

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DEMINT. Mr. President, I ask unanimous consent to temporarily set aside the pending amendment so I may call up two amendments.

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

AMENDMENTS NOS. 2774 AND 2779 TO AMENDMENT NO. 2730, EN BLOC

Mr. DEMINT. Mr. President, I wish to call up Inhofe amendment No. 2774 and DeMint amendment No. 2779.

The PRESIDING OFFICER. The clerk will report the amendments en bloc.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT], for Mr. INHOFE, for himself, and Mr. BARRASSO, Mr. BROWNBACK, Mr. CRAPO, Mr. DEMINT, Mr. ENZI, Mr. JOHANNIS, Mr. KYL, Mr. ROBERTS, Mr. THUNE, Mr. VITTER, Mr. BOND, and Mr. HATCH, proposes an amendment numbered 2774 to amendment No. 2730.

The Senator from South Carolina [Mr. DEMINT] proposes an amendment No. 2779 to amendment No. 2730.

The amendments are as follows:

AMENDMENT NO. 2774

(Purpose: To prohibit the use of funds appropriated or otherwise made available by this Act to construct or modify a facility in the United States or its territories to permanently or temporarily hold any individual held at Guantanamo Bay, Cuba)

On page 60, after line 24, add the following:
SEC. 608. (a) None of the funds appropriated or otherwise made available by this Act may be used to construct or modify a facility or facilities in the United States or its territories to permanently or temporarily hold any individual who was detained as of October 1, 2009, at Naval Station, Guantanamo Bay, Cuba.

(b) In this section, the term "United States" means the several States and the District of Columbia.

AMENDMENT NO. 2779

(Purpose: To prohibit the use of funds for the transfer or detention in the United States of detainees at Naval Station Guantanamo Bay, Cuba, if certain veterans programs for fiscal year 2010 are not fully funded)

At the end of title II, add the following:
SEC. 229. (a) LIMITATION ON USE OF FUNDS FOR TRANSFER OR DETENTION IN UNITED STATES OF DETAINEES AT GUANTANAMO BAY WITHOUT FULL FUNDING OF CERTAIN VETERANS PROGRAMS.—

(1) LIMITATION.—None of the funds appropriated or otherwise made available by this Act may be used to support, prepare for, or otherwise facilitate the transfer to or the detention in any State or territory of the United States of any individual who was detained as of November 1, 2009, at Naval Station Guantanamo Bay, Cuba, until 15 days after the Secretary of Veterans Affairs certifies to Congress that the programs specified in subsection (b) are fully funded for fiscal year 2010.

(2) CERTIFICATION.—The certification submitted under this subsection shall include a

description of the funding available for fiscal year 2010 for each program intended to address a need of veterans specified in subsection (b).

(b) PROGRAMS.—The programs specified in this subsection are the programs of the Department of Veterans Affairs to meet needs of veterans for the following:

- (1) Health care.
- (2) Rehabilitation and reintegration into the community of veterans suffering from traumatic brain injury (TBI).
- (3) Rehabilitation and reintegration into the community of veterans suffering from post-traumatic stress disorder (PTSD).
- (4) Specially adapted housing for disabled veterans.
- (5) Counseling and treatment for service-connected trauma, including trauma associated with sexual assault.

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

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. Madam President, I ask unanimous consent that the Senate be in recess subject to the call of the Chair.

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

There being no objection, the Senate, at 7:46 p.m., recessed subject to the call of the Chair and reassembled at 7:57 p.m. when called to order by the Presiding Officer (Ms. LANDRIEU).

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

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, first, I appreciate very much the Presiding Officer coming to the Chamber and helping us at this time of night.

I ask unanimous consent that other than the Johnson substitute and pending amendments, which are listed in this agreement, the following list be the only first-degree amendments remaining in order to H.R. 3082, the Military Construction, Veterans appropriations; that relevant second-degree amendments be in order to the first degree to which offered; that a managers' amendment, which has been cleared by the managers and leaders, also be in order; and that if offered, the amendment be considered and agreed to, and the motion to reconsider be laid upon the table, with no other amendments in order: Johnson No. 2733; Udall of New Mexico No. 2737; Franken No. 2745; Inouye No. 2754; Coburn No. 2757; Durbin Nos. 2759 and 2760; McCain No. 2776,

second degree to Inouye amendment No. 2754; Inhofe No. 2774; Coburn motion to commit with instructions; DeMint No. 2779; Menendez No. 2741; Akaka No. 2740; Johanns No. 2752; Warner/Webb No. 2738; Bingaman No. 2749; Levin No. 2755; Feingold Nos. 2746, 2747, and 2748; Webb No. 2756; Gillibrand No. 2762; Mikulski Nos. 2750 and 2761; McConnell No. 2773; Cochran Nos. 2751 and 2763; Ensign No. 2771; Burr No. 2743; that upon disposition of all amendments, the substitute amendment, as amended, be agreed to; the bill, as amended, be read a third time and the Senate then proceed to vote on passage of the bill, as amended; that upon passage, the Senate insist on its amendment and request a conference with the House on the disagreeing votes of the two Houses and the Chair be authorized to appoint conferees on the part of the Senate, with the subcommittee, plus Senators LEAHY and COCHRAN appointed as conferees; provided further that if a point of order is raised and sustained against the substitute amendment, then it be in order for a new substitute amendment to be offered, minus the offending provision but including any language which had been previously agreed to; that the new substitute be considered and agreed to, and no further amendments be in order, with the provisions of this agreement after adoption of the original substitute amendment remaining in effect; further that on Monday, November 16, after a period of morning business, the Senate resume consideration of H.R. 3082, with the time until 5:30 p.m. equally divided and controlled between the two managers or their designees; that at 5:30 p.m., the Senate proceed to vote in relation to the following: Coburn No. 2757 and the Coburn motion to commit; further that prior to these two votes, there be 2 minutes of debate equally divided and controlled in the usual form; that no further debate be in order to the bill, except any time specified for debate prior to a vote in relation to any amendment on the list.

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

EXECUTIVE SESSION

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

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 184, the nomination of David F. Hamilton to be a U.S. circuit judge for the Seventh Circuit.

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

The clerk will report the nomination.

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

CLOTURE MOTION

Mr. REID. Madam President, I now send a cloture motion to the desk with respect to the nomination of Judge Hamilton.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The 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 nomination of David F. Hamilton, of Indiana, to be a United States Circuit Judge for the 7th Circuit.

Harry Reid, Herb Kohl, Sheldon Whitehouse, Richard J. Durbin, Benjamin L. Cardin, Patty Murray, Mark Begich, Kirsten E. Gillibrand, Mark R. Warner, Russell D. Feingold, Al Franken, Roland W. Burris, Dianne Feinstein, Patrick J. Leahy, Barbara Boxer, Charles E. Schumer, Edward E. Kaufman.

Mr. REID. Madam President, I ask unanimous consent that the cloture vote occur upon disposition of H.R. 3082; further, that prior to the cloture vote on the nomination, there be 60 minutes of debate, with the time equally divided and controlled between the chair and ranking member of the Judiciary Committee; and that the mandatory quorum be waived; provided further that the vote not occur prior to 2:15 p.m., Tuesday, November 17; and that the Senate now resume legislative session.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

MORNING BUSINESS

Mr. REID. Madam President, we are always glad to see the yellow file at nighttime.

I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

EMPOWERING THE U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. DURBIN. Mr. President, I was pleased to join with Senators DODD, CARDIN, BOND, KERRY, LUGAR, and many others in passing a resolution on the need to empower and strengthen the U.S. Agency for International Development.

The resolution calls for three important steps—that a USAID Administrator be named without delay, that such Administrator be included in key national security deliberations, and that USAID's staffing and expertise be significantly increased.

Development assistance is part of any comprehensive American approach in foreign policy, whether it responds to regional conflicts, terrorist threats, weapons proliferation, disease pandemics, or persistent widespread poverty. Assistance programs not only provide help to those most in need but also are a symbol of American values.

Our own security depends on the stability of far-flung places beyond our borders. And America's generosity and ability to help other countries is becoming more important to the effectiveness of our foreign policy.

In the United States, the responsibility for development falls largely to the U.S. Agency for International Development.

USAID was founded by the Kennedy administration in 1961, becoming the first U.S. foreign assistance organization with the primary goal of long term economic and social development efforts overseas.

During its first decade, it had more than 5,000 Foreign Service officers serving all over the world, often in the most difficult of conditions.

Today—at a time when the United States is engaged in two wars and needs development expertise more than ever—USAID operates with just 1,000 Foreign Service officers. USAID's managed program budget in real dollars has dropped by more than 40 percent since the mid-1980s. And the Agency still does not have an Administrator.

From the early 1960s until 1992, the Office of Management and Budget enforced a rule mandating that all foreign aid programs and spending must go through USAID, except when USAID chose to contract with other Federal agencies. Today more than half of all foreign assistance programs are administered by Federal agencies other than USAID, and funding for such programs is spread across more than 20 U.S. Government agencies.

This decline in personnel, budgets and coordinating leadership has diminished the capacity of USAID and the U.S. Government to provide development assistance and implement foreign assistance programs.

Quite simply, as the United States works to win hearts and minds around the world, our efforts have been diminished by an underfunded and understaffed lead development agency. USAID has been shortchanged—and America's efforts abroad have suffered as a result.

Secretaries Clinton and Gates both recognize the need to reverse this trend.

During her first month as Secretary of State, Clinton told USAID employees, "I believe in development, and I believe with all my heart that it truly is an equal partner, along with defense and diplomacy, in the furtherance of America's national security."

Secretary of Defense Gates has made a similar case, stating "The problem is that the civil side of our government—the Foreign Service and foreign-policy

side, including our aid for international development—[has] been systematically starved of resources for a quarter of a century or more . . . We have not provided the resources necessary, first of all, for our diplomacy around the world; and second, for communicating to the rest of the world what we are about and who we are as a people."

Military and civilian experts agree that the wars in Iran and Afghanistan will only succeed in the long term with a sustained and strategic development program to compliment military efforts. We owe it to the brave men and women serving in those nations to get this piece of our foreign policy right and to so without delay.

That is why earlier this year I introduced the Increasing America's Global Development Capacity Act, which calls for a tripling of USAID's Foreign Service personnel over the next 3 years. The bill seeks to address the considerable personnel loss that USAID has experienced over the course of the last two decades. I have also worked with Senator LEAHY to help appropriate additional funds for USAID.

And that is why I was pleased to support Senator DODD's resolution expressing the Senate's view that we must rebuild USAID, starting with the urgent naming of an empowered Administrator, inclusion of that designee in top-level national security deliberations, and continued long-term investment in USAID staffing and funding. I thank the Senate for adopting this important resolution yesterday.

VETERANS DAY

Mr. BURRIS. Madam President, on November 11, 1921, exactly 2 years after the armistice that ended the First World War, a brave soldier was laid to rest at Arlington National Cemetery.

His grave was marked, not with a name, but with the inscription "Here rests in honored glory an American soldier, known but to God."

Like all of his brothers in arms, this soldier left his home and his family to defend his nation in an hour of need.

Perhaps he was a factory worker or a farmer or a businessman.

Perhaps he had a wife and children; perhaps not.

But whoever he was in civilian life, he heard the call—as many have done before and since—and he took up arms in defense of our liberty.

He laid down his life that others might live free.

He gave what Lincoln called "the last full measure of devotion."

And today, although his name has been lost to the ages, the power of his sacrifice endures.

It is a sacrifice that every American veteran has been prepared to make, if duty should require it.

As we observe Veterans Day this November 11, let us express our thanks and appreciation for those brave veterans who are still with us.