is certain is that hate crimes rob the members of these communities of a sense of security, and the impact is real.

Among LGBT youth in this country, the suicide rate is four times higher than their straight peers, as many struggle to find their place in their families and their communities. While reducing bigotry and increasing tolerance will require a comprehensive effort, it is an effort that will take time. But addressing our outdated hate crimes law is one very important component.

As Governor, I was proud to sign legislation that expanded New Hampshire's hate crimes to include sexual orientation. Unfortunately, many States still lack such laws, which is why this bill is so critical.

By expanding the definition of hate crimes and by easing access to resources for local and Federal law enforcement officials to prosecute these crimes, we can hopefully help prevent these crimes and send a message that hate and bigotry in any form have no place in our society.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Madam President, pending before the Senate is the National Defense Authorization Act which is an annual bill considered by

the Senate which basically authorizes the spending of money and certain policies for the Department of Defense. There is a lot of work that goes into this bill. It is put in primarily by the chairman of the committee, CARL LEVIN of Michigan, and by JOHN MCCAIN of Arizona. This bill looks to be over 1,000 pages long. They have put a lot of effort into this bill and are anxious to pass it.

An issue came up, an important issue about the F-22 airplane. This is a fighter plane that the current administration and others have said should be discontinued. Whenever a fighter plane is being built and is being discontinued, there are people who resist because each one of these Defense projects involves a lot of people, a lot of jobs, a lot of contracts that are important to businesses and families and communities. So there is resistance. But on the F-22 fighter plane, President Obama has gone so far as to say in writing: If you include more planes beyond the 187 allocated in previous legislation, I will veto the bill. That, of course, would call for a supermajority to override the veto, which is not likely to occur. So it is a promise or a threat from a President we have to take seriously.

The bill currently contains an amendment which expands the number of F-22 fighter planes that was adopted narrowly in the Armed Services Committee. The chairman and the ranking Republican have the same position as President Obama. They want to reduce or hold fast to the number of airplanes currently projected to be built and not to expand it, as this bill does. So they offered an amendment to stand with President Obama and delete the section of the bill which would call for more planes. That amendment, No. 1469, was offered on Monday to be considered by the Senate. A number of Members have come to support the amendment, and I am one of them. I support the President's position and the position of Senators LEVIN and MCCAIN. There are others who oppose this amendment, clearly.

At one point, Senator LEVIN said: Let's move this to a vote. Senator MCCAIN agreed, as we should. It had been pending for 2 days. Everyone knows what is at issue. It is contentious and clearly controversial, but we deal with those issues. That is part of our job.

At that point, the process broke down. The Republican side of the aisle objected to calling the amendment. That is when the bill came grinding to a halt. That is when Senator LEVIN said: We know that after this amendment on F-22s, we will go to an amendment on hate crimes legislation on the same bill. So he withdrew this amendment.

Clearly, the answer to this—one I hope we can work out at the leadership level—is for Republicans to agree that we have a vote on the F-22 airplane. We should. Senator MCCAIN is anxious for

that to happen so the bill can move forward. Once that vote is out of the way, we should schedule a reasonable time for debate and a vote on the hate crimes legislation, which is not new. We have considered this before. But we are bogged down.

At this point, tempers are flaring a little bit because this important bill is being held up over those two issues: whether the F-22 amendment by Senators LEVIN and MCCAIN will come to a vote and whether the hate crimes legislation offered by Senator REID will also then be considered and voted on. I hope both those occur. There is no reason why they should not. Those who think they might lose the F-22 amendment are resistant to calling it for a vote. But there will come a day when we have to face this issue with a vote. That is ultimately what the Senate is here for.

I might say about nonrelevant amendments, a position made on the floor by my friend from Arizona and others, it is a hard argument to understand in light of what we have been through.

I ask unanimous consent to have printed in the RECORD a long list of nonrelevant amendments offered this year by the Republican side of the aisle to a series of bills considered on the floor.

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

REPUBLICAN NON-RELEVANT AMENDMENTS
2009

Vitter #107 (ACORN) to H.R. 1, The American Recovery and Reinvestment Act; Ensign #575 (DC Guns) to S. 160, DC Voting Rights; DeMint #573 (Fairness Doctrine) to S. 160, DC Voting Rights; Thune #579 (Concealed Firearms) to S. 160, DC Voting Rights; Cornyn #674 (Union Dues) to H.R. 1105, Emergency Supplemental Omnibus Appropriations; Vitter #621 (Congressional Pay) to H.R. 1105, Emergency Supplemental Omnibus Appropriations; Thune #662 (Fairness Doctrine) to H.R. 1105, Emergency Supplemental Omnibus Appropriations; Thune #716 (Charitable Donations Deduction) to H.R. 1388, National Service; Vitter #705 (ACORN) to H.R. 1388, National Service; Inhofe #996 (National Language) to S. 386, Fraud Enforcement; Vitter #991 (TARP) to S. 386, Fraud Enforcement and Recovery Act; Coburn #982 (TARP) to S. 386, Fraud Enforcement and Recovery Act; Thune #1002 (TARP) to S. 386, Fraud Enforcement and Recovery Act; DeMint #994 (TARP) to S. 386, Fraud Enforcement and Recovery Act; Coburn #983 (IG—Fannie Mae/Freddie Mac) to S. 386, Fraud Enforcement and Recovery Act; Vitter #1016 (TARP) to S. 896, Helping Families Save Their Homes Act; Thune #1030 (TARP) to S. 896, Helping Families Save Their Homes Act; DeMint #1026 (TARP) to S. 896, Helping Families Save Their Homes Act; Coburn #1067 (Guns in National Parks) to H.R. 627, Credit Cardholders; Coburn #1068 (Guns in National Parks) to H.R. 627, Credit Cardholders; Hutchison #1189 (Auto Dealers) to H.R. 2346, Iraq/Afghanistan Supplemental Appropriations; Vitter #1467 (Rx Drug Reimportation) to H.R. 2892, Homeland Security Appropriations.

Mr. DURBIN. They run the range of things. I talked earlier about some of these amendments: an amendment relating to the regulation of guns in the

District of Columbia put on the voting rights bill; an amendment relating to the fairness doctrine and telecommunications on the same DC voting rights bill; an amendment related to congressional pay on the Omnibus appropriations bill. The list goes on and on. I won't go beyond including it in the RECORD.

What the majority leader did today with the hate crimes legislation is not unlike what has been done repeatedly by the Republican side of the aisle over the last several months. Ultimately, these came to a vote. They were considered and voted on. That is all the majority leader is asking for, to bring the hate crimes legislation to a vote on this legislation.

There is clearly a way out of this. It is for the Senate to do its job, to vote on the Levin-McCain amendment on the F-22 fighters up or down. Let's see who prevails, understanding that if this provision stays in the bill and Levin-McCain fails, the President will veto the bill. That is a pretty ominous prospect.

Also keep mind that the hate crimes legislation is timely. It has passed the House of Representatives and should be considered by us.

I would like to say a word on it and ask unanimous consent to have printed in the RECORD a publication by an organization known as Third Way which consists of statements of support from religious leaders for the Senate hate crimes bill.

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

STATEMENTS OF SUPPORT FROM RELIGIOUS LEADERS FOR THE SENATE HATE CRIMES BILL

Dr. David P. Gushee, Distinguished University, Professor of Christian Ethics, Mercer University: As a Christian, I believe in the immeasurable and sacred worth of every human being as made in the image of God and as the object of God's redeeming love in Jesus Christ. In our sinful and violent world, there are tragically very many ways in which this sacredness is violated. This bill deserves Christian support because its aim is to protect the dignity and basic human rights of all Americans, and especially those Americans whose perceived "differentness" makes them vulnerable to physical attacks motivated by bias, hatred and fear. The bill simply strengthens the capacity of our nation's governments to prosecute violent, bias-related crimes. I am persuaded that the bill poses no threat whatsoever to any free speech right for religious communities or their leaders. Its passage will make for a safer and more secure environment in which we and all of our fellow Americans can live our lives. For me, the case for this bill is settled with these words from Jesus: "As you did it to one of the least of these, you did it to me" (Mt. 25:40).

Rev. Dr. Derrick Harkins, Senior Pastor, Nineteenth Street Baptist Church, Washington, DC: A strong Biblical imperative that I believe stands at the heart of my Christian faith is the preservation and protection of the inherent dignity of all persons. The Scriptures are replete with examples of God's concern and compassion for those seen as "other" by many. As an American, I know the protection of personal dignity and human rights is a principle that makes us

that much stronger as a nation, and certainly does not stand at odds with freedom of expression. Passage of the Hate Crimes Bill will help to ensure the safeguards of the law for those who are victimized by acts of bias and hate. I welcome the opportunity to support this bill as an expression of my Christian witness, and my belief in our nation's highest aims for all its citizens.

Dr. Joel C. Hunter, Senior Pastor, Northland—A Church Distributed: I would think that the followers of Jesus would be first in line to protect any group from hate crimes. He was the one who intervened against religious violence aimed at the woman caught in the act of adultery. He protected her while not condoning her behavior. This bill protects both the rights of conservative religious people to voice passionately their interpretations of their scriptures and protects their fellow citizens from physical attack. I strongly endorse this bill.

Rev. Gabriel A. Salguero, Executive and Policy Advisor, The Latino Leadership Circle: At the heart of the Christian gospel is the belief in the intrinsic dignity of all humanity. When people are targeted for acts of violence the Church must speak out. I support the Hate Crimes bill because it provides room for free speech and religious conviction while protecting groups of people from acts of violence. As a Christian who values both love and truth I support a bill that protects the vulnerable while allowing ministers to speak freely about their faith and moral convictions. The Hate Crimes bill does not call for the sacrifice of either dignity nor conviction. It is my prayer that we continue to find ways forward that honors both freedom of speech and protection for all our citizens.

Mr. DURBIN. Madam President, those who spoke in favor of the bill should be noted, their identities should be noted, because there is some argument, at least in the mail I have received from some religious leaders against the bill. Dr. David Gushee, distinguished university professor of Christian ethics at Mercer University, has a well-thought-out statement in support of the bill; Rev. Derrick Harkins, senior pastor of the Nineteenth Street Baptist Church in Washington, DC, the same; Dr. Joel Hunter, senior pastor at Northland, has also come out in support; and Rev. Gabriel Salguero, executive and policy adviser of the Latino Leadership Circle.

The point I tried to make earlier and the one their support makes is that there are religious leaders who believe this bill is necessary to protect those who may be subjected to physical violence because of religious belief—we don't want that to occur—that intolerance is not consistent with American values.

Secondly, to those who argue that if we include sexual orientation in this bill, a pastor who sermonizes against homosexuality based on his interpretation of the Bible could be arrested for it, that is not true. As I quoted earlier, the Attorney General said, clearly, hate crimes legislation is focused on physical violence—not words, not harassment, but physical violence. If the religious leader is not engaged in physical violence against someone of a different sexual orientation, they will not be subject to prosecution under this bill. That has been made clear by the

Attorney General, and the support of religious leaders indicates they understand that as well. We need to protect the people of our country against hate crimes and intolerance, but we also need to honor our constitutional guarantees when it comes to speech and religious belief. Those are consistent.

I look forward to the Senate coming to a conclusion, but I think those who have come to the floor and criticized the majority leader for this situation have not told the whole story. The whole story is the F-22 amendment by Senators LEVIN and MCCAIN was ready to be called, should have been called for a vote, and if it is scheduled for a vote, it can be dispensed with. I will support it. I have made that clear to the sponsors. Then we can move to the hate crimes legislation which the majority leader has brought before us, not unlike the many different instances this year when Republicans did exactly the same thing on the floor.

I urge those who might be off to lunch in a few minutes to use this opportunity. I see my friend from Arizona has taken the floor. I hope we can find an opportunity to work these two things out, perhaps bring to a vote the F-22 amendment, which I do support, the Levin-McCain amendment, to remove language in the bill on the expansion of the F-22 program. The sooner we can get approval from the leadership on the other side of the aisle, the sooner we can dispense with it one way or the other, up or down. Secondly, I hope we can then move to the hate crimes legislation which has been debated at length and is not unlike many of the other amendments which have been offered on the Republican side of the aisle on a variety of different bills during the course of the last few months. Bringing these two matters to a vote, perhaps we can then take up other pending matters on the Defense authorization bill on which I know the Senators from Arizona and Michigan have worked so hard.

Mrs. BOXER. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield.

Mrs. BOXER. I just have a question, while my friend has the floor. I have been waiting to speak on the hate crimes bill. I am wondering if it would be possible, because I am not sure if Senator MCCAIN has a lengthy statement, for him to work with us so we could get a time certain when I may make that statement.

Mr. DURBIN. I am going to yield the floor. Is the Senator seeking recognition?

Mr. MCCAIN. I will just take a few minutes.

Mr. DURBIN. Could I yield to the Senator from Arizona with the understanding that after he has spoken, the Senator from California would be recognized?

Mr. MCCAIN. That would be fine with me.

Mr. DURBIN. Could the Senator give an indication of how much time he may require?

Mr. MCCAIN. I am not sure what the Senator's reaction will be to what I have to say. I can't give him a specific time agreement. I am sorry. This is a vital issue we are addressing.

Mr. DURBIN. I understand it is.

Mr. MCCAIN. I will make my remarks as short as possible. I believe the Senator from Illinois has the floor; is that correct?

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mrs. BOXER. Will the Senator yield for another question?

Mr. DURBIN. I will.

Mrs. BOXER. I am trying to get a sense for timing's sake. We all have obligations in our various committees and with constituents. I am wondering if I should speak first. My statement is only about 6 minutes. Then I could yield to Senator MCCAIN. I think this hate crimes legislation is landmark legislation.

Mr. DURBIN. I think Senator MCCAIN has asked to be recognized first. If I have any response to him, I will try to make it very brief. I ask unanimous consent that after the Senator from Arizona has spoken, the Senator from California be immediately recognized.

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

Mr. DURBIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I want to point out again, the legislation which is now pending has replaced the F-22, the Levin-McCain amendment. My argument is that the majority leader has put in legislation which is not relevant to the pending legislation, which is the Department of Defense authorization bill. I am perfectly willing for the hate crimes bill to come up under the regular order. Why it should be put on the Defense authorization bill, which will then not allow adequate debate and discussion of amendments, not to mention the fact that it hasn't gone through the committee of jurisdiction—frankly, I do not think it is the appropriate way of using the Defense authorization bill. In fact, I think it is highly inappropriate. Therefore, why don't we do this, I ask the Senator from Illinois: agree that as soon as the Defense authorization bill is complete, we take up the Matthew Shepard Hate Crimes Prevention Act under the regular order and do business the way the Senate should do business?

UNANIMOUS CONSENT REQUEST—S. 909

So therefore, Mr. President, I now ask unanimous consent that the pending amendment be immediately withdrawn; that no amendments on the topic of hate crimes be in order to the pending legislation; further, I ask that when the Senate completes action on the Department of Defense authorization bill, it be in order for the Senate to proceed to S. 909, the Matthew Shepard Hate Crimes Prevention Act, under the regular order.

The PRESIDING OFFICER (Mr. MERKLEY). Is there objection?

Mr. DURBIN. Reserving the right to object, Mr. President, I would say that the Senator from Arizona knows that on 16 different occasions this year Republican Senators have offered nonrelevant amendments to pending legislation. The Senator has done that himself. I have done it myself. It is not unusual or beyond the custom and rules of the Senate. And I believe Senator REID has the right to do it on this critically important legislation which we can move to with dispatch. Based on that, I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. So, Mr. President, here are the facts. The fact is, the majority leader, whose job it is to move legislation through the Senate, is now blocking progress of Defense authorization—that progress through the Senate—by proposing an unneeded, irrelevant amendment, which is a large piece of highly controversial legislation.

The Senate majority leader will come to the floor and he will file cloture. Then, after some hours—with no amendments because he will probably fill up the tree—the Senate will pass a highly controversial, highly explosive piece of legislation to be attached to the authorization for the defense and the security of this Nation. That is wrong. And why—I want to put it this way: It is unanswerable that we do not just take up the hate crimes bill in the regular order and allow Senate debate and discussion. That is how the Senate is supposed to work—not put it on a major piece of legislation.

I will also point out to my friend from Illinois something he knows. It is one thing for someone who sits back there to propose an amendment to pending legislation because they feel that is the only way they can get their argument heard. The majority leader of the Senate has the authority to move whatever legislation he wants. And the majority leader of the Senate should move the hate crimes bill if he wants it considered rather than give it priority over the legislation that accounts for the national security of this country and the men and women who serve it.

So I am sure there will be all kinds of comments about the Republicans blocking a vote, blocking this, blocking that. Why don't we take up legislation in the regular order? Hate crimes has been opposed by the U.S. Commission on Civil Rights. This is a very controversial issue. By putting it on the DOD bill, we are not going to have the adequate debate, discussion, and amendment an issue such as this deserves. There is passion on both sides of the aisle.

So it is obvious, whether it is the intention or not, what is happening here is the whole process of debate and amendment will be short-circuited, because we on this side of the aisle are more than willing to take up the legislation as a separate piece of legislation, debate, amend, and discuss it, and

let the American people decide. Instead, the men and women in the military right now today are being short-changed by putting irrelevant legislation that is highly controversial and highly complex on a bill designed for defense of this country and for the men and women who serve it.

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

Mr. MCCAIN. Actually, I will be glad to yield. But if the Senator wants to have a colloquy, go ahead.

Mr. DURBIN. I want to make sure Senator BOXER has her chance.

If I could make two points in the nature of a question to the Senator from Arizona.

First, Senator REID offered this amendment on behalf of Senator LEAHY, chairman of the Judiciary Committee, who is now presiding over the Sotomayor hearings. I know he supports it, and I support it as well, the hate crimes legislation, but I want to make that a matter of record.

Mr. MCCAIN. Could I respond to that?

Mr. DURBIN. Yes.

Mr. MCCAIN. It is one thing to have the chairman of the committee support it; it is another thing to have the legislation go through the committee with the proper debate and discussion and amendment. But go ahead.

Mr. DURBIN. The second point I would like to make to the Senator from Arizona is, when we asked for unanimous consent from the Republican side to move to the hate crimes legislation, there was objection. So it is not as if we have not tried to go through regular order. This seems to be the only path we can use to bring this matter to a conclusion. And I think it can be done in a responsible way quickly. It does not have to drag out over a matter of days. The Senator knows that. If we can get agreement on both sides to have a reasonable time for debate and a vote on the bill, I think that would meet the needs the Senator has suggested to get back on the substance of the Defense authorization bill.

Mr. MCCAIN. In deference to the Senator from California, I will make my answer brief, just to say I do not think—as I have said in my previous argument, it does not belong on a defense authorization bill, particularly so moved by the majority leader of the Senate. But, Mr. President, the Senator from California is waiting, and I yield the floor.

Mr. DURBIN. Mr. President, if the Senator from California will allow me to make a unanimous consent request before she speaks.

UNANIMOUS-CONSENT REQUEST

Mr. President, I ask unanimous consent that at 12 noon, on Thursday, July 16, the Senate proceed to vote on the motion to invoke cloture on the Leahy amendment No. 1511, with the time until then equally divided and controlled between the leaders or their designees; that if cloture is invoked on amendment No. 1511, then all

postcloture time be yielded back and amendment No. 1539 be agreed to; that amendment No. 1511, as amended, be agreed to and the motion to reconsider be laid upon the table; that upon disposition of the hate crimes amendment, Senator LEVIN be recognized to offer the Levin-McCain amendment, and that the time until 5 p.m., Thursday, July 16, be for debate with respect to the amendment, with all time equally divided and controlled between Senators LEVIN and CHAMBLISS or their designees; that at 5 p.m., Thursday, July 16, the Senate proceed to vote in relation to the amendment, with no intervening amendment in order during the pendency of the F-22 amendment; further, that the mandatory quorum be waived with respect to rule XXII.

The purpose of this unanimous consent request is to achieve just what the Senator from Arizona asked for: a timely consideration of both amendments. We will be back on the bill on his amendment. I ask unanimous consent that we accept this schedule and move forward.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Mr. President, reserving the right to object, and I will object, I am not asking that there be a time agreement on hate crimes, I am asking that the hate crimes bill be brought up as a standing bill. The Senator has 60 votes. The Senator could bring it up whether this side of the aisle objects or not as a freestanding piece of legislation. I object to it being considered on the Department of Defense authorization bill. It has no place for it. It should not be there. The longer we wait, the longer the delay is in providing the men and women of the military the tools they need. So I do object. And we should take this up. I am sorry my unanimous consent request was not agreed to—that we would take it up as a freestanding bill after the consideration of the Department of Defense bill.

Mr. President, I yield the floor. I thank the Senator from California for her courtesy.

The PRESIDING OFFICER. Objection is heard.

The Senator from California.

Mrs. BOXER. Mr. President, I thank Senator MCCAIN and Senator DURBIN for moving through their debate swiftly so I would have this opportunity to speak in support of a landmark piece of legislation that has been offered as an amendment, the hate crimes prevention amendment named after Matthew Shepard.

This bill is a long time coming. I know we could make a process argument. We do it well around here. But it seems to me, we can move this Defense bill through quickly. We are doing that. We will do that. It has strong support. But we can also take care of this long-neglected, important piece of legislation whose passage will protect and defend our citizens from hate crimes.

So it is funny, because technically speaking, of course, the Defense bill is

about our military, and we all support doing what we have to do to keep it strong and to be prepared. That is why I will support that. But there is no reason why we cannot take a little time to look at the fact that it is time for the Matthew Shepard Hate Crimes Prevention Act to really be passed. It will not slow us up really. We have just seen that Senator DURBIN has asked for a unanimous consent agreement to do this quickly. It is not going to delay. My Republican friends do not seem to mind it when they offer nonrelevant amendments to bills. They have done it 16 times this year. Oh, they do not have a problem. But if it is something they do not like, suddenly they make this process argument. Rather than debate process, why don't we just get on with it? We can do a couple of important things this week—one of them, the Defense bill, and the other, protecting our citizens from hate crimes.

The importance of the amendment that was offered by Senator LEAHY through our leader is that it would strengthen the ability of Federal, State, and local authorities to investigate and prosecute hate crimes.

It has been more than 10 long years since the senseless death of Matthew Shepard—a tragedy that showed us we have a long way—a long way—to go before we can truly say in this country there is equal justice for all.

Let's look back at what happened to Matthew Shepard 10 long years ago. Two men offered Matthew Shepard, a gay man, a ride in their car. Subsequently, Shepard was robbed. He was pistol whipped. He was tortured. He was tied to a fence in a remote rural area. And he was left to die. Mr. President, this was not a robbery. This was not a spur of the moment situation. We know from the pair's then-girlfriends, who testified under oath, that the two men plotted beforehand to rob a gay man in particular. That crime occurred because Matthew Shepard was a gay man. Well, they robbed him. They tortured him. And they killed him.

This crime should be a Federal crime. And yes, we have tried to pass that hate crimes legislation for years and years. There is always an excuse: We do not have the time. It is not relevant to the bill. Well, Matthew Shepard's family—what happened to them will never go away. The loss they carry in their hearts will never disappear. But the one thing we can do to ease their burden is to pass this legislation.

Look, we have offered this on Defense bills before. This is not the first time. We dealt with it and we voted and we moved on. So the only thing you can say as to why there is all this objection is because people do not want to vote on this bill, and they are making it more and more difficult for us to be able to get to it. I hope we will, in fact, stick to it and get this done. Again, it is not going to weigh down the Defense authorization. In my mind, again, it is something we need to do and we can do with no harm to the underlying bill.

We should be proud to support this legislation, not afraid to vote on it, not trying to postpone a vote on it. Hate crimes are particularly offensive because they are propelled by bias and bigotry. They not only inflict harm on the victims, but they instill fear in entire communities.

That is why I have—and I ask to put into the Record—a strong letter of support from my sheriff from Los Angeles, Lee Baca. I ask unanimous consent to have this letter printed in the RECORD.

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

COUNTY OF LOS ANGELES,
SHERIFF'S DEPARTMENT HEADQUARTERS,
Monterey Park, CA, June 25, 2009.

Hon. EDWARD M. KENNEDY,
U.S. Senate,

Washington, DC.

DEAR SENATOR KENNEDY: The Los Angeles County Sheriff's Department is proud to support S-909. This bill would provide federal assistance to state and local jurisdictions for the prosecution of hate crimes.

This bill will adopt the definition of "hate crime" from the Violent Crime Control and Law Enforcement Act of 1994 which is a crime where the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of any person and additionally include gender identity.

This bill will also authorize the Attorney General, at the request of the state or local law enforcement agency, to provide technical, forensic, prosecutorial, or other assistance in criminal investigations or prosecutions. The Attorney General is additionally authorized to award grants to law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

In 2007, the Federal Bureau of Investigation (FBI) statistics indicate that 2,025 law enforcement agencies across the country reported 7,624 hate crimes involving 9,006 offenses. Of those, 7,621 were single bias incidents involving 9,527 victims and 6,962 offenders. Of the single bias incidents, 50.8 percent were racially motivated, 18.4 percent motivated by religion, 16.6 percent motivated by sexual orientation, 13.2 percent motivated by ethnicity or national origin, and 1 percent motivated by disability.

This bill is, indeed, a civil rights issue, as President Obama said, "... to protect all of our citizens from violent acts of intolerance." Hate crimes are a scourge in our society and have no place in humanity.

Thank you for sponsoring this important legislation. It is the duty of government to protect all, equally and unequivocally. Should you have any questions, do not hesitate to contact me directly.

Sincerely,

LEE BACA,
Sheriff.

Mrs. BOXER. I want to note that Lee Baca happens to be a Republican. I want to note that this law enforcement individual is very strong on this. He says this hate crimes bill deals with a civil rights issue, and he quotes President Obama, "to protect all of our citizens from violent acts of intolerance." Lee Baca adds in his own words:

Hate crimes are a scourge on our society and they have no place in humanity.

What we are dealing with is not a Republican issue or a Democratic issue. There are gay people who are Republicans. There are gay people who are Democrats. There are gay people in the closet. There are gay people out of the closet. But I can tell my colleagues that too many gay people live in fear. They live in fear that two people or one person could attack them simply because they are gay, and that is not right in this, the greatest country in the world, and we can fix it.

I also wish to point out this bill also protects women who are attacked simply because of their gender. So this bill is about making sure women are protected and gays are protected.

I wish there was no need for this law. I wish we lived in a world where such a law would be unnecessary. We all do. One of our Founders said, if people were perfect, we wouldn't need a government. People are not perfect. There has to be right and wrong and it has to be spelled out. People who are innocent need to be protected.

A man gets in a car with two people who claim to be his friends, and he winds up robbed, tortured, and killed, and put on a fence, I might add.

So, Attorney General Holder, when he testified before the Senate Judiciary Committee, reported that the FBI said there were 7,624 hate crime incidents in 2007. That is the most recent data: 7,624 hate crime incidents.

If we pass this bill, we send a signal that the Federal Government will not stand by and watch this sort of thing happen. We send a message that we will be a backup, that we will supply the law enforcement personnel, the forensic assistance, anything the local prosecutor needs and the local police need to help them.

Eric Holder also testified that between 1998 and 2007, more than 77,000 hate crime incidents were reported by the FBI. That is one hate crime for every hour of every day for a decade, one hate crime every hour of every day for a decade.

Senator MCCAIN—and I have full respect for him—said: Let's just do this another day.

We shouldn't wait another day. This should receive unanimous support from everyone across party aisles, and I believe it will receive tremendous support across party aisles. I do. So let's get to vote on it.

Statistics are one thing; the individual stories are horrifying. I will give my colleagues another example, the case of Lawrence "Larry" King, a 15-year-old boy from Oxnard, CA. Larry, an eighth-grader, was shot and killed by a fellow student in the middle of a classroom in February of 2008. According to news reports, the shooting occurred the day after the students had a verbal altercation about Larry's sexual orientation. The police and the district attorney classified the murder as a hate crime. The district attorney said there had never been a violent shooting like this before in Ventura County in

my State. A young life ended too soon by a violent act of hate.

My State is not immune from these crimes.

In Richmond, CA, four men were arrested and charged for brutally gang-raping a young lesbian. According to news reports, one of the attackers taunted her for being a lesbian during the attack.

After that heinous incident, a young Black man in Richmond was attacked. According to the young man's police report, his attackers yelled racial epithets and slurs as they broke six of his bones.

Finally, another example: In 2006, a man walked into an Amish school in Pennsylvania. Taking several female students hostage and releasing all the male students, he shot 10 of the girls, killing 5—killing 5—before shooting himself. The age of these girls was from 6 to 13 years old. These girls lost their lives because of a despicable act of hate based on their gender.

There is no reason to come to the floor and say we can't do this bill because we have other very important business on our plate. Of course we do. Of course we need to do the Defense bill. Of course we will do the Defense bill. The last I checked, the Defense authorization usually passes practically unanimously. This isn't a problem. So we can deal with this. We have done it before.

These stories demonstrate if America is to serve as a model for tolerance and justice, we must do everything in our power to fight hate-motivated violence, and this amendment is an important step in that fight.

So to summarize what this amendment does, it would add gender, sexual orientation, gender identity, or disability as protected categories under our hate crimes laws. Second, the amendment removes the requirement that a victim be engaged in a federally protected activity such as serving on a jury or attending a public school before the government can act. Third, and very important, the amendment provides additional Federal assistance to State and local authorities to investigate and prosecute hate crimes. I talked about the letter from my sheriff in Los Angeles County. Our law enforcement people need all the help they can get when they are trying to solve a hate crime and then trying to prosecute a hate crime. This bill will give them the assistance they deserve to have if they ask for such assistance. If they don't act, this is a backup law. This says it is a Federal crime. There is a nexus with interstate commerce, but as we know, that is not too hard to make.

So this basically says we are going to protect these individuals in our society who may be disabled and if they are discriminated against because they are a woman or a man—gender bias—or because of their sexual orientation.

Opponents of this amendment will say it punishes free speech and thought

and that every crime will become a Federal hate crime. That is patently untrue. The hate crimes prevention amendment, as I said, is narrow, and we know these crimes do occur. This isn't about punishing speech. This isn't about punishing thoughts. If all that Matthew Shepard had to deal with were taunts about his sexuality, his sexual orientation, that would be one thing. He had to deal with murderers who tortured him. That is different. If they had said something to him and walked out, that would be one thing. They acted on their hatred, and that is un-American. It is un-American.

This amendment doesn't attempt to federalize all crimes, or even hate crimes. The certification provision prevents the Federal Government from stepping into a case unless it can certify that doing so is necessary to secure justice and is in the public interest. Thus, prosecutions that normally take place at the State and local level will continue to be handled there. The difference is we will then give them as a Federal Government all the tools they need from us.

This amendment is an important step as we continue to form a more perfect union, and we can't rest until we do this—and more. We can't rest until we pass laws to create a fair workplace for all. We can't rest until we pass a law that repeals "don't ask, don't tell" and allows our capable Americans and our patriotic Americans to serve our country. We are losing some of the best and brightest from our military because they don't want to live a lie. We can't rest until we pass laws to end racial profiling in our society. We can't rest until we pass comprehensive laws to protect our children from violent crimes.

Years ago I wrote the Violence Against Children Act. I am still waiting to get it passed. When someone takes up a hand against a child and injures that child and hurts that child, that is un-American too. If there is a violent crime against a child, I believe the Federal Government ought to care and ought to help the local governments who are trying to solve that crime and punish that crime if they need help.

So we have a lot of work to do to form that more perfect union. Instead of arguing process today, why don't we have our friends come to the floor and say: This is a wonderful opportunity now to take a step forward and pass this Hate Crimes Prevention amendment, which we have been trying to do for so long, and, of course, not slow down the Defense bill. There is no need to slow down the Defense bill. We can do both.

I urge my colleagues to vote for this amendment and any kind of procedural vote it takes to make it available to us on the floor of the Senate.

I thank you very much, and I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to speak briefly on the hate crimes legislation. The details of the bill have been explained. The statistics have been enumerated by a number of my colleagues. Perhaps the most impressive statistic is the one from the Attorney General on 77,000 hate crimes.

I do believe it is time we act. This issue first came before the Senate back in 1997, some 12 years ago. Senator KENNEDY was the originator. At that time, he searched for cosponsors among Republicans, and I believe it is accurate to say that I was the only one who would support cosponsorship, and we moved the legislation forward by publishing an op-ed piece in the Washington Post.

I ask unanimous consent that op-ed piece be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 1.)

Mr. SPECTER. Mr. President, I am glad to say that since the time this issue has come before the Senate, there are now 18 Republican cosponsors. My sense is that there will be widespread, if not unanimous, support among the Democrats so that there is a very solid statement respectively in the Senate.

Ordinarily, matters of criminal prosecution are left to the States. The offense is prosecuted in the jurisdiction where it occurred. I have a strong bias for local prosecutions as a generalization and developed that concern from my own experience as a district attorney for the city and county of Philadelphia. Law enforcement ought to be local. But the brutal fact of life is that when you deal with hate crimes—and there are many examples. In 1997 when Senator KENNEDY and I first introduced the bill, there was the case of racial matters—dragging an African-American through the streets of a Texas town. There has since been many other brutal cases, one highly publicized of a gay young man, a victim of a hate crime in Wyoming.

Regrettably, discrimination for race or national origin continues until this day. There has recently been a publicized matter that occurred in Huntingdon Valley, a suburb of the city of Philadelphia, at a swim club where the swim club operators negotiated with a group representing Hispanic and African-American children, ages 5 to 11, to occupy a swimming pool, with the swimming pool's permission. When the youngsters, Hispanics and African Americans, went to swim, there was, according to the media reports—and I have spoken to people on both sides personally to find out what went on—there was animus hostility, racial comments directed at African Americans and the Hispanics, conduct which one would have thought America would have passed long ago.

But it is as current as 2 weeks ago in the suburbs of my hometown of Philadelphia, PA. The matter has moved forward. It has resulted in lawsuits being

filed. It would be my hope that a way could be found to handle the matter to the satisfaction of all parties. But I can understand if the parents of the children involved want to pursue remedies. This is a matter that could be handled by the civil rights division, which has prosecutorial authority and also has authority for mediation and reconciliation.

I cite that as an illustration of a matter that is as current as today's news on animus based on race, whether it be African Americans or Hispanics. It is my hope that this matter will receive prompt attention in the Senate and will be part of the pending legislation and it will go to conference and become the law of the land.

EXHIBIT 1

[From the Washington Post, Dec. 1, 1997]

WHEN COMBATING HATE SHOULD BE A FEDERAL FIGHT

(By Edward M. Kennedy and Arlen Specter)

The Post's Nov. 17 editorial criticizing the measure we have introduced on hate crimes reflects a misunderstanding of our proposal to close the gaps in federal law and a failure to recognize the profound impact of hate crimes.

Hate crimes are uniquely destructive and divisive because they injure not only the immediate victim, but the community and sometimes the nation. The Post's contention that a "victim of a bias-motivated stabbing is no more dead than someone stabbed during a mugging" suggests a distressing misunderstanding of hate crimes. Random street crimes don't provoke riots; hate crimes can and sometimes do.

The federal government has a role in dealing with these offenses. Although states and local governments have the principal responsibility for prosecuting hate crimes, there are exceptional circumstances in which it is appropriate for the federal government to prosecute such cases.

Hate crimes often are committed by individuals with ties to groups that operate across state lines. The Confederate Hammerskins are a skinhead group that began terrorizing minorities and Jews in Tennessee, Texas and Oklahoma a decade ago.

Federal law enforcement authorities are well situated to investigate and prosecute criminal activities by such groups, and the federal government has taken the lead in successfully prosecuting these skinheads.

Hate crimes disproportionately involve multiple offenders and multiple incidents and in such cases, overriding procedural considerations—including gaps in state laws—may justify federal prosecution.

In Lubbock, Tex., three white supremacists attempted to start a local race war in 1994 by shooting three African American victims, one fatally, in three separate incidents in 20 minutes. Under Texas law, each defendant would have been entitled to a separate trial in a state court, and each defendant also might have been entitled to a separate trial for each shooting. The result could have been at least three, and perhaps as many as nine trials, in the state courts, and the defendants, if convicted, would have been eligible for parole in 20 years. They faced a mandatory life sentence in federal court.

Federal and local prosecutors, working together, decided to deal with these crimes under federal laws. The defendants were tried together in federal court, convicted and are serving mandatory life sentences. The victims and their families were not forced to relive their nightmare in multiple trials.

Federal involvement in the prosecutions of hate crimes dates back to the Reconstruction Era following the Civil War. These laws were updated a generation ago in 1968, but they are no longer adequate to meet the current challenge. As a result, the federal government is waging the battle against hate crimes with one hand tied behind its back.

Current federal law covers crimes motivated by racial, religious or ethnic prejudice. Our proposal adds violence motivated by prejudice against the sexual orientation, gender or disability of the victim. Our proposal also makes it easier for federal authorities to prosecute racial violence, in the same way that the Church Arson Prevention Act of 1996 helped federal prosecutors deal with the rash of racially motivated church arsons.

The suggestion in the editorial that our bill tramples First Amendment rights is ludicrous. Our proposal applies only to violent acts, not hostile words or threats. Nobody can seriously suggest that the neo-Nazis who murdered Fred Mangione in a Houston nightclub last year because they "wanted to get a fag" were engaged in a constitutionally protected freedom of speech.

In addition, hate-crimes prosecution under our bill must be approved by the attorney general or another high-ranking Justice Department official, not just by local federal prosecutors. This ensures federal restraint and that states will continue to take the lead in prosecuting hate crimes.

From 1990 through 1996, there were 37 federal hate crimes prosecutions nationwide under the law we are amending—fewer than six a year out of more than 10,000 hate crimes nationwide. Our bill should result in a modest increase in the number of federal prosecutions of hate crimes.

When Congress passed the Hate Crimes Statistics Act in 1990, we recognized the need to document the scope of hate crimes. We now know enough about the problem, and it is time to take the next step.

As the Lubbock prosecution shows, combating hate crimes is not exclusively a state or local challenge or a federal challenge. It is a challenge best addressed by federal, state and local authorities working together. Our proposal gives all prosecutors another tool in their anti-crime arsenal. The issue is tolerance, and the only losers under our proposal will be the bigots who seek to divide the country through violence.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from New York is recognized.

Mr. SCHUMER. Madam President, I rise in support of the vital legislation that is long overdue. More than a decade has passed since Matthew Shepard was brutally murdered. Yet the bill that bears his name is still not law.

The Matthew Shepard Hate Crimes Prevention Act has broad bipartisan support here in the Senate, passed handily in the House, and has the unequivocal support of the President and the Attorney General. Indeed, Attorney General Holder recently told the Senate Judiciary Committee that passage of this legislation is one of "his highest personal priorities."

It is essential that we act now to pass this amendment and make the Matthew Shepard Act the law of the land.

According to FBI statistics, more than 9,000 violent hate crimes were perpetrated in 2007. However, experts tell us that since hate crimes often go unreported, the actual number is an order of magnitude higher.

Whatever the number—all hate crimes are unacceptable. They are crimes inflicted not merely on individuals, but on entire communities. As Mr. Holder put it, "perpetrators of hate crimes seek to deny the humanity that we all share, regardless of the color of our skin, the God to whom we pray, or whom we choose to love."

Let me be clear: this legislation does not criminalize speech or hateful thoughts. It seeks only to punish action—violent action that undermines the core values of our Nation.

This legislation strengthens the ability of State and local governments to prosecute hate crimes by "providing grants to help them meet the often onerous expenses involved in investigating these crimes. It also enables the Justice Department to assist State and local governments in prosecuting hate crimes, or to step in when these governments fail to act.

Even though the aggregate number of hate crimes has slightly decreased nationally over the past decade, the number of crimes against certain groups has risen. Hispanic Americans have increasingly become the target of bigots' rage. And, according to a recent AP story, the number of fatal hate crimes against LGBT people increased by a shocking 30 percent last year.

Indeed, late last year, there was a particularly chilling hate crime perpetrated in New York against an Ecuadorian man named Jose Osvaldo. Jose, a father of two, was walking home with his arm around his brother and was viciously attacked with an aluminum baseball bat while his perpetrators yelled anti-gay and anti-immigrant slurs.

This legislation sends a clear message to those perpetrators and to all others: in America, we do not tolerate acts of violence motivated by hatred of vulnerable communities. In America, you are free to be yourself, and you should never be attacked for doing so.

What message will it send to Americans if we fail to pass this amendment? I wonder and I worry.

I urge my colleagues to support this much-needed legislation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CARDIN. Madam President, I take this time to speak in favor of the pending amendment, the Matthew Shepard Hate Crimes Prevention Act. This is similar to an amendment we considered last year to try to advance the modifications of the Federal hate crimes statute.

Some have questioned whether we need this act. They claim that the instances of hate crimes in America have diminished. I wish that were the case. I wish we did not need to have a separate law to deal with hate-motivated violent acts in America.

All we need to look at is what happened at the Holocaust Museum on June 15 of this year, when Stephen Johns, a security guard, was murdered. He was murdered by someone who had extreme views. Look at Lawrence King, a 15-year-old who died on February 12, 2008, because he was gay; or look at what happened after the last elections, when two men went on a killing spree to find African Americans; or look at what happened in July 2008, when four teenagers were brutally beaten up because they were immigrants.

All we need to look at are the FBI statistics that indicate in 2007 there were 7,600 hate crimes in America. That is the reported hate crimes. We know many of these acts go unreported and the numbers are much larger. Ethnic communities are reporting an increase in violent acts motivated by hate.

Unfortunately, this law is needed, and we need to strengthen the law so it can effectively accomplish its purpose. What do I mean by that? This amendment, this law, builds on federalism. It builds on what our States are already doing to combat these crimes. Forty-five States have separate laws that deal with hate crimes—31 deal with violence against someone because of their sexual orientation, 27 include gender violence. What we need to do is strengthen our Federal law so federalism, in fact, can work.

The Federal Government has resources which the States don't always have to be able to pursue these types of violent acts. This amendment would strengthen the Federal statute so it would apply to acts of violence based upon someone's gender, sexual orientation, or disability. And it would go beyond the current Federal law, which only allows Federal involvement if the crime occurs during some protected activity.

It also provides the resources to help our States, in that the bill provides grants to State, local, and tribal law enforcement entities for prosecution, programming, and education related to hate crimes prosecution and prevention.

The bill contains a requirement that the Department of Justice certify that Federal prosecution is necessary because the States cannot or will not effectively prosecute the crime. This is to supplement the actions of the State, to work with our States, to respect what federalism should be about. Most of these matters will be handled by the State, but the Federal Government may be able to help the State, and this bill will allow us to do exactly that.

The bill also contains provisions broadening the categories of hate crimes tracked by the FBI. So these

are improvements in the law that will maintain our ability to deal with this type of outrageous activity.

Some have questioned: Well, isn't every violent crime a hate crime? The answer is no. A hate crime occurs because the perpetrator intentionally selects the victim because of who the victim is. Similar to actions of terrorism, hate crimes have a greater impact because they cannot only affect the victim, they affect our entire community. We are all diminished when someone in our community is violated because of his or her ethnic background or because of race or sexual orientation.

We need to speak to our national priorities. This amendment speaks to what America should stand for—that we will not permit or tolerate someone to be victimized because of that person's gender or race or because of that person's sexual orientation or disability.

This is a bill that has enjoyed broad bipartisan support in this body. Many of us have worked for many years in order to improve the Federal Government's ability to respond in these areas. This is the next chapter that needs to be done. I hope my colleagues will do what we did in the prior Congress and pass this amendment to the Defense authorization bill so we can move forward to strengthen our resolve against this type of hate activity in America.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

HEALTH CARE REFORM

Mr. UDALL of New Mexico. Madam President, watching the Senate floor during the debate over health care reform, I cannot help but feel that some of my colleagues are a little confused. It is almost as if they have forgotten that this discussion is going on in America, not Canada. They don't want to talk about the 22,000 Americans who died in 2006 because they do not have insurance. They don't want to talk about the more than half a million Americans who file for bankruptcy after incurring unpayable medical bills. They don't want to talk about the millions of other Americans who worry that they are one layoff away from losing coverage and one heart attack away from losing everything.

No, they want to talk about Canada. I am not saying we should not sympathize with our neighbors to the north, but I wish to talk about how we can fix the health care system for the American people, for the people of New Mexico, since none of the plans we are considering would set up a Canadian system.

Let's look at how we can pass an American solution to the problems

faced by Americans. If you like the coverage you have, you should be able to keep it, and none of the plans we are considering would take away the options Americans already have. But the status quo is not enough. We need to give consumers another option. We need to give them the freedom to choose a quality, affordable, public health option. After all, what is more American than competition and choice? Even if our private market functioned perfectly, it would make sense to give consumers another choice. But our health care system doesn't function perfectly. Our system provides too little choice and too little quality at too high a price. Too many of America's health care markets are effectively monopolies, or at best duopolies. According to a recent study by the American Medical Association, most American metropolitan areas are dominated by one private insurer, and others are largely dominated by just two. In New Mexico, the top two companies have 65 percent of the market. To put that in perspective, Dell, Compaq, Gateway, HP, and IBM combine for less than 54 percent of the U.S. personal computer market. I have to believe we can offer our consumers more than two choices of health plans.

My State is a rural State, and in rural areas such as ours consumers often have less choice. They get to pay whatever the local health care plan wants or go without insurance. Insurance companies have used this monopoly power to offer less and to charge more. As consolidation has increased since 2000, insurers have raised deductibles and copayments without increasing coverage, and they have continued to make healthy profits while their customers struggle to keep up with rising costs. Premiums for employer-sponsored health care have almost doubled since 1999, but rising costs have not hurt health care company CEOs. The top 10 CEOs managed to pull down \$85.4 million in 2008.

Even worse, what competition we have doesn't keep companies honest. Instead, they compete to avoid the poor and the sick. In New Mexico, an insurance company can charge a customer more because of a health problem from 5 years ago or because he happens to be 45 years old and not 44. They can even charge a woman more because she might get pregnant. They have every incentive to do so.

When a private insurance company turns down somebody who needs help, its profits go up. When it denies needed care, it has more money for its shareholders. That is a broken system.

In New Mexico, we have seen the impact of unaffordable health care. Almost one in four New Mexicans is uninsured and nearly half our citizens have inadequate coverage. The vast majority of these people are employed, but they and their employers simply cannot afford coverage.

A constituent of mine from Cedar Crest, NM, wrote me the other day to

explain she and her husband cannot afford to offer their employees health care at a small manufacturing company they own. The rates for small businesses such as theirs are unaffordable.

Our high numbers of uninsured citizens cost the rest of us money. The average New Mexico family with insurance pays an additional \$2,300 just to cover the price of the uninsured—\$2,300. You see, if a New Mexican with diabetes has insurance, his insurance company can pay a small amount to have him receive routine tests and treatments from a podiatrist. But if a New Mexican is uninsured, he is less likely to receive checkups. As a result, he is more likely to miss the telltale signs of a circulatory problem and twice as likely to need an amputation.

Diabetes amputations cost almost \$39,000, and New Mexico did 366 of these procedures in 2003 for a total of \$4.2 million. When a diabetic has a limb amputated, the operation is only the beginning of the medical services he will need. For the uninsured, those costs fall on every family with insurance.

Some of my colleagues admit that the status quo does not work, but they claim a government regulator can keep the private HMOs in line; we will not need more regulation if open competition can be more effective. Others just claim that a public health care option will not work, but the evidence suggests otherwise. Experts have developed a number of viable plans to give Americans the choice of a quality, affordable public option. More than 30 State governments offer their employees a choice between private insurance and a State-backed public option, including my State of New Mexico. These States have not found this strategy unworkable. They have not seen either public or private coverage dominate the market. Their employees just have another choice. What would be wrong with that?

The truth is, this Congress has a very simple decision to make. We can stick with our current system or we can give Americans another option that guarantees quality, affordable care. Opponents of reform do not want to talk about that decision so they talk about Canada. But the decision before us has nothing to do with Canada. It is about the American people. They have been stuck in a broken system too long, and it is time to give them another choice.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

AUNG SAN SUU KYI

Mr. McCAIN. Mr. President, I wish to take a few moments to address the situation in Burma.

Though it has faded from the headlines, the outrageous detention and trial of Aung San Suu Kyi, that astonishingly courageous Burmese leader, continues. Ms. Suu Kyi, who has spent the majority of the past two decades under house arrest, is being held at the notorious Insein Prison compound. She was charged with crimes following the arrival at her house of an uninvited American man who swam across a nearby lake. He then reportedly stayed on her compound for 2 days, despite requests to leave. Based on this occurrence, the regime charged Ms. Suu Kyi with crimes and ordered her to stand trial in late May. Since then, she has been jailed and awaits possible conviction and up to 5 years in prison.

Let us recall that this long-suffering woman is, in fact, the legitimately elected leader of that country. To this day, the generals refuse to recognize the 1990 elections, in which the Ms. Suu Kyi's National League for Democracy was victorious. Instead, they plan to proceed with "elections," to be held next year, that they evidently believe will legitimize their illegitimate rule. The ruling regime seeks ways to ensure that Ms. Suu Kyi and other NLD members are not free to participate in these elections, since it is the NLD—and not the military junta—that has the support of the Burmese people. As an estimated 2,100 political prisoners, including Aung San Suu Kyi, fill Burmese jails, the international community should see this process for the sham that it represents.

I once had the great honor of meeting Aung San Suu Kyi. She is a woman of astonishing courage and incredible resolve. Her determination in the face of tyranny inspires me, and every individual who holds democracy dear. Her resilience in the face of untold sufferings, her courage at the hands of a cruel regime, and her composure despite years of oppression inspire the world. Burma's rulers fear Aung San Suu Kyi because of what she represents—peace, freedom and justice for all Burmese people. The thugs who run Burma have tried to stifle her voice, but they will never extinguish her moral courage.

Earlier this month, the United Nations Secretary-General traveled to Burma in an attempt to press the regime on its human rights abuses. The ruling generals reacted in their typical fashion. They stage managed Ban Ki-moon's visit, even refusing his request to speak before a gathering of diplomats and humanitarian groups.

Instead, before leaving, he was forced to speak at the regime's drug elimination museum. He was also refused a meeting with Aung San Suu Kyi. Burmese officials stated that their judicial regulations would not permit a meet-

ing with an individual currently on trial. Incredible. Following his visit to Burma, the Secretary-General pointed out that allowing a meeting with Ms. Suu Kyi would have been an important symbol of the government's willingness to embark on the kind of meaningful engagement essential to credible elections in 2010. He is right, and the regime's refusal is simply the latest sign that meaningful engagement is not on its list of priorities.

It is incumbent on all those in the international community who care about human rights to respond to the junta's outrages. The work of Aung San Suu Kyi and the members of the National League for Democracy must be the world's work. We must continue to press the junta until it is willing to negotiate an irreversible transition to democratic rule.

The Burmese people deserve no less. This means renewing the sanctions that will expire this year, and it means vigorous enforcement by our Treasury Department of the targeted financial sanctions in place against regime leaders. And it means being perfectly clear that we stand on the side of freedom for the Burmese people and against those who seek to abridge it.

The message of solidarity with the Burmese people should come from all quarters, and that includes their closest neighbors—the ASEAN countries. The United States, European countries, and others have condemned Ms. Suu Kyi's arrest and called for her immediate release. The countries of Southeast Asia should be at the forefront of this call.

ASEAN now has a human rights charter in which member countries have committed to protect and promote human rights. Now is the time to live up to that commitment, and ASEAN could start by dispatching envoys to Rangoon in order to demand the immediate, unconditional release of Aung San Suu Kyi.

Following the visit of the U.N. Secretary-General, the Burmese representative to the U.N. stated that the government is planning to grant amnesty to a number of prisoners so they may participate in the 2010 general elections. ASEAN states should demand the implementation of this pledge to include all political prisoners currently in jail, including Ms. Suu Kyi.

Secretary of State Clinton will travel to Thailand later this month to participate in the ASEAN Regional Forum. I urge her to take up this issue with her Southeast Asian colleagues.

Too many years have passed without the smallest improvement in Burma. And although the situation there is replete with frustration and worse, it is not hopeless.

We know from history that tyranny will not forever endure, and Burma will be no exception. Aung San Suu Kyi, and all those Burmese who have followed her lead in pressing for their own inalienable rights, should know: All free peoples stand with you and support you. The world is watching not

only your brave actions but also those of the military government, where cruelty and incompetence know no bounds.

Burma's future will be one of peace and freedom, not violence and repression. We, as Americans, stand on the side of freedom, not fear; of peace, not violence; and of the millions of people in Burma who aspire to a better life, not those who would keep them isolated and oppressed.

The United States has a critical role to play, in Burma and throughout the world, as the chief voice for the rights and integrity of all persons. Nothing can relieve us of the responsibility to stand for those whose human rights are in peril, nor of the knowledge that we stand for something in this world greater than self-interest.

Should we need inspiration to guide us, we need look no further than to that astonishingly courageous leader, Aung San Suu Kyi. The junta's latest actions are, once again, a desperate attempt by a decaying regime to stall freedom's inevitable process in Burma and across Asia. They will fail as surely as Aung San Suu Kyi's campaign for a free Burma will one day succeed.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from BBC News entitled "Inside Burma's Insein Prison" and an AP article entitled "Myanmar junta stage-manages visit by UN chief."

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

[From BBC NEWS, May 14, 2009]

INSIDE BURMA'S INSEIN PRISON

Burmese pro-democracy leader Aung San Suu Kyi is being held in the notorious Insein jail in Rangoon, after being charged with violating the terms of her house arrest.

Human rights campaigners say incarceration at the top security prison, which is known as the "darkest hell-hole in Burma", could be tantamount to a death sentence—especially as the 63-year-old's health is known to be fragile.

Bo Kyi, now joint secretary of Assistance Association for Political Prisoners (Burma), has firsthand experience of life in Insein jail.

He was jailed for more than seven years for political dissent, and was kept in solitary confinement for more than a year, in a concrete cell that was about 8ft by 12ft (2.5m by 3.5m).

There was no toilet in the cell—just a bucket filled with urine and feces. He slept on a mat on the floor.

Mr Kyi says he was tortured and beaten by the prison guards. He was shackled in heavy chains, with a metal bar between his legs, which made it difficult to walk.

Every morning for about two weeks, he says he was made to "exercise"—forced to adopt awkward positions and if he failed he was brutally beaten.

During this time he was not allowed to shower and was forced to sleep on bare concrete.

DISEASE RIFE

He was later moved from isolation and shared an overcrowded cell with four other political prisoners.

He says the prison has the capacity to house 5,000-6,000 prisoners. He estimates there are currently some 10,000 in detention.

Once a week they were able to wash their clothes. But during the stifling summers he said there was no water to bathe.

With only three prison doctors to treat 10,000 inmates, he says diseases such as tuberculosis, scabies and dysentery were rife. Mental illness was also widespread.

Bo Kyi says Aung San Suu Kyi is most likely being held in a special compound built for her detention in 2003, which has a wooden bed and a toilet.

Although the conditions there are probably not as bad as in the rest of the prison, he says he is still extremely concerned for her well-being.

"TOTALLY UNACCEPTABLE"

Ms Suu Kyi has spent more than 11 of the past 19 years in some form of detention under Burma's military government.

She was jailed at Insein prison in May 2003, after clashes between opposition activists and supporters of the regime.

Her latest period of house arrest was extended last year—a move which analysts say is illegal even under the junta's own rules. It is due to expire on 27 May.

Human rights activist Debbie Stothard, from the pressure group Altsean-Burma, has urged the international community to intervene in trying to secure Ms Suu Kyi's release.

"Many people have died when they have been detained in Insein, that's a proven fact.

"The fact that Aung San Suu Kyi . . . now might be subject to a life-threatening detention condition—it's totally unacceptable," she said.

"It's totally unjust and it's time that Asean, China and the rest of the international community finally put their foot down."

Many analysts believe that pro-democracy leader's arrest is a pretext by the military regime to keep her detained until elections expected in 2010.

[From AP, July 6, 2009]

MYANMAR JUNTA STAGE-MANAGES VISIT BY UN CHIEF

(By John Heilprin)

YANGON, MYANMAR.—Myanmar's ruling junta wanted Ban Ki-moon to go into a grandiose drug museum through the back door to prevent the U.N. secretary-general from making a rock-star entrance.

Ban eventually did walk through the front door—a small victory after he had lost far bigger battles, notably a hoped-for meeting with jailed democracy leader Aung San Suu Kyi (pronounced ong sahn SUE CHEE).

After a two-day visit in which the generals tried to stage-manage the world's top diplomat at every step, Ban left the country with few prospects of even slightly loosening the iron grip on power held by military regime and its junta chief, Senior Gen. Than Shwe.

If people saw Ban acting independently in Myanmar "that would cause Than Shwe to lose face," said Donald Seekins, a Myanmar expert at Japan's Meio University. "So they want to manipulate him."

By snubbing Ban, the country's military rulers lost an opportunity to improve its standing among many of the world's nations that view the struggling country with rich reserves of gas and minerals as a pariah.

Inside Myanmar, Suu Kyi's opposition party said Than Shwe (pronounced TAHN SHWAY) showed he is unwilling to permit real change ahead of the 2010 elections, which would be the first in two decades.

Ban had asked to make his closing speech to diplomats and humanitarian groups Saturday at a hotel, but the junta refused and forced him to instead speak at the government's Drug Elimination Museum.

Ban's staff didn't want his presence there—where a wax figure depicts a military intelligence chief chopping opium poppies, which Myanmar views as a scourge introduced by colonialists—to appear like another prop furthering the government's agenda.

"They fought us over every last detail," said a U.N. official who took part in organizing the trip, speaking anonymously and out of protocol because of the sensitivity of the matter.

Ban—whose mild-mannered facade belies a toughness and occasional temper—would have preferred a tete-a-tete with Than Shwe to having note-taking aides around, an example of his belief in his ability to sway recalcitrant world leaders if only he can get them alone in a room.

But Than Shwe's idea of a tete-a-tete was to pit himself and the other four generals who together make up the ruling State Peace and Development Council against Ban and some high-ranking U.N. deputies in the rarely visited capital of Naypyitaw, according to U.N. officials.

The 76-year-old Than Shwe suggested that Ban might not be invited back until after the elections.

Ban said Than Shwe promised to hand over power to civilians after the elections. But the generals refused to follow U.N. recommendations intended to prevent sham elections, including publishing an election law and freeing Suu Kyi and 2,200 other political prisoners to ensure general participation.

"Only then will the elections be seen as credible and legitimate," Ban told reporters Monday in Geneva, Switzerland.

The government refused to honor the results of the 1990 elections after Suu Kyi's party won in a landslide. The junta tolerates no dissent and crushed pro-democracy protests led by Buddhist monks in September 2007.

At the end of the trip, Ban tried to defuse the notion he was returning empty-handed.

He said the visit was an opportunity to plant seeds that could blossom later and that he was dutifully relaying the international community's message the elections must be seen as credible.

In the meantime, Ban said he will keep talks alive with Than Shwe through the so-called Group of Friends on Myanmar.

That approach hasn't nudged Myanmar on key issues. Nor have eight previous visits by Ibrahim Gambari, Ban's top envoy to Myanmar, produced many results.

"Than Shwe is using the United Nations as a way of buying time or distracting people from the main issues, so it isn't very constructive," Seekins said. "I don't think Than Shwe is willing to make political concessions, especially concerning Aung San Suu Kyi. I think he would really like to put her away in jail and not have to worry about her."

In the absence of Suu Kyi, it was left to Ban to deliver unusually stinging remarks about the government, its pummeling of human rights and the urgent need to set a new course.

When he took the stage at the museum, it was a rarity in the military's half-century of dominance—an outside political figure allowed to say what he wants.

And after much haggling, Ban's black Mercedes was allowed to pull up to the front door of the museum. There, his motorcade disgorged a small entourage of aides and a half-dozen international journalists. Local press awaited him inside.

That also ensured an audience for him in Myanmar and beyond—another small victory.

Mr. MCCAIN. Mr. President, from the story of the Burmese prison, let me quote:

Human rights campaigners say incarceration at the top security prison, which is known as the “darkest hell-hole in Burma”, could be tantamount to a death sentence—especially as the 63-year-old’s health—

Referring to Aung San Suu Kyi’s health—

is known to be fragile.

Bo Kyi, now joint secretary of Assistance Association for Political Prisoners (Burma), has firsthand experience of life in Insein jail.

He was jailed for more than seven years for political dissent, and was kept in solitary confinement for more than a year, in a concrete cell that was about 8ft by 12ft. . . .

There was no toilet in the cell—just a bucket filled with urine and faeces. He slept on a mat on the floor.

Mr. Kyi says he was tortured and beaten by the prison guards. He was shackled in heavy chains, with a metal bar between his legs, which made it difficult to walk.

Every morning for about two weeks, he says he was made to “exercise”—forced to adopt awkward positions and if he failed he was brutally beaten.

During this time he was not allowed to shower and was forced to sleep on bare concrete.

It goes on.

So she is there in that prison. I hope and pray the treatment she is receiving is not anywhere along the lines of what this prison is well known for.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, first, I commend my colleague from Arizona, Senator MCCAIN, for his great leadership and for his important words about Burma. No one would know better than Senator MCCAIN about the human rights violations of someone held in a prison such as that.

As he is aware, on a bipartisan basis, the women Senators have come together to support Aung San Suu Kyi and her fight in Burma.

I would also add, I recently met with a Burmese community in my State. They are concerned about their relatives there and everything that is happening in that country. We have someone in our office whose relatives are in Burma.

So I thank the Senator for his words and also for his leadership on the amendment, the Levin-McCain amendment to strike the \$1.75 billion added to the bill that is on the floor to purchase additional F-22 aircraft that have not been requested by the Pentagon.

This is a very difficult issue for many people in this Chamber, including the Senator from Arizona. But we all know in the end what counts is to do the right thing for our troops and for our national security.

This amendment truly gives us an important choice: Will we continue to pour billions into unproven weapons systems, despite repeated cost overruns and program delays or are we going to make the hard choices necessary to ensure that our troops in the field have what they need to fight present and future conflicts?

These F-22s, we know, possess unique flying capabilities, but not one has

ever flown over Iraq or Afghanistan. We have much more pressing needs. Both the past President and the current President support this amendment. I hope my colleagues will support it as well.

I am actually here to speak in support of the Matthew Shepard Hate Crimes Prevention Act. I am a cosponsor of this legislation which will help us fight hate crimes and make our communities safer.

Among other things, the bill would impose criminal penalties for targeting a victim on the basis of race, religion, sexual orientation or disability.

I wish to thank Senator LEAHY for his work on this bill and, of course, Senator KENNEDY for his work and leadership on the issue over the years.

I have been involved with this piece of legislation for many years. If you go way back to 2000, when I was the county prosecutor for Minnesota’s largest county, I was actually called to Washington for the first time to take part in a ceremony in which the bill was introduced.

I remember this moment well because there I was with the President at the time, President Clinton, and Attorney General Reno. We were ready to walk in for this ceremony to introduce the hate crimes bill. I was standing outside, and the military band struck up “Hail to the Chief” because the President was entering the room. I started to walk, and all of a sudden I felt this big hand on my shoulder, and this voice said: I know you are going to do great out there, but when they play that song I usually go first.

It is something I will never forget.

So here I am now, 9 years later, with this same bill. We are working very hard to get this bill passed. I am hopeful we will be able to do that.

What I remember most about that day back in 2000, however, was the meeting I had with the investigators in the Matthew Shepard case. They were two burly cops from Wyoming, and they talked about the fact that until they had investigated that horrible crime, they had not considered what the victim’s, Matthew Shepard’s, life was like.

When they got to know the family in the case, when they got to know the mom, and they got to know the people surrounding Matthew Shepard, their own lives changed forever.

I hope by passing this bill we can prevent other Matthew Shepards from being targeted and deter hate crimes.

Attorney General Eric Holder recently appeared before the Senate Judiciary Committee to talk about his support for this bill, and he gave us some somber statistics. He reported that “there have been over 77,000 hate crime incidents reported to the FBI” from 1998 to 2007 or “nearly one hate crime every hour of every day” for the past decade.

In my State of Minnesota, there were 157 reported offenses in 2007. But when I think about this issue, it is not just

about the statistics. It is about the victims of these crimes.

When I was county prosecutor, we had a number of cases that were clearly motivated by hate. That was one of the reasons, actually, I was chosen to go out to Washington. And part of it was we had worked well with the Federal prosecutors on some of the cases.

We had the case of a 14-year-old African-American boy who was minding his own business, and a guy who did have some mental health issues told his friends: I am going to go out and—he used a different word—but shoot a Black kid on Martin Luther King Day. And he did. And he almost killed this little 14-year-old boy. But he survived, and we prosecuted the case.

I also think about a young Hispanic man. He was working in a factory, and his boss got mad at him because he did not speak English and he was speaking Spanish at work. His boss took a 2 by 4 and hit him over the head, resulting in bleeding in his brain and brain damage—all for speaking Spanish.

I also think about the case we had with a Hindu temple that was severely vandalized by young kids. And I think about the case of a Korean church that had all kinds of hateful graffiti written on it. Some of these cases, as I said, were major attempted murder cases. Some of them were simply graffiti cases. But to the people in that church, to the people in that temple, it meant something much more.

That is why I was glad, at least in a few of these cases, we were able to use our State hate crimes legislation. Those were cases in Minnesota—a place where you might not think you would see these kinds of cases. But we did.

This bill in front of us, the Matthew Shepard hate crimes bill, will strengthen the ability of Federal, State, local, and tribal governments to investigate and prosecute hate crimes. It increases the number of personnel at the Treasury Department and the Department of Justice working on hate crimes. It gives grants to State and local law enforcement officials investigating and prosecuting hate crimes. It authorizes the Attorney General to provide resources and support to State, local, and tribal law enforcement officials for hate crime investigations and prosecutions.

In addition, this bill authorizes the Federal Government to step in when needed and prosecute hate crimes, when needed, after the Justice Department certifies that a Federal prosecution is necessary. While most of these cases will continue to be handled by State and local jurisdictions, the bill provides a Federal backstop for State and local law enforcement to deal with hate crimes that otherwise might not be effectively investigated and prosecuted or for when States request assistance. It is a backstop. Think about how many other areas of the law where we have these kinds of backdrops. In the gun area, as the Presiding Officer is aware from his work in the State of

New Mexico, sometimes we have overlapping jurisdictions. The gun crime is a perfect example. State laws can apply, but sometimes the Feds will come in or you will want them to come in and handle the case. The same with drug crimes. It helps to have that Federal backdrop for the investigating power, for the sentencing power, and for many other things. So this bill won't usurp the role of local law enforcement but, rather, supplement it when needed.

Finally, I wish to note that this legislation has the support of numerous law enforcement organizations, including the International Association of Chiefs of Police, the Major Cities Chiefs, and the National District Attorneys Association.

For years we have recognized the need for this legislation. I think back to 2000 when I was standing outside of the East Room with President Clinton when it was first introduced. For years we have known we need this legislation, but year after year the forces of reaction have stalled and blocked and tried to do everything they can to make it go away. This must end.

A little over 40 years ago, Robert Kennedy broke the news to a crowd in Indianapolis that Martin Luther King, Jr., had just been assassinated. During his speech, Kennedy called on the crowd and the country to make an effort, to understand and to comprehend, and to replace that violence, that stain of bloodshed with an effort to understand with compassion and love. We should answer his call today.

I look forward to the day—and I hope it will be very soon—when the Hate Crimes Prevention Act becomes law. It is long overdue. I urge my colleagues to support it.

Thank you very much, Mr. President.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, we are on the Defense authorization bill, apparently stranded, unable to vote on an amendment that had been offered dealing with the issue of the F-22. The F-22 airplane is a remarkable airplane. I have talked to pilots who have flown it. I have seen it at Edwards Air Force Base. It is an extraordinary airplane.

It costs a lot of money. We have built as many as the Defense Secretary wants built at this point. The Chairman of the Joint Chiefs, the Defense Secretary, the head of the Air Force, has indicated they want to cap the F-22 at that number—I believe it is 187—and do not wish to build more. They say that is all we need. That is all we want.

There is a \$1.75 billion fund that was put in this bill, now, as an amendment in the Armed Services Committee, to build more F-22s. So the amendment by the chairman of the committee and by Senator MCCAIN, the ranking member, was to take the \$1.75 billion out of the bill. I support the amendment—not because I don't like the airplane, I do; but if those who are in charge of the Pentagon, Secretary Gates; Admiral Mullen; the head of the Air Force, Secretary Donnelly; General Schwartz and others say we do not want anymore F-22s, don't need anymore F-22s to do the mission that we believe is necessary for that airplane, and instead we want to move toward the Joint Strike Fighter—if that is their judgment, in my judgment we ought not put another billion back into this bill. Yet that is what happened in the subcommittee.

I wish to call attention to the fiscal policy and where we are in this country. President Obama has been in office a relatively short period of time. He inherited an unbelievable mess. There is no question about that. We are in the deepest recession since the Great Depression. There is a substantial decrease in revenues and increased spending this year as a result of this very steep recession. Social service costs are going up, and there's more unemployment, more food stamps and so on. I believe there is close to a 20-percent reduction in revenue for the government and close to a 20-percent increase in spending. On top of that, Congress passed a stimulus or economic recovery program. All of this has driven the deficit up in this fiscal year, a very sizable deficit. That deficit will be very sizable next year and the year after.

It begins to go down and then goes back up in the outyears. This is a fiscal policy that is not sustainable for our country. It just is not. It is not a Democratic or Republican policy that is not sustainable, it is a fiscal policy of trillions and trillions of dollars of red ink that we must change.

If we cannot even deal with the issue of adding \$1.75 billion to build more planes that the Defense Department says they do not want, we will hardly be able to deal with the more difficult fiscal problems in the future. So I support the amendment offered by the chairman and the ranking member. I hope we get a chance to vote on that amendment.

The issue of spending money we do not have, often on things we do not need, is not new in any committee in this Congress. There are plenty of areas where we can take a pretty big slice out of spending. You can do it, not with just big programs, you can do it with smaller programs. I brought to the floor a couple charts that show an issue that, in my judgment, is flatout total, complete, thorough government waste. I have tried, now, about 5 years in a row to get rid of it and have been unsuccessful. I finally got an amendment this past week added to an appropriations bill that shuts down the fund-

ing. But now we will see, there will be a big fight on the floor to restore the funding. Let me tell you what this is.

Again, we are not talking about a lot of money. In my hometown, this would be a lot of money, but my hometown is 300 people, so \$20, \$30 million is a lot of money.

This is a picture of Fat Albert, which is an aerostat blimp or aerostat balloon. This is Fat Albert, purchased by the government. In fact, we purchased a couple of them so we can put it way up in the air on a tether, and it would broadcast television signals into the country of Cuba because the Castro brothers run an operation down there that doesn't provide any freedom to the Cuban people, so we are sending them television signals to tell them how wonderful things are in the United States and how awful things are in Cuba.

Actually, the Cuban people do not need those television signals to know that because they can simply listen to Miami radio, or they can listen to what is called Radio Marti, which actually gets into the market in Cuba. We broadcast Radio Marti. I don't object to that. It costs a fair amount of money. I don't object to that. We get radio signals into Cuba to tell the Cuban people what is going on in our country and the problems they face in their country.

I have been to Cuba. I think the Cuban people know pretty much the problems they face with the Castro regime, a regime that squeezes the freedom out of the Cuban people.

But here is the deal. We have aerostat balloons, first of all, to put television signals into Cuba. The problem is we have spent a quarter of a billion dollars doing it and the Cubans can't get the TV signal. Why? Because the Castro government jams it easily. They jam it just like that. We used to broadcast from 3 in the morning to 7 in the morning a signal no one can see, so we use these balloons on a big tether and broadcast a television signal to people who can't see it. We kept spending money thinking it was a great thing to do, broadcasting a television signal nobody can see. In fact, one of these balloons got loose, got off its mooring, and wound up somewhere in the Everglades. They had a devil of a time trying to catch this balloon; and another balloon disappeared in a hurricane, and they have never seen it since.

They decided, you know what, we can actually clip the American taxpayer for more than a balloon. What we will do is buy an airplane and broadcast the television signal the Cuban people can't see from an airplane, so the American taxpayers bought an airplane. It flies, I think, 5 or 6 days a week, broadcasting television signals into Cuba that the Cubans block, that no one can see.

You talk about ignorant? At a time when we are deep in debt, spending money we don't have to broadcast television signals to people who can't get it? That is unbelievable to me.

Here is what the Cuban people see. All of us have seen bad television with snow covering the entire screen. Here is what is broadcast—it is programs with caricatures of the Castro brothers. The Cubans don't need to be reminded the Castro brothers are a scourge in that government.

Let me describe what John Nichols, who is a professor of communications and international affairs at Penn State University, has said:

TV Marti's response to this succession of failures over a two-decade period has been to resort to ever more expensive technological gimmicks, all richly funded by Congress. And none of these gimmicks, such as the airplane, have worked . . . It's just the laws of physics. In short, TV Marti is a highly wasteful and ineffective operation. . . .

Even as I speak, I assume our airplane is broadcasting a television signal to the Cuban people who cannot receive it.

TV Marti's quest to overcome the laws of physics has been a flop.

John Nichols says, the same witness.

Aero Marti, the airborne platform for TV Marti, has no audience currently in Cuba, and it is a complete and total waste of \$6 million a year in taxpayer dollars. The audience of TV Marti, particularly the Aero platform is probably zero. . . .

Talking now about the airplane platform.

We are talk about the GAO report.

The best available research indicates that TV Marti's audience size is small . . . telephone surveys have reported less than 1 percent had watched TV Marti over the last week.

I don't know what 1 percent is. I don't know what less than 1 percent is. That is minuscule, right? But I have offered an amendment that takes out about \$15 million to support TV Marti, which is a program that has now wasted about a quarter of a billion dollars sending television signals to Cuba that no one in Cuba can see. You know what, it is very hard to get this kind of thing stopped.

The reason I wish to mention it today is we are on the floor talking about \$1.75 billion for the F-22. We are, I assume—almost everyone here is supporting the next generation fighter we are building, the Joint Strike Fighter. But the Pentagon says they want to stop and not order anymore of the F-22s. It is a reasonable thing, to me, that being deep in debt, choking on red ink, at least we might want to accept the recommendation of not building that which they do not want. At least with respect to Aerostat balloons and airplanes and television signals to Cuba that no one can see, the very least the taxpayers should expect of us is that perhaps we would stop spending money sending television signals to no one. Maybe that is not too much to ask.

Let me ask consent to speak in morning business for 5 minutes on a different subject.

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

FINANCIAL CRISIS INQUIRY COMMISSION

Mr. DORGAN. Mr. President, today House and Senate leaders appointed members for a Financial Crisis Inquiry Commission. That is the title, the Financial Crisis Inquiry Commission. I have been calling for both a commission and also a select committee of the Congress because I think that we have a requirement and responsibility to establish what is the narrative that has caused this economic and financial crisis in this country. We are in a deep financial crisis and have been for some long while.

This didn't happen as a result of some giant hurricane or some tornado or some flood, or some other natural disaster visiting our country. No, this was not a natural disaster. This happened as a result of decisions being made by human beings here among us. The question is who? And what decisions? How did this happen? What is the narrative that has caused the most significant crisis since the Great Depression?

Very smart economists have said, you know what, over a long period of time from the Great Depression forward, we created stabilizers in this country so we would not see steep recessions or certainly not a depression in our future. We are evening things out, they would say, and that was probably true for a while, but this recession is deep, this hole is steep. The question is, What caused it? What happened.

I support the creation of a commission today. I offered legislation in January of this year, called the Taxpayer Protection Act, which called for the creation of a commission to investigate this financial crisis. My colleagues, Senator CONRAD and Senator ISAKSON, similarly offered a commission proposal, a piece of legislation during debate earlier this year. I support the notion of going forward. The appointments today to this Commission are welcome. I hope the Commission does all that is necessary to uncover what has happened here.

I still believe we need a Select Committee in the Senate. The New York Times said it in an editorial, nothing can substitute for the work the Senate must do itself. I say that because we now have, in recent days, additional news items in the paper you read. Let me pick one. I don't mean to pick this company out just to be punitive, but it is a good example in recent days: Wells Fargo.

Wells Fargo is a FDIC-insured bank. It is one of the biggest banks in America:

Wells Fargo to expand securities business. It plans to grow and invest in securities activities that it largely inherited from Wachovia. The business is to be called Wells Fargo Securities.

What is Wachovia? Wachovia is a bank that was failing because Wachovia had all kinds of problems. Wachovia was a bank that had purchased Golden West Financial, which had about \$120 billion, we are told, in toxic option adjustable rate mortgages.

By the way, related to this, I saw in the newspapers the other day that pick-your-payment mortgage plans have actually now had a higher default rate than other subprime mortgage loans. Think of that. You look at that and think, What was the pick-your-payment plan? That was the plans put out by these mortgage companies—sophisticated, exotic plans—saying to people, you know what, pick your own payment. You tell us what you will pay and we will write a mortgage around it.

So we had all of these strange plans out there, exotic plans, some of which were creating an unbelievable bubble of speculation. We had bank holding companies buying them and we had FDIC-insured banks actually trading them. Pretty soon you got toxic assets lying in the belly or the gut of these financial institutions, and they are going to go belly-up unless somebody else buys them.

So Wells Fargo buys Wachovia, and then Wells Fargo announces that, well, our investment banking and our capital markets businesses are now going to operate under a new name, "Wells Fargo Securities."

The question is this: With the biggest banks in the country operating, in many cases with holding companies engaged in real estate and securities issues, having demonstrated now that these holding companies do not have firewalls that are much thicker or much more beneficial than tissue paper, are we still going to continue to see all of this?

Are we still going to see FDIC-insured institutions, for which the taxpayers are ultimately responsible for failure, talking about: We are going to get involved in more risk trading, more securities?

Wachovia. Well, Wachovia Bank, I have spoken of them before. Wachovia Bank was one of those banks buying sewer systems in Germany. Why? Because an American bank wanted to own a sewer in a German city? No. They wanted to avoid paying U.S. taxes, so they did sale-lease back transactions with German sewer systems.

That is part of a culture issue with companies, it seems to me, when you do that sort of thing. But now we have Wells Fargo that bought Wachovia, announcing the best part of what they bought was Wachovia's securities business. The fact is, Wachovia was not going to make it. That is why Wells Fargo purchased them.

We ought to be asking a couple of questions these days about the Administration's announced plans for new financial reform, which I welcome by the way. This President inherited this mess, so he is talking about financial reform, and I welcome that discussion.

One, I think we ought to have a healthy and robust discussion about whether the Federal entity that shall become the systemic risk regulator in this country should be the Federal Reserve Board.

Not me. Not me. The Federal Reserve Board is what has helped cause this

problem. I mean, the Federal Reserve Board acted blindly for over a decade. In addition, the Federal Reserve Board by itself is almost totally unaccountable to anyone and operates in very substantial secrecy.

Why would we decide to have an agency that has failed over the last decade or so in managing and supervising the financial industry in this country, that watched the creation of these big holding companies, watched what happened with the mortgage companies with unbelievably speculative instruments, watched the advertisements on television saying: If you have been bankrupt, slow pay, no pay, got bad credit, come to us. We will give you a loan—the Federal Reserve watched all of that and did nothing. Now we are going to be told they are the ones to save us with respect to systemic risk in our economy? I do not think so. That is No. 1; the Federal Reserve Board is going to be the entity to deal with systemic risk? Boy, there is no evidence, at least in recent years, to suggest that makes much sense.

No. 2, no discussion yet, and there might be, on this issue of too big to fail. Does it matter that we have allowed the creation of entities in the financial sector that are too big to fail? In my judgment it matters because if they are too big to fail, then the American taxpayer bails them out. That is what happened last fall.

The Treasury Secretary leaned over the lectern to us one Friday and said: Look, if you do not pass a bailout bill in 3 days, a three-page bill giving me \$700 billion, this economy is going to fall off a cliff.

Well, I did not believe it. I did not vote for the bailout. But the fact is, all of this was because some of the largest financial institutions in the country, he said, were in deep trouble.

Why were they in trouble? Because they loaded up with substantial risk. Congress, in the last decade, has passed laws that allowed them to do that. They said this is modernization. But when we create institutions that are too big to fail and then they load up with substantial risk, especially those that are FDIC-insured with holding companies now, engage in securities, and that is exactly what Wells Fargo is announcing: We bought Wachovia. Now we will take the securities on with Wachovia and decide to juice it up.

Should we continue with the doctrine of too big to fail? I do not believe so. Yet in the intervening months, the last 8 months or so, the very institutions that were judged too big to fail and were required to get bailouts from the American taxpayer are still engaged in merging with other institutions, making them bigger and even less able to fail.

So is there someone willing to intervene to say too big to fail has to change? Must we perhaps at least have a discussion about breaking up some institutions that are too big to fail? What about very large strong regional

interests that are not too big to fail? I am just asking the question because nobody, in talking about financial reform that I am aware of these days, is willing to address the question of too big to fail. And you cannot address this question of financial reform without including it.

All of us want the same thing for this country. We want this country to recover. We want our economy to expand and grow and create jobs and be healthy again. The fact is—I have talked about this many times. I taught economics briefly in college. The fact is, all of the charts and graphs and indices are irrelevant as compared to the confidence of the American people.

When the American people are confident about the future of this country and about their future, about their job, about their family, then they do things that manifest that confidence. They buy some clothes, buy a car, take a trip, buy a house. They do the things that expand the economy because they are confident about the future.

When they are not, they do exactly the opposite and that contracts the economy. The question is, how do we give the American people confidence going forward that things are going to be better? Month after month, because unemployment has a long tail even past recovery, we see hundreds of thousands of people having lost their jobs. Obviously, those folks do not have a lot of confidence. They feel helpless and hopeless.

How do we give people confidence we are going to fix things that are wrong so this will not happen again? That is where this issue of financial reform comes in. Part of that confidence, it seems to me, can come from this institution, from the Congress and the President. Part of it can come from the people watching this institution.

Take a look at this amendment, an amendment that says: Let's not spend \$1.75 billion we do not have on something the Pentagon says they do not want.

Confidence can come from affirmative action on that. Part of that confidence could come from 100 or 1,000 of these examples, a little program called TV Marti, broadcasting television signals to people who cannot see it, and doing it for 5, 10, 15 years and spending a quarter of a billion dollars. Part of that confidence could come from the American people taking a look at our deciding to shut these kinds of things down and trimming back government that has become bloated. So we can do some of this to create confidence.

But another part of it, it seems to me, has to come from the administration's judgment about what is real reform in financial reform. That must include, in my judgment, the issue of too big to fail. It must include effective regulatory oversight so we do not have the kind of activities going on that we saw for the last 10 years: financial institutions engaged in unbelievable practices with no one minding the

store and no one watching who were the referees of the system, wearing striped shirts and whistles and blowing the whistle when they saw a foul in the market system. We cannot continue that. We need effective regulation. We need effective reform. When we get that, the American people will feel: You know what. They fixed that which caused this serious problem, and we feel better about the future of this country.

We have a lot to do in a short time. Some big issues of health care, energy, and climate change, and others. I am going to visit about the issue of climate change tomorrow. But we have very big issues that have great consequences for this country. But at the moment, we stand in a very deep recession.

The American people are concerned about the future and want some assurance that all of us are doing the things necessary to put the country back on track.

One step today is the amendment that was offered by the chairman and the ranking member of this committee. It is \$1.75 billion. That is a lot of money. But step after step after step in the right direction can give people confidence about the future of this country.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. ISAKSON. I ask unanimous consent to speak for 10 minutes in morning business.

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

FINANCIAL MARKETS COMMISSION

Mr. ISAKSON. Mr. President, almost 7 months ago, Senator CONRAD from North Dakota and myself began an adventure attempting to convince this body and the one across the hall to create a Financial Markets Commission to study and do a forensic audit of what happened to our financial markets in 2007, 2008, and 2009. All of us recognize we have been through a catastrophic financial collapse with many potential components contributing to the gravity. It is not over yet.

I commend Leader REID and Leader MCCONNELL, Leader BOEHNER in the House, and Speaker PELOSI and others who had the authority under the legislation for announcing their appointments today to the Commission. I particularly commend the majority on the appointment of Ms. Born to the Commission. It was her outspoken words prior to the collapse that should have warned us better, or we should have paid more attention to, about the overleveraging of the economy and the underwriting of risk. Nonetheless, the

collapse has happened. The recession is here. Unemployment in Georgia today topped 10 percent. We are seeing predictions that it will top 10 percent for the entire country within the days ahead. It is critically important that we find out what went wrong, what the contributing factors were, and recommend back to the Congress those actions we need to take to ensure this never happens again.

For my children and grandchildren, if I have one last legacy, it is to say, when it was on my watch, we found out what the problem was, we corrected past errors, and we gave a little more security to their investments and future in the days to come.

I have my opinions as to what went wrong, but I know I am not smart enough to have all the answers. There are others who think they know what has gone wrong. We already have from the White House as well as from the Senate some who are making recommendations over creating czars or authorities or things to address the financial collapse. It would be a mistake beyond words for us to do that now in the absence of all the facts. This Commission has the authority, the money, and the power to get to the bottom of the problem. We gave them a \$5 million budget, an 18-month timetable, and subpoena powers. As evidenced by those who have been named today, we have some of the best financial minds in the country—not elected officials, not members of government, some former servants, but some of the best minds in the business to begin the process of studying the collapse that began in 2007, continued through 2008, and in a protracted way continues today.

It is important that we get all the facts. There is plenty of blame to go around. Members of the House, in 1999, such as myself, who voted overwhelmingly for the repeal of Glass-Steagall—that very well could be one of the things the Commission finds was where we had too much deregulation in financial services. We ought to know that and what contribution it may have had. I have grave suspicions over the role Moody's and Standard & Poor's, the ratings agencies, played. I wonder, why should the agency that rates the security be paid by the creator of the security? They ought to be paid by the person buying the security if they are looking for a surety. And why were credit default swaps unregulated? Why did they fall outside the purview of government? What is it about FASB rule 114 that is hurting so bad in the community banking system today because of the devastation of mark-to-market on real estate? And congratulations on the change by FASB of rule 157, which has lessened some of the pressure on mortgage-backed securities and the valuation of those, which has helped some bigger institutions. But there are lots of things that could have gone wrong and some that did. We need to have all of them on the table, the

best minds in the business looking at it, and we need to have a bipartisan, unfettered, comprehensive recommendation on what we need to do to ensure that it never, ever happens again.

I urge the President and our leadership to be cautious in moving ahead regulatorily without first getting the facts together. We are in an environment now where everybody does know what the rules are as they exist. In the few months ahead, long before this Commission reports, a lot of decisions will be made that will be dependent and predicated upon the environment the investment community thinks they are operating in or at least knows they are operating in today.

We have some bumps ahead. Commercial mortgage-backed securities are the next shoe to drop in this economic compromise we have been through, although those mortgage-backed securities are not in trouble as much because of their underwriting as they are from the effects of the poor underwriting of the residential mortgage-backed securities that caused a collapse of those markets and those securities. That comes ahead of us.

We have another wave of adjustments in terms of residential mortgages. That is not over. We have the pending problem of the number of mortgages in foreclosure, more performing, good loans at one time than subprime-originated loans at their beginning, meaning the unemployment rate and the protracted decline of the economy is contributing to people who were paying and are falling behind on payments on their houses. Now, because values have declined, they recognize they are better off to leave than to try to sell the house because they can't get anything out of it. We must put an end to this decline. We can best do it by having all the facts necessary at our disposal to know what went wrong when, who did wrong where, and what we need to do as quickly as possible to prohibit this from ever happening again.

I spent 33 years of my life in the private sector in the real estate business. I know lots of people in that business, and I know how much the families they represent, the customers they have had, and the families themselves have suffered in the months past and the pending suffering yet to come.

This is the most important thing this Senate and Congress can do, to do a forensic audit and diagnosis. Let the chips fall where they may and then make the corrections necessary so it never happens again.

I am happy to commend our leadership for their expeditious appointment of highly qualified and talented people. I hope all in this body will pay close attention to what they say and do and not rush to judgment thinking we know the answer, when all of us really know this Commission is essential to finding out what really did happen and what we really do need to do.

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

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

Mr. UDALL of Colorado. Thank you, Mr. President.

Mr. President, I rise today as a member of the Armed Services Committee in the Senate to support this bipartisan bill in front of us that is critically important to our national security.

I applaud Chairman LEVIN and Ranking Member MCCAIN for their leadership in guiding this bill to the floor today. They have done a tremendous job. I also want to acknowledge the expert staff they have been ably supported by who serve on the committee the Acting President pro tempore and I are both so honored to be a part of.

I am particularly grateful to them for including provisions important for Colorado, including \$560 million in authorized military construction.

I would like to highlight in particular the military construction dollars for Fort Carson, which is in the wonderful city of Colorado Springs and the County of El Paso. Millions of dollars have been allocated to Fort Carson for military construction projects to prepare to expand the post so it could house a 47th Brigade Combat Team, and millions more are in the pipeline for fiscal year 2010.

But the future of that funding was put in doubt when Defense Secretary Gates announced earlier this year that the Army would not create a new brigade combat team at Fort Carson.

I remain disappointed that brigade will not be coming to Fort Carson, at least in the near future. But I understand Secretary Gates's concern that we need to fill out the brigades we have, expand the amount of dwell time service members have between deployments, and meet readiness requirements before we create new brigades.

Still, I wanted to ensure that Fort Carson and the Colorado Springs community are not punished because of the Army's decision. Many of the soldiers at Fort Carson live and work in substandard buildings. They still need new barracks, mess halls, vehicle maintenance shops, and other infrastructure—even if that new brigade combat team will not be located there.

A number of facilities were scheduled to be replaced in future years anyway, so with the dollars we have kept in the bill, the 43rd Brigade Combat Team will get its updated facilities a few years early. I am pleased the committee worked with me to preserve the most important construction dollars at Fort Carson. This ensures the soldiers at Fort Carson will have the quality of life they deserve.

The bill also includes language I offered in the committee with Senator

LIEBERMAN that studies the benefits and risks of reducing the planned number of BCTs from 48 to 45. The relationship between the number of brigades and dwell time and demands on specific military occupational specialties, so-called MOSSs, is complicated. I want to make sure the reduction of BCTs results in the upsides we expect and does not present unforeseen problems or downsides.

Staying on the topic of what is important in the bill to Colorado, there is \$246 million in funding to keep the cleanup of the Pueblo Chemical Depot on track. This will allow the destruction of weapons there and the cleanup at the depot to be completed by the congressionally mandated date of 2017. Significantly, the bill funds the disposal, onsite, of these hazardous wastes left after the chemical treatment of the mustard agent. I worked with the people of Pueblo to fight a proposal to ship this waste offsite, so I am glad the bill underscores the DOD's commitment to onsite disposal. It is the safest thing to do and makes the most sense.

Finally, in regards to Colorado, the committee approved an amendment I offered regarding reimbursement for health care providers, such as Pikes Peak Behavioral Health Group in Colorado Springs. This center, and many centers like it, want to help our soldiers and their families, but TRICARE—which is the civilian health care system for military personnel and their dependents—cannot keep up with the high costs of medical care, and sometimes providers are not reimbursed at all for their necessary services.

In particular, TRICARE providers are not reimbursed for providing case management services for soldiers with PTSD and traumatic brain injury, known as TBI. If we help these soldiers stay in treatment, if we make sure they get their medical appointments, and if we generally coordinate their care, we end up reducing costs, and we help those soldiers and their families who are facing these challenges with mental health function in their communities.

So this amendment directs the Defense Secretary to assess the efficacy and cost of case management services for those with serious mental health problems. My hope is the study will show the benefits of case management and then help further the DOD consider covering this important service under TRICARE.

If I might, let me turn to the broader legislation because it includes many provisions that do not directly relate to Colorado.

The bill supports our service members, and it keeps Americans safe. It authorizes \$679 billion for defense programs, with \$129 billion going to our ongoing operations in Afghanistan and Pakistan.

First and foremost, the bill focuses on our military's readiness needs. We need to do all we can to help make sure

our men and women in uniform—who voluntarily put their lives on the line for us, and who have been stretched to the limit by repeated deployments—have the training, the equipment, and the facilities necessary.

To help our men and women in uniform support themselves and their families, the bill provides a 3.4-percent, across-the-board pay raise, as well as an extension of stop-loss pay for 2 more years. That is an important number.

Importantly, this bill gives Afghanistan the attention it deserves. I had the great privilege of traveling to that part of the world recently, and I think there is a window of opportunity to try to arrest deteriorating security conditions in both countries and to work with the civilian governments in Afghanistan and Pakistan to achieve stability and security in this all-important region.

This is not about “staying the course.” This is about finally committing resources and attention to an area that is a critical front in the war against Islamic extremism and correcting the mistakes and missteps of recent years.

That is what the bill would do. It would refocus our attention on this important region. It would protect our troops in harm's way by providing funds for MRAP all-terrain vehicles to be deployed in Afghanistan and additional Blackhawk helicopters to give mobility to our troops.

Our bill also supports the training and equipping of the Afghan Security Forces, as well as efforts to help the Pakistani Government understand and implement a counterinsurgency strategy on the part of their military forces.

Moreover, our bill cares for our wounded warriors. It expands TRICARE benefits for certain military retirees. It requires mental health assessments of service members prior to deployment, and it calls for an increase in the number of military and civilian behavioral health personnel.

We also include a comprehensive review of the activities of the Department of Defense for the prevention, diagnosis, and treatment of substance abuse disorders among service members. This is particularly important in light, today, of a report that has been released—the EPICON study—that directly focuses on Fort Carson.

This is a study that was initiated last year to examine the records of Fort Carson soldiers who have been involved in violent crimes since returning from Iraq and Afghanistan. The Army Surgeon General, Lieutenant General Schoomaker, put together a team of experts to identify any commonalities among the violent crimes.

I had a chance to sit down with General Schoomaker yesterday. He and his team have concluded that although risk factors alone do not explain a “clustering” of crime in the 4th Brigade Combat Team of the 4th Infantry Division—the 4 of the 4—a combination of factors converged to increase the

risk that these soldiers would be engaged in violent crime.

One concern General Schoomaker expressed was that the stigma and lack of referral to the Army Substance Referral Program for required substance abuse screening may have increased the overall risk of violent behavior. The general talked about the need to reduce barriers to treatment for alcohol and drug abuse, which is an Army-wide concern. He mentioned pilot projects ongoing at a number of posts where soldiers who “self-identify” a substance abuse problem can get treatment without the knowledge of their commanders, helping them seek treatment without fear of appearing weak in the eyes of their superiors. I will be urging the Army to establish a similar pilot program at Fort Carson.

Mr. President, let me turn to the bill and what is notable for what it does not include. There are policies that are difficult to change because they are antiquated and no longer reflect the reality of our society. The failed policy, “don't ask, don't tell,” is a good example. But the fact that it will be difficult to repeal does not mean we should not try.

Since the implementation of this program in 1993, the Armed Forces have discharged over 12,000 brave and qualified combat troops—code-breakers, medical and intelligence specialists, and skilled translators—simply for being gay. This includes over 300 service personnel who have been discharged since President Obama took office.

Mr. President, this is 2009. I believe this discriminatory policy undermines the strength of our military and the fairness of our great Nation. We are engaged in two wars. It is counterproductive to discharge service members who have critical skills to winning these wars, even as the military has to spend scarce dollars to replace them. In my opinion, we need to bring the injustice of this policy to the forefront now, and I plan to work with my colleagues and with the administration to see that we accomplish, in a timely manner, the full repeal of “Don't Ask, Don't Tell.”

There are things this bill doesn't include that it shouldn't include, such as spending on underperforming, unnecessary, and outdated weapons systems. It took courage for Secretary Gates to make the recommendations he did, since it is never easy to stop spending programs in our Defense budget. But we need to stop funding programs that significantly exceed their budget and we need to stop spending limited dollars to buy more capability than the Nation needs.

There are also provisions in this bill that shouldn't be included, such as additional spending on the F-22. I voted in committee against an amendment to add \$1.75 billion to the bill to purchase F-22 aircraft that the military does not

want, does not need, and says we cannot afford. The F-22 is a valuable, capable aircraft, but the question is whether we need more than 187 F-22s to meet the Nation's requirements, and there is bipartisan agreement that we do not. Presidents Obama and Bush, two Secretaries of Defense, three Chairmen of the Joint Chiefs, and current members of the Joint Chiefs agreed that 187 aircraft are sufficient.

So let me conclude by saying that this is a good bill. It is a bill that balances the need to sustain our current war-fighting abilities with the need to prepare for the next threat to our national security. It is critical that we are able to meet the operational needs of our military today, even as we continue to prepare our men and women in uniform to be the best trained and equipped force in the world.

This is a good bill for our Nation and for my home State of Colorado; it is a carefully drafted and considered bipartisan bill, and I urge its passage.

I yield the floor.

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

Mr. LEVIN. Mr. President, I thank the Senator from Colorado, not just for his statement and for his support for this bill but for his work on this committee. He has made a major contribution already. We look forward to his continuing work with us. As he knows and has so well expressed, this is a bipartisan effort on the part of the committee. It is important that we continue that way, and his instincts have shown already very dramatically that those are his views as well.

So I thank him very much, not just, again, for the support of an amendment that we plan on getting back to as soon as we dispose of the hate crimes bill but also, and even more importantly, for his great work on our committee.

I yield the floor.

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

TRIBUTE TO NORM COLEMAN

Mr. INHOFE. Mr. President, I wish to pause for a moment. I know we are on the bill, and I am most anxious to proceed with the Defense authorization bill, having served on the committee since 1994 and before then in the House. It is imperative now that we get as robust a bill as possible.

Before doing that, let me mention one thing because I haven't yet spoken about this. I have been watching several of our colleagues who have come to the floor to speak about a great Senator, Norm Coleman, who is no longer seated in the Senate but who is a remarkable character.

A good friend of mine, Paul Weyrich, who recently died, wrote an op-ed piece, and it is called "The Workhorses and the Show Horses." He talked about so many of the Members of the House and the Senate who are out there just to make themselves look good. They are the ones who are show horses. Then

there are the workhorses. We talk about someone such as Norm Coleman, who was always there and getting deeply involved in issues, many of which are not popular issues if you are using them to run for reelection. I am thinking of a close friend, a mutual friend of ours named Ward Brehm. Ward Brehm and I have been working together for a long time on some things in Africa, as the Chair is aware, and he was talking about being from Minnesota and how much involved Norm Coleman got in various international affairs issues that don't have any votes behind them, but he was willing to do it. Every time you turned around, he was willing to do things that other people weren't willing to do.

I remember several years ago when he and I met with a delegation from Burundi and Rwanda and the DRC. This was a group that was over here in conjunction with the National Prayer Breakfast. He and I always worked together during the time that we had the National Prayer Breakfast. We would get these people to come all the way over here from different countries, but we kind of concentrated on Africa. I remember him standing there talking about, for a long period of time—keep in mind he is a Jew. I was never real clear where in New York he was from—I think the Bronx or someplace. But anyway, he was very strong in the Jewish community, and I am not. I am on the Christian side. But we would always get together and talk to them about Jesus and talk to them about loving God. And then when he would pray—at the end of these things, we would offer a prayer, and he would end up giving a prayer in Hebrew—an amazing guy.

At the National Prayer Breakfast African dinner 2 years ago—I had sponsored the dinner that was for all the Africans who had come over for the Prayer Breakfast and stayed for the African dinner—he was a major player in that. So these are things people didn't know about Norm Coleman.

The idea is scripturally based; it is Acts 2:42. It is kind of a genesis of these weekly Prayer Breakfasts in the Senate. On Wednesday mornings, we had a Prayer Breakfast and about 20, 25 Senators showed up every Wednesday and Norm Coleman was the chairman of that and was always in these groups. But he was also one who was helping us in forming these same groups with members of Parliament from all over Africa. He was a tireless worker in that effort, which was not something out there to get any votes.

I talked to him the other day, having gone through this election and then the 8 months or so, whatever it was, in recounting and all of that. I told him that many years ago I was mayor of Tulsa, and I did a pretty good job, I thought. I was supposed to win hands down. Someone came out of obscurity and because of a set of circumstances that should have gotten votes, not lost votes, I had lost unexpectedly on that Tuesday.

Well, we had scheduled our Tulsa Mayor's Prayer Breakfast the next morning. Bill Bright, who died not too long ago, came by as the speaker. Keep in mind, here he was the speaker at the Mayor's Prayer Breakfast the morning after I lost the election. He gave the most brilliant speech. I remember how he said it and the words he used. He said: A lot of times we think in terms of what is happening to us today, looking at our own careers, but, he said, God is still up there and there is a plan for all of us. He said in a very clear way that I thoroughly understood, the day after I lost the election I wasn't supposed to lose, that God opens a window and he closes a door and that window is going to be bigger. I can tell you right now I wouldn't be doing what I am doing today if it had not been for that.

So I would just say about my friend, Norm Coleman, God has a plan in mind for you, Norm, and it is one we will look back someday and say perhaps this is the best thing that could have happened to you. In the meantime, we love you, Norm, and God bless you.

AMENDMENT NO. 1511

I wish to also speak in terms of a program that I think a lot of people don't understand, and on which I know there is honest disagreement.

The F-22, people have said, is something like a Cold War aircraft. It is not. To quote Secretary Donnelly and General Schwartz both, because they both said the same thing, they said the F-22 is unquestionably the most capable fighter in our military inventory, not just air to air, as some on this floor have insinuated, but also precision attack air to ground, as well as intelligence collection. In contrast, almost every other piece of military equipment in our inventory today—air, land, and sea—is Cold War equipment that needs to be replaced.

I think about the Bradley vehicle. It has been around since the 1960s. I think about the Abrams tank. It has been around since the 1970s. I think about the Paladin, even though we have had about five major upgrades on the Paladin, that is our artillery beast, and that was actually World War II technology where you had to get out of the thing after every shot and swab the breach. You hear that and people can't believe it. Well, fortunately, we are going to go through an improvement on that. But the point I am trying to make is most of the stuff we have is Cold War stuff and to find that F-22 isn't needed because it wasn't flown in Iraq and Afghanistan, I think, is pretty narrow-minded. We have a lot of people we have to defend America against for contingencies that we don't know are out there and we don't know what our needs are going to be. The need certainly wasn't there in terms of Afghanistan and Iraq, but we don't know where the next enemy is going to be coming from or what the next contingency is. I wish we did. I can remember being on the House Armed Services

Committee my last year there in 1984. We had people testify. They said—these are smart people. They said: You know, in 10 years, we will no longer need ground capability. And look what has happened since that time.

So no matter how smart our people are, there is no way we are going to be able to determine where the next guy is going to come from and what our capability is going to have to be. Is it going to be in the air, sea, strike vehicles, lift capacity, cannons? So we need to keep that in mind because the only thing we have in the form of a fifth-generation fighter is the F-22, and it is uniquely designed and equipped to penetrate a hostile environment and be a savage air dominance for our ground forces. The F-22, I look at it as an investment in the future, not just 10 years down the road but 20 years and beyond. What we build today is going to have to be able to determine and deter and defeat adversaries for decades. Just look at the age of our entire military today. We talked about all these vehicles, but we have such things as the national security in long term, 40 years. We can't even see what we are going to need 10 years from now.

Now we talk about the F-35. Well, the F-35 is great. I am a strong supporter of the F-35 and working on it and getting it up as fast as possible. Its mission requirements are not the same as the F-22. The F-22 is out flying today, and we have that capability today. Only five F-35s are flying, and it is still in the testing period. It is impossible to assess the full capabilities of the F-35 until operational tests are completed in, I think, 2014. Well, that is 2014. This is 2009. There is a lot of time between now and 2014.

While we discuss cutting the only fifth-generation fighter in production today, China and Russia are continuing to move forward with the development of their fifth-generation fighters. I think they call the Chinese one the J-12 and the Russian is the T-50. They are out there right now talking about building these things. Today our Legacy, our F-15s, F-16s, F-18s are less capable than other fourth-generation fighters, such as the SU-27 and the SU-30 series aircraft.

I might remind the President that we have—we already know other countries are buying these capable fourth-plus generation aircraft that are better than what we have now, except for the F-22. We know of one sale, and I remember this—it has been quite awhile ago now—for F-27s from China, 240 of these. Now they are talking about cutting our number of F-22s—and I will talk about the numbers in a minute—down to the 187 and stopping the amendment that would increase that by seven vehicles. I don't want to see our Legacy fighters outmatched by fifth-generation fighters developed by China and Russia. I have always said our pilots are better, our training is better, but they have to have at least comparable equipment to survive.

So our air-to-air threat is only one aspect of the threat our Air Force faces today. Our surface-to-air threat remains to be a real serious problem. You just think about what the Russians are making now, the S-300s and the Chinese 4000s. They are capable of tracking up to 100 targets and getting as high as 90,000 feet in the air.

Now, that is priceless. These systems that make penetrating hostile airspace difficult and deadly for a legacy aircraft, including unmanned vehicles, such as our Predator, which has performed brilliantly, are uncontested facts. Only the F-22, with its advanced stealth technology and weaponry and supersonic speeds, can successfully penetrate what we call denied airspace, hunt and destroy strategic ground targets during the day or night, and collect and provide battle intelligence and awareness, and maintain our superiority in the air.

The Air Force officials have repeatedly stated no less than 243 F-22s would be sufficient to maintain a moderate level of risk. We are talking about the deaths of Americans. If that is the goal, that is what we should have. In the beginning, it was 750 F-22s. We have slowly gone down. That is what this amendment is about today.

GEN John Corley, Commander of the Air Force Combat Command, said:

At Air Combat Command, we have held the need for 381 F-22s to deliver a tailored package of air superiority to our Combatant Commanders and provide a potent, globally arrayed asymmetric deterrent against potential adversaries. In my opinion, a fleet of 187 F-22s puts the execution of our current national military strategy at high risk in the near to mid term. To my knowledge, there are no studies that demonstrate that 187 F-22s are adequate to support our national military strategy. Air Combat Command analysis, done in concert with the Headquarters Air Forces, shows a moderate risk force can be obtained with an F-22 fleet of approximately 250 aircraft.

So we are talking about a bare minimum number, and whether it is 243 or 250, that should be a bare minimum number.

While the F-22 hasn't deployed to Iraq or Afghanistan, a theater security package of six F-22s are on a continuous rotation to Guam in the Pacific Theater of Operations and have been forward deployed in Japan.

Why? Because it is the only fighter capable of stealthy penetration of North Korea's air defenses.

Finally, there continues to be allegations about the costs and operations of the F-22—to include an article last week in the Washington Post. The bottom line is, these allegations are false or intentionally misleading. The F-22 cost per flying hour is \$19,750, not more than \$44,000, as they were trying to say. The F-22 maintenance trends have improved from 62 percent to 68 percent. The F-22 skin is not vulnerable to rain. Finally, the fly-away cost for F-22s multiyear this Congress approved is \$142.6 million, not \$350 million.

One final point on all of these supposed studies about the F-22: We have

been through this before with the approval of the multiyear and are going through it again. I have been briefed on both classified and unclassified studies, and while the range of numbers varied, each study concluded that 183 F-22s is not enough. So we need to continue to build the F-22s and look at exporting this aircraft to our allies. Fortunately, some of that is taking place today. Japan, Australia, and Israel have expressed considerable interest in the purchase of F-22s.

Nations around the world realize the F-22A Raptor is the only operational fighter-bomber available that can successfully defeat and destroy air and ground threats of today and tomorrow.

So what we are talking about is—in the markup, we increased the number by seven aircraft. The chief mover of this, I have to say, was Senator SAXBY CHAMBLISS. As I told him, this is not enough. He agreed, but it was the most we thought we could do.

I believe when the time comes for an amendment to cut that number down, we need to give serious consideration to that amendment and not allow it to pass.

There is an expectation of the American people—and I have gone through this before with other airframes and other ground platforms—the American people think we give our kids who go into battle the very best of everything. I can tell you that is not true. I gave an example. There are five countries, including South Africa, that make a better non-line-of-sight cannon than we have today.

To me, that is unacceptable. It is unacceptable to the American people when we explain that is the situation. The F-15, F-16, and the F-14 have done a great job, but they need to move on to the fourth and fifth generation, and the only way to do that is with the F-22, which has been a success story.

GUANTANAMO BAY

I have another interest I want to share today, and that has to do with Gitmo. People are probably tired of hearing me talk about Gitmo, but I think we are about to make a mistake. The administration is making the demand that we close Gitmo. I have stood on the floor of the Senate many times and talked about my experiences there—the fact that anybody who wants to close Gitmo, if you ask why, they will say that for some reason people associate that with the types of torture that allegedly went on at Abu Ghraib and all of that.

This has nothing to do with that. There has not been a documented case of waterboarding at Gitmo. It is a state-of-the-art prison.

When President Obama talked about the 17 locations in America where we can take terrorists and relocate them from Gitmo to America, one happened to be Fort Sill in my State of Oklahoma. I went down to Fort Sill, and there was a lady in charge. She is a young major in charge of the prison where they would put these terrorists.

She said, "I don't understand what people are thinking." This young lady, named SMA Carter, said she had two tours at Gitmo, and it is designed for terrorists. They have a court system where they can do tribunals.

We have six classifications of security in Gitmo. It is one of the few good deals the government has. We have had it since 1903. I have told the Presiding Officer this before. We only pay \$4,000 a year for it. Do you have a better deal than that in government? There isn't one.

I have to say the terrorists are still at war with the United States, and we are legally entitled to capture and hold enemies and fighters in the hostilities. We detain terrorists and supporters to prevent them from returning to the battlefield, saving the lives of our service men and women and the lives of civilians who are innocent victims. I have spent a lot of time there. I am familiar with some of the terrorists there who are really bad people. They want to kill everybody who is listening right now. That is their mission in life.

We have had about 800 suspected al-Qaida and Taliban terrorists who have been sent to Gitmo since 9/11—people who are really bad. I looked through there, and we saw Khalid Sheikh Mohammed. He was the architect of 9/11. There was also the guy who was the explosives trainer for 9/11, who provided information on the September 2001 assassination of the Northern Alliance leader, Masood, and on the al-Qaida organization's use of mines. There was also the terrorist financier who provided detailed information on Osama bin Laden's front companies. That was the Taliban fighter linked to al-Qaida operatives connected to the 1998 East Africa Embassy bombings. Remember that, in Tanzania and Kenya? Down there we also had an al-Qaida explosives trainer who designed a prototype shoe bomb for destroying airplanes, as well as a magnet mine for attacking ships.

These people are unlike the types of prisoners we have had in other wars. If we look back during any of our wars, we had soldiers fighting for their countries. These people are not soldiers fighting for a country. They are fighting for a cause, and that cause is to destroy us.

To date over 540 prisoners have been transferred or released, leaving approximately 230 at Gitmo. They include members of al-Qaida and related terrorist organizations, planners of major terrorist attacks worldwide, including 9/11. These are the types of people there.

The intelligence gained from detainees at Gitmo helped the United States and its allies identify, exploit, and disrupt terrorist operations worldwide, saving untold lives. There have been a number of terrorist attacks. For a long time, they were classified, but most are no longer classified.

In 2007, the Senate voted 94 to 3 on a nonbinding resolution to block detain-

ees from being transferred to the United States, declaring:

Detainees housed at Guantanamo should not be released into American society, nor should they be transferred State-side into facilities in American communities and neighborhoods.

On May 20, 2009, the Senate voted 90 to 6 on a bipartisan amendment by myself and Senator INOUE to prohibit funding for the transfer of Gitmo detainees to the United States. Unfortunately, the supplemental appropriations conference report deleted that provision, allowing detainees to be transferred to the United States for trial.

If we put them into our Federal system—I can speak this way because I am not an attorney, so I can stand back and cite the obvious. If we do that, then the rules of evidence are different.

There are a lot of these guys who are picked up, and even now they talk about Miranda rights. That blows my mind when I think about it—when this goes on now and we have the opportunity to get these people and extract information from them. Thinking about the idea of trying them in the Federal court system where, if they cannot get a conviction—and many times they could not for one reason, which is that the rules of evidence are different.

When they were captured, they went by the rules of evidence for military tribunals. So we could have some who would be turned free, and many of them in the United States.

Recent polls show that a majority of Americans oppose closing Gitmo and moving detainees to the United States. By a margin of 2 to 1—which is huge in polls—those surveyed said Guantanamo should not be closed, and by more than 3 to 1 they oppose moving some of the accused terrorists housed there to prisons in the United States.

Again, one of the prisons the Obama administration talked about of the 17 prisons happened to be in Oklahoma. It should be obvious to everybody if we have 17 locations where we are housing terrorists, that becomes a magnet for terrorism—17 magnets in the United States.

A recent Fox News poll said President Obama made a mistake when he signed the order to close Gitmo. Seventy-seven percent of all Americans say that was a mistake, that Gitmo should not be closed, 60 percent of all Americans, up from 53 percent in April and 45 percent in January. You can see the trendlines. The vast majority—nearly two-thirds—is saying he should not close Gitmo and Gitmo prisoners should not be transferred into prisons in the United States. Sixty percent of all Americans say that is true. Sixty percent in polling is a huge number, a vast majority.

I encourage Senators who will be voting on this significant amendment to keep that in mind. Since President Obama announced he intended to close

Gitmo, it has become widely circulated that these detainees could be transferred to American prisons for prosecution in U.S. criminal courts and potentially released in the United States. Moving detainees to prisons here would require significant investment in restructuring existing facilities and would cost taxpayers millions of dollars.

Currently, the United States only has one Supermax facility located in Florence, CO. According to the Bureau of Prisons, as of May 21, "only 1 bed was not filled at Supermax." So if we want to give maximum security to these people, such as Khalid Sheikh Mohammed, we better decide who is going to be in that one bed because we don't have the capacity. The capacity of all the high security Bureau of Prison facilities at the beginning of this month was 13,448 inmates, while the total prison population was approximately 20,000.

So what we are talking about is they are overcrowded, and that is flat not going to happen. Despite claims by Senator DURBIN that the Supermax prisons in the United States are ready to receive Gitmo detainees, the Supermax prisons in the United States are at or above their maximum capacity.

FBI Director Robert Mueller said there is the very real possibility that the Gitmo detainees will recruit more terrorists from among the Federal inmate population and continue al-Qaida operations inside the walls of prison. That cannot happen in Gitmo because they are all terrorists there. That is how the New York synagogue bombers were recruited, in our own prison system.

In 2002, an entire wing of a jail in Alexandria, VA, was cleared out for the 9/11 "20th hijacker," Zacarias Moussaoui, to be housed for his trial—just for one detainee. Bringing Gitmo detainees to the United States could also place America and its citizens at risk by inevitably creating a new set of targets for the jihadist terrorists. Gitmo, on the other hand, is a state-of-the-art prison. I cannot find anyone who has gone over there, including unfriendly media, media that was bent on closing Gitmo—once they go over there and see it, almost all of them change their mind. It is a state-of-the-art facility that provides humane treatment for all detainees. It is fully compliant with the Geneva Conventions and provides treatment and oversight that exceed any maximum security prison in the world, as attested to by human rights organizations, the Red Cross, Attorney General Holder, and an independent commission led by Admiral Walsh. This is state of the art, and this is not a place where torture takes place. It is the only facility of its kind in the world that was specifically designed to house and try these types of dangerous detainees.

If President Obama ever decides to visit Gitmo, I am sure he would equally

be impressed as everyone else, including, I might say, Attorney General Holder. He came back and gave a glowing report and said how great this was and, at the same time, said the President still wants to close it.

When you look at the Gitmo situation, there are, on average, two lawyers for every detainee. There are 127 doctors and nurses. The ratio is 1 to 2 in terms of health care specialists to take care of these prisoners. Here we are talking about health care in this country. Maybe they want to go to Gitmo. They would be a lot better off. Current treatment and oversight exceeds that of any maximum security prison in the world.

There is also a \$12 million expeditionary legal complex. This is very significant because if we are going to do tribunals, we cannot do tribunals in our court system in the United States because it is not set up for that. Obviously, there are some things in testimony that takes place that have to be private. You cannot have these things go out because that would endanger American lives. We spent \$12 million on this complex. It is a courtroom at Gitmo to try detainees, and specifically that is what it is there for. It is the only one of its kind in the world, and it provides a secure location to try detainees charged by the Federal Government. They have full access to sensitive and classified information, full access to defense lawyers, and protection by the full media, access by the press. But it is set up to take care of that specific type of an incarcerated individual.

Senator HARRY REID declared, in a press conference after my bipartisan amendment was adopted, that "We will never allow terrorists to be released into the United States." I applaud Senator REID for that statement and hope he will stay with that because that is something the American people are not willing to tolerate.

He went on to say he opposes imprisoning detainees on U.S. soil, saying:

We don't want them around the United States . . . I can't make it any more clear than the statement I have given to you. We will never allow terrorists to be released in the United States.

Senator DURBIN said:

The feeling was at this point we were defending the unknown. We were being asked to defend a plan that hasn't been announced.

I think Senator DURBIN was correct then and is correct now.

There are lots of questions, very few answers. What is the impact? Let's say we close Gitmo. What is the impact of placing detainees in the U.S. prison system—pretrial and posttrial? Has an assessment been done to determine the risk of escape, as well as potentially creating targets in the United States for terrorist attacks? Will Gitmo detainees be segregated from the regular prison population? Keep in mind, these guys are trained to recruit. That would be a garden spot for them to get into the American prison system to recruit

people to become terrorists. What facilities exist in the United States today that can hold these detainees? We talked about that. They tried to locate 17 facilities, and it will not work.

By the way, the State legislatures in each one of those States that have one of these facilities have passed resolutions or some type of a document saying: We don't want them in our States. That is what they are saying from the States, and we need to listen to them. One might ask, where will the military commissions be held—at Guantanamo or the United States? Obviously, if you close Guantanamo, you lose that facility. Assuming military commissions are held in Guantanamo, where will detainees who are convicted serve out their sentence, if not there, because there is no other place that has the capability of doing that. There are all these questions.

What additional constitutional rights will a detainee gain if they are tried in the United State versus Guantanamo?

Are there differences in the rights awarded to detainees tried in a Military Commission versus civilian court? Could location or geography affect the right afforded to detainees—somewhere in the U.S. versus Gitmo?

How do we handle protection of classified information during trials?

What are the long-term implications on future conflicts of trying these detainees in a civil court versus military commissions?

Why is the administration reading Miranda rights to some detainees captured or held in Iraq and Afghanistan? How many are being read Miranda rights? How many have invoked their rights?

What is the impact of requiring the reading of Miranda rights to terrorists captured on the battlefield and advising them they have the "right to remain silent"?

What if a detainee is found not guilty—where will he be released?

What does the administration plan to do when a Federal judge orders the release of a detainee but the administration knows is too dangerous to release of transfer?

What do you do with a detainee you cannot try or release due to national security concerns?

Despite not having a plan, the administration continues in its quest to empty Gitmo regardless of the cost or the risk.

The Obama administration initially talked with the small South Pacific island of Palau, population 20,000, to accept transfer of a group of 17 Chinese Muslims currently at Gitmo, called Uighurs, at the cost of some \$200 million. That is \$11.7 million per individual. This is not a cheap thing he is talking about doing. The total cost to build Gitmo was only \$275 million. As I said, it has been on lease since 1903 for \$4,000 a year. The Wall Street Journal just yesterday had a government official who said that well over 50 detainees have been approved for transfer to

other countries and that negotiations are continuing with Saudi Arabia to take a large group of Yemeni detainees. Attorney General Eric Holder has estimated that more than 50 detainees may end up on trial by U.S. authorities. This news comes as more and more Americans are growing opposed to the closure of Gitmo, placing them unnecessarily at risk in order to satisfy political goals.

I think we need to stop, sit back, take a deep breath, and look at some of the things that are going on today. The idea that we would have Miranda rights for terrorists, people who have killed Americans, is pretty outrageous.

Finally, on June 9, the Obama administration again went against the will of the Congress and the American people by transferring the first Gitmo detainee to the United States for his trial in New York City.

Ahmed Khalfan Ghailani has been indicted for the 1998 al-Qaida U.S. Embassy bombings in Kenya and Tanzania that killed more than 224 people, including 12 Americans. Ghailani was later captured in Pakistan in 2004 while working for al-Qaida, preparing false documents. Intelligence shows he met both bin Laden and Khalid Shaikh Mohammed in Afghanistan and remained a close associate with al-Qaida until his capture in 2004.

This bonafide terrorist will have the privilege of a U.S. civilian court trial in the United States—I think it is New York. To me, it is inconceivable that could happen. The press reported that Ghailani was smiling when the charges were read to him in New York.

Despite the Obama administration's intentions, they will find themselves in a position where they cannot even try or safely transfer or release Gitmo detainees. As of May 2009, 74 transferred/released detainees have returned to the fight—74. These are the ones we captured again. We know they returned to the fight. How many more are there out there? If you release these people, they go right back to their practice of killing Americans. Former Guantanamo Bay inmate Mullah Zakir, also known as Abdullah Ghulam Rasoul, is leading the fight against the U.S. Marines in the Helmand Province in Afghanistan in 2001, was transferred to Gitmo in 2006, and then released. He is out there killing marines today. That is what is happening currently. There is no alternative to Gitmo.

I go through all this not to be disagreeable with anyone except to say there is an answer, and there is only one answer.

Today, we are considering the Defense authorization bill. I have an amendment to that bill. I now have, in a matter of 3 hours, 22 cosponsors. This is amendment No. 1559 to the Defense authorization bill, S. 1390. This does something very simple. I like simple bills because they cannot be misunderstood. They are not like the health insurance bill with over 1,000 pages no

one has read. They are not like the cap-and-trade bill that passed the House with no one reading it, over 1,000 pages. This is just two pages. That is all. It is easy to read. Let me tell you what it says. I am wrong, it is one page. It says an amendment offered by Senator INHOFE:

Sec. 1059. Prohibition on transfer of Guantanamo Detainees.

No department or agency of the United States may

(1) transfer any detainee of the United States housed at Naval Station, Guantanamo Bay, Cuba, to any facility in the United States or its territories.

That is No. 1.

No. 2 is, we cannot “construct, improve, modify, or otherwise enhance any facility in the United States or its territories for the purpose of housing any detainee described in paragraph (1) . . .”

No. 3: We cannot “permanently or temporarily house or otherwise incarcerate any detainee described in paragraph (1) in the United States or its territories.”

That is a very simple solution. It is all in three sentences on one page.

I have a feeling there are going to be many people who know that we are on the right side of this issue, know that the American people are overwhelmingly, by more than two to one, in support of an amendment such as this, and are going to offer some amendment full of loopholes that will still allow them to close it. It will sound good. But this is the only one out there.

Mr. President, I say to my colleagues, if their interest is to really do something about keeping Gitmo open, there is only one vehicle out there. We are on it right now—the Defense authorization bill. That is amendment No. 1559. All it does is prohibit us from transferring any detainee from Gitmo to any facility in the United States of America or its territories; it prohibits us from constructing, improving, modifying, or otherwise enhancing any facility in the United States or its territories for the purpose of housing any detainee described in paragraph 1 above—that is the terrorist; and No. 3, it prohibits us from temporarily or otherwise incarcerating any detainee described in paragraph 1 in the United States or its territories. Period. That is all it does.

I say to those two-thirds people of America, there is a vehicle now we can use to make sure that facility, one of the really true state-of-the-art resources we have in this country, stays open and keeping those detainees, those terrorists out of America. If you want to keep them out of America, this is the way to do it.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

GLOBAL WARMING

Mr. INHOFE. Mr. President, I notice no one else is on the floor right now. I was only going to address those three subjects, but I do want to make a couple of additional comments. If anyone comes in and seeks the floor, I will come to a close.

There is one other major issue that we are dealing with right now—we have had a number of hearings—and I would like to kind of put it in perspective so people will understand.

There are a lot of complaints around the country about the cap and trade bill that was passed by the House of Representatives—interestingly by one vote over the majority—which is 219. Most of the bill actually was written at about 3 o'clock in the morning and passed the same day—a thousand pages. I applaud JOHN BOEHNER over there for saying that we want to establish some kind of a program whereby anything we are going to consider on the floor should be on a Web site so all of America can read it at least 72 hours before it is voted on. I applaud that, and I hope we will be able to do that.

I certainly hope we will be able to do that with a bill that I am sure will be passed from the Environment and Public Works Committee of the Senate—the cap and trade bill that has yet to be drafted. The chairman of that committee, Senator BOXER, has stated it is going to basically be the framework of the Waxman bill from the House that was passed by a margin of 219 votes to 212, I think it was.

Anyway, that at least gives us something to talk about. I would like to go back historically to my first exposure to this whole issue. Back about 10 years ago, when we had the Kyoto Treaty, the Kyoto Treaty was a treaty the Clinton-Gore administration was trying to get us to ratify in the Senate. It was a treaty that would establish a cap-and-trade type of arrangement to limit the number of CO₂—and the proper term is anthropogenic gases—anthropogenic, man-made gases, methane, CO₂.

The theory behind that, and I believed it at that time because everyone said it was true, was that these man-made gases were causing global warming. I assumed the science was there and was settled. As I say, everybody thought it was. It was at that time that the Wharton School of Economics came out with the Wharton econometrics survey. That survey quantified how much it would cost America in taxes if we in the United States ratified the treaty and lived by its requirements. The result was in the range between \$300 billion and \$330 billion a year.

Now, I have often said one of the most egregious votes ever taken in the Senate was the vote that took place in October of 2008 when we gave an unelected bureaucrat the \$700 billion to

do with as he wished. It was just unconscionable. I voted against it. I was opposed to it, but we lost. We did it, and now, most of the people who voted for it, are sorry. I tried to equate at that time what \$700 billion was, and I said if you take all of the families who file tax returns and pay taxes and do your math, it is \$5,000 a family—\$5,000 for every American family, not just the ones in Oklahoma but everywhere. So I thought, as bad as that was, that was a one-shot deal. If we pass cap and trade, we are talking about a \$300-plus billion tax increase every year, not just once.

So at the time we looked at this, and the Wharton School came out with these figures, I thought, let me be sure in my own mind, as a member of the Environment and Public Works Committee, that the science is there. So I looked into it, only to find out this whole thing came from the United Nations' IPCC—the Intergovernmental Panel on Climate Change. All we have seen are just the reports not from scientists but from politicians on the summaries they give policy donors. So we started talking to real scientists only to find out that really well-established scientists—and this is 10 years ago—who looked at this said: Well, yes, there could be a connection between man-made gases, CO₂, and global warming. However, it is not a major significant contribution.

Now, to fortify this, then-Vice President Gore was trying to build his case on why we should ratify this convention and he did his own study. He hired a guy—one of the top scientists in America—named Tom Wigley to do an analysis. Now, here was his challenge. If all of the developed nations in the world—America, France, Western Europe and the rest of the developed nations—would ratify this treaty and would live by its emission requirements, how much would that lower the temperature in 50 years? So if all the countries in the developed nations did this, how much would it lower it in 50 years? The result of the study was seven one-hundredths of a degree Celsius. Well, I said that is not even measurable. And I said, if his own scientist says that, we have to have a wake-up call here in America. And that is when I made this statement that people have been throwing at me for 10 years—the idea of the notion that man-made gases significantly contribute to global warming is probably the greatest hoax ever perpetrated on the American people.

Well, when we stop and look back now at what has happened in the scientific community, many members of the community were the recipients of grants and had those grants held up unless they would come in and say, yes, we are going to have to do something about CO₂ in order to stop global warming.

By the way, I have to just say that at this time we are in our ninth year of a global cooling. People seem to forget we have been going through these ups

and downs all throughout recorded history. God is still up there, and we are going to have warming and cooling periods.

The same individuals who are so hysterically behind this idea of passing a cap and trade—putting a huge tax on America at this time—are the same ones in 1975 that were saying we are going to have to do something because another ice age is coming. Well, anyway, this has been going on for a long period of time.

So as we have progressed through the years, more and more scientists have come over who were on the other side. And I call to mind now, just from memory, Claude Allegra, from France. Claude Allegra is a socialist over there—very prominent scientist. He was marching through the aisles with Al Gore 15 years ago, and he has now reversed his position and said, wait a minute, everything we thought from the modeling didn't happen. This thing is not real. He is solidly on the skeptic side now, saying I was wrong back then. This Claude Allegra is the guy Sarkozy now is talking about putting in as the environmental minister of the country of France. Now that is the caliber of people we are talking about.

David Bellamy was the top scientist in the U.K. and David Bellamy was solidly on the other side 10, 12 years ago. He is now saying, we have looked at the modeling and we have changed and this is just flat not true.

A guy named Nir Shaviv from Israel, another top scientist, he was on the other side of this issue and he has now come over.

And for my colleagues who want to really see the fortification, see the numbers we are talking about in terms of scientists who have reversed their position, go to my Web site, Inhofe.Senate.Gov, and look it up. There are a lot of speeches I have made from the floor of the Senate, but one was about the 700 scientists, most of whom were on the other side of the issue and are now saying the same thing as Claude Allegra, David Bellamy, Nir Shaviv, and others have said because they have changed their minds on this thing.

So clearly the science has turned around, and that gives a sense of urgency for some people who want to respond to some of the extremists—mostly in California, and mostly in Hollywood—to go ahead and pass something. Get something passed and get it passed quickly. It is kind of like health care. They want to get it passed before people have a chance to read it.

So now we have a bill that is going to be put together and drafted in the Environment and Public Works Committee, which was going to be coming to the floor of the Senate prior to the August recess—just a few weeks from now—but Chairman BOXER has now decided to put it off until after the recess. I applaud her for that, because time is not the friend of the people who are trying to make believe we are

going to have to pass an expensive tax to address what they consider to be a more serious problem than I consider it to be. And during the August recess, during those 30 days, you are going to have a lot of Members of this Senate be approached by people—such as people in the agricultural community.

I had the opportunity of going and talking to the National Farm Coop the other day and discussing with them what would happen if we were to pass a cap-and-trade system and what that would do to the farmers of my State of Oklahoma and all throughout America. Stop and think about it. Seventy-one percent of the cost of a bushel of wheat is in fertilizer and in energy costs. That is what would go up. So you would be talking about doubling the price of wheat, or I could use soybeans or any other commodity. It would be disastrous for our farmers in America.

So the years have gone by, and slowly people have caught onto this thing, and that is why there is such a sense of urgency by people who want to pass this before the public realizes what it is. Fortunately, the public already understands, and the vast amount of recent polling shows that, just like the issue of closing Gitmo, which I talked about a few minutes ago, they are solidly on the side of not passing a cap-and-trade tax which would constitute the largest tax increase in the history of America to address a problem that people aren't really sure exists to start with.

So I think we will defeat that in the Senate. It will, of course, pass out of the committee. It is a very liberal committee. I love everyone on that committee, but they will pass anything that has to do with a cap-and-trade package, so it will be on the floor of the Senate. But it will not pass the Senate. And the reason I say that is we have had several votes in the Senate—the House had never had any votes. We have considered this five times, and actually voted three times—2003, 2005, and 2008.

In 2003, it was called the McCain-Lieberman bill. At that time, I was the only one on the floor. For 5 days, 10 hours a day, I talked about this and was trying to defeat that thing. For 50 hours, only two or three Senators came down for a short period of time to help me. Now, fast forward from 2003 to 2005 to 2008. The bill was called the Warner-Lieberman bill. We had 23 Senators who came down, and it didn't take 5 days to defeat it; it was just 2 days.

So I think in terms of passing the tax increase called cap and trade, they have about maybe 34, 35 of votes, and it takes 60 votes in the Senate to pass it. Really, I am happy our forefathers were divined and inspired when they thought of the two Houses so we could have checks and balances.

So I think that is what will happen. I know there are other names I could mention but cannot because some of the things I know are at a level of confidence. But some of the new Senators

who have been elected, they don't really want to go back and say—whether Democrats or Republicans, but, in fact, it is the Democrats I have in mind—saying to the people who have just elected them: Aren't I doing a good job for you, coming back from my first session and passing the largest annual tax increase in the history of America? That isn't going to happen, Mr. President. People are so sensitive right now with the level of spending that is going on in this country.

I can remember in 1993, it was the first year of the Clinton administration, and I was complaining at that time on the floor—I was serving in the House of Representatives—of the huge tax increase he was pushing, and all of the things that were going on—with gun control, the Hillary health care, which we all remember. At that time, I remember complaining on the floor: He even has a budget of \$1.5 trillion. Well, guess what. This one is \$3.5 trillion. We can't sustain that. We can't do that in America.

So I think one at a time we are going to have to stop these expensive programs, one being the health care program—I know we can't afford that—another being cap and trade. I think we will defeat that, and I believe America is now going to look a lot more carefully, and they are going to applaud the efforts being made to make sure any bill that comes up for consideration of this magnitude should be on a Web site, as Mr. BOEHNER suggested, and several other Senators have suggested, including myself, for at least 72 hours so we and the American people can read and see what it is going to be. I can assure you, if that had happened when the cap-and-trade bill passed the House, it would not have passed the House.

With that, I see there is someone else on the floor wanting to have the floor, so I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, what is the status of the Senate right now?

The ACTING PRESIDENT pro tempore. The Senate is in consideration of S. 1390.

Mr. MENENDEZ. Mr. President, I rise to talk about the pending amendment. Let's all imagine a situation. You are a 25-year-old, a father of two, it is night and you are walking home across a park. A group of teenagers come near and they throw a slur at you. When you respond and their verbal attacks escalate, they are nasty. They seek to dehumanize you because of where you were born, how you look or how you speak. There is a fight, four on one, in which you are pummeled to the ground and kicked in the skull repeatedly.

As you lie on the pavement in convulsions, foam oozing from your mouth, life slipping away, there is one more insult. They yell a warning to anyone who looks like you or talks

like you that they will do the same thing.

Imagine you are this man's two little children. Your father spends 2 days in intensive care, his face bruised and swollen, his head bandaged, tubes everywhere, and then he passes on from this world. You will never remember your father holding you or feeding you or kissing you; you are too young. What you will remember is growing up without a father. He was the victim of a needless death from a senseless beating, a beating fueled by red-hot hatred for the type of person he was.

The one hope for some small measure of fairness so that these two young children will one day know that justice was served after their daddy was killed would be an appropriate conviction for this unthinkable crime. But in the courthouse the verdict is read. The most serious charges, the most appropriate charges, are discarded. At most, two of the four young men who committed this murder in a bigoted rage will spend less than 2 years—less than 2 years—behind bars. But they could be there for as little as 6 months—6 months in jail. But this man, this father, he is gone forever.

It is as sad and heart wrenching a situation as you can imagine. How we wish it was only that, a horror story we simply imagined. But it is not a figment of our imagination, it is a dose of reality. This nightmare scene actually happened, and it did not happen in a society less open than ours, nor did it happen 100 or 200 years ago. It happened exactly 1 year ago in Shenandoah, PA, less than 150 miles from where this Chamber is; less than 50 miles from my home State of New Jersey.

Luis Ramirez was the target of the vitriol and the beating; struck in the chest so hard he bore a bruise in the shape of Jesus Christ from the medalion he wore on a chain around his neck. As he lay, seizing from the deadly blows, if he had still been conscious what he would have heard were words that, uncensored, do not befit the Senate.

Tell your [expletive] friends to get the [expletive] out of Shenandoah or you will be [expletive] laying next to him.

Tell your [expletive] friends to get the [expletive] out of Shenandoah or you will be [expletive] laying next to him.

This in the 21st century, in the United States of America, the land of the free—all men created equal—life, liberty, and the pursuit of happiness. Not for Luis Ramirez. He may have been born originally in a different country, but he was just as human as you or I. It did not matter. He was cursed and battered and put down like an abused animal would be, in the United States of America.

The people who did this, the people who beat their fellow man to death, treating him as subhuman—this gang gets a veritable slap on the wrist.

We can change that—no more circumstances such as that, not with this

legislation. There is no better prosecutor of hate crimes in our country than Federal law enforcement. They are tough on these hate criminals and they are determined to serve justice in each and every one of these cases. If we are to make sure hate crimes are treated with the seriousness they deserve, if we are to make sure would-be perpetrators think twice, Federal law enforcement must have a greater involvement.

I can hear opponents of this legislation, this particular amendment: This is 2009. The President is African American. It is a reaction to an insignificant problem.

Ask Luis Ramirez, if you could. I would ask them to consider this, from the Leadership Conference on Civil Rights: Between 2003 and 2007, hate crimes reported against Hispanics increased not just a little bit but by 40 percent. In 2007, Hispanics were the target of 60 percent of hate crimes committed based on ethnicity, signifying an increasingly sharp rise.

But this is not just a problem confined to the Hispanic community. The man who packed up his rifle, got in his car, drove to Washington, entered a building, opened fire, and claimed the life of a noble security guard—he didn't just do that at any building. He did it at the Holocaust Museum, because this murderer hates Jewish people, hates them enough to kill.

Let's never forget the namesake of this legislation, Matthew Shepard, a University of Wyoming student who had his whole life ahead of him before it was snatched away on an October night in the countryside near Laramie. Two men, uneasy with Matthew's sexual orientation, drove off from a bar with him, only to beat him mercilessly with a pistol and rope him to a fence, as if a warning to the gay community. They hated Matthew because he was gay. He lost his life because he was gay.

I ask those who would argue against this legislation, how many more tragic stories do we have to hear before we make our laws tougher? How many more? Do we have to hear another story, such as the one of Jose Osvaldo Sucuzhanay, a father of two and native of Ecuador who ran a real estate agency, who was headed home with his brother from a bar after a church party. These brothers walked around the Brooklyn street with arms around each other, like men in Latino cultures often do.

Up drove three men, yelling slurs that were both homophobic and racist, they belted Jose on the head with a glass bottle. They smashed his head in with a metal bat. They continued to beat him and kick him and beat him and kick him. He clung to life for 2 days in a hospital and then he died.

How many more stories? Do we have to hear another story such as that of Marcelo Lucero? He, too, was born in Ecuador and he, too, was a real estate professional and he, too, was killed simply for the way he looked and the

way he spoke, the innocent victim of a senseless gang of teenagers on Long Island, driving around in search of "some Mexicans to [expletive] up."

Here is how the prosecutor described this assault:

Like a lynch mob, the defendant and his friends got out of a car and surrounded Mr. Lucero.

Like a lynch mob—in the 21st century in the United States—they beat Marcelo and stabbed him to death.

How many more of these stories? How many more? Do we have to hear another story such as that of Walter Sanchez? His horrific story happened earlier this year and it happened in my home State of New Jersey.

Walking to a restaurant with his cousin, a car with five men pulled up. Calling Walter a Hispanic son of a [expletive], they beat him senseless. He was one of the lucky ones, escaping with his life, but he still underwent hours of reconstructive surgery to put many of the bones in his face back together.

Again, how many stories do we have to tell? It is time to stop asking and it is time to start acting. We can pass this legislation and know, while there is still a ways to go until we have wiped our society clean of bigotry and hatred, we will have made it harder for the perpetrators of these evil acts to escape justice. As the law is written now, there are too many ways in which those who commit hate crimes can escape the kind of justice Federal law enforcement is prepared to bring.

Sometimes these loopholes are bewildering, even perverse. Remember the story of Luis Ramirez, whose murderers will serve as little as 6 months in jail? The cruel irony is that the deadly beating he suffered occurred in the street, not in the park 100 feet away, the park where Luis had walked minutes, if not seconds, before he was battered. If this murder of a hate crime had taken place in that park, it would have been Federal law enforcement's business. The delivery of justice may have been different. As it turned out, local law enforcement, some of whom were related to the assailants, took 2 weeks to arrest the four men, and we know how the rest of the process turned out.

We can all agree, a hate crime is a hate crime—whether it is in the park or in the street, on the grass or on the pavement, 100 feet this way or 100 feet that way. A hate crime is a hate crime.

I sponsored, when I was back in the New Jersey legislature, the law that became one of the first landmark pieces of legislation on hate crimes in our country. I said then that we cannot eliminate hate with the passage of a law, but we can send a clear societal message that we do not tolerate such crimes against individuals because of their race, because of their religion, because of their ethnicity or, for that matter, their sexual orientation.

Hate crimes are hate crimes. They are all an affront to the set of values

upon which this great Nation stands, and they all deserve the full scrutiny of our Federal law enforcement.

It is time to pass this legislation. I urge my colleagues to vote in favor of the amendment and make sure each hate crime is met appropriately with justice.

I ask you to remember, as I started this speech, that father kicked to death, with the two children who will never ever know their father as so many of us are fortunate to know ours. Remember when you cast your vote. Think that, but for the grace of God, it could be you. That is how momentous this decision is. That is how important this legislation is. That is why justice is served with the passage of this amendment.

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

The ACTING PRESIDENT pro tempore the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. INOUE. Mr. President, the facilities and services located at Ohana Nui and Camp Catlin, and designated as excess, were established at the behest of the U.S. Navy in the 1950s for the benefit of our military and their families. Not-for-profit organizations responded to the needs identified by the Navy to assist our military. The relationships formed between the military and surrounding community have grown over the past 50 years at Ohana Nui and Camp Catlin including schools for children in prekindergarten through high school. It is my hope the Department of the Navy will consider the Federal Real Property Management Regulations regarding adjusted fair market value when making their determination for the Ohana Nui and Camp Catlin property.

Mr. BEGICH. Mr. president, today I submitted amendment No. 1572 to S. 1390 that would provide for earned retirement payments to be restored to a group of selfless heroes in Alaska.

In 1942, after the Alaska National Guard was called overseas, a group of brave Alaska Native men formed a group called the Alaska Territorial Guard, ATG. These men helped protect the territory of Alaska during and after World War II by conducting scouting patrols and constructing military airstrips. The brave men received no pay or benefits for their sacrifices during their time of service in the ATG. After disbanding in 1947, many of these former ATG members continued their service in the army and Alaska National Guard and other services.

Recognizing the heroic and patriotic actions of the ATG members, in 2000 Congress passed a law that made former members of the ATG eligible for veterans' benefits. In 2008, approxi-

mately 25 of these guardsmen, mostly Native Alaskans in their mid-to-late eighties, were issued military retirement credit for their period of service in the ATG and began receiving a modest \$500 a month in retirement pay.

However, in January of this year, the Defense Finance and Accounting Service abruptly ended these payments based on a finding that a misinterpretation of the law had resulted in erroneously awarding these payments. These men, who live in remote areas and rely on this payment for day-to-day needs, were devastated by the unexpected decrease in their monthly income.

Understanding the significant financial impact experienced by these heroes and their contributions during World War II, the Secretary of the Army provided them 2 months of pay from the emergency and extraordinary expense fund. The Alaska Legislature, further cushioning the economic loss experienced by this courageous group, enacted a bill that temporarily restores the entitlement to the ATG members until the earlier of the date that the Federal Government restores the entitlement or February 1, 2010.

My amendment permanently restores the earned Federal entitlement benefit to members of the ATG for their service. As Members of the Senate, it is our responsibility to take care of those who have served and sacrificed. Earlier this year, this body supported restoring this entitlement to the ATG in the Senate-passed budget resolution, S. Con. Res. 13. I ask my colleagues to support this amendment to honor those who have served.

Mr. President, amendment No. 1573 to S. 1390 would authorize the Department of Defense to reimburse military families for costs incurred for transport of a second personally owned vehicle on a change of permanent duty station to or from Alaska, Hawaii, or Guam.

Current law only authorizes servicemembers to be reimbursed for the cost to transport one personally owned vehicle. As with their counterparts in civilian life, many military families today own and rely on a second vehicle. For example, a significant number of military members live off base and commute to work, while their spouses work as well, making ownership of just a single vehicle impractical for most families.

Some military families ship their second vehicle back to the lower 48 States or Alaska, Hawaii, or Guam at their personal expense. Shipment of a second personally owned vehicle to Alaska, Hawaii, or Guam, or to the lower 48 States from these locations can cost our servicemembers as much as \$2,000 out of pocket.

Other times, they opt to sell their second vehicle prior to the move and repurchase a second personally owned vehicle upon arrival of duty station. This is a costly option resulting in severe financial loss.

The current policy of reimbursing military families for only transport of one personally owned vehicle is an outdated policy that unfairly impacts the finances of these families who rely on a second vehicle to sustain their needs.

Authorizing reimbursement for a second privately owned vehicle will greatly enhance the quality of life for our servicemembers and their families stationed in Alaska, Hawaii, and Guam, and those returning to the lower 48 States and the District of Columbia from those locations, and will alleviate the unnecessary financial burdens on these families. I ask my colleagues to support this amendment.

Mr. CHAMBLISS. Mr. President, I have listened to the debate all day with regard to the national defense authorization bill, and, frankly, it is one of the frustrating aspects of serving in this great body, to sit here and debate an issue like we have debated over the last couple of days and to think that you are going to come to the floor of the Senate and to cast a vote on a very important measure that has been characterized by Senator MCCAIN earlier as one of the most important pieces of legislation or amendments that we will have—and I agree with him that is the case—and all of a sudden we are thrown into an entirely different atmosphere with regard to what has taken place on the floor.

All of a sudden we are not talking about defense, we are not talking about our troops, we are not talking about the national security of the United States, we are talking about hate crimes.

We are in some very difficult times with respect to the national security of our country. While Senator MCCAIN and I disagree on the issue of the F-22 and this amendment, he and I agree strongly—and it is why he is my dear friend and why we agree on most things—about the fact that we ought to be here debating defense issues and voting on defense issues.

It truly is frustrating. I know our soldiers in the field can't understand what in the world is going on in the Senate now, when they thought we were going to be debating and voting on amendments that pertained to them—issues such as their pay raise, their quality of life, weapon systems—and all of a sudden we are thrown into doing something else. So I just want to associate myself with the remarks of my friend, Senator MCCAIN, with respect to why we are here.

With regard to what Senator LEVIN said, frankly, Senator DODD, on the other side of the aisle, who has been working very closely with me on the F-22 amendment, he and I had a meeting with Senator LEVIN and Senator MCCAIN on Monday, and informally—or actually formally agreed between the four of us—which is an informal agreement—that we would have a vote on the Levin-McCain amendment on Wednesday morning. We thought that was kind of a done deal.

Now, all of a sudden we have debated and we have talked about this, we have debated it again, we have talked about the amendment, and now we are thrown into an entirely different scenario on the Senate floor when we have been prepared to vote. I would hope we still have the opportunity to vote in the short term on the issue of the F-22.

On that point, just very briefly, Mr. President, I want to state a couple of things with regard to that issue. I made a very long statement yesterday, and I am not going to go back into all the detail with the reference to the why-fors of the F-22 and its value to the national security of the United States, but there have been some comments made on the Senate floor that I think are important to address.

One of those comments made by Senator LEVIN was that I had made a statement that there had never been a study by the Air Force which validated the requirement that 187 aircraft be the top line number for the F-22.

What I said was there have been dozens of studies out there over the years on the F-22, and there has only been one study—and it was an internal study at the Department of Defense, without the input of the Air Force—that said 187 is the number. I want to make sure everybody in this body understands every single other study done internally, as well as outside the Pentagon, outside the Air Force, outside the Office of the Secretary of Defense, or inside, has concluded that the requirement for the number of F-22s we need far exceeds the number of 187. The minimum number that has ever been referred to is 243, which is some 56 airplanes more than the 187 we are talking about now.

Last week, in a hearing before the Senate Armed Services Committee, we had GEN James Cartwright, who is a Joint Chiefs of Staff Vice Chairman, and I asked General Cartwright if there was any study or any analysis done at the Pentagon that validated the number 187. General Cartwright told me:

There is a study in the Joint Staff that we just completed and partnered with the Air Force which validates the number of 187.

Well, on Monday afternoon, a reporter asked a Pentagon official, and the top spokesman from the Pentagon, Geoff Morrell, made the statement in response to that reporter's inquiry about that study as follows:

Well, it is not so much a study as work products. What I think General Cartwright was referring to is two different work products, one by the Program Analysis and Evaluation shop and one by the Air Force. Not so much a study.

So what has happened is there have been discussions within the Pentagon to attempt to validate the number of 187. It is pretty obvious what I said on the floor of the Senate remains true, and that is that of all the dozens of studies that have been done on the F-22 requirement, the minimum number that has ever been validated is 243. The number goes up from there all the way

to 781, which I think was our original number. The number of 381 is the number that has been used in most of the recent studies as the number we need.

Also, with respect to other statements regarding the Secretary of Defense, the Chairman of the Joint Chiefs, and others who are saying that 187 is the number, that is leadership at the Pentagon. The leadership at the Pentagon has the responsibility for sending a budget to the Senate and to the House, but it is our obligation as Members of the Senate and the House to review that budget—sometimes to agree with it; sometimes to disagree with it. We often disagree with it.

In this case, a number of us disagree with the number of 187 as being the top line for the F-22. That is not unusual. But with respect to what the leadership at the Pentagon has said, let me go back to a letter I talked about yesterday, and it is a letter that has been received from Rebecca Grant, the Director of the Mitchell Institute for Airpower Studies. What she says in her letter to me is: In the letter of July 13 from Admiral Mullen and Secretary Gates, the characterization of F-35 as a "half-generation newer aircraft than the F-22 and more capable in a number of areas such as electronic warfare and combating enemy air defenses" is incorrect and misleading.

Air Force Secretary Donley and General Schwartz have repeatedly stated: "The F-22 is, unquestionably, the most capable fighter in our military inventory."

The F-22 was designed with twice the fighting speed and altitude of the F-35 to preserve U.S. advantages in the air even if adversaries contest our electronic countermeasures or reach parity with us.

She also States in that letter:

If electronic jamming fails, the speed, altitude and maneuverability advantages of F-22 remain. The F-35 was designed to operate after F-22s secure the airspace and does not have the inherent altitude and speed advantages to survive every time against peers with counter electronic measures. Only five F-35s are flying today. The F-35 has completed less than half its testing. Developmental tests will not be completed until 2013. It is impossible to assess the full capabilities of the F-35 until operational test is complete in 2014.

The Secretary of Defense and others in the administration are putting all of their tactical air eggs in one basket, Mr. President. That is a very dangerous road down which we should not travel with respect to the national security of the United States and the safety and security of our men and women.

APPOINTMENT TO THE HELP COMMITTEE

Mr. REID. Mr. President, under an order of May 5 and under the auspices of S. Res. 18, I made a temporary appointment of SHELDON WHITEHOUSE to serve on the HELP Committee, while retaining my authority to make a permanent appointment to the HELP Committee. I now announce that as of today, Senator AL FRANKEN is ap-

pointed to serve on a permanent basis to the slot that was occupied by Senator SHELDON WHITEHOUSE.

SENATOR WHITEHOUSE

Mr. President, Sheldon Whitehouse, since coming to the Senate, has truly been a workhorse. There isn't anything I have asked this fine man to do that he has not come forward with enthusiasm to do it. We have seen the brilliant work he has done on so many different occasions as a member of the Judiciary Committee.

His other assignments in the Senate have been just as auspicious as his work on the Judiciary Committee. His background is significant. He has a real interest in health care. His work on the bill that was reported out of the HELP Committee today was essential. All members of the committee, Democrats and Republicans, are astounded at how good he was.

I repeat, he enthusiastically accepted this temporary assignment while we waited for the long, never-ending situation in Minnesota to come to a close. Senator WHITEHOUSE was far from just a seat-warmer. He dove into the issues and, to no one's surprise, was a substantive contributor to one of the most important bills the committee has ever marked up in the history of this country.

Without belaboring the point, on behalf of the entire Senate, I greatly appreciate his service on the committee, and I personally thank him, as does the entire Democratic caucus. I bet if a poll were taken of those who serve as Republicans on the HELP Committee, they would acknowledge his brilliance and hard work. I know Senator KENNEDY, whom we have missed on that committee and the vital work he has done for decades in the Senate, is someone who has watched from afar and applauded Senator WHITEHOUSE.

Mr. President, I came to the House of Representatives in 1982. In that class of 1982 was a young man from Arizona, someone who came with a certain degree of fame. His name is JOHN MCCAIN. He had served our country valiantly during the Vietnam conflict and spent 5 years in a prisoner-of-war camp in Vietnam. I have great admiration and respect for him. I want the record to reflect that my respect for JOHN MCCAIN is very deep. Not only did we come to the House together, but we also came to the Senate together. We were elected together in 1986. Our seniority is as close as it can get. We both have the same amount of service in the House of Representatives, so seniority is determined by how many people are in the State of Nevada and the State of Arizona. There are more people in the State of Arizona than in the State of Nevada, so he is one up on me in overall seniority in the Senate.

Having said that, recognizing who this man is, he was proudly the nominee for Republicans in the last election. I watched his campaign and admired his courage, the stands he took. While I may not have agreed with him,

I recognize he has strong feelings. But so do I.

The senior Senator from Arizona today said he was “deeply, deeply disappointed” that what he considers an unrelated amendment; that is, the Matthew Shepard Hate Crimes bill, has been added to this bill, the Defense authorization bill. I wonder on which recent morning did the Senator from Arizona wake up and suddenly feel so strongly. Where has he been in the past? Let me make a couple of comments about the remarks of my friend from Arizona.

First, his is a new outrage over a very old issue. The hate crimes bill was first added to the Defense authorization bill in a previous Congress. I didn’t do it. The amendment today was an amendment I offered on behalf of the chairman of the Judiciary Committee and other sponsors of this legislation. Senator LEAHY would have been here, but he is a little busy with the Supreme Court nomination. The hate crimes bill was first added to the Defense authorization bill when George Bush was President, a Republican. Where was the Senator’s disappointment then? I heard no big statements at that time, and no one else did.

Second, the Senator from Arizona has evidently not always held the belief he discussed today. This is a new conversion. He has evidently not always believed that bills must only contain amendments that relate directly to the underlying legislation.

It was just a while ago a bill came before the Senate known as the motor-voter bill, a bill to make it easier for people to register to vote. When they got their registration changed on their car, they would at the same time have the opportunity to register to vote. It was a unique and good idea, and it has allowed millions of people to register to vote who ordinarily would not register.

On that legislation, motor-voter, Senator MCCAIN offered a line-item veto amendment. It had nothing to do with registration to vote. So it is hard to understand how his was the kind of related amendment he demands today. In fact, that issue went to the Supreme Court, where the Supreme Court declared it illegal, unconstitutional.

It was a year before that that Senator MCCAIN offered the same amendment to a research bill. Again, it is hard to understand how his was the kind of related amendment he demands today.

Additionally, Senator MCCAIN offered an amendment that would change Senate rules about tax increases to a bill about unemployment compensation. It is hard to understand how his was the kind of related amendment that he suddenly today demands.

He also offered his line-item veto amendment to a bill that would give more rights to blind Americans. It is hard to understand how the line-item veto had anything to do with the visually impaired. But it appears this was

the kind of amendment he demands today.

Again, Senator MCCAIN offered an amendment about Medicare to a bill funding energy and water development, having no relation, obviously. It is hard to understand how his was a kind of related amendment that he demands today.

The third point I want to make is that the Senator from Arizona is not alone in offering such unrelated amendments. His Republican colleagues do it all the time. In fact, they are quite fond of doing it.

Where has his outrage been when that has happened, Mr. President? Where has the outrage been from the Senator from Arizona when, for example, one of his Republican Senator friends twice offered an amendment about the ACORN group? This is an organization around the country that is involved in a lot of different things. But he wanted to do an amendment on the economic recovery package related to the ACORN organization. That was a bill, of course, that had nothing to do with voting registration.

Another Republican Senator offered an amendment about prescription drugs to a bill that funds homeland security—no relation whatsoever. Where was the outrage of my friend from Arizona about that?

Another Republican Senator offered an amendment about the fairness doctrine—a fake issue meant exclusively to excite a very small segment of our population—to a bill that would give DC residents, finally, the right to vote. Where was the outrage of my friend from Arizona about that?

Another Republican Senator offered the same amendment; that is, the fairness doctrine; another Senator, same amendment, on the same conjured issue to the Omnibus appropriations bill. That is the bill we passed to keep our government running and complete unfinished business from the Bush administration. Where was my friend’s outrage about that?

Another Republican Senator offered an amendment about union dues to that same Omnibus appropriations bill, having nothing to do with what we were trying to accomplish here.

Another Republican Senator offered an amendment about congressional pay to another appropriations bill, having no relationship whatsoever.

Another Republican Senator offered an amendment about rules surrounding charitable donations to the national service bill—no relationship whatsoever. I did not hear my friend say one word about that. The Senator from Arizona did not complain 1 minute about that.

Another Republican Senator offered an amendment about national language to a bill that helps us crack down on mortgage fraud. Now try that one. That is something that might stir up a little outrage but not from my friend from Arizona.

Another Republican Senator offered an amendment on auto dealers to a bill

that funds our troops in Iraq and Afghanistan. Where was the outrage on that—an amendment on auto dealers on a bill that funds our troops in Iraq and Afghanistan, the supplemental appropriations bill?

Mr. President, there are lots of other examples. Those are just a few. It is hard to understand how any of these amendments were the kind of related amendment Senator MCCAIN demands today. But it is even harder to understand why the Senator from Arizona did not feel the need to express, as I have said, the outrage he did this morning.

Finally, I want to say that I would gladly, as a matter of principle, keep each of these bills separate; that is, hate crimes, Defense authorization. But the reality is, the Republicans’ relentless and reckless strategy of slowing, stopping, and stalling has made it impossible for us to do so. My friend, the senior Senator from Arizona, knows the most recent example of this all too well. His Republican colleagues refuse to let us vote on his amendment, which I support. I support the F-22 amendment. I support that. Why can’t we vote on that? This could have been done yesterday, the day before, today, but for the stubbornness of the Senate Republicans.

We have lots of work to do, a lot of priorities to fulfill, and a lot of mistakes in the last 8 years to correct. And we are trying to do that. The bottom line is, we would not have to take the time for such steps if the Republican minority would not waste the American people’s time and money by making us jump through procedural hoop after procedural hoop just to do our jobs. Last Congress, 100 filibusters; this Congress, I think we are at 21 already this year—21.

To my knowledge, Senator MCCAIN has never supported hate crimes legislation. If I am mistaken, it certainly would not be the first time, but that is the information I have. It is my understanding he does not think there probably is ever a good time to pass this important and overdue bill.

This is an issue here, a very important issue. And that is the real reason the Republicans, I assume, do not like to talk about the Matthew Shepard hate crimes bill. But I am not afraid to talk about the issue.

A man by the name of Luis Ramirez was picking strawberries and cherries to support his three children and a woman he wanted to marry. When he was not working the fields, he worked a second job in a local factory in Shendoah, PA. It is a coal town of only 5,000 people.

As he was walking home one Saturday night, six high schoolers jumped him in a park. They taunted and screamed racial slurs at Luis, who came to this small town in the middle of Pennsylvania from a small town in the middle of Mexico. But the boys did not stop with the taunting and screaming racial slurs. That was not enough.

They punched, beat, and kicked him. When Luis's friend pleaded with the teenagers to stop, one yelled back: Tell your Mexican friends to get out of town, or you'll be lying next to him.

These boys stomped on Luis so hard that an imprint of the necklace he was wearing was embedded into his chest. They beat him so badly and so brutally that Luis never regained consciousness. He is dead. On July 14, 2008—2 days after the beating and exactly 1 year ago yesterday—Luis Ramirez died. He was 25 years old.

Hate crimes embody a unique brand of evil, and that is why the legislation is so important. It is terrorism; it is just a different kind than we normally see or think of. A violent act may physically hurt just a single victim and cause grief for loved ones. But hate crimes do more. They distress entire communities, entire groups of people, and our country.

Our friend, Senator TED KENNEDY, has for many years courageously fought for the legislation Senator LEAHY and I offered as an amendment today to the Defense authorization bill. Senator KENNEDY has correctly called hate crimes a form, I repeat, of domestic terrorism. It is our obligation to protect Americans from this domestic terror.

The hate crimes bill will help bring justice to those who intentionally choose their victims based on race, color, religion, nationality, ethnicity, gender, sexual orientation, sexual identity, or disability. Disability—there are examples all the time of someone who may not be what "normal" may be; maybe they are mentally challenged. There are all kinds of examples of people for that reason taking advantage and hurting them. That is a hate crime.

Hate crimes are rampant and the numbers are rising. The Department of Justice estimates that hundreds happen every day. Now State and local governments are on their own when it comes to prosecuting even the most violent crimes and conducting the most extensive and expensive investigations. State and local governments will always come first, as they should, but if those governments are unwilling or unable to prosecute hate crimes—and if the Justice Department believes that may mean justice will not be served—this law will let the Federal authorities lend a hand to State and local authorities.

I spent some time yesterday with Judy Shepard. I have five children. I have four boys. I had never met Judy Shepard until yesterday. My wife, within the past few months, had lunch with her and a number of other people and sat next to her. She told me what a wonderful person she is. When I met with her yesterday, the thing she said that was so traumatic to me was: I only have one boy left. Two children; Matthew is dead.

The bill we have is named after Matthew Shepard, Judy's son. He was a 21-

year-old college student when he was tortured and killed for being gay—and did they torture, did they torture. And that was not good enough for them. In the cold Wyoming night, they took him, before he was dead, and hung him on a barbed-wire fence.

When Wyoming police pursued justice in Matthew's murder, they needed resources they did not have. Laramie, WY, is where it is. Police could not call in Federal law enforcement for help—the law would not allow it—and their expensive investigation devastated that small police department. It was a police department of 40 people—not all police officers. As all police officers, some of them took care of the little jail, did jail duty, and they were responding to phone calls. Out of this 40-person police department, they had to lay off 5 people so they could prosecute this crime, this vicious crime, this hate crime. But it cost that little town a lot. When this bill becomes law, that will never happen again in Laramie, WY, or anyplace else in the country.

We must not be afraid to call these crimes what they are. The American people know this is the right thing to do. Hundreds of legal, law enforcement, civil rights, and human rights groups know this is the right thing to do. The U.S. Senate knows this is the right thing to do.

This bill simply recognizes that there is a difference between assaulting someone to steal his money or doing so because he is gay or disabled or Latino or Jewish; that there is a difference between setting fire to an office building and setting fire to a church, a synagogue, or a mosque; that there is a difference, as we learned so tragically last month, between shooting a security guard and shooting him because he works at the Holocaust Museum.

It is a shame that we often do not discuss our responsibility to do something about horrific hate crimes until after another one has been committed. It means we always tend to act too late. But does this mean we should not act now? Of course not. It means, in fact, the opposite: it means we must act before another one of our sons or daughters or friends or partners is attacked or killed merely because of who they are.

We must act in the name of people such as Thomas Lahey, who, in 2007, was beaten unconscious in Las Vegas. Why? Because he was gay.

Not far from my hometown of Searchlight, NV, is a place called Laughlin, NV—25 miles away. It is on the river, a little resort community. We must act in the name of Jammie Ingle, who, in 2002, was beaten and bludgeoned to death in Laughlin, NV. Why? They thought he was gay.

We must act in the name of Tony Montgomery, who was shot and killed in Reno. Why? Because he was an African American.

We must act in the name of those who worship at Temple Emanu-El in Reno, a synagogue that has been

firebombed time and time again by skinheads. We must act in the name of Luis Ramirez, whom I already talked about who died 1 year ago this week. We must act in the name of Judy Shepard, of her son, Matthew Shepard, whose family has fought tirelessly since his brutal death, his brutal murder, so others may know justice. If their country doesn't stand for them, if we don't stand for them, who will?

The F-22 is an airplane I have seen. A number of them are stationed at Nellis Air Force Base. Nellis Air Force Base has almost 15,000 people who are involved in that air base, civilian and military personnel. We are so proud of that. Nellis Air Force Base is named after Bill Nellis from Searchlight, NV. Bill Nellis was a war hero in World War II. He joined then the Army Air Corps, already having two children, was way beyond the age when he would be drafted, but he volunteered. He served 69 missions before a dive bomber went down in Belgium where he is now buried. We are proud of Nellis. We are proud the F-22s are there. But we have had enough F-22s at Nellis Air Force Base. We have enough F-22s anyplace else.

The F-22 is a Cold War weapon that has not flown a single mission over Iraq or Afghanistan—not one; not a training mission, not any kind of a mission. It is a powerful plane built to fight superpowers. But as we all know, the wars we fight today are not against superpowers. This generation of our military bravely fights a new generation of warfare against terrorists and insurgents. For today's national security needs, the F-22 is an overpriced and underperforming tool. And the nearly 200 we already have in our fleet is sufficient. It is a sufficient deterrent to the potential of conventional war. But some want us to spend at least \$2 billion to keep making more of them. That is only the first step. Actually, it is \$1.75 billion. I rounded it off to \$2 billion. It is a very expensive plane to build and a very expensive plane to fly. It costs taxpayers \$42,000 an hour to operate.

This technology is not suited for today's warfare. The radar in the F-22 means that when it flies over heavily populated cities such as the ones in Iraq and Afghanistan, its position is easily given away. We have at Nellis Air Force Base in the ranges there what we call red flag activities.

A couple times a year, we bring our fighting forces there, our air fighting forces, and they do mock exercises. It is a wonderful place, one of the few places in the world this can take place. They do all kinds of good things. Aircraft from all over the world come there to participate in these war games. If the F-22's radar is turned off to avoid being so easily detected, its agility is significantly compromised. We know that. This was proven recently in a recent exercise at Nellis Air Force Base, when an F-16 brought down in a war game an F-22 that simply had turned its radar off in a test fight.

There is broad bipartisan consensus that ending the F-22's production is in our national security interests. Here is a list of some who agree: Chairman LEVIN; Ranking Member MCCAIN; Commander in Chief Barack Obama; the previous Commander in Chief, President Bush; the Secretary of Defense; the previous Secretary of Defense; the chairman of the Senate Armed Services Committee. I repeat; the ranking member, I repeat, of the Senate Armed Services Committee; the Chairman of the Joint Chiefs of Staff; the Vice Chairman of the Joint Chiefs of Staff; the Secretary of the Air Force; the Chief of Staff of the Air Force. Can you believe that? And we are going to try to move forward in doing this, and no one wants it in the military. All of those have prudently pointed out that buying more F-22s that we don't need means doing less of something we do need.

Some have encouraged us to continue making this Cold War-era plane because it creates jobs for those who build them. Being a little bit personal here, the stealth airplane was developed in the deserts of Tonopah, NV. It was a wonderful thing our country did. Each of these airplanes had its own hangar up in the desert because the Soviet satellites came over, and they couldn't come out in the daytime. These pilots were trained so efficiently; everything they did was in pitch darkness, but that is where these airplanes were developed and flown.

There came a time after it became public that we had these stealth aircraft that they had to put them someplace. They put most of them at Nellis Air Force Base. The Pentagon, after they had been stationed there for a matter of months, made a decision: That is not good. We need to move them to New Mexico to an airbase. Pete Domenici, my friend, was concerned about whether they should go to New Mexico or Nevada. I said: Pete, I got a deal for you. I, personally, don't believe that what we do for the military is a jobs program. I think it is to make our Nation more secure. Let's have the General Accounting Office do a study, and if they come back and say it will save the country money and it will make our country more secure if they move them to New Mexico, I am not going to say a word about it. It took the General Accounting Office a matter of a few months to do this. They came back and said these stealth aircraft would be better off in New Mexico, and it will make our country more secure; they can train better there because of how much activity there is at Nellis, and it will save the country money.

That is how I feel about the military. I think we have to have the most sophisticated, secure weapons systems that exist, but it has to be something that is good for our country. It is obvious—with all these people from President Obama to President Bush to the Secretaries of Defense in the past to

now—these airplanes are not necessary. They prudently point out that buying more F-22s that we don't need means doing less of something else that we do need.

I repeat: Some have encouraged us to continue making this airplane because it creates jobs for those who build it. I don't believe that is the purpose of why we are here. I understand the importance of jobs, but a more advanced jet, the F-35, which can be used by all branches of the military service, would create similar jobs—jobs that actually will enhance our national security. That is what this is all about. That is what this bill is about, the Defense authorization bill.

Finally, President Obama has pledged to veto this Defense authorization bill if it includes continuing to build this obsolete airplane. And he will veto it. That is a risk, and why would anyone want to take it? I spoke to the President's Chief of Staff yesterday. The President is going to veto this bill. This is kind of an: Oh, he will never do that. He will.

Cutting funding for wasteful programs is good for our economy, good for our workers, and good for the continued military dominance of our country. I oppose continuing to build a weapon that will compromise our national security. I oppose continuing to fund a program that will jeopardize our economy. I oppose wasting billions of dollars of taxpayer money on a plane that doesn't defend us in our wars that we fight today and will not defend us in tomorrow's wars. I support moving our military into today's century the 21st century, not go back to the last century.

Now, finally, let me say this: I have called my friend, the Republican leader, and he will call in just a minute when he has some time because I didn't call him while he was in a meeting. I wanted to speak to him before I came to the floor, but I have something else I have to do tonight. We are going to vote on invoking cloture. We will see if we can get 60 votes on this hate crimes amendment that is on this bill. I would like to work it out so we can do it conveniently for everyone, sometime tomorrow. What I would like to do is set aside some more time if we want to debate more the hate crimes, set aside more time to do that, and if people want to do the F-22, let's do that. Let's get these two out of the way. I can't force an amendment vote on the F-22, but I can force a vote on cloture, and we are going to do that. We will do that tomorrow. Tomorrow may spill over until a little after midnight Friday morning, but we are going to do this. So everyone should understand the hate crimes bill is going to be voted on either tomorrow or very early Friday morning. I have said Friday there will be no votes, and that is by day. This will be in the middle of the night. I hope we don't have to do that, but that is when time runs out on this.

I think these two amendments are important. I understand the anxiety of

those who would rather not have hate crimes legislation on this bill. I accept that. But I spent a lot of my time here on the floor, as I have outlined, wondering why in the world other people don't complain when they offer these ridiculous amendments on legislation that is so important. I have indicated that we are going to go back to the way we used to do business in the Senate. I have done that during the time I have had this job. We have this—this year we have had an open amendment process except on rare occasions. I have stood here when we have done abortion amendments, gun amendments, you name it. I have told Senator McCONNELL I wish this were not the case, but that is why we are here, to make tough votes and easy votes both.

So I hope we can work something out, where we can resolve this matter tomorrow during the daylight hours; otherwise, we will do it tomorrow night.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I thank the majority leader for his words concerning the parliamentary situation we are in. Of course, I am very appreciative of his words about the long service we have shared together, both in the other body and in the Senate. Since I have returned from the campaign trail, I have appreciated his kind words about my service to the country. I must say, while the majority leader is still on the floor, I might point out that they are dramatically different from the comments he made about me during the campaign—not just our political differences but my qualifications to serve and other statements about my character. All those things are said in political campaigns, but I am certainly glad to see sort of a significant change in his comments concerning me, and I am always very grateful.

Can I also say that the distinguished leader said he couldn't understand that I couldn't understand. Well, the thing I can't understand is the fact that the majority leader can, by virtue of being majority leader, put legislation at any time before this body. I have never been majority leader, and in all candor I never want to be majority leader. I think the majority leader in the Senate has a very tough job. I appreciate the hard work he does in trying to move legislation through the Senate. My former colleague and one-time majority leader, Senator Lott, once said that being majority leader of the Senate was like herding cats, and I certainly agree with that assessment.

So let me say I appreciate the work the majority leader does, but if I had been majority leader, I would never have had to do any of those amendments. The majority leader sets the agenda for the Senate. All he has to do if he wants the hate crimes bill up is to schedule it to be taken up and debated and discussed and amended—but in the

regular order of the Senate. Instead, he chooses to put it on the Defense authorization bill, a bill that is vital to the future of the security of this Nation.

I understand his passion concerning hate crimes. I have heard speakers come to the Senate floor all day, and they, in very graphic and moving terms, described events, as I am sure the next speaker will—about the terrible crimes committed in this country by some of the worst of the worst people who have ever inhabited this country.

But the question remains: Why should a bill of this importance—the hate crimes legislation—not have been, at the majority leader's direction, moved through the Judiciary Committee, reported out, and reported to the floor of the Senate? We have been in session since January. I am sure the Judiciary Committee has a lot to do. This has been described by proponents, as they come to the floor, as one of the most important issues of our time. If it is, why not move it through the Judiciary Committee, move it to the floor, and allow us to amend, debate, and discuss the issue? Instead, it is put, as an amendment, on the Defense authorization bill.

That is not right, Mr. President. The fact is, the amendment the majority leader just, very rightfully, extolled, the Levin-McCain amendment—and I appreciate his strong remarks about the importance of it—is the one he wanted withdrawn. The reason we are not debating it now is because the majority leader told the chairman of the committee to withdraw the amendment.

I appreciate his passionate advocacy of this issue. I also want to reemphasize this isn't just about \$1.75 billion. This amendment is about whether we are going to change, fundamentally, the way we do business.

If the opponents of the amendment succeed, and we fund additional F-22 aircraft, which as the majority leader pointed out has never flown in Iraq or Afghanistan, that signal to the military industrial complex, which President Eisenhower warned us about is business as usual in our Nation's Capitol.

So this is an amendment that has transcendent importance. The President has guaranteed a veto. The Secretary of Defense came out and staked his reputation on succeeding here and eliminating, bringing to an end the F-22 production line and moving forward with the F-35 production line.

A lot of my friends ought to understand this is not just about cutting or eliminating or ending production of the F-22. It is also about the F-35 aircraft. If I had been majority leader, I would have—when he described those amendments I put on bills that were before the Senate, it was because I could not get them up in any other way.

Let me say this: Hate crimes legislation deserves the attention of the Sen-

ate in the normal legislative process with amendments, debate, and discussion. If it is so important, and speaker after speaker, including the majority leader, came to the Senate floor talking about how important and vital it is and all of the terrible things that have happened as a result of, in their view, not having this bill—although that is not in agreement with the U.S. Commission on Civil Rights. But the fact is, then you would think we would want to take it up in the regular fashion and debate it, and that we would want to improve it and make it more effective through the amending process. But, no, we are not going to do that. We are going to take down the pending amendment that is probably one of the most significant amendments we have had in recent history of the Senate—at least as far as defense is concerned—and replace it with a piece of legislation that is complex, certainly controversial, and certainly deserves the full attention of the Senate.

I proposed earlier a unanimous-consent request, which was rejected by the majority, that we move back to the F-22 amendment, that we dispose of this legislation, and then that we move to the hate crimes bill, the Matthew Shepard Hate Crimes Prevention Act, even bypassing the Judiciary Committee, which is not a normal thing to do given the complexity of the issue.

I am deeply moved by the stories the majority leader told, and both Senators from California came to the floor, and many others have given very graphic and dramatic and compelling stories recounting terrible things that have happened to our citizens—horrible, awful, horrifying things. I understand that and my sympathies and thoughts and prayers go out to their families. We must do everything in our power to make sure these kinds of horrendous acts are never repeated.

Let me point out another thing, if I could. There are also men and women in the military who are in harm's way now and who have been gravely wounded. The sooner we enact this legislation, we will make preparation and be able to better care for them.

Mr. President, I don't usually tell these anecdotes. I heard a lot today, and I sympathize with them. Before the majority leader took the floor, I was outside the Senate Chamber. There was a young man there who said he wanted to meet me—a young marine in a wheelchair, badly wounded. He was there with his family. He was escorted by Congressman KENNEDY. I was gratified and moved that he wanted to meet me.

Do you know what. That made me want to come back here and pass this legislation as quickly as possible because this legislation, No. 1, provides fair compensation and first-rate health care and addresses the needs of the injured and improves the quality of life of the men and women of the All-Volunteer Force—Active Duty, National Guard, Reserve, and their families.

That is the No. 1 priority of this legislation.

Instead of moving this legislation as quickly as possible through the Senate, we have now withdrawn the amendment and moved on to a piece of legislation that has nothing to do with the purpose and our obligation to the men and women serving this country.

I understand what numbers are, and I understand what the outcome of elections is. I understand there is a majority on the other side of the aisle. But what is being done by withdrawing an amendment that has transcendent importance and putting another totally unrelated piece of legislation in—it may set a dangerous precedent for this body.

This is not a one-shot deal; this the hate crimes bill. This is not an amendment to say you can carry a gun in a national park. This is not a single specific issue bill—hate crimes. We are talking about a very large, encompassing piece of legislation that, by any rational observation, demands to be considered through the proper committee and on the floor through the proper process.

We are now holding up the progress of legislation that is important to the future security of this country and the men and women who serve it, to give them the resources, training, technology, equipment, force protections, and authorities they need to succeed in combat and stability operations.

I understand and appreciate the passion of the advocates of hate crime legislation. They have made it very clear and told compelling stories on the Senate floor. I believe we must take it up and enact it as immediately as possible. What we should be doing is taking up the hate crimes bill in the Senate for full debate and discussion as soon as we finish the Defense authorization bill. There is no connection between the Defense authorization bill and hate crimes. It is a complex and detailed—26 pages, as I recall—piece of legislation.

Again, I appreciate the kind comments of the majority leader, who came to the floor and said he couldn't understand certain things I have done. I hope the majority leader understands better now. If he doesn't, I will be glad to come to the floor again and point out that what we are doing is wrong. It is wrong for us to get off the legislation that provides for the defense and security of this Nation. It is wrong to take up a piece of legislation that should go through the appropriate committee.

This is what we teach kids in school in Civics 101—that a bill is proposed and goes through the proper committee, is reported out, and then it comes to the floor of the Senate for debate and amendment. Instead, we are violating the fundamental rules of procedure of the Senate.

As we continue and vote at 2 a.m.—or whatever it is that we are going to do—

all we will have done is delay the responsibility we have, which is to provide for the security of this Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I ask unanimous consent that after my remarks, which will be no more than 5 minutes, Senator BROWN be recognized for up to 10 minutes, and then Senator CHAMBLISS be recognized for 15 minutes.

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

Mr. LEVIN. Mr. President, first, my dear friend from Arizona has spoken very eloquently about the transcendent importance of the Levin-McCain amendment. I could not agree with him more. We tried for 2 days to get an agreement to vote on that amendment. It is a critically important amendment for the reasons he has given and for the reasons I hopefully have given persuasively around here, and others have as well.

We have this President, the previous President, this Secretary of Defense, the previous Secretary of Defense, this Chairman of the Joint Chiefs, the previous Chairman of the Joint Chiefs, the Vice Chairman of the Joint Chiefs, the Chief of Staff of the Air Force, and the Secretary of the Air Force saying we have enough F-22s. We have to move on to the F-35, which is under production, by the way. We have 30 F-35s funded in this bill.

We have tried to get the Levin-McCain amendment to a vote. We tried to reach an agreement and a time. We could not get an agreement on the time. That is what has then precipitated the decision of the majority leader to move on to the hate crimes amendment. We have simply tried, day after day, to get a vote, without success.

I could not agree more that this is a critically important amendment, and we have to end production of a weapon system that we no longer need, according to top civilian and military experts, and focus more on the F-35, which is going to be used by all three of the services, not just one. It will have greater capabilities in very critical areas than the F-22, and it will cost significantly less than the F-22. But we could not achieve that.

I don't understand the logic or the strategies involved that say we cannot have a vote on the amendment that is pending—Levin-McCain amendment—and then when faced with the majority leader's amendment on hate crimes, forces that to a cloture vote, which is going to be held—in other words, everybody understands both of these amendments are going to be addressed on this bill one way or the other. Nobody can guarantee the outcome on these amendments. But what can be guaranteed is that these amendments are going to be debated on this bill because the majority leader has made that clear for a long time. The procedures of this body allow for it.

The precedents of this body are full of amendments such as this. As a matter of fact, the hate crimes amendment was adopted on the Senate Defense authorization bill 2 years ago, after the same kind of debate. Debate is fair. Debate is important. Every one of us should protect the right of everyone else to debate. Whether it should go on this bill or another, we can debate that. But it is offered on this bill, as was noticed by the majority leader days ago. It is what we have done years ago. It is totally consistent with the rules of the Senate. As a matter of fact, it has been done repeatedly in the Senate.

Maybe we should adopt a new rule that says you have to be relevant or germane to offer an amendment to a pending bill. We don't have that rule, never had that rule, and probably never will have that rule.

But that is the way the Senate operates. These are important amendments. Again—and I am going to close with this—I don't get the logic of not allowing us to proceed to the Levin-McCain amendment because another amendment that some people don't like and don't think should be offered is going to be offered on this bill, when what is certain is that both amendments are going to be offered on this bill. Nothing is accomplished by refusing that vote on the Levin-McCain amendment except delay. That is the only thing accomplished by the refusal of whoever it was who refused to agree to a time to vote on Levin-McCain, nothing was accomplished except delay. And that, I don't think, is in anybody's interest, for the reasons Senator MCCAIN gave.

We want to get this bill passed. We want to get it conferenced. We want to get it to the President, hopefully, by the time this fiscal year is over because the troops deserve us to act.

I am going to vote for the hate crimes amendment. I believe it is very appropriate that it be on this bill. I spoke 2 years ago to this effect, and I will speak again at the right time, perhaps tomorrow if there is time, as to why the hate crimes amendment belongs on this bill. It is an important amendment. It involves acts, as the leader and others have said, of domestic terrorism. The values reflected in the hate crimes legislation are values which our men and women who put on the uniform of this country fight for and put their lives on the line for, a country which believes in diversity, a country that believes you ought to be able to have whatever religion you want, be whatever ethnic group, whatever religious group, whatever racial group you are part of, whatever your sexual orientation, whether you are disabled, regardless of your gender, that you should be free from terror and physical abuse.

That is what the hate crimes law does now, except it does not include some groups who should be included, including the disabled and including

people who are gay. That is what is involved here.

It is not a new debate. We debated it 2 years ago. It is not new on this bill. It was added in the Senate 2 years ago.

I hope we can reach an agreement to get to a vote on both these amendments. They are both going to be resolved on this bill. That is a certainty. Again, how they are going to be resolved no one knows. We can guess as to what the outcome will be. They will both be close votes, I believe. Let's get on it and get through those votes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business.

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

AFFORDABLE HEALTH CHOICES ACT

Mr. BROWN. Mr. President, I grew up in Mansfield, OH, a middle-class town of about 50,000 people, halfway between Cleveland and Columbus, in north central Ohio. It is a town similar to thousands of other cities in Ohio such as Marion, Zanesville, Xenia, Springfield, Portsmouth, Chilcote, and Ravenna. It is a town not much different from dozens of cities around our Nation.

My dad was a family doctor. He practiced into his late seventies. He lived to be 89 and died about 9 years ago. My dad for years made house calls, caring for his friends and neighbors, regardless of their ability to pay. One patient, I remember, gave my dad a little arrowhead collection after my dad had done very important work for his health.

Today the Health, Education, Labor, and Pensions Committee passed historic health reform legislation that restores my dad's sense of quality and compassion in our health care system.

This legislation was not written for the insurance industry. It was not drafted by the drug industry or any other segment of the health care industry. We remember not that long ago in this Chamber—I remember it more intensely at the other end of the Hall in the House of Representatives where I sat on the Health Committee—we remember in those days the drug companies wrote the Medicare laws, and the health insurance industry wrote health care legislation. Those days are gone. This bill is not for them; it is for the American people.

The health care industry does not like this bill that much. That is because they did not get their way on issue after issue. They did sometimes. They did dramatically on occasion in our committee. But, by and large, this bill is not for them. This bill is for the American people. It is for American families who are afraid that unaffordable health care costs will deny their children a chance for a healthy life.

Everybody in this Chamber has met dozens of children such as that who

needed the Children's Health Insurance Program to keep their families from going bankrupt and to keep their health care going. Children who need this health care legislation, families who need this bill too often choose between medicine and food, between heating their homes in the winter and cooling their homes in the summer on the one hand and going to the doctor on the other.

This bill is for American families that do not have health insurance at all. Maybe they work for an employer who cannot afford to provide health insurance. Maybe they lost their job. Maybe they cannot afford their share of the premium for employer-sponsored coverage. Maybe they have a pre-existing condition that makes them undesirable to the insurance industry. Maybe they cannot pay their mortgage, feed their children, and pay for nongroup health coverage. Unfortunately, for many Americans, something had to give. But not anymore. This bill is for them.

Two weeks ago in Columbus, I was having breakfast with my daughter and a friend—a young woman who teaches voice lessons. She just graduated from college. She is working at this restaurant part time while she finds more and more students to teach voice lessons as she begins her business. She does not have health insurance. She came up and said: Are you going to give me health insurance this year?

I said: Yes. It is a commitment of the President of the United States. We are going to finish this bill this year.

I am going to send her a note tonight telling her what we did today.

Not too long ago, I was at a grocery store in Avon, OH, near my home. My wife asked me to find water crackers. I didn't know what water crackers were. I was standing in the aisle, and I asked a guy: Do you know what water crackers are?

He said: They are right there. This is a gentleman who is self-employed and sells food products, mostly crackers and cookies, for a national company. He sells them to local grocery stores in Lorain County. He said to me: I am self-employed. Are you going to pass the public option I need to make sure you can keep the health insurance industry honest and I can get decent health coverage?

I said: Yes, we are—because we are.

This bill is for them. It is for the young woman in Columbus, it is for the younger man in Avon, the man approaching middle age, it is for him.

This bill was developed with a few core principles in mind. First, Americans who like their current health coverage should be able to keep it. If you have good insurance, if you like your employer-based insurance, by all means keep that insurance. Keep what you have. This bill is designed to protect existing coverage while putting downward pressure on health insurance premiums. What is going to happen to those people who now have insurance?

Right now if you have decent insurance, you are also paying the cost; when you go to the emergency room with your insurance, you are also paying the cost of somebody who goes to the emergency room without insurance. You are paying the cost that doctors and hospitals and, frankly, taxpayers provide for those people without insurance. You are absorbing those costs.

So when this bill passes, when the President signs this bill in October or November, there is a reasonably good chance that the cost of your insurance, whether you are the employer, whether you are the employee, will stabilize. The costs will stabilize and maybe go down.

I mentioned this bill was developed with a few core principles in mind. No. 1, people who like their current insurance can keep it. No. 2, people underinsured or uninsured should be able to find good coverage and pay a reasonable premium for it. They will have full choice of private insurance or, the third point is, Americans should have choices they want. This bill includes a strong public health insurance option designed to increase price competition in the health insurance industry and to help keep private insurers honest.

And speaking of honest, another principle behind this bill is that health insurers should do what they are paid to do. This bill includes new rules to prevent insurers from denying you coverage for preexisting conditions, terminating your coverage just to save money or excluding you from coverage because of your age or health history.

There are two things going on here: One, we are putting rules on the insurance industry so they cannot keep gaming the community rating system, can't keep imposing preexisting conditions on potential people they insure, can't lock people out who are too sick and they don't want to cover.

First is the rules. Second is creation of a public option, which will mean competition. We make sure insurance companies are doing the right thing by the rules, but we also inject competition, so public option will compete with private insurance companies.

This bill was written for American families, for American patients, for American businesses, and for American taxpayers. This bill is a victory for the thousands of Ohioans who shared with me their struggle for our health care system. It is about retiree Christopher from Cincinnati. He is worried his shattered retirement savings and small pension won't keep up with rising insurance premiums.

This bill is about breast cancer survivor Michelle from Willoughby, OH, Lake County, east of Cleveland, who should no longer live, in her words, "for the sum of my work is to pay for insurance."

It is about the children that Darlene, a school nurse from Cleveland, treats each day who struggle in school because they are worried about a sick

parent or grandparent who cannot get the health care they need.

It is about small business owner Kathleen from Rocky River, who is trying to do right for her employees but whose small business is being crushed by exorbitant health insurance costs.

It is about Karen from Toledo, whose adult son has advanced MS, and for 5 years she has seen her savings drained, forcing her to drop out of college.

It is about these Ohioans. It is about Ohioans in Lima, Springfield, Volare, St. Clairsville, Pickaway, and Troy. It is about people around this country, the millions who work hard, play by the rules, who still struggle each day with disease and despair. It is about their stories, those who have inspired us to stand with them and not be intimidated by the special interests that are spending \$1 million every single day lobbying to try to write this bill—the insurance companies, the drug companies that have had such a huge influence in the Halls of Congress over the last several years but this time did not have the kind of influence they wanted.

Because of this bill, more Americans will be able to afford health care. Crucial national priorities will not be crowded out by health care spending. No longer will exploding health care costs cut into family budgets, wear down businesses, drain tax dollars from local governments, from State governments or from Federal budgets.

This bill uses market competition and common sense to squeeze out an efficiency, to maximize quality to ensure every American has access to quality, affordable coverage.

More work is yet to be done. We have taken a long step toward the day that generations before us have prepared us for, that pushed this government to do more and do better.

This started in the 1930s when Harry Truman wanted to include Medicare or some version of national health care with Social Security but thought he could not get it passed and settled for Social Security. Harry Truman tried in the late 1940s. Lyndon Johnson successfully pushed through Congress, with strong Democratic majorities in each House, to create Medicare. We have tried ever since. This is the time.

I thank Senator DODD for his leadership of the HELP Committee over the last few weeks. It was an impressive and productive process from beginning to end. We worked in a deliberate, bipartisan manner.

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

Mr. BROWN. I ask unanimous consent for 2 additional minutes.

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

Mr. BROWN. We worked in a deliberate, bipartisan manner, spanning 13 days, 287 amendments were debated, and 161 Republican amendments were included in this bill. We worked hard to make sure this bill reflects broad

ranges of views and best serves the American people.

A special thank you to my friend and colleague, Chairman KENNEDY, whose Senate career has been dedicated to providing health care to those in need. Senator KENNEDY's activism and determination made this day possible. My Senate colleagues and I and millions of Americans who may finally see the day when there is quality affordable health care owe him our gratitude and thanks.

In closing, of all injustices, Martin Luther King once observed: "Injustice in health care is the most shocking and inhumane."

This day is a victory for Ohio families, it is a victory for seniors and middle-class families around the Nation who deserve the humane justice of an affordable health care system that works for all of them.

We have a historic opportunity to make fundamental improvements to our Nation's health care system. We must not squander it—not in this Nation, not at this time.

MORNING BUSINESS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

HONOR FLIGHT VETERANS TRIBUTE

Mr. MCCONNELL. Mr. President, I would like to take a moment to recognize an inspiring group of World War II veterans from the Commonwealth who visited our Nation's Capitol on the 65th anniversary of the D-day invasion. The noble work of the Honor Flight Program and the leaders at its Bluegrass Chapter made it possible for these World War II veterans to visit their memorial on the National Mall free of charge. I have been privileged to participate in previous Honor Flights from Kentucky, and I very much regret that my schedule prevented me from attending the one that took place on June 6, 2009. I hope to have the opportunity to join participants from my home State on Honor Flight trips in the near future.

I wish to express my tremendous gratitude to the 66 Kentucky veterans who were here that day for having served to protect our great Nation's principles from the enemies of freedom. As Americans, we are forever indebted to the heroic men and women of the U.S. military who defend this great Nation and all it represents. In fighting for prosperity and freedom around the world, the veterans of World War II risked everything, earning the title of the "greatest generation."

As General Eisenhower said in his message to the troops just before the invasion at Normandy: "The eyes of

the world are upon you. The hopes and prayers of liberty loving people everywhere march with you." These words ring true, even after 65 years, as our military continues to challenge threats to freedom, democracy and the American way of life.

Our country continues to do its best to honor the incredible bravery and sacrifice of our men and women in uniform. The Honor Flight Program is a reflection of the admiration and appreciation that all Americans have for the military. I take great pride in representing many brave veterans from Kentucky and in doing what I can to show our Nation's reverence for them.

The names of the 66 World War II veterans from the Commonwealth are as follows:

Richard Straub; George Hoffman; Robert Willman; Charles Junkins; Norman Reiss; William Taylor; Mary Phillips; Walter Brumfield, Sr.; Raymond Bumann; Lawrence Mayfield; Thomas Crump; Albert Tomassetti; Eugene Heimerdinger; Fletcher Williams; Paul Lawson; Millard Allen; Paul Jordan; Joseph McConnell; Harry Greaves; Robert Bohan.

John McCord, Jr.; Louis Stafford; Walter Martin; Stanley Adkins; James Thomas; William Wilson; Harold Hoover; Kenneth Elliott; Johnie Hayes; Peter Johnson, Sr.; Robert O'Bryan; Frank Rose; Norbert Gnadinger; Martin Lambricht; Robert Zangmeister, Sr.; Walter Jewell, Jr.; James Keene; George Pope; Richard Thompson; Orland Warth.

Raymond Ludwick; Arthur Lowe; Ralph Hammerle; Roy Six; Arthur Wissing; Louis Guettzow; Howard Mather; Allen Kessler; Harold Fimmel; William Boyd; Wilbert Block; Claude Decker; George Garth; Joseph Wilson; Lloyd Hoagland; William Zeitz; Vincent Heuser; Oscar Disney, Jr.; Nat Bailen; George Keltner; Richard Zogg; Taylor Davidson; Pauline Thompson; Henry Hardy, Jr.; Abner McMaster; Stanley Fischer.

HIV TRAVEL AND IMMIGRATION BAN

Mr. DURBIN. Mr. President, the Department of Health and Human Services has taken an important and overdue step toward ending our Nation's discriminatory ban on HIV-positive visitors and immigrants.

On July 2, 2009, the Department of Health and Human Services published proposed regulations that would lift the HIV travel and immigration ban. This policy change would remove HIV from the list of "communicable diseases of public health significance."

While we all know that HIV infection is a serious health condition, it does not represent a communicable disease that is a significant threat for transmission and spread to the U.S. population through casual contact. Officially ending this long-standing ban will help remove the stigma and discrimination often associated with HIV.

The United States is one of 12 countries in the world that ban HIV-positive visitors, nonimmigrants and immigrants. It seems illogical that the United States, a country that is a leader in the fight against the global HIV/AIDS epidemic, should legally ban all non-Americans who are HIV-positive.

The current travel and immigration ban prohibits HIV-positive foreign nationals from entering the United States unless they obtain a special waiver. This waiver is difficult to obtain and only allows for short-term travel. Immigrants who want to become legal permanent residents by applying for a green card are subject to a medical exam. Many individuals who have been denied a green card because of their HIV status confront a dilemma—either they go home where they might not have access to effective treatment or violate American law by remaining in the United States.

The ban undermines public health efforts by keeping researchers, advocates and experts from even entering the country. The current regulation stigmatizes and discriminates against people living with HIV and AIDS without justification and has serious consequences on individuals, families and our Nation. It separates loved ones, denies American businesses access to talented workers, and bars students and tourists from accessing opportunities and supporting our economy. Due to the ban, there have not been any international conferences on HIV/AIDS in the United States since 1990.

The ban originated in 1987, and was explicitly codified by Congress in 1993, despite efforts in the public health community to remove the ban when Congress reformed U.S. immigration law in the early 1990s. While immigration law excludes foreigners with any "communicable disease of public health significance" from entering the U.S., only HIV was ever explicitly singled out in the Immigration and Nationality Act. For all other communicable diseases, the Secretary of Health and Human Services determines whether a particular disease is of public health significance and should therefore constitute a ground for excluding noncitizens from entering or immigrating to the United States.

Last year, I strongly supported the Tom Lantos and Henry Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, which Congress passed and the President signed into law. Included was a provision that removed the language from the Immigration and Nationality Act mandating that HIV be on the list of diseases that bar entry to the United States. This provision returned regulatory authority to the Secretary of Health and Human Services to determine whether HIV should remain on a list of communicable diseases that bar foreign nationals from entering the United States.

By proposing this regulation the administration is making a clear statement that the United States does not discriminate against people with HIV and does not endorse misconceptions of the past. I look forward to seeing the proposed regulation finalized in the coming months.

COMBATING CORRUPTION IN AFRICA

Mr. LEAHY. Mr. President, as the world goes through this difficult economic period it is important that we continue efforts that began when times were better.

A June 10, 2009 article in the New York Times entitled "Battle to Halt Graft Scourge in Africa Ebbs" notes that because of a series of assassinations, dismissals, and changes in power across the African Continent, some of Africa's previous efforts to fight corruption are weakening. It is estimated that a trillion dollars obtained through corrupt practices changes hands every year around the world, and a large part of it in Africa. This staggering amount is often the revenues from the extraction of natural resources like oil or diamonds, but instead of going to help the impoverished people of the country where the resources are located, it too often goes to line the pockets of corrupt officials. If it were possible to reduce by just one-quarter the amount of money stolen, the amount saved would be five times as much as we spend annually on foreign aid.

On his recent visit to Accra, Ghana, President Obama made it clear that the responsibility for good government and with it, development, in Africa ultimately rests on the shoulders of Africans. He said "repression can take many forms, and too many nations, even those that have elections, are plagued by problems that condemn their people to poverty. No country is going to create wealth if its leaders exploit the economy to enrich themselves . . . or if police can be bought off by drug traffickers. No business wants to invest in a place where the government skims twenty percent off the top . . . or the head of the port authority is corrupt. No person wants to live in a society where the rule of law gives way to the rule of brutality and bribery. That is not democracy, that is tyranny, even if occasionally you sprinkle an election in there. And now is the time for that style of governance to end."

I wholeheartedly agree with the President, and I also know that bribery depends on at least two parties—those who get paid and those who pay. Halliburton/KBR, a name we have all become familiar with for brazenly overcharging American taxpayers in Iraq, is reportedly under investigation for allegedly paying over \$100 million in bribes in Nigeria in order to secure oil-field contracts. Although we do our best to investigate terrorist financing, U.S. banks are not required to fully investigate the sources of their funds, and the proceeds of corruption can sometimes get through. Offshore shell companies and bank accounts, and lax rules for identification of account holders, make it relatively easy to launder illicit money. The lack of information across borders hampers investigations and prosecution efforts and slows the return of stolen money.

The New York Times article tells the story of Nuhu Ribadu, the former director of the Economic and Financial Crimes Commission in Nigeria, who led a courageous effort to begin to rid Nigeria of its endemic corruption problem but barely avoided an assassination attempt and was dismissed last year after reportedly refusing a \$15 million bribe from a state official he was investigating. In testimony before the House Financial Services Committee earlier this year, Mr. Ribadu pleaded that this country do all that it can to fight this global problem saying, "What can you do as a country, as a good people of the world, as leaders, to help be on the side of the 140 million desperately poor Nigerians?"

While there is no question that this is a problem that requires the hard work and sacrifice of citizens of the countries where these crimes are taking place, we also need to do what we can in the United States to stand with those people who are taking risks to rid their countries of the corruption that destroys governments and whole societies.

There are a few things we can start doing now. We can do more to hold our domestic banks accountable for the money they have. We can put regulations in place that will make the holding of illegal international money no longer a profitable enterprise. We can open up international channels of communication to make sure that, while maintaining appropriate levels of privacy, we provide investigators overseas access to the records they need to track down and prosecute cases of graft in their countries. We should do all we can to prosecute those who receive bribes by cutting off funds and, as much as possible, expanding our courts' jurisdictions to prosecute those who extort money. And finally, we can come down hard on companies in the United States that are using bribery to increase their profitability in third world markets.

This is a problem that many brave Africans have tried to tackle head on, and it has cost some of them their lives. Let us make sure that we are doing all we can to help.

COMMENDING TOM AND MAGGIE RYAN

Mr. LEAHY. Mr. President, I would like to salute Tom Ryan and his daughter, Maggie, of Shelburne, VT, for their goodwill gesture at a recent Boston Red Sox game.

Last week, Tom and Maggie were at Fenway Park cheering on the Red Sox, and they ended up with the baseball David Ortiz—better known in Red Sox Nation as Big Papi—hit over the Green Monster for the 300th home run of his career.

I had the good fortune to meet Big Papi last year at the White House celebration honoring the 2007 Red Sox World Series championship, and I was delighted to learn Tom and Maggie had

the opportunity to meet Big Papi too and present him with the historic ball.

In honor of the Ryans, and this important moment in Red Sox history, I ask unanimous consent that a copy of the Burlington Free Press's story, Vermont Man, Daughter Make Big Papi's Day, by Sam Hemingway be printed in the RECORD.

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

[From the Burlington Free Press, July 12, 2009]

VERMONT MAN, DAUGHTER MAKE BIG PAPI'S DAY

(By Sam Hemingway)

SHELBURNE.—Going to Fenway Park is akin to going to church for die-hard Boston Red Sox fan Tom Ryan.

So imagine what it was like for the 46 year-old Shelburne resident to meet David "Big Papi" Ortiz, Boston's beloved slugger—inside the team clubhouse and within sight of the locker room.

Ryan and his daughter, Maggie, had that Red Sox dream-come-true moment Thursday night when Ryan ended up in possession of the baseball that Ortiz ripped for his 300th homer in the first inning of what ended in an 8-6 loss to the Kansas City Royals.

"It didn't get out by much," Ryan said, recalling the moment the ball zoomed off Ortiz's bat and hit the top ledge of the Green Monster wall in left field.

The ball ricocheted off the wall and fell to the ground below Section 33, Box 165, Row LL, a spot that overlooks left field half way between third base and the Green Monster.

That's where Ryan and Maggie were, in Seats 5 and 6, when Royals' leftfielder Jose Guillen picked up the ball and, acknowledging the appeals in the seats above, tossed the ball into the stands—and into Ryan's hands.

"We were just excited because it was a Big Papi home run," Ryan said. "People around us were all charged up, too."

Moments later, a security guard approached Ryan and asked him to come with him. Ryan thought perhaps he had done something wrong and that maybe he and Maggie were going to get kicked out of Fenway Park.

Instead, the guard told him the homer was Ortiz's 300th and that Big Papi had asked for someone to find out if he could get the ball back. Ryan said he was glad to comply with Ortiz's request.

"To me, it was the right thing to do," he said.

So he, Maggie and the security guard walked over to the team's clubhouse.

Along the way, a representative of Major League Baseball approached them and questioned Ryan about how he got the ball, just to make sure it really was the one that Ortiz had just hit. Only 19 active baseball players have hit 300 or more homers.

When the group entered the clubhouse to make the ball exchange, a door across the room opened and in walked Ortiz, grinning from ear to ear.

He's a mountain of a man," Ryan said. "Big smile, big hands, big heart. He was genuinely very grateful, kind of giddy, kind of excited."

Ryan said he asked Ortiz what he was going to do with the ball and said Ortiz told him and Maggie that he had talked to his dad that morning and was going to give the ball to his father while visiting him during the upcoming All Star break.

In return for the ball, Ortiz gave Ryan and Maggie one of his bats and signed it. Maggie,

17 and an incoming Champlain Valley Union High School senior, was with her dad in Boston to check out colleges, and happened to be wearing an Ortiz Red Sox T-shirt.

So Ortiz signed that, too.

"It was just luck," Maggie said of the shirt she chose to wear that day. "I also have a (Jason) Varitek and a (Jacoby) Ellsbury shirt." Varitek is the Red Sox catcher, Ellsbury the team's center fielder.

Dad and daughter eventually returned to their seats and passed the Ortiz bat around among their seatmates.

Later in the game, the Major League Baseball person again asked to speak to them, questioning them some more in order to make sure the ball Ryan gave Ortiz wasn't one slugged into the stands during batting practice.

The Ortiz bat now sits on a shelf in the Ryan living room. Maggie has her signed Ortiz T-shirt, but it's unlikely she'll be wearing—or washing—it much more in the future.

Ryan said he asked the Red Sox for one last favor on Thursday night.

Would it be possible, he queried, for him to bring his wife Lucia, and the family's other two children all of them passionate Sox fans—back to Fenway Park sometime this summer and visit with Ortiz again?

"They told me they did not think it would be a problem."

BUILD AMERICA BONDS

Mr. WYDEN. Mr. President, these days the country's attention has rightly been focused on turning its financial fortunes around and getting people back to work. The President, his advisers, folks in the agencies, and in Congress have been working night and day to find the solutions that will help the nation climb out of the financial hole it is in.

I would like to point out that there is one portion of the American Recovery and Reinvestment Act that is doing just that, but it is not getting a lot of attention. It is a creative solution. It is putting jobs back in our economy. And, most importantly, it is working.

The Build America Bonds portion of the Recovery Act has been a great success, allowing State and local governments to issue more than \$9.5 billion worth of these innovative bonds. They have already begun shoring up our infrastructure and putting jobs back in communities where times are tough. That \$9.5 billion of investment supports more than 3,000 jobs.

Build America Bonds have been such a quiet success, so some of you might not be familiar with what they do. The provision that ended up in the Recovery Act is based on a bill that, first Senator TALENT, and now Senator THUNE and I have been working on for a number of years.

As included in the economic recovery package, the Build America Bonds provision allows any State or local government that can issue tax exempt bonds to issue what are called Build America Bonds. These bonds can offer either a tax credit for investors or a Federal subsidy to issuers, of 35 percent of the interest earned over the life of the bond.

The bonds can only be issued through the end of 2010, but during that time

there is no limit on the number or amount of Build America Bonds that can be issued. One of the reasons I am talking to my colleagues today about them is that the clock is ticking on that deadline, and I want to make sure every Senator here knows how much Build America Bonds can benefit the folks back home. The end of 2010 will be here before you know it.

As communities deal with the recession, they need new tools to finance essential construction projects. Build America Bonds has put a new tool in their toolbox.

Before these bonds started being issued, the market for normal municipal bonds was frozen. It was very hard to sell municipal bonds, but that didn't mean the need for financing infrastructure wasn't still there.

Tax credit bonds, in the form of Build America Bonds, were designed to help thaw the bond markets.

And it has worked. They are selling like hotcakes.

Tax-exempt or tax-deferred investors, such as pension funds and IRAs, aren't usually interested in municipal bonds. But by providing the option of a direct payment instead of tax-exempt interest, Build America Bonds have opened up new markets for State and local governments.

I am not surprised that Build America Bonds are proving to be very attractive to investors. They are a good deal for both the investors and our communities. They have freed up financing for badly needed infrastructure construction and created jobs and a foundation for long-term economic growth.

So far, more than \$9.5 billion worth of Build America Bonds have been issued, making it easier and cheaper for cash-strapped State and local governments to access capital and grow jobs. The State of California, the New Jersey Turnpike Authority, the University of Virginia, and the Milan Area School District in Michigan are just some of the issuers of Build America Bonds since the passage of ARRA.

Build America Bonds have earned support from organizations across the country that understand how the urgent need is to shore up our infrastructure and create jobs: the American Association of State Highway and Transportation Officials, the Chamber of Commerce, and the National Association of Manufacturers. I appreciate that support.

We recently had another positive milestone in the story of Build America Bonds. The Treasury Department gave cities and counties around the country the authority to issue \$10 billion worth of Recovery Zone Build America Bonds.

Recovery Zone Bonds are like Build America Bonds. They provide a Federal tax credit to the buyer or a subsidy to the issuer, but with an even more generous subsidy of 45 percent of the interest.

Only areas hurt by the weakened economy can issue these bonds. They

are very targeted to the places they can do the most good. Treasury allocated them based on employment declines in 2008. So the harder an area has been hit, the more Recovery Zone Build America Bonds it can issue, creating jobs where they are needed most.

In some cases, these bonds will make the difference between whether these projects come to fruition or not. In other cases, they will lower the cost of projects and allow the community to reinvest those savings in other projects.

As with the regular Build America Bonds, Recovery Zone bonds are only authorized under current law through the end of 2010.

That is why I am encouraging State and local governments that are going to issue bonds to sit down and do the math so they can see if Build America Bonds will work for them. And if they do, I encourage those governments to take advantage of them while they are available. There is no time like the present to strengthen the Nation's infrastructure and our communities with the jobs folks back home need.

I also encourage my colleagues in Congress to begin working now to continue the success of Build America Bonds. As Congress struggles to find funding for a new transportation bill, innovative approaches like Build America Bonds should be part of the solution. Recently, the Obama administration has proposed delaying the Transportation reauthorization bill for 18 months. If that were to happen, and I hope it doesn't, Build America Bonds could provide additional funding to bridge the gap between our Nation's transportation needs and current funding levels.

Mr. President, I hope my colleagues in Congress will also look into the benefits of Build America Bonds and ensure these unsung financial tools will continue to work helping their constituents and their communities from coast to coast. They are effective. They give benefits to both those who issue them and those who buy them. And most of all, they solve the kinds of problems that affect the daily lives of every American.

Build America Bonds are an example of the creative solutions people are looking for Congress to implement during these uncertain economic times. I urge my colleagues and your constituents to use them.

REMEMBERING HARRIET TUBMAN

Mr. SCHUMER. Mr. President, I rise today in support of S. 227, the Harriet Tubman National Historical Park and Harriet Tubman Underground Railroad National Historical Park Act. This legislation, which will create the Harriet Tubman National Historical Park as a part of the National Park System, will preserve one of Upstate New York's most important historic sites.

Harriet Tubman entered American life as a runaway slave from Maryland

who made history by leading hundreds of slaves to freedom through the Underground Railroad. Although her courageous actions before and during the Civil War are well known to many Americans, Tubman's dedication to bettering the lives of former slaves after the war has been largely unrecognized in American History. In 1857, Tubman moved from Canada to Auburn, NY, where her close friend and U.S. Senator, William Seward, bravely broke the law by selling her a modest, two-story brick house. After the Civil War ended in 1865, Harriet Tubman returned to Auburn where she continued her humanitarian efforts by aiding aged African Americans and eventually opening a group home in 1908. Before her death 5 years later, the house provided refuge for 12 to 15 people. Harriet Tubman was also an active suffragist during the later years of her life. Her close proximity to Seneca Falls kept the city of Auburn a focal point in the women's rights movement. Harriet Tubman died in 1913 and is buried in the Fort Hill Cemetery overlooking the city of Auburn.

Whether it is the American Revolution, the War of 1812, or the women's rights movement, Upstate New York has been home to many of our Nation's most historic figures. Harriet Tubman's legacy is an important part of Upstate New York's history. The Harriet Tubman National Historical Park and Harriet Tubman Underground Railroad National Historical Park Act will establish the Harriet Tubman National Historical Park to preserve many significant sites relating to her life in Auburn, such as the Tubman Home, the Tubman Home for the Aged, the Thompson Memorial AME Zion Church, and her gravesite in the Fort Hill Cemetery.

I am committed to preserving Upstate New York's historic treasures so that future generations can learn the lessons of the past by visiting the homes of the people who changed American history. Preserving Tubman's home, gravesite, and other buildings where she lived her life are essential to protecting her legacy. Harriet Tubman's impressive life story is an example of how one should fight against injustice and work to alleviate the suffering of those around them. Her courageous spirit and compassion towards others still makes her a role model nearly 100 years after her death. I am proud that Harriet Tubman made Upstate New York her home, and I will continue to support the preservation of New York's numerous historic sites.

REMEMBERING LORRAINE PERONA ROONEY

Mr. LIEBERMAN. Mr. President, it is with the heaviest of hearts that I rise to remember a dear friend and committed public servant, Lorraine Perona Rooney, who passed away early this morning. I am deeply saddened by Lorraine's death and will keep her

friends and family in my thoughts and prayers during this difficult time.

Lorraine, who served the U.S. Senate for over 27 years, was one of a small group of staff members I assembled to assist me when I first took office as a U.S. Senator from the State of Connecticut on January 3, 1989. I was tremendously fortunate to have a person of Lorraine's extensive knowledge and years of Senate staff experience to set up my office. She did a wonderful job and kept my office running smoothly for more than 15 years—as office manager and financial director—and did so with style and grace. Many staff members and interns passed through my office during her tenure, and all benefitted from Lorraine's caring guidance, common sense, and expertise. Those who worked with her recall her willingness to go the extra mile to help her coworkers. One member of my staff remembers that Lorraine worked to secure her a parking space closer to the office so that she wouldn't have very far to walk to get to her car after dark.

After graduating from American University with a degree in international relations, Lorraine subsequently worked at Dartmouth College in charge of foreign study programs. Through a contact there, she learned of an opening in the office of Senator John Durkin, Democrat from New Hampshire, and thus began her Senate career in March 1977. Following her work in Senator Durkin's office, Lorraine built her career in the Senate setting up offices for newly elected Members, including Senator CARL LEVIN, Democrat from Michigan, in 1979, Senator FRANK LAUTENBERG, Democrat from New Jersey, in 1982, and, of course, myself in 1989. Throughout her time with the Senate, Lorraine demonstrated an expertise in creating attractive, functional and comfortable work spaces, not an easy task given our limited space and resources then.

During Lorraine's last few years at my office, she was faced with many serious health problems. Despite her suffering and hardship, she continued to do her utmost in service to me and the citizens of Connecticut. The courage she demonstrated as she faced these personal challenges served as an inspiration for me and my staff.

Those of us who were lucky enough to know Lorraine could not help but be touched by her kindness and warmth. She formed many lasting friendships in the Senate community; she often spoke of the Senate as "home." She was widely respected and beloved among her Senate colleagues for her character, judgment, and professionalism. It is no wonder that after her retirement she continued to stay in touch with so many with whom she had worked.

Lorraine was a dedicated public servant who enriched this institution. I extend my deepest condolences to Lorraine's husband Bernie Rooney and daughter Shannon for their irreplaceable loss.

Mr. President, we honor Lorraine Perona's memory and we cherish her decency and her friendship.

ADDITIONAL STATEMENTS

CONTRA COSTA COUNTY VOLUNTEER SERVICES UNIT

• Mrs. BOXER. Mr. President, one of America's greatest strengths is its spirit of volunteerism, particularly within the law enforcement community. I take this opportunity to honor and recognize members of the Contra Costa County Office of the Sheriff's Volunteer Services Unit. These brave men and women have repeatedly demonstrated their dedication to their community during a time when budget cuts are paralyzing our State and local law enforcement forces.

Since its founding in 1850, the Contra Costa County Volunteer Services Unit has grown to coordinate the activities of several Sheriff's Volunteer Groups, including an Air Squadron, Amateur Radio Communications, Cadet Explore Post 2406, Chaplains Program, Deputy Sheriff Reservers, Dive Team, Radio Amateur Civil Emergency Service, RACES, Sheriff's All Volunteer Extended Services, SAVES, Program, and Search and Rescue Unit.

The Contra Costa Sheriff's Volunteer Services Unit has the largest volunteer search and rescue team of any county north of San Bernardino. With over 700 volunteers, the unit contributes the same amount of service hours as approximately 50 full-time, paid positions. This unit has also assisted in several missing persons cases both within Contra Costa County and beyond, including the heartbreaking search earlier this year for 8-year-old Sandra Cantu of Tracy.

The hard work and dedication of those involved with the Sheriff's Volunteer Services Unit not only helps save lives throughout Contra Costa County, but also saves the county the equivalent of \$5 million in salaries and benefits at a time when funding for such programs has been reduced.

The dedicated men and women of the Contra Costa County Office of the Sheriff's Volunteer Services Unit are the embodiment of community service and involvement. For over 150 years, these volunteers have, often without question for their own safety or comfort, taken heroic actions throughout the County and beyond while assisting with a variety of programs.

I commend the men and women of the Contra Costa County Office of the Sheriff's Volunteer Services Unit for their inspiring dedication to their community.●

COMMENDING LUCERNE INN

• Ms. SNOWE. Mr. President, summer is finally upon us, and as people travel to Maine to discover and explore the pristine beauty of our State's outdoors,

I rise to recognize a historic Maine lodging establishment that has hosted these travelers and adventurers for nearly two centuries. Located conveniently between Bangor and Bar Harbor in the small town of Dedham, the Lucerne Inn boasts fine dining and accommodations and a picturesque golf course complemented by a stunning view of beautiful Phillips Lake.

Listed on the National Register of Historic Places since June of 1982, the inn is a legendary business with an impressive history. Indeed, Dedham's first family, the Phillips, built a family home called the Lake House in the early 1800s. John Phillips had been granted the land for his service in the American Revolution. Soon thereafter, in 1814, the building became a halfway house, operating as a stagecoach stop between Bangor and Ellsworth, with guests partaking in food, spirits, and lodging. Indeed, today's Lucerne Inn is still housed in the original building built by the Phillips family. Later, during the 1920s, the inn and the 5,000 acres around it were designed to be one of America's first planned communities. As such, the Maine Legislature created the village of Lucerne in 1927 to bring people to this beautiful region, but the economic troubles of the 1930s forced the idea to be scrapped.

Given its prime location—less than an hour from the beautiful waters of Bar Harbor and the hiking trails of Acadia National Park—the Lucerne Inn offers visitors a true Maine getaway. A recipient of the 2009 Bride's Choice Award, the inn offers professional service for a variety of occasions from weddings to business meetings and banquets, and provides a variety of travel packages to accommodate all budgets.

Owners Steve and Rhonda Jones purchased the inn in August 2005. Steve had operated a convenience store and catering business in the Farmington area for 23 years, while Rhonda worked at the University of Maine at Farmington. Depending on the season, the inn employs between 40 and 65 people. The inn has 26 rooms, plus an additional 5 guest rooms in a newer building. The banquet and conference center, built in 1999, has become tremendously popular, hosting approximately 100 weddings each year.

The Lucerne Inn also makes dining out an event with a four-course meal in an elegant room with a scenic view from every window. Chef Douglas Winslow serves quality cuisine that encompasses brunch, a full dinner menu, and a seafood buffet, as well as a traditional broiled Maine lobster dinner, adding to the authentic Maine experience. The inn also hosts special wine dinners each month to showcase a diverse array of the world's greatest wines. In fact, just last Thursday evening, the inn hosted an Argentine-themed wine dinner, with a full five-course meal complemented by special wine from Argentina.

The inn maintains a historical ambience by furnishing every room with an-

tiques. Most accommodations at the inn boast a view of the lake and a gas burning fireplace. That said, fine dining and accommodations are only a fraction of the Lucerne Inn experience. The inn also boasts a 9-hole golf course conceived by famed course designer Donald Ross, as well as a large outdoor swimming pool and picturesque outdoor patios.

At the Lucerne Inn, visitors and Mainers alike are afforded the chance to escape their daily routines and relax by enjoying the serenity of Maine's natural beauty. Whether for pleasure or business, the Lucerne Inn offers an authentic taste of Maine, something that is truly irreplaceable. I congratulate Steve and Rhonda Jones and all of the employees at the Lucerne Inn for exquisitely maintaining this gem of our State, and I offer my best wishes for their continued success. ●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:15 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 402. An act to designate the Department of Veterans Affairs Outpatient Clinic in Knoxville, Tennessee, as the "William C. Tallent Department of Veterans Affairs Outpatient Clinic".

H.R. 1037. An act to direct the Secretary of Veterans Affairs to conduct a five-year pilot project to test the feasibility and advisability of expanding the scope of certain qualifying work-study activities under title 38, United States Code.

The message also announced that, pursuant to section 4 of the Ronald Reagan Centennial Commission Act, Public Law 111-25, and the order of the House of January 6, 2009, the Minority Leader appoints the following Member of the House of Representatives to the Ronald Reagan Centennial Commission: Mr. ELTON GALLEGLEY of California.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 402. An act to designate the Department of Veterans Affairs Outpatient Clinic in Knoxville, Tennessee, as the "William C. Tallent Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

H.R. 1037. An act to direct the Secretary of Veterans Affairs to conduct a five-year pilot project to test the feasibility and advisability of expanding the scope of certain qualifying work-study activities under title 38, United States Code; to the Committee on Veterans' Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2333. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Ronald F. Sams, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-2334. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Acquisition Regulation Supplement; Contract Reporting" ((RIN0750-AF77) (DFARS Case 2007-D006)) received in the Office of the President of the Senate on July 10, 2009; to the Committee on Armed Services.

EC-2335. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Acquisition Regulation Supplement; Protection of Human Subjects in Research Projects" ((RIN0750-AF96) (DFARS Case 2007-D008)) received in the Office of the President of the Senate on July 10, 2009; to the Committee on Armed Services.

EC-2336. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Acquisition Regulation Supplement; Government Property" ((RIN0750-AF92) (DFARS Case 2007-D020)) received in the Office of the President of the Senate on July 10, 2009; to the Committee on Armed Services.

EC-2337. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Acquisition Regulation Supplement; Clarification of Central Contractor Registration and Procurement Instrument Identification Data Requirements" ((RIN0750-AG05) (DFARS Case 2008-D010)) received in the Office of the President of the Senate on July 10, 2009; to the Committee on Armed Services.

EC-2338. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Acquisition Regulation Supplement; Peer Reviews of Contracts" ((RIN0750-AG28) (DFARS Case 2008-D035)) received in the Office of the President of the Senate on July 10, 2009; to the Committee on Armed Services.

EC-2339. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Privacy Act Implementation" (RIN2590-AA07) received in the Office of the President of the Senate on July

13, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2340. A communication from the Assistant Secretary for Communications and Information, National Telecommunications and Information Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Broadband Technology Opportunities Program" (RIN0660-ZA28) received in the Office of the President of the Senate on July 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2341. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license for the export of defense articles or services, including technical data, and defense services for the manufacture of the 737 Airborne Early Warning and Control (AWE&C) System, Project Wedgetail for end-use by the Australian Ministry of Defense in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-2342. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical service agreement for the export of defense articles or services, including technical data, and defense services related to the supply and support of the torpedo propulsion system for the Spearfish Heavyweight Torpedo for use by the United Kingdom in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-2343. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the export of defense articles or services, including technical data, and defense services to support the manufacture of X1100-Series transmissions in the Republic of Korea in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-2344. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed transfer of technical data, defense services, and defense articles involving the sale of six JAS-39 Gripen Fighter Aircraft and one Airborne Early Warning System for Sweden in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-2345. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles or services, including technical data, and hardware to support manufacture, assembly, and verification of Small Unmanned Aerial Vehicles and associate Components for the Commonwealth of Australia; to the Committee on Foreign Relations.

EC-2346. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification regarding the proposed transfer of major defense equipment involving the permanent transfer of the ex-HMAS Adelaide, a Frigate of the Oliver Hazard Perry Class, to the Australian state government of New Wales; to the Committee on Foreign Relations.

EC-2347. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant

to law, a report relative to the justification for the President's waiver of the restrictions on the provision of funds to the Palestinian Authority; to the Committee on Foreign Relations.

EC-2348. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the Office's Federal Activities Inventory Reform Act Inventory Summary as of June 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2349. A communication from the Acting Chief Acquisition Officer, General Services Administration, Department of Defense, and National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-35; Introduction" (Docket No. FAR2005-35) received in the Office of the President of the Senate on July 13, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2350. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report relative to applications for delayed-notice search warrants and extensions during fiscal year 2008; to the Committee on the Judiciary.

EC-2351. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report on the Department's activities during calendar year 2007 relative to prison rape abatement; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Veterans' Affairs, without amendment:

S. 475. A bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes (Rept. No. 111-46).

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1005. A bill to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States (Rept. No. 111-47).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mrs. BOXER for the Committee on Environment and Public Works.

*Robert Perciasepe, of New York, to be Deputy Administrator of the Environmental Protection Agency.

*Craig E. Hooks, of Kansas, to be an Assistant Administrator of the Environmental Protection Agency.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Ms. COLLINS:

S. 1457. A bill to amend title 31, United States Code, to authorize reviews by the Comptroller General of the United States of any credit facility established by the Board of Governors of the Federal Reserve System or any Federal reserve bank, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CHAMBLISS (for himself, Mr. NELSON of Nebraska, and Mr. JOHNSON):

S. Res. 211. A resolution supporting the goals and ideals of "National Life Insurance Awareness Month"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 211

At the request of Mr. UDALL of New Mexico, his name was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 229

At the request of Mrs. BOXER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 229, a bill to empower women in Afghanistan, and for other purposes.

S. 251

At the request of Mrs. HUTCHISON, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 251, a bill to amend the Communications Act of 1934 to permit targeted interference with mobile radio services within prison facilities.

S. 311

At the request of Mrs. BOXER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 311, a bill to prohibit the application of certain restrictive eligibility requirements to foreign non-governmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 455

At the request of Mr. ROBERTS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry

“Hap” Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 475

At the request of Mr. BURR, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 497

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 497, a bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes.

S. 535

At the request of Mr. NELSON of Florida, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 547

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 547, a bill to amend title XIX of the Social Security Act to reduce the costs of prescription drugs for enrollees of Medicaid managed care organizations by extending the discounts offered under fee-for-service Medicaid to such organizations.

S. 572

At the request of Mr. WEBB, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 572, a bill to provide for the issuance of a “forever stamp” to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

S. 584

At the request of Mr. HARKIN, the name of the Senator from Maryland (Mr. CARDIN) was withdrawn as a cosponsor of S. 584, a bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways.

S. 604

At the request of Mr. SANDERS, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Arizona (Mr. MCCAIN), the Sen-

ator from Utah (Mr. BENNETT) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 624

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 628

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 628, a bill to provide incentives to physicians to practice in rural and medically underserved communities.

S. 645

At the request of Mrs. LINCOLN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 648

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 648, a bill to amend title XVIII of the Social Security Act to establish a prospective payment system instead of the reasonable cost-based reimbursement method for Medicare-covered services provided by Federally qualified health centers and to expand the scope of such covered services to account for expansions in the scope of services provided by Federally qualified health centers since the inclusion of such services for coverage under the Medicare program.

S. 660

At the request of Mr. HATCH, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 660, a bill to amend the Public Health Service Act with respect to pain care.

S. 662

At the request of Mr. CONRAD, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 662, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 711

At the request of Mr. BAUCUS, the name of the Senator from Illinois (Mr.

BURRIS) was added as a cosponsor of S. 711, a bill to require mental health screenings for members of the Armed Forces who are deployed in connection with a contingency operation, and for other purposes.

S. 714

At the request of Mr. WEBB, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 714, a bill to establish the National Criminal Justice Commission.

S. 738

At the request of Ms. LANDRIEU, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 738, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 749

At the request of Mr. COCHRAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 749, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 775

At the request of Mr. VOINOVICH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 775, a bill to amend title 10, United States Code, to authorize the availability of appropriated funds for international partnership contact activities conducted by the National Guard, and for other purposes.

S. 812

At the request of Mr. BAUCUS, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 823

At the request of Ms. SNOWE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 883

At the request of Mr. KERRY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual

serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 931

At the request of Mr. FEINGOLD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 931, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 934

At the request of Mr. HARKIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 934, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren and protect the Federal investment in the national school lunch and breakfast programs by updating the national school nutrition standards for foods and beverages sold outside of school meals to conform to current nutrition science.

S. 951

At the request of Mr. NELSON of Florida, the names of the Senator from California (Mrs. BOXER), the Senator from Pennsylvania (Mr. CASEY), the Senator from Idaho (Mr. RISCH), the Senator from Alaska (Mr. BEGICH), the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 951, a bill to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. "Buzz" Aldrin Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and, the first American to orbit the Earth, John Herschel Glenn Jr.

S. 968

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 968, a bill to award competitive grants to eligible partnerships to enable the partnerships to implement innovative strategies at the secondary school level to improve student achievement and prepare at-risk students for postsecondary education and the workforce.

S. 984

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 1026

At the request of Mr. CORNYN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1026, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed service voters, and for other purposes.

S. 1065

At the request of Mr. BROWNBACK, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Idaho (Mr. RISCH) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1067

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1090

At the request of Mr. WYDEN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1090, a bill to amend the Internal Revenue Code of 1986 to provide tax credit parity for electricity produced from renewable resources.

S. 1091

At the request of Mr. WYDEN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1091, a bill to amend the Internal Revenue Code of 1986 to provide for an energy investment credit for energy storage property connected to the grid, and for other purposes.

S. 1097

At the request of Mr. WYDEN, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1097, a bill to require the Secretary of Energy, in coordination with the Secretary of Labor, to establish a program to provide for workforce training and education, at community colleges, in sustainable energy.

S. 1106

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1106, a bill to amend title 10, United States Code, to require the provision of medical and dental readiness services to certain members of the Selected Reserve and Individual Ready Reserve based on medical need, and for other purposes.

S. 1156

At the request of Mr. HARKIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1156, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 1158

At the request of Ms. STABENOW, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1158, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 1197

At the request of Mr. VOINOVICH, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1197, a bill to establish a grant program for automated external defibrillators in elementary and secondary schools.

S. 1201

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1201, a bill to amend title XVIII of the Social Security Act to include costs incurred by the Indian Health Service, a Federally qualified health center, an AIDS drug assistance program, certain hospitals, or a pharmaceutical manufacturer patient assistance program in providing prescription drugs toward the annual out of pocket threshold under part D of the Medicare program.

S. 1265

At the request of Mr. CORNYN, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 1265, a bill to amend the National Voter Registration Act of 1993 to provide members of the Armed Forces and their family members equal access to voter registration assistance, and for other purposes.

S. 1284

At the request of Ms. SNOWE, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1284, a bill to require the implementation of certain recommendations of the National Transportation Safety Board, to require the establishment of national standards with respect to flight requirements for pilots, to require the development of fatigue management plans, and for other purposes.

S. 1297

At the request of Mr. CONRAD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1297, a bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments.

S. 1301

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1301, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 1304

At the request of Mr. GRASSLEY, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1362

At the request of Mr. REED, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1362, a bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes.

S. 1389

At the request of Mr. NELSON of Nebraska, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1389, a bill to clarify the exemption for certain annuity contracts and insurance policies from Federal regulation under the Securities Act of 1933.

S. 1399

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1399, a bill to amend the Commodity Exchange Act to establish a market for the trading of greenhouse gases, and for other purposes.

S. 1400

At the request of Ms. STABENOW, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1400, a bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

S. 1415

At the request of Mr. SCHUMER, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Utah (Mr. BENNETT), the Senator from New Mexico (Mr. UDALL), the Senator from Hawaii (Mr. INOUE), the Senator from California (Mrs. FEINSTEIN), the Senator from Illinois (Mr. DURBIN), the Senator from Washington (Mrs. MURRAY), the Senator from Virginia (Mr. WARNER), the Senator from Texas (Mrs. HUTCHISON), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 1415, a bill to

amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and have their absentee ballots cast and counted, and for other purposes.

S. 1445

At the request of Mr. LAUTENBERG, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1445, a bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth.

S. RES. 155

At the request of Mr. BROWN, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. Res. 155, a resolution expressing the sense of the Senate that the Government of the People's Republic of China should immediately cease engaging in acts of cultural, linguistic, and religious suppression directed against the Uyghur people.

S. RES. 200

At the request of Mr. UDALL of Colorado, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 200, a resolution designating September 12, 2009, as "National Childhood Cancer Awareness Day".

S. RES. 210

At the request of Mrs. LINCOLN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 210, a resolution designating the week beginning on November 9, 2009, as National School Psychology Week.

AMENDMENT NO. 1478

At the request of Mr. REID, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 1478 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1484

At the request of Mr. GREGG, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of amendment No. 1484 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1487

At the request of Mrs. LINCOLN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of amendment No. 1487 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1491

At the request of Mr. PRYOR, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of amendment No. 1491 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1513

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of amendment No. 1513 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1515

At the request of Mr. NELSON of Florida, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Maryland (Mr. CARDIN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Maine (Ms. SNOWE), the Senator from North Dakota (Mr. DORGAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of amendment No. 1515 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1516

At the request of Mr. CASEY, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of amendment No. 1516 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1534

At the request of Mr. VOINOVICH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 1534 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1538

At the request of Mr. UDALL of New Mexico, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 1538 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 211—SUPPORTING THE GOALS AND IDEALS OF “NATIONAL LIFE INSURANCE AWARENESS MONTH”

Mr. CHAMBLISS (for himself, Mr. NELSON of Nebraska, and Mr. JOHNSON) submitted the following resolution; which was considered and agreed to:

S. RES. 211

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families by helping surviving members meet immediate and long-term financial obligations and objectives in the event of a premature death in the family;

Whereas approximately 68,000,000 United States citizens lack the adequate level of life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas life insurance products protect against the uncertainties of life by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care;

Whereas individuals, families, and businesses can benefit from professional insurance and financial planning advice, including an assessment of their life insurance needs; and

Whereas numerous groups supporting life insurance have designated September 2009 as “National Life Insurance Awareness Month” as a means to encourage consumers to become more aware of their life insurance needs, seek professional advice regarding life insurance, and take the actions necessary to achieve financial security for their loved ones: Now therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of “National Life Insurance Awareness Month”; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1539. Mr. REID (for Mr. KENNEDY) proposed an amendment to amendment SA 1511 proposed by Mr. LEAHY (for himself, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. LEVIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CARDIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. SPECTER, Mr. FRANKEN, Ms. MIKULSKI, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. KERRY, Mr. UDALL of Colorado, Mr. DODD, Mr. HARKIN, Mr. WYDEN, Mr. CASEY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. BOXER, Mr. BROWN, Mr. AKAKA, Mr. SANDERS, Mrs. MURRAY, Mr. REED, Mr. BINGAMAN, Mr. KAUFMAN, Mr. INOUE, Ms. STABENOW, and Mr. REID) to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SA 1540. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1541. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1542. Mr. BROWN (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1543. Mr. RISCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1544. Mr. RISCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1545. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1546. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1547. Mr. DORGAN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1548. Mr. MENENDEZ (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1549. Mr. MENENDEZ (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1550. Mrs. BOXER (for herself, Mr. BOND, Ms. LANDRIEU, Ms. MURKOWSKI, Mrs. LINCOLN, Mrs. GILLIBRAND, Mr. WYDEN, and Mr. BURRIS) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1551. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1552. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1553. Mr. GREGG (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1554. Mr. BURR (for himself, Mr. BAYH, Ms. SNOWE, Mr. UDALL, of Colorado, Mr.

WICKER, Mr. THUNE, Mr. ENZI, Mr. JOHANNIS, Ms. MURKOWSKI, Mr. HATCH, Mrs. LINCOLN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1555. Mr. NELSON, of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1556. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1557. Mrs. LINCOLN (for herself, Mr. TESTER, and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1558. Mr. NELSON, of Florida (for himself, Mr. BYRD, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1559. Mr. INHOFE (for himself, Mr. ROBERTS, Mr. WICKER, Mr. BUNNING, Mr. CRAPO, Mr. CORNYN, Mr. DEMINT, Mr. COBURN, Mr. MCCONNELL, Mr. RISCH, Mr. GREGG, Mr. BARRASSO, Mr. BOND, Mrs. HUTCHISON, Mr. VITTER, Mr. BENNETT, Mr. CHAMBLISS, Mr. HATCH, Mr. BROWNBACK, Mr. THUNE, Mr. KYL, Mr. ENZI, Mr. SESSIONS, Mr. BURR, and Mr. JOHANNIS) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1560. Mr. BINGAMAN (for himself and Mr. UDALL, of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1561. Mr. BINGAMAN (for himself, Mr. ALEXANDER, Mr. BROWN, Mr. KENNEDY, Mr. UDALL, of Colorado, Mr. VOINOVICH, Ms. MURKOWSKI, Mr. UDALL, of New Mexico, Ms. CANTWELL, Mr. REID, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1562. Mr. MENENDEZ (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1563. Mr. UDALL, of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1564. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1565. Mr. LAUTENBERG (for himself, Mr. ROCKEFELLER, Mrs. HUTCHISON, Mr. THUNE, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1566. Mr. INOUE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1567. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1568. Mr. BINGAMAN (for himself and Mr. UDALL, of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1569. Mr. BURRIS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1570. Mr. FRANKEN submitted an amendment intended to be proposed by him

to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1571. Mr. JOHANNIS (for himself, Mr. BUNNING, Mr. CRAPO, Mr. INHOFE, Mr. MARTINEZ, Mr. BOND, Mr. COBURN, Mr. BENNETT, Mr. KYL, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1572. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1573. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1574. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1539. Mr. REID (for Mr. KENNEDY) proposed an amendment to amendment SA 1511 proposed by Mr. LEAHY (for himself, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. LEVIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CARDIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. SPECTER, Mr. FRANKEN, Ms. MIKULSKI, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. KERRY, Mr. UDALL of Colorado, Mr. DODD, Mr. HARKIN, Mr. WYDEN, Mr. CASEY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. BOXER, Mr. BROWN, Mr. AKAKA, Mr. SANDERS, Mrs. MURRAY, Mr. REED, Mr. BINGAMAN, Mr. KAUFMAN, Mr. INOUE, Ms. STABENOW, and Mr. REID) to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of the amendment, insert the following:

SEC. —. COMPREHENSIVE STUDY AND SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) STUDIES.—

(1) COLLECTION OF DATA.—

(A) DEFINITION OF RELEVANT OFFENSE.—In this paragraph, the term “relevant offense” means a crime described in subsection (b)(1) of the first section of Public Law 101–275 (28 U.S.C. 534 note) and a crime that manifests evidence of prejudice based on gender or age.

(B) COLLECTION FROM CROSS-SECTION OF STATES.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors’ Association, shall, if possible, select 10 jurisdictions with laws classifying certain types of offenses as relevant offenses and 10 jurisdictions without such laws from which to collect the data described in subparagraph (C) over a 12-month period.

(C) DATA TO BE COLLECTED.—The data described in this paragraph are—

(i) the number of relevant offenses that are reported and investigated in the jurisdiction;

(ii) the percentage of relevant offenses that are prosecuted and the percentage that result in conviction;

(iii) the duration of the sentences imposed for crimes classified as relevant offenses in

the jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no laws relating to relevant offenses; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) COSTS.—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data collected under this paragraph.

(2) STUDY OF RELEVANT OFFENSE ACTIVITY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall complete a study and submit to Congress a report that analyzes the data collected under paragraph (1) and under section 534 of title 28, United States Code, to determine the extent of relevant offense activity throughout the United States and the success of State and local officials in combating that activity.

(B) IDENTIFICATION OF TRENDS.—In the study conducted under subparagraph (A), the Comptroller General of the United States shall identify any trends in the commission of relevant offenses specifically by—

(i) geographic region;

(ii) type of crime committed; and

(iii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(b) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—At the request of a law enforcement official of a State or a political subdivision of a State, the Attorney General, acting through the Director of the Federal Bureau of Investigation and in cases where the Attorney General determines special circumstances exist, may provide technical, forensic, prosecutorial, or any other assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State; and

(3) is motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(c) GRANTS.—

(1) IN GENERAL.—The Attorney General may, in cases where the Attorney General determines special circumstances exist, make grants to States and local subdivisions of States to assist those entities in the investigation and prosecution of crimes motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(2) ELIGIBILITY.—A State or political subdivision of a State applying for assistance under this subsection shall—

(A) describe the purposes for which the grant is needed; and

(B) certify that the State or political subdivision lacks the resources necessary to investigate or prosecute a crime motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(3) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 10 days after the application is submitted.

(4) GRANT AMOUNT.—A grant under this subsection shall not exceed \$100,000 for any single case.

(5) REPORT AND AUDIT.—Not later than December 31, 2008, the Attorney General, in consultation with the National Governors’ Association, shall—

(A) submit to Congress a report describing the applications made for grants under this

subsection, the award of such grants, and the effectiveness of the grant funds awarded; and

(B) conduct an audit of the grants awarded under this subsection to ensure that such grants are used for the purposes provided in this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$5,000,000 for each of the fiscal years 2008 and 2009 to carry out this section.

SA 1540. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SECTION 1083. GOVERNMENT OWNERSHIP EXIT PLAN.

(a) DEFINITION.—In this section—

(1) the term “ownership interest” means an interest in a troubled asset described in section 3(9)(B) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5202(a)(1)), as in effect on the day before the date of enactment of this Act, that was purchased by the Secretary under section 101(a)(1) of such Act (12 U.S.C. 5211(a)(1)); and

(2) the term “Secretary” means the Secretary of the Treasury.

(b) RE-PRIVATIZATION OF PRIVATE ENTITIES.—

(1) PROHIBITION ON FEDERAL GOVERNMENT HOLDING OWNERSHIP INTERESTS.—

(A) IN GENERAL.—Beginning on the date of enactment of this Act, the Federal Government may not acquire, directly or indirectly, any ownership interest.

(B) DIVESTITURE.—Except as provided in paragraph (2), the Secretary shall divest the Federal Government of any ownership interest not later than 1 year after the date of enactment of this Act.

(2) LIMITED AUTHORITY.—

(A) IN GENERAL.—Beginning 1 year after the date of enactment of this Act, the Secretary may hold an ownership interest with respect to a particular entity for a period of not more than 6 months if, not later than 1 year after the date of enactment of this Act, the Secretary submits a report to Congress with respect to that entity stating that—

(i) compliance with paragraph (1)(B) with respect to such entity would have a significant adverse impact on the taxpayers of the United States; and

(ii) there is a reasonable expectation that a waiver of paragraph (1)(B) would allow the Secretary to recover the cost to the Federal Government of acquiring such ownership interest.

(B) SINGLE RENEWAL.—The Secretary may renew an extension under subparagraph (A) for a single period of not more than 6 months, if the Secretary submits to Congress a report stating that the conditions described in clauses (i) and (ii) of subparagraph (A) still exist with respect to the subject ownership interest.

(3) CONFORMING AMENDMENT.—Section 3(9) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5202(9)) is amended—

(A) in subparagraph (A), by striking “; and” at the end and inserting a period;

(B) by striking “means—” and all that follows through “residential” in subparagraph (A) and inserting “means residential!;” and

(C) by striking subparagraph (B).

(4) DEPOSIT OF FUNDS.—

(A) IN GENERAL.—Section 115(a)(3) of the Emergency Economic Stabilization Act of

2008 (12 U.S.C. 5225(a)(3)) is amended by striking “outstanding at any one time”.

(B) DEPOSIT OF FUNDS INTO TREASURY.—

(i) IN GENERAL.—On and after the date of enactment of this Act, all repayments of obligations arising under the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.), and all proceeds from the sale of assets acquired by the Federal Government under that Act, shall be paid into the general fund of the Treasury for reduction of the public debt, in accordance with section 106(d) of that Act (12 U.S.C. 5216(d)), as amended by this subsection.

(ii) CONFORMING AMENDMENT.—Section 106(d) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216(d)) is amended by inserting “, and repayments of obligations arising under this Act,” after “section 113”.

(5) INFLUENCE OF MANAGEMENT DECISIONS.—Title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) is amended by adding at the end the following:

“SEC. 137. INFLUENCE OF MANAGEMENT DECISIONS.

“(a) DEFINITIONS.—For purposes of this section—

“(1) the term ‘covered person’ means any person who is an officer or employee (including a special Government employee (as defined in section 202(a) of title 18, United States Code)) of the executive branch of the United States (including any independent agency of the United States); and

“(2) the term ‘significant management decision’ includes the appointment of senior executives or board members, business strategies relating to production and manufacturing, plant closings, the relocation of the headquarters of an entity, the modification of labor contracts, and other financial decisions.

“(b) INFLUENCE PROHIBITED.—

“(1) IN GENERAL.—It shall be unlawful for any covered person to knowingly make, with the intent to influence, a communication regarding a significant management decision of a recipient of assistance under this title to any officer or employee of the recipient.

“(2) CRIMINAL PENALTY.—Any covered person who violates paragraph (1) shall be fined under title 18, United States Code, imprisoned for not more than 1 year, or both.

“(c) CIVIL ACTIONS.—

“(1) IN GENERAL.—The Attorney General of the United States may bring a civil action in an appropriate United States district court against any covered person to enforce subsection (b).

“(2) CIVIL PENALTY.—Any covered person who, upon proof by a preponderance of the evidence, violates subsection (b) shall be subject to a civil penalty of not more than \$50,000 for each violation. The imposition of a civil penalty under this paragraph shall not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

“(3) ORDERS.—If the Attorney General of the United States has reason to believe that a covered person is engaging in conduct that violates subsection (b), the Attorney General may petition an appropriate United States district court for an order prohibiting the covered person from engaging in the conduct. The court may issue an order prohibiting the covered person from engaging in the conduct if the court finds that the conduct constitutes a violation of subsection (b). The filing of a petition under this paragraph shall not preclude any other remedy which is available by law to the United States or any other person.”.

(6) FEDERAL DEPOSIT INSURANCE CORPORATION.—Nothing in this section may be con-

strued to impede the ability of the Federal Deposit Insurance Corporation to maintain the stability of the banking system.

(c) OVERSIGHT BY FINANCIAL STABILITY OVERSIGHT BOARD.—Section 104(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5214(a)) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3), by striking the semicolon at the end and inserting “; and”; and

(3) by adding at the end the following:

“(4) reviewing the implementation of section 1083 of the National Defense Authorization Act for Fiscal Year 2010.”.

(d) REPORTS REQUIRED.—

(1) REPORT ON FEDERAL GOVERNMENT OWNERSHIP.—

(A) REPORTS REQUIRED.—The Secretary shall make (and shall publicly disclose) periodic reports detailing any ownership interest held by the Federal Government, including any loan or loan guarantee made by the Board of Governors of the Federal Reserve System.

(B) TIMING OF REPORTS.—The Secretary shall submit the reports under subparagraph (A)—

(i) not later than 3 months after the date of enactment of this Act; and

(ii) each quarter of the fiscal year thereafter.

(2) REPORTS ON WINDING DOWN OR DIVESTMENT.—

(A) REPORTS REQUIRED.—The Secretary shall submit to Congress periodic reports on the plans of the Secretary for compliance with this section, including any plans to wind down or divest an ownership interest.

(B) TIMING OF REPORTS.—The Secretary shall submit the reports under subparagraph (A)—

(i) not later than 6 months after the date of enactment of this Act; and

(ii) each month thereafter until all ownership interests are divested under subsection (b)(1)(B).

(e) PLAN FOR GOVERNMENT SPONSORED ENTERPRISES.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report describing a plan of the Secretary—

(1) to end the conservatorship by the Federal Government of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation; and

(2) to eliminate any form of direct ownership by the Federal Government of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

SA 1541. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 239, after line 19, add the following:

SEC. 733. IMPROVEMENT OF INFORMATION FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES ON UP-GRADES OF DISCHARGE.

(a) CLARIFICATION AND IMPROVEMENT OF INFORMATION.—

(1) NOTICE THAT UPGRADE IS NOT AUTOMATIC.—Each member of the Armed Forces who is being considered for or processed for an administrative or any other type of discharge shall receive written notice that an upgrade in the characterization of discharge

will not automatically result from review of the discharge by a board of review under section 1533 of title 10, United States Code. The notice shall be dated and shall be provided to the member at least 15 days prior to any deadline to elect a particular characterization or type of discharge or manner of processing.

(2) NOTICE OF RIGHT TO OBTAIN LEGAL COUNSEL.—The written notice required under paragraph (1) shall also advise the member that the member has the right to meet with and discuss his or her discharge options with legal counsel prior to electing a characterization and provide the name, location, phone number, and email address of the nearest military defense counsel who supports the member's unit. The 15-day election deadline may be extended until the member is able to meet with a military defense counsel should the member so desire.

(3) RELATED CLARIFICATION.—The notice of discharge issued to a member of the Armed Forces upon discharge may not contain or include any information, references, or other material that is inconsistent with the notice required under paragraph (1).

(b) RECORD KEEPING.—

(1) REQUIREMENT TO MAINTAIN COPY OF REQUIRED NOTICES.—A copy of each written notice required under subsection (a)(1) shall be maintained in the permanent personnel file of the member, in addition to any copies directly provided to the member.

SA 1542. Mr. BROWN (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 524. INCREASE IN NUMBER OF UNITS OF JUNIOR RESERVE OFFICERS' TRAINING CORPS.

(a) PLAN FOR INCREASE.—The Secretary of Defense, in consultation with the Secretaries of the military departments, may implement a plan to establish and support up to 4,000 Junior Reserve Officers' Training Corps units not later than fiscal year 2020.

(b) COOPERATION WITH LOCAL EDUCATIONAL AGENCIES.—The Secretary of Defense, in implementing a plan under subsection (a), shall work with local educational agencies to increase the employment in Junior Reserve Officers' Training Corps units of retired members of the Armed Forces who are retired under chapter 61 of title 10, United States Code, especially members who were wounded or injured while deployed in a contingency operation.

(c) REPORT ON PLAN.—The Secretary of Defense shall submit to the congressional defense committees a report on the following:

(1) A description of how the Secretaries of the military departments can increase the number of units of the Junior Reserve Officers' Training Corps to the number specified in subsection (a), including how many new units may foreseeably be established per year by each service.

(2) The annual funding necessary to support any increase in units, including the personnel costs associated.

SA 1543. Mr. RISCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the

bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 2 and 3, insert the following:

SEC. 417. AUTHORITY FOR SERVICE SECRETARY VARIANCES FOR SELECTED RESERVE END STRENGTHS.

Section 115(g) of title 10, United States Code, is amended to read as follows:

“(g) AUTHORITY FOR SERVICE SECRETARY VARIANCES FOR ACTIVE-DUTY AND SELECTED RESERVE END STRENGTHS.—(1) Upon determination by the Secretary of a military department that such action would enhance manning and readiness in essential units or in critical specialties or ratings, the Secretary may—

“(A) increase the end strength authorized pursuant to subsection (a)(1)(A) for a fiscal year for the armed force under the jurisdiction of that Secretary or, in the case of the Secretary of the Navy, for any of the armed forces under the jurisdiction of that Secretary, by a number equal to not more than 2 percent of such authorized end strength; and

“(B) increase the end strength authorized pursuant to subsection (a)(2) for a fiscal year for the Selected Reserve of the reserve component of the armed force under the jurisdiction of that Secretary or, in the case of the Secretary of the Navy, for the Selected Reserve of the reserve component of any of the armed forces under the jurisdiction of that Secretary, by a number equal to not more than 2 percent of such authorized end strength.

“(2) Any increase under paragraph (1) of the end strength for an armed force or the Selected Reserve of a reserve component of an armed force shall be counted as part of the increase for that armed force or Selected Reserve for that fiscal year authorized under subsection (f)(1) or subsection (f)(3), respectively.”.

SA 1544. Mr. RISCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 342. REPORT ON STATUS OF AIR NATIONAL GUARD FLEET.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Air Force, the Chief of the National Guard Bureau, the Director of the Air National Guard, and such other officials as the Secretary of Defense considers appropriate, shall submit to Congress a report on—

(1) the status of the fleet of the Air National Guard; and

(2) the plans of the Department of Defense to ensure that the forces of the Air National Guard remain ready, reliable, and relevant to the missions of the Department in Iraq and Afghanistan and future missions of the Department.

SA 1545. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 733. REPORT ON USE OF ALTERNATIVE THERAPIES IN TREATMENT OF POST-TRAUMATIC STRESS DISORDER.

(a) IN GENERAL.—Not later than December 31, 2010, the Secretary of Defense and the Secretary of Veterans Affairs, in consultation with the Secretary of Health and Human Services, shall jointly submit to the appropriate committees of Congress a report on the feasibility and advisability of using alternative therapies in the treatment of post-traumatic stress disorder, including the therapeutic use of animals.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Appropriations, the Committee on Veterans Affairs, and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, the Committee on Veterans Affairs, and the Committee on Energy and Commerce of the House of Representatives.

SA 1546. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 125. AC-130 GUNSHIPS.

(a) REPORT ON REDUCTION IN SERVICE LIFE IN CONNECTION WITH ACCELERATED DEPLOYMENT.—Not later than December 31, 2009, the Secretary of the Air Force, in consultation with the United States Special Operations Command, shall submit to the congressional defense committees an assessment of the reduction in the service life of AC-130 gunships of the Air Force as a result of the accelerated deployments of such gunships that are anticipated during the seven- to ten-year period beginning with the date of the enactment of this Act, assuming that operating tempo continues at a rate per year of the average of their operating rate for the last five years.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An estimate by series of the maintenance costs for the AC-130 gunships during the period described in subsection (a), including any major airframe and engine overhauls of such aircraft anticipated during that period.

(2) A description by series of the age, serviceability, and capabilities of the armament systems of the AC-130 gunships.

(3) An estimate by series of the costs of modernizing the armament systems of the

AC-130 gunships to achieve any necessary capability improvements.

(4) A description by series of the age and capabilities of the electronic warfare systems of the AC-130 gunships, and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(5) A description by series of the age of the avionics systems of the AC-130 gunships, and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(6) An estimate of the costs of replacing all AC-130 gunships with a similar platform that meets the requirements of the Air Force for a next-generation gunship, including—

(A) a description of the time required for the replacement of every AC-130 gunship with a similar next-generation gunship; and

(B) a comparative analysis of the costs of operation of AC-130 gunships by series, including costs of operation, maintenance, and personnel, with the anticipated costs of operation of various platforms that might be suitable for a next-generation gunship.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 1547. Mr. DORGAN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 933. PLAN ON ACCESS TO NATIONAL AIRSPACE FOR UNMANNED AIRCRAFT.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Transportation shall jointly develop a plan for providing access to the national airspace for unmanned aircraft of the Department of Defense. The plan shall include—

(1) milestones for providing access to the national airspace for unmanned aircraft before the transition of Grand Forks Air Force Base, North Dakota, into a main operating base for unmanned aircraft in fiscal year 2010; and

(2) a description of the policies with respect to use of the national airspace, flight standards, and operating procedures that will be implemented by the Department of Defense and the Federal Aviation Administration to accommodate the operational needs of the Global Hawk unmanned aircraft and training requirements with respect to the Predator-class unmanned aircraft assigned to Grand Forks Air Force Base.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Transportation shall submit to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the plan required by subsection (a).

SA 1548. Mr. MENENDEZ (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 553, between lines 15 and 16, insert the following:

SEC. 2707. USE OF ECONOMIC DEVELOPMENT CONVEYANCES TO IMPLEMENT BASE CLOSURE AND REALIGNMENT PROPERTY RECOMMENDATIONS.

(a) ECONOMIC REDEVELOPMENT CONVEYANCE AUTHORITY.—Subsection (b)(4) of section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (A), by striking “job generation” and inserting “economic redevelopment”;

(2) by striking subparagraph (B) and inserting the following new subparagraph:

“(B) Real or personal property at a military installation shall be conveyed, without consideration, under subparagraph (A) to the redevelopment authority with respect to the installation if the authority—

“(i) agrees that the proceeds from any sale or lease of the property (or any portion thereof) received by the redevelopment authority during at least the first seven years after the date of the initial transfer of the property under subparagraph (A) or the completion of the initial redevelopment of the property, whichever is earlier, shall be used to support the economic redevelopment of, or related to, the installation; and

“(ii) executes the agreement for transfer of the property and accepts control of the property within a reasonable time after the requirements associated with subsection (c) are satisfied.”; and

(3) in subparagraph (C), by adding at the end the following new clause:

“(xiii) Environmental restoration, waste management, and environmental compliance activities provided pursuant to subsection (e).”.

(b) RECOUPMENT AUTHORITY.—Subsection (b)(4)(D) of such section is amended—

(1) by striking “The Secretary” and inserting “At the conclusion of the period specified in subparagraph (B) applicable to an installation, the Secretary”; and

(2) by striking “for the period specified in subparagraph (B)” and inserting “before the conclusion of such period”.

(c) REGULATIONS AND REPORT CONCERNING PROPERTY CONVEYANCES.—

(1) REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to implement the amendments made by this section to support the conveyance of surplus real and personal property at closed or realigned military installations to local redevelopment authorities for economic development purposes.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report regarding the status of current and anticipated economic development conveyances involving surplus real and personal property at closed or realigned military installations, projected job creation as a result of the conveyances, community reinvestment, and progress made as a result of the implementation of the amendments made by this section.

SA 1549. Mr. MENENDEZ (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 565, after line 20, add the following:

Subtitle D—Other Matters

SEC. 2841. COMPTROLLER GENERAL REPORT ON NAVY SECURITY MEASURES FOR LAURELWOOD HOUSING COMPLEX, NAVAL WEAPONS STATION, EARLE, NEW JERSEY.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing a cost analysis and audit of the sufficiency of the Navy’s security measures in advance of the proposed occupancy by the general public of units of the Laurelwood Housing complex on Naval Weapons Station, Earle. The report shall include an estimate of costs to be incurred by Federal, State, and local government agencies in the following areas:

- (1) Security and safety procedures.
- (2) Land/utilities management and services.
- (3) Educational assistance.
- (4) Emergency services.
- (5) Community services.
- (6) Environmental services.

SA 1550. Mrs. BOXER (for herself, Mr. BOND, Ms. LANDRIEU, Ms. MURKOWSKI, Mrs. LINCOLN, Mrs. GILLIBRAND, Mr. WYDEN, and Mr. BURRIS) submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, insert the following:

SEC. 713. REDUCTION OF MINIMUM DISTANCE OF TRAVEL FOR REIMBURSEMENT OF COVERED BENEFICIARIES OF THE MILITARY HEALTH CARE SYSTEM FOR TRAVEL FOR SPECIALTY HEALTH CARE.

(a) REDUCTION.—Section 1074i(a) of title 10, United States Code, is amended by striking “100 miles” and inserting “50 miles”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 90 days after the date of the enactment of this Act, and shall apply with respect to referrals for specialty health care made on or after such effective date.

SA 1551. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 652. FLEXIBLE SPENDING ARRANGEMENTS FOR THE UNIFORMED SERVICES.

(a) FLEXIBLE SPENDING ARRANGEMENTS FOR THE UNIFORMED SERVICES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, with respect to members of the Army, Navy, Marine Corps, and Air Force, the Secretary of Homeland Security, with respect to members of the Coast Guard, the Secretary of Health and Human Services, with respect to commissioned officers of the Public Health Service, and the Secretary of Commerce, with respect to commissioned officers of the National Oceanic and Atmospheric Administration, shall establish procedures to implement flexible spending arrangements with respect to basic pay under section 204 of title 37, United States Code, and compensation payable under section 206 of title 37, United States Code, for health care and dependent care on a pre-tax basis in accordance with regulations prescribed under sections 106(c) and 125 of the Internal Revenue Code of 1986.

(2) CONSIDERATIONS.—In establishing the procedures required by paragraph (1), the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Secretary of Commerce shall consider life events of members of the uniformed services that are unique to them as members of the uniformed services, including changes relating to permanent changes of duty station and deployments to overseas contingency operations.

(b) DEDUCTIONS NOT PROHIBITED FOR ENLISTED MEMBERS.—Section 701(c) of title 37, United States Code, relating to assignment of the pay of an enlisted member, may not be construed to prohibit or invalidate the arrangements authorized by this section with respect to the pay or compensation of an enlisted member.

(c) REVIEW OF APPLICABILITY TO SELECTED RESERVE.—Not later than November 1, 2009, the Secretary of Defense shall submit to the congressional defense committees recommendations on the advisability of authorizing flexible spending arrangements for members of the Selected Reserve.

(d) UNIFORMED SERVICES DEFINED.—In this section, the term “uniformed services” has the meaning given the term in section 101(a) of title 10, United States Code.

SA 1552. Mrs. BOXER submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 557. SUPPORT OF DUAL-MILITARY COUPLES WITH DEPENDENTS.

(a) IN GENERAL.—Subchapter I of chapter 88 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1789a. Prohibition on concurrent deployment of dual-military married couples with minor dependents

“(a) PROHIBITION ON CONCURRENT DEPLOYMENT.—The Secretary may not deploy overseas in connection with a contingency operation an individual who—

“(1) has a minor dependent;

“(2) is married to a member of the armed forces who is deployed overseas in connection with a contingency operation; and

“(3) is designated by such member in the family care plan of such member as the primary care provider of such minor dependent.

“(b) REINTEGRATION PERIOD.—In the case of an individual with a minor dependent whose

spouse is a member of the armed forces returning from an overseas deployment in connection with a contingency operation, the Secretary may not deploy such individual during the 90-day period beginning on the date on which such member returns from such deployment.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1789 the following new item:

“1789a. Prohibition on concurrent deployment of dual-military married couples with minor dependents.”.

SA 1553. Mr. GREGG (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 553, between lines 15 and 16, insert the following:

SEC. 2707. AUTHORITY TO CONSTRUCT PREVIOUSLY AUTHORIZED ARMED FORCES RESERVE CENTER IN VICINITY OF SPECIFIED LOCATION AT PEASE AIR NATIONAL GUARD BASE, NEW HAMPSHIRE.

The Secretary of the Army may use funds appropriated pursuant to the authorization of appropriations in section 2703 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4715) for the purpose of constructing an Armed Forces Reserve Center at Pease Air National Guard Base, New Hampshire, to construct instead an Armed Forces Reserve Center in the vicinity of Pease Air National Guard Base at a location determined by the Secretary to be in the best interest of national security and in the public interest.

SA 1554. Mr. BURR (for himself, Mr. BAYH, Ms. SNOWE, Mr. UDALL of Colorado, Mr. WICKER, Mr. THUNE, Mr. ENZI, Mr. JOHANNIS, Ms. MURKOWSKI, Mr. HATCH, Mrs. LINCOLN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 573. GUARANTEE OF RESIDENCY FOR SPOUSES OF MILITARY PERSONNEL FOR VOTING PURPOSES.

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

(1) by striking “For” and inserting the following:

“(a) IN GENERAL.—For”;

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

“(b) SPOUSES.—For the purposes of voting for any Federal office (as defined in section

301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State because the person is accompanying the person’s spouse who is absent from that same State in compliance with military or naval orders shall not, solely by reason of that absence—

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

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

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

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

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act (50 U.S.C. App. 501) is amended by striking the item relating to section 705 and inserting the following new item:

“Sec. 705. Guarantee of residency for military personnel and spouses of military personnel.”.

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

SEC. 574. DETERMINATION FOR TAX PURPOSES OF RESIDENCE OF SPOUSES OF MILITARY PERSONNEL.

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

(1) in subsection (a)—

(A) by striking “A servicemember” and inserting the following:

“(1) IN GENERAL.—A servicemember”; and

(B) by adding at the end the following:

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

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

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

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

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

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

(B) in paragraph (2), by inserting “or the spouse’s” after “servicemember’s”.

(b) APPLICATION.—Subsections (a)(2) and (c) of section 511 of such Act (50 U.S.C. App. 571), as added by subsection (a) of this section, and the amendments made to such section 511 by subsection (a)(4) of this section, shall

apply with respect to any return of State or local income tax filed for any taxable year beginning with the taxable year that includes the date of the enactment of this Act.

SEC. 575. SUSPENSION OF LAND RIGHTS RESIDENCY REQUIREMENT FOR SPOUSES OF MILITARY PERSONNEL.

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

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

SA 1555. Mr. NELSON of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 537. AUTHORITY TO EXTEND ELIGIBILITY FOR ENROLLMENT IN DEPARTMENT OF DEFENSE ELEMENTARY AND SECONDARY SCHOOLS TO CERTAIN ADDITIONAL CATEGORIES OF DEPENDENTS.

Section 2164 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(j) TUITION-FREE ENROLLMENT OF DEPENDENTS OF FOREIGN MILITARY PERSONNEL RESIDING ON DOMESTIC MILITARY INSTALLATIONS AND DEPENDENTS OF CERTAIN DECEASED MEMBERS OF THE ARMED FORCES.—(1) The Secretary may authorize the enrollment in an education program provided by the Secretary pursuant to subsection (a) of a dependent not otherwise eligible for such enrollment who is the dependent of an individual described in paragraph (2). Enrollment of such a dependent shall be on a tuition-free basis.

“(2) An individual referred to in paragraph (1) is any of the following:

“(A) A member of a foreign armed force residing on a military installation in the United States (including territories, commonwealths, and possessions of the United States).

“(B) A deceased member of the armed forces who died in the line of duty in a combat-related operation, as designated by the Secretary.”.

SA 1556. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction; and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 933. INCLUSION IN BUDGET MATERIALS OF AMOUNTS FOR FORCES ASSIGNED THE MISSION OF MANAGING THE CONSEQUENCES OF INCIDENTS IN THE UNITED STATES INVOLVING A CHEMICAL, BIOLOGICAL, RADIOLOGICAL, OR NUCLEAR DEVICE, OR HIGH-YIELD EXPLOSIVES.

(a) IN GENERAL.—The Secretary of Defense shall submit to Congress, in the budget justification materials submitted to Congress in support of the Department of Defense budget for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), a consolidated budget justification display, in classified and unclassified form, that covers all programs and activities related to operations of the forces assigned the mission of managing the consequences of an incident in the United States involving a chemical, biological, radiological, or nuclear device, or high-yield explosives.

(b) REQUIREMENTS FOR BUDGET DISPLAY.—The consolidated budget justification display required by subsection (a) for a fiscal year shall include the following:

(1) A statement of what percentage of the requirements originally requested for programs and activities related to operations of the forces referred to in subsection (a) in the budget review process that the budget requests funds for.

(2) A summary of actual or estimated expenditures for such programs and activities for the fiscal year during which the budget is submitted and for the fiscal year preceding that year.

(3) The amount in the budget for such programs and activities.

(4) A detailed explanation of the shortfalls, if any, in the funding of any requirement referred to in paragraph (1), when compared to the amount referred to in paragraph (3).

(5) The budget estimate for such programs and activities for the five fiscal years after the fiscal year for which the budget is submitted.

SA 1557. Mrs. LINCOLN (for herself, Mr. TESTER, and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction; and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 635. TRAVEL AND TRANSPORTATION ALLOWANCES FOR MEMBERS OF THE RESERVE COMPONENTS FOR LONG DISTANCE AND CERTAIN OTHER TRAVEL TO INACTIVE DUTY TRAINING.

(a) ALLOWANCES REQUIRED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, as amended by section 633, is further amended by inserting after section 411k the following new section:

“§ 411l. Travel and transportation allowances: long distance and certain other travel to inactive duty training performed by members of the reserve components of the armed forces

“(a) ALLOWANCE REQUIRED.—The Secretary concerned shall reimburse a member of a reserve component of the armed forces for expenses, including mileage traveled and lodging and subsistence, incurred in connection with the following:

“(1) Round-trip travel in excess of 100 miles to an inactive duty training location, regardless of the method of transportation.

“(2) Round-trip travel of any distance to an inactive duty training location, if such travel requires a commercial method of transportation other than ground transportation.

“(b) RATES OF REIMBURSEMENT.—

“(1) MILEAGE.—In determining the amount of allowances or reimbursement to be paid for mileage traveled under subsection (a)(1), the Secretary concerned shall use the mileage reimbursement rate for the use of privately owned vehicles by Government employees on official business (when a Government vehicle is available), as prescribed by the Administrator of General Services under section 5707(b) of title 5.

“(2) COMMERCIAL FARE FOR TRAVEL BY COMMON CARRIER.—The amount of reimbursement to be paid under subsection (a)(2) for travel covered by that subsection shall be the reasonable commercial fare expense for such travel by common carrier.

“(3) LODGING AND SUBSISTENCE.—In determining the amount of allowances or reimbursement to be paid for lodging and subsistence under this section, the Secretary concerned shall use the per diem rate as prescribed by the Administrator of General Services under section 5707 of title 5.

“(4) AUTHORITY TO REIMBURSE AT HIGHER RATES.—Subject to the availability of appropriations and the approval of the Secretary of Defense, the Secretary concerned may modify the amount of allowances or reimbursement to be paid under this section using reimbursement rates in excess of those prescribed under paragraphs (1), (2), and (3).

“(c) REGULATIONS.—The Secretary concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title, as amended by section 633, is further amended by inserting after the item relating to section 411k the following new item:

“411l. Travel and transportation allowances: long distance and certain other travel to inactive duty training performed by members of the reserve components of the armed forces.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to travel expenses incurred after the expiration of the 90-day period that begins on the date of the enactment of this Act.

SA 1558. Mr. NELSON of Florida (for himself, Mr. BYRD, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1083. GRANT OF FEDERAL CHARTER TO MILITARY OFFICERS ASSOCIATION OF AMERICA.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1403 the following new chapter:

“CHAPTER 1404—MILITARY OFFICERS ASSOCIATION OF AMERICA

“Sec.

“140401. Organization.

“140402. Purposes.

“140403. Membership.

“140404. Governing body.

“140405. Powers.

“140406. Restrictions.

“140407. Tax-exempt status required as condition of charter.

“140408. Records and inspection.

“140409. Service of process.

“140410. Liability for acts of officers and agents.

“140411. Annual report.

“140412. Definition.

“§ 140401. Organization

“(a) FEDERAL CHARTER.—Military Officers Association of America (in this chapter, the ‘corporation’), a nonprofit organization that meets the requirements for a veterans service organization under section 501(c)(19) of the Internal Revenue Code of 1986 and is organized under the laws of the Commonwealth of Virginia, is a federally chartered corporation.

“(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) shall expire.

“§ 140402. Purposes

“(a) GENERAL.—The purposes of the corporation are as provided in its bylaws and articles of incorporation and include—

“(1) to inculcate and stimulate love of the United States and the flag;

“(2) to defend the honor, integrity, and supremacy of the Constitution of the United States and the United States Government;

“(3) to advocate military forces adequate to the defense of the United States;

“(4) to foster the integrity and prestige of the Armed Forces;

“(5) to foster fraternal relations between all branches of the various Armed Forces from which members are drawn;

“(6) to further the education of children of members of the Armed Forces;

“(7) to aid members of the Armed forces and their family members and survivors in every proper and legitimate manner;

“(8) to present and support legislative proposals that provide for the fair and equitable treatment of members of the Armed Forces, including the National Guard and Reserves, military retirees, family members, survivors, and veterans; and

“(9) to encourage recruitment and appointment in the Armed Forces.

“§ 140403. Membership

“Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

“§ 140404. Governing body

“(a) BOARD OF DIRECTORS.—The composition of the board of directors of the corporation, and the responsibilities of the board, are as provided in the articles of incorporation and bylaws of the corporation.

“(b) OFFICERS.—The positions of officers of the corporation, and the election of the officers, are as provided in the articles of incorporation and bylaws.

“§ 140405. Powers

“The corporation has only those powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

“§ 140406. Restrictions

“(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

“(b) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member of the corporation during the life of the charter granted by this chapter. This subsection does not

prevent the payment of reasonable compensation to an officer or employee of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

“(c) LOANS.—The corporation may not make a loan to a director, officer, employee, or member of the corporation.

“(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

“(e) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the Commonwealth of Virginia.

“§ 140407. Tax-exempt status required as condition of charter

“If the corporation fails to maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986, the charter granted under this chapter shall terminate.

“§ 140408. Records and inspection

“(a) RECORDS.—The corporation shall keep—

“(1) correct and complete records of account;

“(2) minutes of the proceedings of the members, board of directors, and committees of the corporation having any of the authority of the board of directors of the corporation; and

“(3) at the principal office of the corporation, a record of the names and addresses of the members of the corporation entitled to vote on matters relating to the corporation.

“(b) INSPECTION.—A member entitled to vote on any matter relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose at any reasonable time.

“§ 140409. Service of process

“The corporation shall comply with the law on service of process of each State in

which it is incorporated and each State in which it carries on activities.

“§ 140410. Liability for acts of officers and agents

“The corporation is liable for any act of any officer or agent of the corporation acting within the scope of the authority of the corporation.

“§ 140411. Annual report

“The corporation shall submit to Congress an annual report on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101(b) of this title. The report may not be printed as a public document.

“§ 140412. Definition

“In this chapter, the term ‘State’ includes the District of Columbia and the territories and possessions of the United States.”

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by inserting after the item relating to chapter 1403 the following new item:

“1404. Military Officers Association of America140401”.

SA 1559. Mr. INHOFE (for himself, Mr. ROBERTS, Mr. WICKER, Mr. BUNNING, Mr. CRAPO, Mr. CORNYN, Mr. DEMINT, Mr. COBURN, Mr. MCCONNELL, Mr. RISCH, Mr. GREGG, Mr. BARRASSO, Mr. BOND, Mrs. HUTCHISON, Mr. VITTER, Mr. BENNETT, Mr. CHAMBLISS, Mr. HATCH, Mr. BROWNBACK, Mr. THUNE, Mr. KYL, Mr. ENZI, Mr. SESSIONS, Mr. BURR, and Mr. JOHANNES) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-

tary personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X of division A, insert the following:

SEC. 1059. PROHIBITION ON TRANSFER OF GUANTANAMO DETAINEES.

No department or agency of the United States may—

(1) transfer any detainee of the United States housed at Naval Station, Guantanamo Bay, Cuba, to any facility in the United States or its territories;

(2) construct, improve, modify, or otherwise enhance any facility in the United States or its territories for the purpose of housing any detainee described in paragraph (1); or

(3) permanently or temporarily house or otherwise incarcerate any detainee described in paragraph (1) in the United States or its territories.

SA 1560. Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction; and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 508, between lines 15 and 16, insert the following:

SEC. 2005. TECHNICAL CORRECTIONS REGARDING CERTAIN MILITARY CONSTRUCTION PROJECTS, NEW MEXICO.

Notwithstanding the table in section 4501, the amounts available for the following projects at the following installations shall be as follows:

Air Force: Inside the United States

State	Installation	Project Title	Senate Authorized Amount
New Mexico	Holloman Air Force Base	Fire-Crash Rescue Station	\$0

Special Operations Command

State	Installation	Project Title	Senate Authorized Amount
New Mexico	Cannon Air Force Base	SOF AC 130 Loadout Apron Phase 1	\$6,000,000

On page 523, in the table preceding line 1, in the item relating to Holloman Air Force Base, New Mexico, strike “\$15,900,000” in the amount column and insert “\$5,500,000”.

On page 525, line 2, strike “\$1,746,821,000” and insert “\$1,736,421,000”.

On page 525, line 5, strike “\$822,515,000” and insert “\$812,115,000”.

On page 529, in the table preceding line 1 entitled “Special Operations Command”, in the item relating to Cannon Air Force Base, New Mexico, strike “\$52,864,000” in the amount column and insert “\$58,864,000”.

On page 531, line 16, strike “\$3,284,025,000” and insert “\$3,290,025,000”.

On page 531, line 19, strike “\$963,373,000” and insert “\$969,373,000”.

SA 1561. Mr. BINGAMAN (for himself and Mr. ALEXANDER, Mr. BROWN, Mr. KENNEDY, Mr. UDALL of Colorado, Mr.

VOINOVICH, Ms. MURKOWSKI, Mr. UDALL of New Mexico, Ms. CANTWELL, Mr. REID, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction; and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXXI, insert the following:

SEC. 3136. EXPANSION OF AUTHORITY OF OMBUDSMAN OF ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) IN GENERAL.—Section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–15) is amended—

(1) in subsection (c), by inserting “and subtitle B” after “this subtitle” each place it appears;

(2) in subsection (d), by inserting “and subtitle B” after “this subtitle”;

(3) in subsection (e), by inserting “and subtitle B” after “this subtitle” each place it appears;

(4) by redesignating subsection (g) as subsection (h); and

(5) by inserting after subsection (f) the following new subsection:

“(g) NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH OMBUDSMAN.—In carrying out the duties of the Ombudsman under this section, the Ombudsman shall work with the individual employed by the National Institute for Occupational Safety and Health to serve as an ombudsman to individuals making claims under subtitle B.”.

(b) CONSTRUCTION.—Except as specifically provided in subsection (g) of section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by subsection (a) of this section, nothing in the amendments made by such subsection (a) shall be construed to alter or affect the duties and functions of the individual employed by the National Institute for Occupational Safety and Health to serve as an ombudsman to individuals making claims under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384f et seq.).

SA 1562. Mr. MENENDEZ (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 475, between lines 2 and 3, insert the following:

SEC. 1211. RESTRICTIONS ON COALITION SUPPORT FUND REIMBURSEMENTS.

(a) LIMITATION ON USES OF COALITION SUPPORT FUND REIMBURSEMENTS.—Coalition Support Fund reimbursements provided to the Government of Pakistan may only be provided for the following purposes:

(1) Military operations of the Government of Pakistan to destroy the terrorist threat and close the terrorist safe haven, known or suspected, in the Federally Administered Tribal Areas, the North West Frontier Province, and other regions of Pakistan.

(2) Military operations of the Government of Pakistan to protect United States and allied logistic operations in support of Operation Enduring Freedom or Operation Iraqi Freedom.

(b) CONSULTATION WITH THE SECRETARY OF STATE.—The Secretary of Defense shall consult with the Secretary of State before providing any Coalition Support Fund reimbursements to the Government of Pakistan.

(c) CERTIFICATION REQUIREMENT.—Section 1232(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 392), as amended by section 1217 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4634), is amended—

(1) in paragraph (1)(A), by striking “the Secretary of Defense shall submit” and inserting “the Secretary of Defense, after consultation with the Secretary of State, shall submit”; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting each clause, as so redesignated, 6 ems from the left margin;

(B) by striking “shall include an itemized description” and inserting the following: “shall include the following:

“(A) An itemized description”; and

(C) by adding at the end the following new subparagraph:

“(B) A certification that the reimbursement—

“(i) is consistent with the national security interests of the United States; and

“(ii) will not adversely impact the balance of power in the region.”.

SA 1563. Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 573. INCLUSION OF EMAIL ADDRESS ON CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214).

Section 596 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 1168 note) is amended—

(1) by inserting “(a) ELECTION TO FORWARD CERTIFICATE TO VA OFFICES.—” before “The Secretary of Defense”; and

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

“(b) INCLUSION OF EMAIL ADDRESS.—The Secretary of Defense shall further modify the DD Form 214 in order to permit a member of the Armed Forces to include an email address on the form.”.

SA 1564. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 635. TRAVEL AND TRANSPORTATION FOR SURVIVORS OF DECEASED MEMBERS OF THE UNIFORMED SERVICES TO ATTEND MEMORIAL CEREMONIES.

(a) ALLOWANCES AUTHORIZED.—Subsection (a) of section 411f of title 37, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2) The Secretary concerned may provide round trip travel and transportation allowances to eligible relatives of a member of the uniformed services who dies while on active duty in order that the eligible relatives may attend a memorial service for the deceased member that occurs at a location other than the location of the burial ceremony for which travel and transportation allowances are provided under paragraph (1). Travel and transportation allowances may be provided under this paragraph for travel of eligible relatives to only one memorial service for the deceased member concerned.”.

(b) CONFORMING AMENDMENTS.—Subsection (c) of such section is amended—

(1) by striking “subsection (a)(1)” the first place it appears and inserting “paragraphs (1) and (2) of subsection (a)”;

(2) by striking “subsection (a)(1)” the second place it appears and inserting “paragraph (1) or (2) of subsection (a)”.

SA 1565. Mr. LAUTENBERG (for himself, Mr. ROCKEFELLER, Mrs.

HUTCHISON, Mr. THUNE, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —MARITIME ADMINISTRATION

SEC. —01. SHORT TITLE.

This title may be cited as the “Maritime Administration Authorization Act of 2010”.

SEC. —02. COOPERATIVE AGREEMENTS, ADMINISTRATIVE EXPENSES, AND CONTRACTING AUTHORITY.

Section 109 of title 49, United States Code, is amended—

(1) by striking the heading for subsection (h) and inserting the following:

“(h) CONTRACTS, COOPERATIVE AGREEMENTS, AND AUDITS.—”;

(2) by striking the heading for paragraph (1) of subsection (h) and inserting the following:

“(1) CONTRACTS AND COOPERATIVE AGREEMENTS.—”;

(3) by striking “make contracts” in subsection (h)(1) and inserting “make contracts and cooperative agreements”;

(4) by striking “section and” in subsection (h)(1)(A) and inserting “section.”;

(5) by striking “title 46;” in subsection (h)(1)(A) and insert “title 46, and all other Maritime Administration programs;”;

(6) by redesignating subsection (i) as subsection (j) and inserting after subsection (h) the following:

“(i) GRANT ADMINISTRATIVE EXPENSES.—Except as otherwise provided by law, the administrative and related expenses for the administration of any grant programs by the Maritime Administrator may not exceed 3 percent.”.

SEC. —03. USE OF FUNDING FOR DOT MARITIME HERITAGE PROPERTY.

Section 6(a)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(a)(1)) is amended by striking subparagraph (C) and inserting the following:

“(C) The remainder, whether collected before or after the date of enactment of the Maritime Administration Authorization Act of 2010, shall be available to the Secretary to carry out the Program, as provided in subsection (b) of this section or, if otherwise determined by the Maritime Administrator, for use in the preservation and presentation to the public of maritime heritage property of the Maritime Administration.”.

SEC. —04. LIQUIDATION OF UNUSED LEAVE BALANCE AT THE MERCHANT MARINE ACADEMY.

The Maritime Administration may use appropriated funds to make a lump-sum payment at a rate of pay that existed on the date of termination or day before conversion to the Civil Service for any unused annual leave accrued by a non-appropriated fund instrumentality employee who was terminated if determined ineligible for conversion, or converted to the Civil Service as a United States Merchant Marine Academy employee during fiscal year 2009.

SEC. —05. PERMANENT AUTHORITY TO HIRE ADJUNCT PROFESSORS AT THE MERCHANT MARINE ACADEMY.

(a) IN GENERAL.—Chapter 513 of title 46, United States Code, is amended by adding at the end thereof the following:

§ 51317. Adjunct professors

“(a) IN GENERAL.—The Maritime Administrator may, subject to the availability of appropriations, contract with individuals as personal services contractors to provide services as adjunct professors at the United States Merchant Marine Academy, if the Maritime Administrator determines that there is a need for adjunct professors and the need is not of permanent duration.

“(b) CONTRACT REQUIREMENTS.—Each contract under this section—

“(1) shall be approved by the Maritime Administrator; and

“(2) shall be for a duration, including options, of not to exceed one year unless the Maritime Administrator finds that exceptional circumstances justify an extension, which may not exceed one additional year.

“(c) LIMITATION ON NUMBER OF CONTRACTORS.—In awarding contracts under this section, the Maritime Administrator shall ensure that not more than 25 individuals actively provide services in any one academic trimester, or equivalent, as contractors under subsection (a).

“(d) EXISTING CONTRACTS.—Any contract entered into before the date of enactment of the Maritime Administration Authorization Act of 2010 for the services of an adjunct professor at the Academy shall remain in effect for the trimester (or trimesters) for which the services were contracted.”.

(b) CONFORMING AMENDMENTS.—

(1) The table of contents for chapter 513 of title 46, United States Code, is amended by adding at the end thereof the following:

“51317. Adjunct professors.”.

(2) Section 3506 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (46 U.S.C. 53101 note) is repealed.

SEC.—06. USE OF MIDSHIPMAN FEES.

Section 51314 of title 46, United States Code, is amended—

(1) by striking “1994.” in subsection (b) and inserting “1994, or for calculators, computers, personal and academic supplies, midshipman services such as barber, tailor, or laundry services, and U.S. Coast Guard license fees.”; and

(2) by adding at the end thereof the following:

“(c) USE AND ACCOUNTING.—

“(1) USE.—Midshipman fees collected by the Academy shall be credited to the Maritime Administration’s Operations and Training appropriations, to remain available until expended, for those expenses directly related to the purposes of the fees. Fees collected in excess of actual expenses may be returned to the midshipmen through a mechanism approved by the Maritime Administrator.

“(2) ACCOUNTING.—The Maritime Administration shall maintain a separate and detailed accounting of fee revenue and all associated expenses.”.

SEC.—07. CONSTRUCTION OF VESSELS IN THE UNITED STATES POLICY.

Section 5101(a)(4) of title 46, United States Code, is amended by inserting “constructed in the United States” after “vessels”.

SEC.—08. PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.

Section 50302 of title 46, United States Code, is amended by adding at the end thereof the following:

“(c) PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.—

“(1) ESTABLISHMENT OF PROGRAM.—The Secretary of Transportation, through the Maritime Administration, shall establish a port infrastructure development program for the improvement of port facilities.

“(2) AUTHORITY OF THE ADMINISTRATOR.—In order to carry out any program established under paragraph (1), the Maritime Administrator may—

“(A) receive funds provided for the program from non-Federal and private entities that have a specific agreement or contract with the Maritime Administration to further the purposes of this subsection;

“(B) coordinate with other Federal agencies to expedite the process established under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the improvement of port facilities to relieve port congestion, to increase port security, or to provide greater access to port facilities;

“(C) seek to coordinate all reviews or requirements with appropriate local, State, and Federal agencies;

“(D) provide such technical assistance to port authorities or commissions or their subdivisions and agents as needed for project planning, design, and construction; and

“(E) encourage such public-private partnerships as may be necessary for the development of financial support of the project as the Administrator deems necessary.

(3) PORT INFRASTRUCTURE DEVELOPMENT FUND.—

“(A) ESTABLISHMENT.—There is a Port Infrastructure Development Fund for use by the Administrator in carrying out the port infrastructure development program. The Fund shall be available to the Administrator—

“(i) to administer and carry out the program;

“(ii) to receive non-Federal and private funds from entities which have specific agreements or contracts with the Administrator; and

“(iii) to make refunds for projects that will not be completed.

“(B) CREDITS.—There shall be deposited into the Fund—

“(i) funds from non-Federal and private entities which have agreements or contracts with the Administrator and which shall remain in the Fund until expended;

“(ii) income from investments made pursuant to subparagraph (D); and

“(iii) such amounts as may be appropriated or transferred to the Fund under this subsection.

“(C) TRANSFERS.—Amounts appropriated or otherwise made available for any fiscal year for an intermodal or marine facility comprising a component of the program shall be transferred to the Fund and administered by the Administrator.

“(D) INVESTMENTS.—Amounts in the Fund which are not currently needed for the program shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

“(E) ADMINISTRATIVE EXPENSES.—Administrative and related expenses for the program for any fiscal year may not exceed 3 percent of the amount available to the program for that fiscal year.

“(F) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as may be necessary to carry out the program, taking into account amounts received under subparagraph (A)(ii).”.

SEC.—09. REEFS FOR MARINE LIFE CONSERVATION PROGRAM.

(a) IN GENERAL.—Section 3 of Public Law 92-402 (16 U.S.C. 1220) is amended by adding at the end thereof the following:

“(d) Any territory, possession, or Commonwealth of the United States, and any foreign country, may apply to the Secretary for an obsolete vessel to be used for an artificial reef under this section. The application process and reefing of any such obsolete vessel shall be performed in a manner consistent with the process jointly developed by the Secretary of Transportation and the Administrator of the Environmental Protection

Agency under section 3504(b) of Public Law 107-314 (16 U.S.C. 1220 note).”.

(b) LIMITATION.—Section 7 of Public Law 92-402 (16 U.S.C. 1220c-1) is amended by adding at the end thereof the following:

“(d) LIMITATION.—The Secretary may not provide assistance under this section to a foreign country to which an obsolete ship is transferred under this Act.”.

SEC.—10. STUDENT INCENTIVE PAYMENT AGREEMENTS.

Section 51509(b) of title 46, United States Code, is amended by striking “paid before the start of each academic year,” and inserting “paid.”.

SEC.—11. UNITED STATES MERCHANT MARINE ACADEMY GRADUATE PROGRAM RECEIPT, DISBURSEMENT, AND ACCOUNTING FOR NON-APPROPRIATED FUNDS.

Section 51309(b) of title 46, United States Code, is amended by inserting after “body.” the following: “Non-appropriated funds received for this purpose shall be credited to the Maritime Administration’s Operations and Training appropriation, to remain available until expended, for those expenses directly related to the purpose of such receipts. The Superintendent shall maintain a separate and detailed accounting of non-appropriated fund receipts and all associated expenses.”.

SEC.—12. AMERICA’S SHORT SEA TRANSPORTATION GRANTS FOR THE DEVELOPMENT OF MARINE HIGHWAYS.

(a) IN GENERAL.—Chapter 556 of title 46, United States Code, is amended by redesignating sections 55602 through 55605 as sections 55603 through 55606 and by inserting after section 55601 the following:

“§ 55602. Short sea transportation grant program

“(a) IN GENERAL.—The Secretary of Transportation shall establish and implement a short sea transportation grant program.

“(b) PURPOSE.—The purposes of the program are to make grants to States and other public entities and sponsors of short sea transportation projects designated by the Secretary—

“(1) to facilitate and support marine transportation initiatives at the State and local levels to facilitate commerce, mitigate landside congestion, reduce the transportation energy consumption, reduce harmful emissions, improve safety, assist in environmental mitigation efforts, and improve transportation system resiliency; and

“(2) to provide capital funding to address short sea transportation infrastructure and freight transportation needs for ports, vessels, and intermodal cargo facilities.

“(c) ELIGIBLE PROJECTS.—To be eligible for a grant under the program, a project—

“(1) shall be designed to help relieve congestion, improve transportation safety, facilitate domestic and international trade, or encourage public-private partnerships; and

“(2) may include development, modification, and construction of marine and intermodal cargo facilities, vessels, port infrastructure and cargo handling equipment, and transfer facilities at ports.

“(d) SELECTION PROCESS.—

“(1) APPLICATIONS.—A State or other public entity, or the sponsor of any short sea transportation project designated by the Secretary under the America’s Marine Highway Program (MARAD Docket No. 2008-0096; 73 FR 59530), may submit an application to Secretary for a grant under the short sea transportation grant program. The application shall contain such information and assurances as the Secretary may require.

“(2) PRIORITY.—In selecting projects for grants, the Secretary shall give priority to

projects that are consistent with the objectives of the short sea transportation initiative and America's Marine Highway Program that will—

“(A) mitigate landside congestion;
“(B) provide the greatest public benefit in energy savings, reduced emissions, improved system resiliency, and improved safety;

“(C) include and demonstrate the greatest environmental responsibility; and

“(D) provide savings as an alternative to or means to avoid highway or rail transportation infrastructure construction and maintenance.

“(e) USE OF GRANT FUNDS.—Funds made available to a recipient of a grant under this section shall be used by the recipient for the project described in the application of the recipient approved by the Secretary.”

(b) CLERICAL AMENDMENT.—The table of contents for chapter 556 of title 46, United States Code, is amended—

(1) by redesignating the items relating to sections 55602 through 55605 as relating to section 55603 through 55606; and

(2) by inserting after the item relating to section 55601 the following:

“55602. Short sea transportation grant program.”

SEC. —13. EXPANSION OF THE MARINE VIEW SYSTEM.

(a) DEFINITIONS.—In this section:

(1) MARINE TRANSPORTATION SYSTEM.—The term “marine transportation system” means the navigable water transportation system of the United States, including the vessels, ports (and intermodal connections thereto), and shipyards and other vessel repair facilities that are components of that system.

(2) MARINE VIEW SYSTEM.—The term “Marine View system” means the information system of the Maritime Administration known as Marine View.

(b) FINDINGS.—Congress finds the following:

(1) Information regarding the marine transportation system is comprised of information from the Government of the United States and from commercial sources.

(2) Marine transportation system information includes information regarding waterways, bridges, locks, dams, and all intermodal components that are dependent on maritime transportation and accurate information regarding marine transportation is critical to the health of the United States economy.

(3) Numerous challenges face the marine transportation system, including projected growth in cargo volumes, international competition, complexity, cooperation, and the need for improved efficiency.

(4) There are deficiencies in the current information environment of the marine transportation system, including the inability to model the entire marine transportation system to address capacity planning, disaster planning, and disaster recovery.

(5) The current information environment of the marine transportation system contains multiple unique systems that are duplicative, not integrated, not able to be shared, not secure, or that have little structured privacy protections, not protected from loss or destruction, and will not be available when needed.

(6) There is a lack of system-wide information views in the marine transportation system.

(7) The Administrator of the Maritime Administration is uniquely positioned to develop and execute the role of marine transportation system information advocate, to serve as the focal point for marine transportation system information management, and to provide a robust information infrastructure to identify, collect, secure, protect,

store, and deliver critical information regarding the marine transportation system.

(c) PURPOSES.—The purposes of this section are—

(1) to expand the Marine View system; and
(2) to provide support for the strategic requirements of the marine transportation system and its contribution to the economic viability of the United States.

(d) EXPANSION OF MARINE VIEW SYSTEM.—To accomplish the purposes of this section, the Secretary of Transportation shall expand the Marine View system so that such system is able to identify, collect, integrate, secure, protect, store, and securely distribute throughout the marine transportation system information that—

(1) provides access to many disparate marine transportation system data sources;

(2) enables a system-wide view of the marine transportation system;

(3) fosters partnerships between the Government of the United States and private entities;

(4) facilitates accurate and efficient modeling of the entire marine transportation system environment;

(5) monitors and tracks threats to the marine transportation system, including areas of severe weather or reported piracy; and

(6) provides vessel tracking and rerouting, as appropriate, to ensure that the economic viability of the United States waterways is maintained.

(e) AGREEMENTS AND CONTRACTS.—The Administrator of the Maritime Administration may enter into cooperative agreements, partnerships, contracts, or other agreements with industry or other Federal agencies to carry out this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$10,000,000 for each of fiscal years 2010 through 2013 to carry out this section.

SEC. —14. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2010.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation, for the use of the Maritime Administration, for fiscal year 2010 the following amounts:

(1) For expenses necessary for operations and training activities, \$152,900,000, of which—

(A) \$74,448,000 shall remain available until expended for expenses at the United States Merchant Marine Academy, of which \$15,391,000 shall be available for the capital improvement program; and

(B) \$11,240,000 which shall remain available until expended for maintenance and repair of school ships at the State Maritime Academies.

(2) For expenses to maintain and preserve a United States-flag merchant fleet to serve the national security needs of the United States under chapter 531 of title 46, United States Code, \$174,000,000.

(3) For paying reimbursement under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), \$19,500,000.

(4) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, including provision of assistance under section 7 of Public Law 92-402, \$15,000,000.

(5) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, \$30,000,000.

(6) For administrative expenses related to the implementation of the loan guarantee program under chapter 537 of title 46, United States Code, administrative expenses related to implementation of the reimbursement program under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), and administrative expenses related to the

implementation of the small shipyards and maritime communities assistance program under section 54101 of title 46, United States Code, \$6,000,000.

(b) AVAILABILITY.—Amounts appropriated pursuant to subsection (a) shall remain available, as provided in appropriations Acts, until expended.

SA 1566. Mr. INOUE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 565, after line 20, add the following:

SEC. 2832. LAND CONVEYANCES OF CERTAIN PARCELS IN THE CAMP CATLIN AND OHANA NUI AREAS, PEARL HARBOR, HAWAII.

(a) REQUIREMENT.—In the event the Secretary of the Navy (“the Secretary”) determines that certain parcels of real property under the jurisdiction of the Secretary and located at the Camp Catlin and Ohana Nui areas, Hawaii (“the property”), are excess to the needs of the Department of the Navy, the Secretary may offer to any person or entity leasing or licensing such property or any portion thereof as of the date of the enactment of this Act (“the lessee”) the right to purchase all right, title, and interest of the United States in and to the portion of the property respectively leased or licensed by such person or entity in exchange for payment of not less than the fair market value of such property or any portion thereof, before the property or portion thereof is made available for transfer pursuant to the Hawaiian Home Lands Recovery Act (title II of Public Law 104-42; 109 Stat. 357), for use by any other Federal agency, or for disposal under applicable laws.

(b) EXERCISE OF RIGHT TO PURCHASE PROPERTY.—

(1) ACCEPTANCE OF OFFER.—For a period of 180 days beginning on the date the Secretary makes a written offer to sell the property or any portion thereof under subsection (a), the lessee shall have the exclusive right to accept such offer by providing written notice of acceptance to the Secretary within the specified 180-day time period. If the Secretary's offer is not so accepted within the 180-day period, the offer shall expire and the property may be disposed of in accordance with laws, regulations, and procedures otherwise applicable to administration and disposal of excess military property.

(2) CONVEYANCE DEADLINE.—If a lessee accepts the offer to purchase the property or a portion thereof in accordance with paragraph (1), the conveyance shall take place not later than 2 years after the date of the lessee's written acceptance, provided that the conveyance date may be extended for a reasonable period of time by mutual agreement of the parties, evidenced by a written instrument executed by the parties prior to the end of the 2-year period. If the lessee's lease or license term expires before the conveyance is completed, the Secretary may extend the lease or license term up to the date of conveyance, provided that the lessee shall be required to pay for such extended term at the rate in effect at the time it was declared excess property.

(c) CONSIDERATION AND OTHER TERMS.—A conveyance to a lessee under this section shall be at fair market value of the property

or portion thereof to be conveyed, as determined by the Secretary, and shall be subject to such other terms, conditions, and limitations as the Secretary may deem appropriate to protect the interests of the United States. The proceeds of any such conveyance shall be deposited in the special account referred to in section 572(b)(5) of title 40, United States Code, and shall be available for the uses and under the conditions provided for funds deposited into that account.

(d) **INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT AND DISPOSAL LAWS.**—Fee conveyances to lessees under this section shall not be subject to the following provisions of law:

- (1) Section 2696 of title 10, United States Code.
- (2) Section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411).
- (3) Section 572 of title 40, United States Code.

SA 1567. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 512. MODIFICATION OF CERTAIN RETIREMENT PAY AND GRADE AUTHORITIES FOR SERVICES PERFORMED AFTER ELIGIBILITY FOR RETIREMENT.

(a) **ELECTION TO RECEIVE RETIRED PAY FOR NON-REGULAR SERVICE UPON RETIREMENT FOR SERVICE IN AN ACTIVE RESERVE STATUS PERFORMED AFTER ATTAINING ELIGIBILITY FOR REGULAR RETIREMENT.**—

(1) **ELECTION AUTHORITY; REQUIREMENTS.**—Subsection (a) of section 12741 of title 10, United States Code, is amended to read as follows:

“(a) **AUTHORITY TO ELECT TO RECEIVE RESERVE RETIRED PAY.**—(1) A person may elect to receive retired pay under this chapter, instead of receiving retired or retainer pay under chapter 65, 367, 571, or 867 of this title, if—

“(A) the person satisfies the requirements specified in paragraphs (1) and (2) of section 12731(a) of this title for entitlement to retired pay under this chapter;

“(B) the person served in an active status in the Selected Reserve of the Ready Reserve after becoming eligible for retirement under chapter 65, 367, 571, or 867 of this title (without regard to whether the person actually retired or received retired or retainer pay under one of those chapters);

“(C) the person completed not less than two years of service in such active status (excluding any period of active service); and

“(D) the service of the person in such active status is determined by the Secretary concerned to have been satisfactory.

“(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1)(C) in the case of a person who—

“(A) completed at least six months of service in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general; and

“(B) failed to complete the minimum two years of service solely because the appointment of the person to such position was terminated or vacated as described in section 324(b) of title 32.”

(2) **ACTIONS TO EFFECTUATE ELECTION.**—Subsection (b) of such section is amended by striking paragraph (1) and inserting the following new paragraph:

“(1) terminate the eligibility of the person to retire under chapter 65, 367, 571, or 867 of this title, if the person is not already retired under one of those chapters, and terminate entitlement of the person to retired or retainer pay under one of those chapters, if the person was already receiving retired or retainer pay under one of those chapters; and”.

(3) **CONFORMING AMENDMENT TO REFLECT NEW VARIABLE AGE REQUIREMENT FOR RETIREMENT.**—Subsection (d) of such section is amended—

(A) in paragraph (1), by striking “attains 60 years of age” and inserting “attains the eligibility age applicable to the person under section 12731(f) of this title”; and

(B) in paragraph (2)(A), by striking “attains 60 years of age” and inserting “attains the eligibility age applicable to the person under such section”.

(4) **REPEAL OF RESTRICTION ON ELECTION TO RECEIVE RESERVE RETIRED PAY.**—Section 12731(a) of such title is amended—

(A) by inserting “and” at the end of paragraph (2);

(B) by striking “; and” at the end of paragraph (3) and inserting a period; and

(C) by striking paragraph (4).

(5) **CLERICAL AMENDMENTS.**—

(A) **SECTION HEADING.**—The heading for section 12741 of such title is amended to read as follows:

“§ 12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement”.

(B) **TABLE OF SECTIONS.**—The table of sections at the beginning of chapter 1223 of such title is amended by striking the item relating to section 12741 and inserting the following new item:

“12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement.”.

(6) **RETROACTIVE APPLICABILITY.**—The amendments made by this subsection shall take effect as of January 1, 2008.

(b) **RECOMPUTATION OF RETIRED PAY AND ADJUSTMENT OF RETIRED GRADE OF RESERVE RETIREES TO REFLECT SERVICE AFTER RETIREMENT.**—

(1) **RECOMPUTATION.**—Section 10145 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e)(1) If a member of the Retired Reserve is recalled to an active status under subsection (d) in the Selected Reserve of the Ready Reserve and completes not less than two years of service in such active status, the member is entitled to—

“(A) the recomputation of the retired pay of the member determined under section 12739 of this title; and

“(B) in the case of a commissioned officer, an adjustment in the retired grade of the member in the manner provided in section 1370 of this title.

“(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

“(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;

“(B) completes at least six months of service in such position; and

“(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.”.

(2) **RETROACTIVE APPLICABILITY.**—The amendment made by this subsection shall take effect as of January 1, 2008.

SA 1568. Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 508, between lines 15 and 16, insert the following:

SEC. 2005. TECHNICAL CORRECTIONS REGARDING MILITARY CONSTRUCTION PROJECT, CANNON AIR FORCE BASE, NEW MEXICO.

Notwithstanding the table in section 4501, the amounts available for the following projects at the following installations or locations shall be as follows:

Special Operations Command

State	Installation	Project Title	Senate Authorized Amount
New Mexico	Cannon Air Force Base	SOF AC 130 Loadout Apron Phase 1	\$6,000,000

Energy Conservation Projects, Defense-wide

Location	Project Title	Senate Authorized Amount
Unspecified Worldwide	Energy Conservation Improvement Program	\$117,013,000

On page 529, in the table preceding line 1 entitled "Special Operations Command", in the item relating to Cannon Air Force Base, New Mexico, strike "\$52,864,000" in the amount column and insert "\$58,864,000".

On page 531, line 8, strike "\$123,013,000" and insert "\$117,013,000".

On page 531, line 19, strike "\$963,373,000" and insert "\$969,373,000".

On page 532, line 11, strike "\$123,013,000" and insert "\$117,013,000".

SA 1569. Mr. BURRIS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, between lines 18 and 19, insert the following:

SEC. 342. PLAN FOR MANAGING VEGETATIVE ENCROACHMENT AT TRAINING RANGES.

Section 366(a)(5) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 10 U.S.C. 113 note) is amended—

(1) by striking "(5) At the same time" and inserting "(5)(A) At the same time"; and

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

"(B) Beginning with the report submitted to Congress at the same time as the President submits the budget for fiscal year 2011, the report required under this subsection shall include the following:

"(i) An assessment of the extent to which vegetation and overgrowth limits the use of military lands available for training of the Armed Forces in the United States and overseas.

"(ii) Identification of the particular installations and training areas at which vegetation and overgrowth negatively impact the use of training space.

"(iii)(I) As part of the first such report submitted, a plan to address training constraints caused by vegetation and overgrowth.

"(II) As part of each subsequent report, any necessary updates to such plan."

SA 1570. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 573. ENHANCEMENT OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214).

The Secretary of Defense shall modify the Certificate of Release or Discharge from Active Duty (DD Form 214) to include a current electronic mail address (if any) and a current telephone number as information requested of a member of the Armed Forces by the form. Such information shall be provided only with the consent of the member of the Armed Forces.

SA 1571. Mr. JOHANNIS (for himself, Mr. BUNNING, Mr. CRAPO, Mr. INHOFE,

Mr. MARTINEZ, Mr. BOND, Mr. COBURN, Mr. BENNETT, Mr. KYL, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1232. SENSE OF THE SENATE ON THE IMPLEMENTATION OF THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT.

It is the sense of the Senate that—

(1) the successes achieved by the President of Colombia, Alvaro Uribe, in rebuilding the Government of Colombia, strengthening the institutions of Colombia, and solidifying the rule of law in Colombia are historic;

(2) President Uribe, the Government of Colombia, and the security forces of Colombia should be congratulated for significant successes in fighting the Revolutionary Armed Forces of Colombia (FARC);

(3) the close ties between the United States and Colombia in the fight against illicit narcotics, terrorism, and transnational crime should be recognized;

(4) the United States-Colombia Trade Promotion Agreement is enormously advantageous for workers, businesses, and farmers in the United States, who would be able to export goods to Colombia duty-free;

(5) it is in the security, economic, and diplomatic interests of the United States to deepen the relationship between the United States and Colombia; and

(6) the United States should implement the United States-Colombia Trade Promotion Agreement immediately.

SA 1572. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 652. TREATMENT AS ACTIVE SERVICE FOR RETIRED PAY PURPOSES OF SERVICE AS MEMBER OF ALASKA TERRITORIAL GUARD DURING WORLD WAR II.

(a) IN GENERAL.—Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 8147 of the Department of Defense Appropriations Act, 2001 (Public Law 106-259; 114 Stat. 705) shall be treated as active service for purposes of the computation under chapter 61, 71, 371, 571, 871, or 1223 of title 10, United States Code, as applicable, of the retired pay to which such individual may be entitled under title 10, United States Code.

(b) APPLICABILITY.—Subsection (a) shall apply with respect to amounts of retired pay payable under title 10, United States Code, for months beginning on or after the date of the enactment of this Act. No retired pay shall be paid to any individual by reason of subsection (a) for any period before that date.

(c) WORLD WAR II DEFINED.—In this section, the term "World War II" has the meaning given that term in section 101(8) of title 38, United States Code.

SA 1573. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 565, after line 20, insert the following:

SEC. 2832. LAND CONVEYANCE, HAINES TANK FARM, HAINES, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Chilkoot Indian Association (in this section referred to as the "Association") all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 201 acres located at the former Haines Fuel Terminal (also known as the Haines Tank Farm) in Haines, Alaska, for the purpose of permitting the Association to develop a Deep Sea Port and for other industrial and commercial development purposes. To the extent practicable, the Secretary is encouraged to complete the conveyance by September 30, 2013, but not prior to the date of completion of all obligations referenced in subsection (e).

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Association shall pay to the Secretary an amount equal to the fair market value of the property, as determined by the Secretary. The determination of the Secretary shall be final. At the election of the Secretary, the Secretary may accept in-kind consideration in lieu of all or a portion of the cash payment.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Association to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Association in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Association.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same

purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) SAVINGS PROVISION.—The Haines Tank Farm is currently under a remedial investigation (RI) for petroleum, oil and lubricants contamination. Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SA 1574. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 201, between lines 6 and 7, insert the following:

SEC. 635. TRANSPORTATION OF ADDITIONAL MOTOR VEHICLE OF MEMBERS ON CHANGE OF PERMANENT STATION TO OR FROM NONFOREIGN AREAS OUTSIDE THE CONTINENTAL UNITED STATES.

(a) AUTHORITY TO TRANSPORT ADDITIONAL MOTOR VEHICLE.—Subsection (a) of section 2634 of title 10, United States Code, is amended—

(1) by striking the sentence following paragraph (4);

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(3) by inserting “(1)” after “(a)”;

(4) by adding at the end the following new paragraph:

“(2) One additional motor vehicle of a member (or a dependent of the member) may be transported as provided in paragraph (1) if—

“(A) the member is ordered to make a change of permanent station to or from a nonforeign area outside the continental United States and the member has at least one dependent of driving age who will use the motor vehicle; or

“(B) the Secretary concerned determines that a replacement for the motor vehicle transported under paragraph (1) is necessary for reasons beyond the control of the member and is in the interest of the United States and the Secretary approves the transportation in advance.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Such subsection is further amended—

(1) by striking “his dependents” and inserting “a dependent of the member”;

(2) by striking “him” and inserting “the member”;

(3) by striking “his” and inserting “the member”;

(4) by striking “his new” and inserting “the member’s new”; and

(5) in paragraph (1)(C), as redesignated by subsection (a)—

(A) by striking “clauses (1) and (2)” and inserting “subparagraphs (A) and (B)”;

(B) by inserting “or” after the semicolon.

(c) EFFECTIVE DATE.—Paragraph (2)(A) of subsection (a) of section 2634 of title 10, United States Code, as added by subsection (a)(4), shall apply with respect to orders issued on or after the date of the enactment of this Act for members of the Armed Forces to make a change of permanent station to or from nonforeign areas outside the continental United States.

(d) OFFSETS.—

(1) DEFENSE TRANSFORMATION AGENCY R&D ACTIVITIES.—The amount authorized to be appropriated by section 201(a)(4) for research, development, test, and evaluation for Defense-wide activities is hereby decreased by \$15,000,000, with the amount of the decrease to be derived from amounts available for Business Transformation Agency R&D Activities (PE# 0605020BTA) and allocated to the Defense Travel System.

(2) ENERGY CONSERVATION IMPROVEMENT PROGRAM.—

(A) TOTAL AMOUNT FOR MILITARY CONSTRUCTION, DEFENSE-WIDE.—The total amount authorized to be appropriated by section 2404(a) for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) is hereby decreased by \$23,000,000.

(B) ENERGY CONSERVATION PROJECTS.—

(i) REDUCED AUTHORITY.—The amount authorized for energy conservation projects under section 2403 is hereby decreased by \$23,000,000.

(ii) REDUCED AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2404(a)(6) for energy conservation projects is hereby decreased by \$23,000,000, with the amount of such decrease to be derived from amounts available for the Energy Conservation Improvement Program.

NOTICES OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has scheduled a hearing for Tuesday, July 21, entitled, “Excessive Speculation in the Wheat Market.” This hearing is a followup to the June 24 Subcommittee release of a 247-page staff report entitled, *Excessive Speculation in the Wheat Market*, examining how commodity index traders, in the aggregate, have made such large purchases on the Chicago wheat futures market that they have pushed up futures prices, disrupted the normal relationship between futures prices and cash prices for wheat, and caused farmers, grain elevators, grain processors, and others to experience significant unwarranted costs and price risks. The Subcommittee hearing will examine the nature of the problems caused by index trading in the wheat market and possible solutions, including applying standard position limits to index traders instead of exempting them. Witnesses for the upcoming hearing will include representatives of CFTC, and the Chicago Mercantile Exchange, as

well as representatives of wheat producers, users, consumers, and index traders.

The Subcommittee hearing has been scheduled for Tuesday, July 21, 2009, at 2:30 p.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations a 202-224-9505.

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on July 23, 2009, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 637, Dry-Redwater Regional Water Authority System Act of 2009; S. 789, Tule River Tribe Water Development Act; S. 1080, A bill to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes; and S. 1453, To amend Public Law 106-392 to maintain annual base funding for the Bureau of Reclamation for the Upper Colorado River and San Juan fish recovery programs through fiscal year 2023.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Gina Weinstock@energy.senate.gov.

For further information, please contact Tanya Trujillo at (202) 224-5479 or Gina Weinstock at (202) 224-5684.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 15, 2009, at 2:30 p.m., to conduct a hearing on “Regulating Hedge Funds and Other Private Investment Pools.”

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, July 15, 2009, at 10 a.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, July 15, 2009, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC
WORKS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, July 15, 2009, at 10:30 a.m., in room 406 of the Dirksen Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 15, 2009, at 9:30 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 15, 2009, at 2:30 p.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Wednesday, July 15, 2009, at 9:30 a.m. in room 325 of the Russell Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, July 15, 2009, at 10 a.m. to conduct a hearing entitled "Identification Security: Reevaluating the REAL ID Act."

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

COMMITTEE ON THE JUDICIARY

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on July 15, 2009, at 9:30 a.m. in room SH-216 of the Hart Senate Office Building, to continue the hearing on the nomination of Sonia Sotomayor to be an Associate Justice of the Supreme Court of the United States.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, July 15, 2009, at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 15, 2009, at 2:30 p.m.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, be authorized to meet during the session of the Senate on Wednesday, July 15, 2009, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Mr. SPECTER. I ask unanimous consent that floor privileges be given to Linda Hoffa, a detailee in my office.

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

Mr. DORGAN. Mr. President, I ask unanimous consent that Bill Curlin, an Air Force fellow in my office, be granted the privilege of the floor during the debate on the Defense authorization bill of 2010.

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

Mr. MENENDEZ. Mr. President, on behalf of Senator BINGAMAN, I make a unanimous consent request that Jonathan Epstein, a professional staff member with the Energy and Natural Resources Committee, be granted the privilege of the floor for the remainder of the debate on S. 1390, the National Defense Authorization Act for Fiscal Year 2010.

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

DEPARTMENT OF VETERANS
AFFAIRS MEDICAL CENTER

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of S. 509, and the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 509) to authorize a major medical facility project at the Department of Veterans Affairs Medical Center, Walla Walla, Washington, and for other purposes.

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

Mr. BROWN. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 509) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 509

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

**SECTION 1. MAJOR MEDICAL FACILITY PROJECT
DEPARTMENT OF VETERANS AFFAIRS
MEDICAL CENTER, WALLA WALLA,
WASHINGTON.**

(a) AUTHORIZATION FOR MAJOR MEDICAL FACILITY PROJECT.—The Secretary of Veterans Affairs may carry out a major medical facility project for the construction of a new multiple specialty outpatient facility, campus renovation and upgrades, and additional parking at the Department of Veterans Affairs Medical Center, Walla Walla, Washington, with the project to be carried out in an amount not to exceed \$71,400,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2009 for the Construction, Major Projects account, \$71,400,000 for the project authorized in subsection (a).

NATIONAL LIFE INSURANCE
AWARENESS MONTH

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 211, which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 211) supporting the goals and ideals of "National Life Insurance Awareness Month."

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

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

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

The resolution (S. Res. 211) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 211

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families by helping surviving members meet immediate and long-term financial obligations and objectives in the event of a premature death in the family;

Whereas approximately 68,000,000 United States citizens lack the adequate level of life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas life insurance products protect against the uncertainties of life by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care;

Whereas individuals, families, and businesses can benefit from professional insurance and financial planning advice, including an assessment of their life insurance needs; and

Whereas numerous groups supporting life insurance have designated September 2009 as "National Life Insurance Awareness Month" as a means to encourage consumers to become more aware of their life insurance needs, seek professional advice regarding life insurance, and take the actions necessary to achieve financial security for their loved ones: Now therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of "National Life Insurance Awareness Month"; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader of the Senate and the Speaker of the House of Representatives, pursuant to Public Law 111-21, announces the joint appointment of Phil Angelides of California to serve as chairman of the Financial Crisis Inquiry Commission.

The Chair, on behalf of the majority leader, pursuant to Public Law 111-21, appoints the following to serve as members of the Financial Crisis Inquiry Commission: the Honorable Bob Graham of Florida, Heather Murren of Nevada, and Byron Georgiou of Nevada.

The Chair, on behalf of the minority leader, pursuant to Public Law 111-21, appoints the following individuals to serve as members of the Financial Crisis Inquiry Commission: Keith Hennessey of Virginia, and Douglas Holtz-Eakin of Virginia.

ORDERS FOR THURSDAY, JULY 16, 2009

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, July 16; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for 1 hour, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half, and with Senators permitted to speak for up to 10 minutes each; further, I ask that following morning business, the Senate resume consideration of Calendar No. 89, S. 1390, the Department of Defense authorization bill; and, finally, I ask that the mandatory quorum under rule XXII be waived.

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

PROGRAM

Mr. BROWN. Mr. President, earlier today, the majority leader filed cloture on the pending hate crimes amendment. We will continue to work on an agreement to vote in relation to the hate crimes amendment tomorrow. If we are unable to reach an agreement, the cloture vote would occur at 1 a.m. Friday morning.

ORDER FOR ADJOURNMENT

Mr. BROWN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that following the remarks of Senators CHAMBLISS, GRASSLEY, and WHITEHOUSE the Senate adjourn under the previous order.

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

The Senator from Georgia is recognized.

SUNSTEIN NOMINATION

Mr. CHAMBLISS. Mr. President, I want to speak on the nomination of Cass R. Sunstein to be the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget.

I placed a hold on the consideration of Professor Sunstein's confirmation after his hearing in the Senate Committee on Homeland Security and Governmental Affairs. I chose to do this because Professor Sunstein has written, lectured, and made recommendations on animal rights issues that are very troubling to me and to folks who make their living in agriculture and those who enjoy our Nation's great hunting and fishing heritage.

Let me just say, Mr. President, it is extremely unusual for this Member of the Senate to place a hold on anybody. It is not something I normally do.

Professor Sunstein has theorized that animals—he has theorized in writing as well as in speeches—that animals should be permitted to bring suit against their owners and others with human beings being their representatives. Let me say that again. Professor Sunstein has theorized in writing and in speeches that animals should be permitted to bring lawsuits against their owners and others with human beings as their representatives.

That is a very radical and strange position, and it not only got my attention but it got the attention of any number of other folks around the country, both within and without the agricultural sector of our country. The devastating effect this would have on animal agriculture is incalculable. Mistreated livestock do not perform well. American farmers and ranchers work every day to make sure their stock is cared for in a humane manner, and yet they would still face a tremendous threat from frivolous lawsuits under this misguided theory. Even though claims would be baseless, they would

still bear the financial costs of reckless litigation. That is a cost that would put most family farming and ranching operations out of business.

Professor Sunstein also made offhand remarks during lectures that "perhaps hunting ought to be banned." While he offered assurances during his nomination hearing that his personal view supported hunting, I am not a member of that committee and thus was not able to question Professor Sunstein personally during his confirmation hearing.

I greatly enjoy the time I spend hunting with my friends and family, and I was also very disturbed by this statement.

The Administrator of OMB's Office of Information and Regulatory Affairs must have a firm foundation in common sense, and we owe it to the American public to ensure that regulators are properly vetted by the Senate. That is why I held up Professor Sunstein's nomination in order to provide him an opportunity to explain his views on animal rights as well as the second amendment.

Since his original hearing, Professor Sunstein has met with people involved in agriculture, including the American Farm Bureau Federation, the Farm Animal Welfare Coalition, the National Pork Producers Council, and the United Egg Producers. He has heard their point of view and exactly how devastating some of his theories would be to the reality of earning a living in rural America. He has satisfied some of them, and some are still decidedly wary of his ideas.

I have also had the opportunity to meet personally with Professor Sunstein to let him explain, and me explain to him how detrimental his theories would be to the folks working so hard to feed this country and to hopefully obtain from Professor Sunstein assurances that he does not oppose hunting or the right to bear arms. I tried to figure out what he meant by saying that animals ought to have the right to sue individuals.

Let me say, Professor Sunstein comes highly recommended by a number of folks from the conservative side of the philosophical divide in this country. His ability to look at regulatory measures and to provide cost-benefit analysis is very intriguing. He is obviously a very competent person when it comes to that side of the business community. I have a great appreciation for that.

I had a very good meeting with Professor Sunstein yesterday, and after our meeting I received a letter from Professor Sunstein wherein he explained some of his statements and inflammatory ideas. In that letter, he stated that he "would not take any steps to promote litigation on behalf of animals" and that Federal "law does not create an individual right to bring lawsuits on behalf of animals against agriculture." He also stated that he believes "the second amendment creates

an individual right to possess guns for purposes of both hunting and self-defense.”

At this time, I ask unanimous consent to have the letter to me from Professor Sunstein dated July 14, 2009, printed in the RECORD.

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

WASHINGTON, DC,
July 14, 2009.

Senator SAXBY CHAMBLISS,
U.S. Senate,
Washington, DC.

DEAR SENATOR CHAMBLISS: Thanks so much for the meeting today, which I greatly enjoyed.

You requested my views on three subjects. Before commenting on the details, let me emphasize that if confirmed as Administrator of the Office of Information and Regulatory Affairs, my primary concern would be to ensure that regulations are consistent with the Constitution, the law as enacted by Congress, and the principles reflected in governing Executive Orders.

Your first question involved the Second Amendment. I strongly believe that the Second Amendment creates an individual right to possess and use guns for purposes of both hunting and self-defense. I agree with the Supreme Court's decision in the Heller case, clearly recognizing the individual right to have guns for hunting and self-defense. If confirmed, I would respect the Second Amendment and the individual right that it recognizes.

You also asked about litigation, by individuals, on behalf of animals. Let me be very clear: If confirmed, I would not take any steps to promote litigation on behalf of animals. In particular, federal law does not create an individual right to bring lawsuits, on behalf of animals, against agriculture. I do not favor and would not promote such a right.

Finally, you inquired about private enforcement of the law. Such private enforcement can in some cases be a useful way of ensuring compliance with legislative requirements, but it can also create serious harm, by imposing significant costs and burdens on those who are already obeying the law. Sometimes Congress concludes that the balance favors private actions; sometimes it decides against such actions. If confirmed, I would consult, and follow, congressional instructions on the question of whether private rights of action are available.

I hope that these answers are helpful, and I would be happy to address these or other issues at any time. All best wishes.

Sincerely,

CASS R. SUNSTEIN.

Mr. CHAMBLISS. Administration nominees deserve a fair hearing by the Senate, and Professor Sunstein is no different. While I cannot agree with his ideas, his legal theories, or his views, now that he has been educated about the toll they would take on hard-working farmers and ranchers in America, I am not going to keep him from any further consideration. I intend to lift my hold on Professor Sunstein.

I understand from Professor Sunstein now that he has a much better understanding of animal agriculture and our country's sporting tradition. I am optimistic that this open dialog with animal agriculture will continue. I obviously look forward to working with him to ensure he continues to carry

out exactly what he stated to me in his letter of July 14.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

TAXES AND HEALTH REFORM

Mr. GRASSLEY. Mr. President, I rise to discuss the high rate of taxation that is about to take place if the House of Representatives passes its health reform bill. I would also raise the issue about the effect the same level of taxation—not quite as high—would have under the budget adopted by this body back in March. I wish to address the tax hikes, particularly as they apply to small business, that President Obama and my colleagues on the other side of the aisle have proposed.

The latest tax hike proposal is the House Democrats' graduated surtax of up to 5.4 percent on those making more than \$280,000. For those Americans who are married but file separate returns, this surtax increases taxes for those making over \$175,000.

I refer to this surtax as a small business surtax because it hits small business particularly hard. Here is how the House's small business surtax works. In 2011 and 2012, singles making between \$280,000 and \$400,000 will pay an extra 1 percent, those singles making between \$400,000 and \$800,000 will pay an extra 1.5 percent, and those singles making more than \$800,000 will pay an extra 5.4 percent. Then in 2013 and after, these rates go to 2 percent, 3 percent, and 5.4 percent, respectively. The only way the rates do not go up to these levels is if one of the President's advisers, the Director of OMB, says in 2012 that there will be more than \$675 billion in health care savings by the year 2019 in the bill the House has recently written. That is right, in addition to the tax questions, we have the House leaving up to a partisan Presidential adviser—not the President himself or a nonpartisan organization such as CBO—that taxes stay up or can go down.

Another troubling aspect of this charade is that this does not deal only with actual savings achieved but instead calls for a partisan's 2012 estimate of savings to be achieved through the year 2019. The Joint Committee on Taxation, a nonpartisan professional group here on the Hill that advises Congress, correctly ignores this charade in its estimate of the House small business surtax and correctly assumes that the rates are actually going to go up after 2013.

In 2011 and 2012, then, for married couples, the small business surtax kicks in at 1 percent for those making \$350,000 to \$500,000, it rises to 1.5 percent for married couples making between \$500,000 and \$1 million, and it goes up to 5.4 percent for those making over \$1 million. Then in 2013 and later, the rates go up to 2 percent, 3 percent, 5.4 percent, respectively. As discussed above, the only way these rates do not

go up in 2013 is if the OMB Director decides they should not go up.

Let's look at this tax increase from the venue of small business. I know people listening, as well as my colleagues, think: You talk about people making \$1 million or half a million dollars, why can't they pay another 2, 3, or even 5 percent? It is a situation where small business in America creates 70 percent of the jobs. It is a case of where most small business operates on cash flow, not investment from the outside as normal corporations would. So we are talking about the health of our economy, and we are talking about getting the economy out of this recession we are in.

By the way, the President and I agree that 70 percent of the new private sector jobs are, in fact, created by the small businesses I have just described. However, where the President and I differ is that I believe small businesses' taxes should be lowered, not raised during this time of getting the economy back on track—particularly when you look at the stimulus bill that was passed back in February. It doesn't appear to anybody as if it is doing any good yet, like creating the jobs it was supposed to do, like keeping unemployment under 8 percent, which is now 9.5 percent, and only one-half of 1 percent of that \$787 billion stimulus package was to help small business. We ought to be doing something, if we want to revitalize the economy, that helps small business, and increasing taxes on small business will not do that.

In 2001 and 2003, Congress enacted bipartisan tax relief designed to trigger economic growth and to create jobs by reducing the tax burden on individuals as well as small businesses. This included the across-the-board income tax reduction which reduced marginal tax rates for income earners at all levels. I know people do not believe this, but if you look at the allocation of the tax by the highest 1 percent of the people, even after the 2001 tax cut, you saw that highest 1 percent still paying a larger proportion into the Federal Treasury, of income tax, than they were doing prior to that. So even with tax reduction, you end up with a more progressive Tax Code—which nobody is willing to admit, but we can back that up by figures. It also, in 2001, included a reduction of the top dividends and capital gains tax rate to 15 percent and a gradual phaseout of the estate tax.

Unfortunately, the way you have to write tax bills under the reconciliation process around here, those tax bills enacted in 2001 and 2003 will expire December 31, 2010, and automatically we are going to get the biggest tax increase in the history of the country without even a vote of Congress because of sunset.

Some have referred to this bipartisan tax relief as “the Bush tax cuts for the wealthy.” However, it seems to be easily forgotten around here, but this tax relief was bipartisan tax relief and provided tax relief for all taxpayers. They

have also suggested that the tax relief provided for higher income earners, including many small businesses, should be allowed to expire. The President has proposed increasing the top marginal tax rates from 33 to 36 percent and the other one from 35 to 39.6 percent.

We have a chart here you can refer to, so all these numbers I am giving, you have a reference point for them.

The President has also proposed increasing the tax rates on capital gains and dividends to 20 percent and providing for an estate tax rate as high as 45 percent and an exemption of only \$3.5 million.

Also, the President and allies on the Hill have called for fully reinstating the personal exemption phaseouts—we call them PEP, for short—personal exemption phaseouts for those making over \$200,000. Then there is another phaseout called the Pease phaseout, named after a former Congressman from Ohio, for those making more than \$200,000. So, under the 2001 tax law, when these phaseouts come back in after 2010, you actually end up with higher marginal tax rates of almost 2 percent. It is not 39.6 as the high marginal tax rate; it is something much higher—41 or 42 percent.

You know what you do, you get the smokescreen of saying you don't quite have a 40-percent marginal tax rate, but in fact you do have higher than 40 percent. There seems to be something magical about not exceeding that 40 percent for the benefit of public relations, but it will be exceeded greatly with this 5.4 percent the House is putting in, in their health care bill.

However, like other provisions in the law, PEP and Pease are scheduled to come back in full force, as I just said, in 2011—again, without a vote of Congress. With PEP and Pease fully reinstated, individuals in the top two rates could see their marginal effective tax rates increase by 24 percent or more.

Once again, I refer my colleagues to the chart. For example, a family of four who is in the 33-percent tax bracket in 2010 could pay a marginal effective tax rate of 41 percent after 2010 because of PEP and Pease. This rate would go higher if that family had more children, and this is before the small business surtax is even factored in.

Some of my colleagues, particularly on the other side of the aisle, have defended this proposal by claiming that they will only raise taxes on wealthy taxpayers who make more than \$200,000 a year. For the vast majority of people who earn less than \$200,000, raising taxes on higher earners might not sound so bad. However, there are consequences for what we do around here. That means many small businesses will be hit with a higher tax bill. These small businesses create 70 percent of all new private sector jobs. These small businesses that are sole proprietors, S corporations, partnerships, and limited law corporations would get hit with the President's proposal to raise the

top two marginal tax rates, if their owners make more than \$200,000.

In addition, there is just under 2 million small C corporations that are subject to double taxation. To the extent that these C corporation owners make over \$200,000 and pay themselves a salary, they would get hit with a tax increase on the top two marginal tax rates proposed by the President. Also, owners of small C corporations who receive dividends or realize capital gains and make over \$200,000 would pay a 20-percent rate on these dividends and capital gains after 2010, under these tax-hike proposals. Currently, these pay a rate of 15 percent.

All of this wasn't bad enough for small business. Why emphasize small business? It is the job creation machine of the economy. Why emphasize small business? They operate cash flow, generally. They don't have outside investors. And why emphasize small business? Because it takes entrepreneurs to create jobs. I had the opportunity for 10 years, from 1961 to 1971, to be a union assembly line worker at a little company called Waterloo Register in Cedar Falls, IA. We made furnace registers. I use that company—locally owned, people who got together to create jobs—as an example. They gave me an opportunity to earn a small livelihood for 10 years of my life. It takes people who have means to create jobs. I have never worked for anybody who was low income or in poverty. You have to have the incentive of people in this country to put resources together to create income for themselves and, in the process of expanding, increase jobs for everybody else. So you understand where I am coming from, from the standpoint of small business.

The House of Representatives has proposed a graduated surtax of up to 5.4 percent on those making over \$280,000. To people listening, \$280,000 is a lot of money, probably the top 3 or 4 percent of the people. But if they are a small business and they are operating with cash flow, cutting into that cash flow is a job killer. With this small business surtax, a family of four in the top two brackets will pay a marginal tax rate in the range of 43 and 46.4 percent in 2013. I am not prepared to say this right now, but maybe when I end I will say something about the State income tax on top of that, to show how high are the taxes these ideas are taking us to.

When you go to 43 and 46.4 by 2013, this would result in an increase of the marginal tax rates by a minimum of 23 percent and a maximum of 33 percent.

Candidate Obama pledged that "Everyone in America—everyone—will pay lower taxes than they would under the rates Bill Clinton had in the 1990s." I am going to show you, if this goes into effect, it is probably the highest rates, going back to the time Carter was President. The small business surtax proposed by House Democrats would violate President Obama's pledge. Therefore, I stand with President

Obama in opposing the small business surtax proposed by House Democrats.

According to National Federation of Independent Businesses survey data, 50 percent of the owners of small businesses that employ 20 workers to 249 workers would fall into the top two brackets, backing up what I have continuously said during my dialog with the people. According to the Small Business Administration, about two-thirds of the Nation's small business workers are employed by small businesses with 20 to 500 employees. Do we want to raise taxes on these small businesses that create new jobs and employ two-thirds of all small business workers?

The National Federation of Independent Businesses recently came out with its June report that showed that small businesses continue to have net job losses as well as reduced compensation for those who are still on the payroll; in other words, not part of the 9.5 percent unemployment we have since the stimulus bill passed. With these small businesses already suffering from the credit crunch, do we think it is wise to hit them with the double whammy of up to a 33-percent increase in marginal tax rates.

Newly developed data from the Joint Committee on Taxation demonstrates that 55 percent of the tax from the higher rates will be borne by small business owners with incomes over \$250,000. This is a conservative number because it doesn't include flow through business owners making between \$200,000 and \$250,000 that will also be hit by the Democratic budget's proposed tax hikes. If the proponents of the marginal rate increase on small business owners agree that a 23-percent to 33-percent tax increase for half the small businesses that employ two-thirds of all small business workers is not wise, then they should either oppose these tax increases or present data that show a different result. I wish to fight for lower State tax rates and higher estate tax exemption amounts to protect successful small businesses so people who work a lifetime can pass on without liquidation at the time of death.

In a time when many businesses are struggling to stay afloat, it does not make sense to impose additional burdens on them by raising taxes. Odds are they do nothing then but cut spending. And when their cash flow goes down, probably layoffs happen. They will cancel orders for new equipment as well, cut insurance for their employees, and stop hiring. Instead of seeking to raise taxes on those who create jobs in our economy, our policies need to focus on reducing excessive tax and regulatory barriers that stand in the way of small businesses and the private sector making investments, expanding production, and creating sustainable jobs. We should continue to fight to prevent a dramatic tax increase on our Nation's job machine, the small businesses of

America. This includes working to protect small businesses from higher marginal tax rates, an increase in capital gains and dividend tax rates and an increase in the unfair estate tax rate that will penalize the success of small businesses.

In fact, I have recently introduced S. 1381, the Small Business Tax Relief Act of 2009, to lower taxes on these job-creating small businesses. My bill contains a number of provisions that will leave more money in the hands of these small businesses so these businesses can hire more workers, continue to pay the salary of their current employees, and make additional investments in these businesses. The National Federation of Business has written a letter supporting my bill.

Quoting from the letter:

To get the small business economy moving again, small business needs the tools and incentives to expand and grow their business. S. 1381 provides the kind of tools and incentives that small businesses need.

We all want to see the job numbers from the Department of Labor moving in positive directions. We all want to see the unemployment rate plummet. I firmly believe the best way for us to do that is to prime the job-creating engine of our economy by focusing on small businesses. My small business bill, if enacted, will lead to new jobs. This is in the right direction. The House health care reform bill, with the 5.4-percent tax increase, is taking us in the wrong direction. These will be real, countable, verifiable jobs that will be created.

In contrast, President Obama has proposed tax increases that will cause small business jobs to be lost. The newest tax hike proposed is the small business surtax. As with other tax hikes on small business, I oppose the small business surtax. I urge my colleagues on both aisles to do the same.

I ask unanimous consent to print in the RECORD the NFIB letter from which I quoted.

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

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
Washington, DC, July 10, 2009.

Senator CHARLES GRASSLEY,
Ranking Member, Senate Committee on Finance,
Washington, DC.

DEAR RANKING MEMBER GRASSLEY: On behalf of the National Federation of Independent Business (NFIB), the nation's leading small business advocacy organization, I am writing to thank you for introducing S. 1381, the Small Business Tax Relief Act of 2009.

Small business is the source of economic growth and job creation, but the NFIB Small Business Economic Trends (SBET) survey has been near historic lows since September, with plans to hire and make capital expenditures showing little sign of improvement. To get the small business economy moving again, small businesses need the tools and incentives to expand and grow their businesses.

S. 1381 provides the kinds of tools and incentives that small businesses need. Specifically, increasing and making permanent sec-

tion 179 expensing will provide small businesses with the incentives and certainty to make new investments in their business. Providing a 20 percent deduction for smaller flow-through businesses and reducing the tax rate on smaller C corps will allow all small businesses to keep more of their income to invest back into the business. Finally, providing full deductibility of health insurance for the self employed provides tax equity, lowers the cost of health insurance, and improves an important deduction for these business owners.

These and other provisions in the bill will reduce the tax burden on small businesses. This is especially important in the current economic environment with many small businesses struggling to find access to credit. Allowing business owners to keep more of the money they earn provides an immediate source of capital that will be invested back into the business.

Thank you again for your continued efforts to support small business owners and to reduce their tax burden. I look forward to working with you to see that this bill becomes law.

Sincerely,

SUSAN ECKERLY,
Senior Vice President, Public Policy.

Mr. GRASSLEY. I yield the floor.
The PRESIDING OFFICER. The Senator from Florida.

EXECUTIVE SESSION

EXECUTIVE NOMINATIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to executive session and that the Commerce Committee be discharged en bloc from further consideration of PN638 and PN639 and that the Senate proceed en bloc to their consideration; that the nominations be confirmed and the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action; and the Senate then resume legislative session.

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

The nominations considered and confirmed are as follows:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Charles F. Bolden, Jr., of Texas, to be Administrator of the National Aeronautics and Space Administration.

Lori Garver, of Virginia, to be Deputy Administrator of the National Aeronautics and Space Administration.

Mr. NELSON of Florida. Mr. President, by this action, it concludes a very happy chapter for what I think will be the future of the National Aeronautics and Space Administration. PN638 is Presidential No. 638, and that is the nomination of GEN Charles F. Bolden to be the NASA Administrator, whom we have just confirmed, and PN639 is Presidential No. 639, which is the nomination of Lori Garver to be Deputy Administrator for NASA which we have just confirmed. My congratulations to the two of them.

I will make one personal comment. General Bolden is someone who has known adversity but has always been an overcomer.

This was certainly true in South Carolina, in 1964, when, as an African American, he could not get an appointment from his congressional delegation to Annapolis. The Defense Department found Charlie and arranged for a Chicago Congressman to nominate him. When Charlie arrived as a freshman at Annapolis, he was promptly elected president of the freshman class. So you can see the progression of being an overcomer.

Upon graduation from Annapolis, choosing the Marines, choosing to fly, becoming a marine test pilot, applying to the astronaut office, becoming an astronaut, flying twice as shuttle pilot and twice as commander—four times—returning to active duty in the Marine Corps, and rising to the level of major general, after having commanded several Marine wings; and now the dream is fulfilled that Charlie has now been confirmed as head of the National Aeronautics and Space Administration.

I think it is interesting that at 6:03 this evening the space shuttle lifted off into a successful mission. This space shuttle holds the second record for the most delays—six. It is exceeded by the first space flight that General Bolden took, of which I had the privilege of being a member of that crew in January of 1986. We were delayed seven times—scrubbed four times on the pad before launching on the fifth try into an almost flawless 6-day mission.

General Bolden takes over NASA at a critical time. NASA is in drift. It needs a leader. But also for General Bolden to be successful as the leader of NASA, he has to have the backing of the President of the United States, who is the one who can give the ultimate leadership to our Nation's space program.

So it was such a privilege for me, Mr. President, to come and propound this unanimous consent request and to see the Senate confirm, by your order, unanimously, the nominations of the Administrator and the Deputy Administrator of NASA. Needless to say, there are a lot of smiles that are going to be across America as a result of this action.

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

Ms. MIKULSKI. Mr. President, I am in support of President Obama's nomination of Charles Bolden as the next Administrator of the National Aeronautics and Space Administration, NASA, and Lori Garver as the Deputy Administrator of NASA.

We are at a critical point in NASA's history, and our space agency needs a leadership team devoted to the core mission of the agency.

Mr. Bolden has a compelling story. He transcended barriers and established himself at the forefront of our Nation's scientific policy. A career marine and true leader, Mr. Bolden is deeply committed to fostering a balanced space program focused on safe,

reliable human space exploration, and robust scientific research and innovation. A seasoned astronaut, Mr. Bolden has experienced first hand the significance of space exploration, traveling into orbit four times between 1986 and 1994, including a mission to deploy the Hubble space telescope.

From commanding missions in space to serving our Nation in the U.S. Marine Corps, Mr. Bolden has displayed the experience, leadership skills, and know-how to successfully guide NASA into the future.

In addition, Lori Garver is a leader in the aerospace industry and has displayed tremendous management ability and intellect. Her knowledge of our space program will be key to NASA's leadership team.

Again, I fully support the nomination of Charles Bolden and Lori Garver as the next Administrator and Deputy Administrator of NASA.

The PRESIDING OFFICER. The Senator from Rhode Island.

AFFORDABLE HEALTH CHOICES ACT

Mr. WHITEHOUSE. Mr. President, today, I proudly cast my vote to pass out of the Senate Health, Education, Labor, and Pensions Committee landmark legislation that will fundamentally change the direction of our dysfunctional health care system.

The committee approval of the Affordable Health Choices Act is truly a tremendous victory for millions of Americans who struggle with a system that has continually failed to provide quality, affordable health care options for them, their families, their loved ones, and their businesses.

It has been a special privilege to temporarily serve on the HELP Committee, in particular, with my distinguished senior Senator, JACK REED. I do not think there is a formal rule against it, but it is a rarity in the Senate for two Members from the same State of the same party to serve on the same committee. My brief tenure on the HELP Committee gave me the chance to witness firsthand the resolve and caring leadership that is JACK REED's hallmark and that was shown throughout this historic debate.

I also applaud the unwavering commitment and leadership of President Obama, and the tireless efforts of my Senate colleagues, in the pursuit of meaningful, comprehensive reform.

I feel really very privileged to have served with Chairman DODD and Ranking Member ENZI. Chairman DODD had this responsibility fall upon him when illness overtook probably his best friend in the Senate, Chairman KENNEDY. And he gave me, at least, as a junior Senator, an education in Senate chairmanship.

Ranking Member ENZI presented an unforgettable model of graciousness and civility. And all of the members of the committee worked hard and sincerely.

I particularly thank our esteemed chairman, Senator KENNEDY, for his longstanding leadership and dedication. He truly is the champion of health care reform. For decades, Chairman KENNEDY has worked passionately on this important cause. And while he could not attend the markup, we felt his presence daily in the hearing room. And it is to his very great credit that we had this success today.

I am pleased that the final legislation reflects the principles outlined by President Obama, who called for a new system to control skyrocketing health costs, expand coverage to the tens of millions left uninsured in our country, and ensure high quality, affordable health care for every American family.

The bill also focuses on the priorities of Americans, from all corners of our country, whose powerful and often heart-wrenching stories underscore the urgent need for reform.

Behind all the statistics and all the numbers and all the projections and all the demographics, as we all know in this Chamber, are a legion of personal and family tragedies and sorrows and frustrations that we have to address.

The Affordable Health Choices Act invests heavily in the delivery system reforms that will drive down costs and bring our current outmoded, broken system into the 21st century. These changes are long past due and are essential if we are to protect our ship of state from the tidal wave of health care costs now bearing down on us.

This legislation also upholds President Obama's promise: If you like the health care you have, you can keep it. But for the many Americans who want different choices or who do not have health insurance at all, we also offer a new public health insurance option that can and must compete in an open market with private insurance.

As I have traveled throughout Rhode Island, at community dinners and senior centers, at coffees and on our main streets, I have heard stories of frustration and heartache at our broken health care system. Earlier this year, I launched a health care storyboard on my Web site where Rhode Islanders can share their experiences and ideas for health reform. In just a few short months, hundreds of Rhode Islanders have written to share their ideas and experiences. These are just a few of them.

Paul and Marcela from Newport told me about the health complications that Paul and his son have endured from type 1 diabetes. The related medical conditions Paul has suffered from the diabetes have left him unable to work.

To compensate for the family's loss of income, Marcela works tirelessly, taking on a full-time and part-time job to pay the bills. Like so many hard-working Americans, they fall just short of income eligibility cutoffs for State assistance programs, forcing them to bear the brunt of expensive medical costs, premiums, and prescrip-

tion costs. On a stretched budget, balancing their medical expenses is a constant challenge, and Paul and Marcela keep hoping they will catch a break soon.

I heard from Ben, a medical student in Providence, who, even at such an early stage in his medical career, has witnessed the devastating effect of being uninsured on the health and well-being of his patients.

Ben shared the story of one of his patients who delayed treatment because he was unable to afford the medical bills. Only a few days later, this patient was rushed to the emergency room with a life-threatening infection.

The treatment to save this man's life resulted in much higher costs for the patient and the hospital—costs that Ben knows may have easily been prevented if the patient was treated when the condition was in its early stages. Ben writes:

It's these day-to-day decisions to postpone treatment that really hurt the uninsured.

Mike from Riverside shared his experience of surviving cancer that was misdiagnosed and left untreated for several years. When he sought a second opinion, the final diagnosis was delayed for weeks as his paper medical records were shuttled from hospital to hospital.

On top of this frustration, Mike received the devastating news that his leg had to be removed to prevent the cancer from spreading further. After his amputation surgery, Mike is thankful to be cancer free, but now his financial struggles have begun. With medical bills and health care premiums that exceed his monthly mortgage payments, Mike is wondering how he will make ends meet.

I had coffee with Shirley, a Middletown resident who described her relief at turning 65. For the past 20 years, she and her husband did not have insurance. As self-employed business owners in their fifties, finding affordable insurance options was impossible, so they went without. They took their chances.

Now 65 and eligible for Medicare, they finally have peace of mind. Shirley admits she and her husband were lucky to make it through those 20 years without serious health problems. During our meeting, she urged us to pass health care reform for the millions of hard-working Americans—hard-working, middle-class Americans—who are not as fortunate as she and her husband.

For these Rhode Islanders—and for millions more Americans all over the country—there has to be a better way. We have to do better than 47 million uninsured and millions more teetering on the brink. We have to do better than 100,000 people dying each year from avoidable medical errors. We have to do better than health care outcomes for Americans who are at the bottom of all our industrialized competitors. America can do better than this. With this legislation, we believe the process

has begun for America to do better than this.

The work accomplished today by the HELP Committee is, of course, a first step in a long journey toward restructuring our health care system. The path to meaningful reform will not be easy. We have many rivers to cross, and our efforts to implement change will still face challenges. Certain stakeholders, invested in the status quo, will fight back against change; they will drag their feet; they will misinform; and they will mobilize—all with the singular purpose of defeating our progress toward comprehensive health care reform.

I know the fight to secure final passage of our reform will be contentious, but I welcome a vigorous debate on the Senate floor because I also know our current system has reached a state of disrepair that is putting us at risk—as patients, as families, as competitive businesses, and as a nation. And failing to change the status quo is both unsustainable and irresponsible.

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

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until Thursday, July 16, 2009, at 9:30 a.m.

Thereupon, the Senate, at 8 p.m., adjourned until Thursday, July 16, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

FEDERAL EMERGENCY MANAGEMENT AGENCY

RICHARD SERINO, OF MASSACHUSETTS, TO BE DEPUTY ADMINISTRATOR AND CHIEF OPERATING OFFICER, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY, VICE HARVEY E. JOHNSON, JR., RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

DAVID A. MACGREGOR

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

NATHANIEL JOHNSON, JR.

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JASON E. JOHNSON
DOUGLAS C. ROSE, JR.
CARY A. SHILLCUTT

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

RICHARD P. ADAMS
RANDALL B. BRADFORD
KENNETH G. CAMPBELL
STEVEN W. MILLER
GEORGE M. SCHWARTZ
MICHAEL J. STEWART

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY

NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

KIRSTEN M. ANKE
VELVET D. BAKER
ELLEN S. BARKSDALE
TAKAKO L. BARRELL
ANDREW C. BAXTER
LINDA L. BLACKMAN
MICHAEL T. BOZZO
DAVID M. CASSELLA
DEBRA A. CHAPPEL
PATRICIA A. COBURN
JAMIE F. CORNALI
PATRICIA A. CRANE
FREDERICK L. DAVIDSON
LAURA D. DESNOO
CHERYL R. EVANS
VERNELL R. FLOODDEYOUNG
LISA R. FORD
MELISA A. GANTT
EUGENIO GARCIA, JR.
JUANITA GAUSS
MICHAEL A. GLADU
JANET D. GOODART
MICHELLE D. HAIRSTON
REBECCA L. HILFIKER
TERRI J. HOLLOWAYPETTY
SHANNON M. JONES
DARLENE M. JULKOWSKI
LISA LEAZENBY
TODD R. LITTLE
DENNIS G. LOGAN
JUDITH M. LOGAN
MICHAEL J. LOUGHREN
MICHAEL E. LUDWIG
DARIN S. MARCHOK
HENGMO Y. MCCALL
ELIZABETH M. MILLER
REBECCA N. MIONE
LINDA K. MOORE
DANA A. MUNARI
ROBIN R. NEUMEIER
PATRICIA A. ONEALMELLEN
SUSAN ORCUTT CLOFT
DAVID J. PARIS
NANCY E. PARSON
ANTHONY D. PEVERINI
JAMES R. POST
ANDREW A. POWELL
JAMES R. REED
RICHARD T. REID
SANDRA M. ROLPH
MILAGROS ROSA
MICHAEL L. SCHLICHER
SHARON U. SCOTT
DOROTHY L. SHACKLEFORD
LORI A. SKINNER
PAMELA M. SOLETLINDSAY
YOUNGHEE SONG
BRITTANY R. SPEERS
NANCY M. STEELE
BENJAMIN STINSON
CYNTHIA L. SVEINE
MARIA M. VANTERPOOL
ERIC H. WATSON
STACY U. WEINA
JEFFREY L. WELLS
KIMBERLY E. WILLIAMS
SARAH A. WILLIAMS BROWN
JASON S. WINDSOR
JOSEPH N. WINTER
REBECCA A. YUREK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

MARY C. ADAMS CHALLENGER
TERESA L. BRININGER
SUSAN DAVIS
DAVID H. DUPLESSIS
SANDRA E. KEELIN
SHAWN T. LOCKETT
JEFFREY P. NELSON
MATTHEW G. ST LAURENT
DEYDRE S. TEYHEN
RICHARD A. VILLARREAL
DAVID A. WRIGHT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

CHARLES C. DODD
HOWARD D. GOBBLE
STEVEN T. GREINER
SHELLEY P. HONNOLD
JERROD W. KILLIAN
BRIAN U. KIM
BRIDGET S. LEWIS
NANCY MERRILL
MARK L. RICHEY
PATRICIA Y. RILEY
HEATHER A. SERWON
MARK A. SMITH
JULIE M. STEPHENS DEVALLE
SHANNON A. STUTTLER
DANIEL C. WAKEFIELD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY

MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

SHEILA R. ADAMS
WILSON A. ARIZA
JOHN R. BAILEY
BRIAN E. BARTHELME
CARMEN A. BELL
TIMOTHY N. BERGERON
GRAEME C. BICKNELL
DANIEL G. BONNICHSEN
KATHERINE A. BRUCH
TRAVIS J. BURCHETT
KYLE J. BURROW
JAMES G. CAHILL
JOHN R. CALL
MARK C. CARDER
ERIC P. CARNAHAN
KRISTEN L. CASTO
RODRIGO CHAVEZ, JR.
LYNNE A. CHINTALA
ANTHONY S. COOPER
LEONARD A. CROMER, JR.
JENNIFER L. CUMMINGS
GERALD L. DALLMANN
THOMAS N. DAMIANI
CHRISTOPHER J. DAVID
WILLIAM E. DAVIS IV
KARL M. DEVLIN
MONICA S. DOUGLAS
DWAYNE A. ELDER
JAMES B. ELLEDGE
MICHAEL A. ELLIOTT
SANDRA ESCOLAS
ARTHUR B. FISCH
CRAIG R. FISHER
STEPHEN L. FRANCO
BERNADETTE FULLER
DOUGLAS H. GALUSZKA
CHRISTOPHER A. GELLASCH
SHEPARD H. GIBSON II
GUY J. GIERHART
ROGER S. GIRAUD
STEVEN D. HANKINS
RONALD E. HARPER
JONATHAN A. HEAVNER
TIMOTHY J. HOIDEN
PHILIP A. HOLCOMBE
MATTHEW J. HORSLEY
NATHAN O. HUCK
THOMAS L. HUNDLEY
DANIEL E. JETTTON
DAVID A. JOHNSON, JR.
GREGORY A. JOHNSON
NATHAN A. KELLER
TIMOTHY D. KUNDINGER
RAYMOND D. LAUREL
JACK R. LEECH III
JOSEPH F. LINEBERRY, JR.
BARBARA LOCKBAUM
MICHAEL G. MACLAREN II
JOHNNIE R. MANNING, JR.
JEFFREY S. MARKS
LYNN E. MARM
BRIAN D. MARTIN
JOHN J. MARTIN
RICKY J. MARTINEZ
HUGH A. MCLEAN, JR.
JOHN H. MCMAHAN
KENNETH R. MCPHERSON
SCOTT R. MELLING
TERRY R. MOREN
JEFFERY L. MOSSO
ROBERT L. NACE
RICARDO J. NANNINI
CHAD E. NELSON
ENRIQUE ORTIZ, JR.
PETER L. PLATTBORZE
MICHAEL R. POUNCEY
BRANDON J. PRETLOW
MARK C. PROBUS
HABY RAMIREZ
WILLIAM R. REDISKE
JASON H. RICHARDSON
MICHAEL C. SAUER
ERIC R. SCHMACKER
JEFFREY D. SHIELDS
MAELIEN SHIPMAN
DAVID L. SILVER
ALICK E. SMITH
MIKAL L. STONER
WILLIAM M. STRIDER
YOLONDA R. SUMMONS
PATRICK A. TAVELLA
BARBARA A. TAYLOR
LISA A. TEEGARDEN
STEENVORT J. VAN
JAMES L. WADDICK, JR.
BLAIN S. WALKER
BRIAN K. WALKER
DENNIS W. WALKER
TIMOTHY D. WALSH
OLIVER T. WALTON
NORMAN C. WATERS
MICHAEL C. WILLIAMS
CHRISTOPHER A. WODARZ
AMMON WYNN III
D070719
D060502

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

JEFFREY M. ADCOCK

RAMINE K. BARFUSS
 MARC A. BARRETT
 DAVID A. BELTRAN
 BRIAN BICKEL
 ADAM R. BUSHHELL
 BRIAN B. CHANG
 JOSEPH E. CREASY, JR.
 THUONG T. DANG
 ERIC DANKO
 JOHN F. DECKER
 WALTER G. DIMALANTA
 JAMES C. EWING
 CRAIG R. FRECCERO
 JASON P. GANONG
 WILLIAM A. GILBERT
 KEVIN R. GILLESPIE
 JOSEPH W. IVORY
 HARRY J. JACKSON
 HWAHOON JEONG
 MIGUEL A. MARTINEZDIAZ
 BRADLEY C. MORRISON
 AMANDA R. NELSON
 JOEL M. NICHOLS
 NATHAN C. PARRISH
 MATTHEW D. PHILLIPS
 NATHAN PHILLIPS
 CHRISTOPHER L. ROWE
 CURTIS D. SCHMIDT
 ROBERT S. SCHMIDT
 BRIAN W. STANCOVEN
 MICHAEL J. STEWART
 FRANK B. STRICKLAND
 RONALD B. TERRY
 GEORGIOS VESSIROPOULOS
 PAUL WANG
 RUSSELL M. WEAVER
 DENTONIO WORRELL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

JOEL T. ABBOTT
 TIMOTHY C. ACEL
 DAVID J. ADAM
 BRIAN L. ADAMS
 ERIC P. AHNFELDT
 DAVID W. ALEXANDER
 AMBER B. ARAGON
 CHARLES B. ARBOGAST
 MICHAEL V. ARNETT
 NAVIN S. ARORA
 MELISSA A. ATTYEH
 DAVID AYER
 CARRIE D. AYERS
 FARHAN S. AYUBI
 SONAL BAKAYA
 AMY E. BATT
 BRIAN C. BELDOWICZ
 DREW G. BELNAP
 BROCK A. BENEDICT
 JOHN D. BETTERIDGE
 ALISON BLACK
 JOHN H. BODEN
 STEVEN A. BONDI
 ANTHONY C. BONFIGLIO
 HERMAN G. BOTERO
 BRYAN M. BOUCHER
 ALEXANDER W. BROWN
 CATHLEEN M. BROWN
 SARAH L. BROWN
 CHARLES C. BROY
 SAMUEL E. BURKETT
 REBECKAH J. BURNS
 TRAVIS C. BURNS
 CRAIG M. BUSH
 AARON K. BUZZARD
 ROBERT W. BYRNE
 MICHAEL S. CAHILL
 KENYA K. CAIN
 AARON W. CAMPBELL
 JASON A. CANNELL
 ERNESTO CARDENAS
 BARBARA A. CARR
 BRIAN J. CARR
 XIAOLU W. CARTER
 LAUDINO M. CASTILLOROJAS
 MATTHEW S. CHAMBERS
 MOSES H. CHENG
 JASON N. CHIU
 DONALD O. CHRISTENSEN
 JASON C. CLARK
 KYRA R. CLARK
 CHRISTOPHER D. COLLINS
 MARCUS H. COLYER
 ROBERT J. CORNFELD
 JONATHAN R. COYLE
 MARK S. CRAIG
 STEVEN H. CRAIG
 CHRISTOPHER B. CROWELL
 JEANNE Y. CUBANSKI
 PETER L. CUFF
 KEVIN L. CUMMINGS
 PETER A. CUNIOWSKI
 MICHAEL D. DANN
 ANDREW S. DAVIS
 JASON A. DAVIS
 RACHEL S. DAWSON
 RYAN H. DEBOARD
 MARY G. DEIGHTON
 DAVID A. DJURIC

DAVID M. DOMAN
 MATTHEW L. DRAKE
 ERIN B. DRIFMEYER
 WILLIAM J. DUNLAP
 ELIZABETH A. DURBIN
 MATTHEW J. ECKERT
 CHAD P. EDWARDS
 BRIAN P. EGLOFF
 RAYMOND F. ELSAYED
 WILLIAM L. ENSLOW
 KRISTIN E. ERICKSON
 ALEXANDER J. ERNEST
 NAJAM G. FASIHI
 MICHAEL D. FAVERO
 MASSIMO D. FEDERICO
 RICHARD A. FERGUSON
 KATHLEEN E. FINDLAY
 CHRISTOPHER J. FOSTER
 DORI M. FRANCO
 MICHAEL G. GARVEY
 SUSAN A. GEORGE
 MATTHEW D. GIVENS
 AMY GOOLD
 CHRISTINE M. GOULD
 EMIL T. GRAF
 DAVIS Y. GRAY
 ARTHUR F. GUERRERO
 KAREN T. GUERRERO
 KARA M. HACK
 JORDAN M. HALL
 BRANDON G. HAMILTON
 JANICE N. HAMMOND
 TRISTAN M. HARRISON
 ROBERT S. HART
 NATHAN E. HARTVIGSEN
 JASON S. HAWKSWORTH
 JONATHAN D. HEAVEY
 JODY N. HEFNER
 MELVIN D. HELGESON
 JEREMY S. HELPHENSTINE
 ERIK L. HERMSTAD
 CHRISTOPHER C. HIGGINS
 HEATHER L. HIGGINS
 CHRISTOPHER C. HILLS
 HIEU HOANG
 MONICA A. HOFFMAN
 THOMAS N. HOFFMANN
 LUKE J. HOFMANN
 SUZANNA N. HOLBROOK
 KATHLEEN C. HOLST
 JOHN D. HORTON
 SARAH M. HOWELL
 STEVEN J. HUDAK
 LIEN T. HUYNH
 WILLIAM HWANG
 SEYED A. JALALI
 BRUCE L. JAMES
 GREGORY K. JENSEN
 SANTIAGO JIMENEZ
 BRYAN M. JOHNSON
 ERIK R. JOHNSON
 KENNETH JOHNSON
 OWEN N. JOHNSON
 RYAN JOHNSON
 NATHAN D. JONES
 TRACI L. JONES
 ANDREW KAGEL
 WHITNEY L. KALIN
 SHAWN M. KAPOOR
 WHERLEY J. KECK
 JOREN B. KEYLOCK
 MICHAEL J. KILBOURNE
 ESTHER KIM
 JOHN H. KIM
 RIRA J. KIM
 YOUNG W. KIM
 MEGAN K. KLOETZEL
 JAMES C. KNEFF, JR.
 RAJA KOLLI
 BENJAMIN L. KREPPS
 JENNIFER B. LABAHN
 NICHOLAS J. LANGE
 RYAN J. LARSON
 BROOKS T. LAELLE
 TAMARA D. LAWSON
 STEVEN C. LEWIS
 TRAVIS R. LIDDELL
 DAVID S. LIDWELL
 TERRENCE LILLIS
 JEFFREY R. LIMJUCO
 JEFFREY R. LIVEZEY
 JEREMIAH LONG
 ROMARIUS L. LONGMIRE
 ADAM M. LUKASIK
 APRIL E. LYNCH
 FRANZ J. MACEDO
 ANDREW W. MACK
 JUSTIN J. MADILL
 EDWARD W. MALIN IV
 ANANTHA K. MALLIA
 ERIK S. MANNINEN
 ROGER K. MANSON
 BRIAN P. MARKELZ
 PETER G. MATOS
 JOSEPH W. MAY
 TARA L. MAZZA
 CHRISTOPHER S. MCGUIRE
 ALEX J. MCKINLAY
 DANIEL F. MCCLAUGHLIN
 BRIAN C. MCLEAN
 MEGAN M. MCPHEE
 GEORGE J. MEYERS IV
 TODD R. MILLER

ELISABETH H. MITCHELL
 CLIFTON C. MO
 MARIA M. MOLINA
 DAVID MOSER
 MICHAEL J. MULCAHY
 PATRICK D. MUNSON
 AARON D. NELSON
 DAYNE M. NELSON
 PHU T. NGUYEN
 KENNETH NICKLE
 SARAH E. NILES
 KIMBERLEY NJOROGE
 ANTHONY A. NOYA
 LARA B. NUNEZ
 ANTHONY J. OLIVA, JR.
 SUSAN P. OPAR
 CANDELARIA B. OSORIO
 VICTORIA OTA
 ANDREA S. OTTO
 JOSHUA C. PACKARD
 INGRID PACOWSKI
 BENJAMIN N. PALMER
 PATRICIA J. PAPADOPOULOS
 JISOO PARK
 CALVIN W. PARKER
 STEPHEN PATTEN
 CARL R. PAVEL
 JONATHAN PEDERSON
 JENNIFER H. PERKINS
 MICHAEL P. PERKINS
 MICHAEL D. PERREAULT
 JASON T. PERRY
 JAMES PHILLIPS
 BRIAN L. PIENKOS
 ANTHONY R. PLUNKETT
 JAMES M. POSS
 SAMUEL L. PRESTON III
 LISA K. PRINCE
 NADER Z. RABIE
 JEREMY T. REED
 MALDONADO A. REED
 SEAN C. REILLY
 WALDEMAR L. RIEFKOHL
 KIMBERLY I. RIENIETS
 AMBER E. RITENOUR
 JOSHUA S. RITENOUR
 PAUL C. ROBINSON
 NORBERTO RODRIGUEZ, JR.
 JARRET E. SANDS
 RHIANA D. SAUNDERS
 SEBASTIAN R. SCHNELLBACHER
 HAROLD L. SCHWAB
 KEVIN J. SCHWECHTEN
 DAVID C. SEMERAD II
 ALCARIO SERROS III
 DANIEL C. SESSIONS
 CHRISTINE D. SHARKEY
 JEFFREY E. SHERWOOD
 JARETT T. SKINNER
 BENJAMIN H. SMITH
 CHRISTIAN L. SMITH
 GEORGE J. SMOLINSKI III
 CYLBURN E. SODEN
 VANCE Y. SOHN
 MATTHEW SPRINGER
 BRONWYN R. STALL
 RODERICK V. STARKIE
 BRAD Q. STARLEY
 MICHAEL P. STAUFF
 CHRISTINA M. STAVITTSKI
 SHANNAH L. STEEL
 THEODORE R. STEFANI
 JOHN STEPHENSON
 IFEYINWA A. STITT
 NAOMI E. SURMAN
 STEPHANIE T. SUSSKIND
 ESTHER TAN
 DANIEL J. TOLSON
 MARK R. TOMASULO
 PATRICK H. TRACY
 SCOTT T. TREXLER
 JUSTINE E. TRIPP
 CHRISTOPHER J. TUCKER
 MICHELLE S. VAL
 SCOTT D. VANDERLEEST
 LESLIE A. VANSCHAACK
 EVELYN R. VENTO
 AMY E. VERTREES
 PETER VICKERMAN
 WILLIAM WASHINGTON
 JOSHUA T. WATSON
 MAURA WATSON
 BRUCE M. WEAVER
 THOMAS A. WEBSTER
 ERIC J. WHITMAN
 SCOTT A. WHITWORTH
 SCOTT G. WILLIAMS
 SCOTT L. WILLIS
 AARON L. WILSON
 AIMEE WILSON
 JUSTIN N. WILSON
 NOUANSY K. WILTON
 AGNIESZKA O. WOJCIEHOWSKI
 DAVID A. WONDERLICH
 KIMBERLY J. WONDERLICH
 JOSEPH V. WOODRING
 YANG XIA
 THOMAS L. ZICKGRAF

DISCHARGED NOMINATIONS

The Senate Committee on Commerce, Science, and Transportation was discharged from further consideration of the following nominations by unanimous consent and the nominations were confirmed:

CHARLES F. BOLDEN, JR., OF TEXAS, TO BE ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

LORI GARVER, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION

CHARLES F. BOLDEN, JR., OF TEXAS, TO BE ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

LORI GARVER, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Wednesday, July 15, 2009: