

against Samuel B. Kent, formerly judge of the United States District Court for the Southern District of Texas, are instructed to appear before the Senate, sitting as a court of impeachment for those proceedings, and advise the Senate that, because Samuel B. Kent is no longer a civil officer of the United States, the House of Representatives does not desire further to urge the articles of impeachment hitherto filed in the Senate against Samuel B. Kent.

Mr. President, pursuant to the terms of the said resolution, the managers on the part of the House, by direction of the House of Representatives, respectfully request the Senate to discontinue the proceedings now pending against Samuel B. Kent, former Judge of the United States District Court for the Southern District of Texas.

The PRESIDING OFFICER. The majority leader of the Senate.

Mr. REID. Mr. President, as the Sergeant at Arms advised the Senate prior to the July 4 recess, following the service of the summons on Judge Kent by the Sergeant at Arms on June 24, 2009, Judge Kent tendered his resignation as a United States District Judge, effective June 30, 2009. At the direction of the Senate, the Secretary delivered Judge Kent's original statement of resignation to the President. On June 29, 2009, counsel to the President accepted Judge Kent's resignation on behalf of the President. The House of Representatives has now moved that the Senate dismiss the Articles of Impeachment.

Mr. President, I have conferred with the distinguished Republican leader, Mr. McCONNELL, and with the distinguished Chairman and Vice Chairman of the Impeachment Trial Committee on the Articles Against Judge Samuel B. Kent appointed by the Senate, the Senator from Missouri, Mrs. MCCASKILL, and the Senator from Florida, Mr. MARTINEZ. All are in agreement that, with the resignation of Judge Kent, the purposes of the House's prosecution of the Articles of Impeachment against Judge Kent have been achieved. Judge Kent is no longer serving on the Federal bench, and he has ceased drawing his judicial salary. It is agreed that no useful purpose would now be accomplished by proceeding further with the impeachment proceedings against Judge Kent.

Accordingly, I now move that the Senate order that the Articles of Impeachment against former Judge Samuel B. Kent be dismissed and that the Secretary be directed to notify the House of Representatives of this order.

The PRESIDING OFFICER. The question is on agreeing to the motion to dismiss the Articles of Impeachment.

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I wish to thank, on behalf of the entire Senate

and the House of Representatives, the Chairman and Vice Chairman and all of the members of the Impeachment Trial Committee for their willingness to undertake this task. I ask unanimous consent that the Impeachment Trial Committee on the Articles Against Judge Samuel B. Kent be terminated.

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

Mr. REID. That concludes the proceedings on the trial of the impeachment of Judge Samuel B. Kent. As such, I move that the Court of Impeachment stand adjourned sine die.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. 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. McCONNELL. Mr. President, I ask unanimous consent to proceed as in morning business.

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

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

(The remarks of Mr. McCONNELL pertaining to the introduction of S. 1493 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010—Continued

Mr. BURRIS. Mr. President, I rise to speak on the National Defense Authorization Act, S. 1390.

Mr. President, as a member of the Armed Services and Veterans Affairs committees, I have addressed this Chamber many times about the need to keep our Nation's commitment to the brave men and women who fight for this country.

It is a commitment that begins on the day they volunteer for military service, and it extends through the day they retire and beyond.

But just as we work to uphold our obligation to servicemembers who are in harm's way, we need to offer strong support to those who they leave here at home.

Military families bear a burden that must not be forgotten. They, too, deserve our utmost gratitude.

Mr. President, that is why we must increase funding for impact aid, a program which, in part, provides assistance to school districts that serve military families.

Throughout my career in public service, I have been a strong believer in education as a powerful force to shape lives—to give people the tools they need and the inspiration that will help them succeed.

But even when we see an improvement in scholastic performance at the national level, certain groups of students continue to fall further and further behind.

Many children of Federal employees, including military personnel, fall into one of these groups.

Military installations—and other Federal facilities—occupy land that might otherwise be zoned for commercial use.

Because of this, local school districts suffer from a reduced tax base to fund their expenses.

This limits the amount that can be spent in the classroom and leaves students at a serious disadvantage compared with children in neighboring towns.

In North Chicago, IL—the home of the Great Lakes Naval Training Center—only half of the 4,000 students meet or exceed State standards.

Even with some Federal assistance, North Chicago's School District 187 is able to spend just under \$7,000 per student, per year.

But nearby District 125 has the resources to spend nearly twice as much per pupil, and the school performs among the best in the State.

An increase in impact aid funding would help to level this playing field, ensuring that the children of our soldiers, sailors, airmen and marines are not at a disadvantage because of their parents' service.

Impact aid funds are delivered directly to the school districts in need, so they do not incur administrative costs at the State level.

This makes it one of the most efficient—and effective—Federal education programs.

Scott Air Force Base is located near Mascoutah, IL—a community whose schools receive impact aid funding.

The local school district is able to spend only \$6,000 per year on each child, but 90 percent of the students meet or exceed State standards.

If these are the results that some students can achieve with only \$6,000 per year, imagine how well Mascoutah's schools might perform with even a small increase in available funds.

It is impressive that school districts like North Chicago and Mascoutah are able to operate as effectively as they do, especially when compared to the national per-pupil expenditure of \$9,700 per student.

Mr. President, it is vital that we target Federal assistance to those who need it most.

That is why I am proud to be a member of the Senate impact aid coalition, a group of 35 Senators devoted to protecting this important program.

And that is why I believe that the \$50 million we have set aside for schools

that are heavily impacted by military students is a step in the right direction in our commitment to military families.

It is time to make sure all children have access to a quality education, regardless of who they are or where they are from.

I applaud Chairman LEVIN and Ranking Member MCCAIN for their support of this funding in the past—and for including funding in the fiscal year 2010 Defense authorization bill.

This funding will be significant to military children across the country.

To students in North Chicago, Mascoutah, O'Fallon, and Rockford—and hundreds of communities in Illinois and over 260,000 students in 103 school districts across the United States.

We owe them the same support we continue to show to their parents in uniform.

And it is time to step up our efforts to meet that commitment.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

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

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

HEALTH CARE REFORM

Mr. DEMINT. Mr. President, I will return to the issue of health care in America, the reform of our health care system, and how we help Americans find the health insurance that is affordable to every family.

It is important, as we talk about this, that we get the facts out on the table. I am glad to see this has become an issue that is front and center. I know the President called for a press conference tonight to talk about his vision of health care. I want to set the record straight on a number of things that have been said that I think are politically motivated and, obviously, don't represent the truth.

My colleagues on the other side of the aisle, including the President, have talked about Republicans representing the status quo on behalf of big special interests, and they have accused us of representing the big insurance companies, when, in fact, the voting record in the Senate has proved the exact opposite.

When the President was in the Senate, and when we, as Republicans, proposed health care reform—which we did many times while the President was a Senator—the President and my Democratic colleagues voted with the big insurance companies. We had one proposal that would allow small businesses to come together to buy health insurance for their employees at a lower price. The big insurance companies opposed that, but the Democrats voted with the big insurance companies and against the reform proposals.

I put forth a proposal that would have allowed individuals in this coun-

try to shop for their health insurance in any State in the country, just like other products and services, to have a competitive national market, which so many on the other side have called for. The big insurance companies that have State-by-State monopolies opposed that bill. Senator Barack Obama and the Democrats voted with the big insurance companies and against Americans' ability to buy health insurance anywhere in the country.

Republicans are not standing with special interests. Look at the proposals that have been put on the table in the House and Senate by the Democrats, which the President will be advocating when he speaks tonight. Let's see what party is representing special interests.

First of all, the abortion industry, Planned Parenthood, and other organizations that make their money performing abortions—their interests are clearly represented in this bill. This proposal the President is advocating would require that health insurance plans cover elective abortions in this country, which means taxpayers who are morally opposed to abortion will be forced to subsidize insurance plans that pay for abortion.

I ask my colleagues, who is representing special interests? Who is representing the abortion industry in this debate?

What about who loses their health care coverage in these new plans that have been proposed? The independent Lewin Group has looked at these proposed plans by my Democratic colleagues in the House and Senate, and they concluded that 80 million Americans who have health insurance that they now like will lose it under this current proposal.

But who is protected? Who would not lose their health insurance? It is union members who are protected. Do we think that has anything to do with politics—that the average American will lose their health insurance but the unions that support the Democratic Party are protected? Who is standing up for special interests in this health care debate?

Let's talk about the plaintiffs' attorneys. One of the biggest problems in health care today is what doctors call defensive medicine—running all kinds of unnecessary tests so they avoid all these expensive lawsuits. We have talked for years about reforming the health care system to eliminate these wasteful, frivolous lawsuits that cost so much money, and every doctor and hospital has to have huge liability policies for the cost of the lawsuits that come every year. You would think a health care reform proposal would have some lawsuit abuse reform in it. But who is protected? What special interests are protected in this health care proposal? The plaintiffs' attorneys. There is absolutely no tort reform, no reform of abusive lawsuits in this plan.

So I ask my colleagues: Who is representing the special interests here—the big insurance companies, the abor-

tion industry, the unions, the plaintiff's attorney? All of those are represented and protected in this so-called health reform legislation that does nothing to help individuals access affordable personal policies for themselves.

When the President was in the Senate, I personally every year proposed major health care reform. I proposed that individuals who do not get their insurance at work at least get to deduct the cost of that insurance from their taxes, as we let businesses do. Barack Obama voted against that, and so did my Democratic colleagues.

I proposed that individuals be allowed to buy health insurance anywhere in the country so that it would be more affordable, more competitive. Barack Obama voted against that, and so did my Democratic colleagues.

Republicans proposed small businesses come together and buy health care less expensively so they could provide more health insurance to their employees. Barack Obama voted against that, and so did my Democratic colleagues.

I ask you: Which party is standing for the status quo of trying to keep things the same? Real health care reform has been proposed in the Senate many times by Republicans. But the truth is, the Democrats do not want individual Americans to have access to affordable health insurance. What they want is a government takeover of health care. The President has made that clear by his own voting record.

As he holds his press conference tonight, I am sure the crowd will be loaded with friendly reporters, but there are a few questions I would like him to answer.

If the major provisions in this health care bill he is promoting do not take effect until 2013, which they don't, why this mad rush to pass a bill that is over 1,000 pages that no one in this body has read? Why the mad rush to pass it before we go home for the August break?

I can answer it for him. Because if Americans find out what is in it, they are not going to support it.

I have a second question: You said your health care bill will cut costs and not increase the deficit. But the independent analysis of the nonpartisan Congressional Budget Office contradicts those claims, saying it will raise costs and increase the deficit by \$240 billion. The policy does not support the promise.

A third question: The President has repeatedly said that the health care bill will allow Americans who like their current plans to keep them. But as I said, an independent expert group, the Lewin Group, has analyzed this legislation and concluded that it will force over 80 million Americans to lose the health insurance they have today.

Question No. 4: The President said the other day when he was speaking at Children's Hospital that opponents of the plan are content to perpetuate the status quo. How does that compare

with your record, Mr. President, when you were in the Senate? What health reform did you propose? Why did you vote against every health reform proposal that could have increased access to affordable health insurance for all Americans?

And just a yes-or-no question: Will you guarantee that pro-life Americans under your plan will not be forced to subsidize elective abortions?

I hope the President will answer some of these questions for the American people because I am convinced that if Americans know the truth about this legislation, they will conclude this is not about getting them affordable health insurance or access to quality health care. This is a continuation of this power grab that is going on in Washington.

This spending spree, this proposal for more and more taxes, is a power grab for the government to take over yet another industry, the health care industry in America. Health care is the most personal and private service we have for ourselves and our families. Why would we want to turn that over to government to make the decisions for us?

The ACTING PRESIDENT pro tempore. The Senator has used 10 minutes.

Mr. DEMINT. Mr. President, I thank you for your indulgence. I encourage my colleagues to read any bill we vote on before the August break.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I wish to address the Senate as in morning business.

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

Mrs. BOXER. Mr. President, I ask unanimous consent that after the Republicans have a chance to speak, the next Democrat be Senator KAUFMAN.

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

HEALTH CARE REFORM

Mrs. BOXER. Mr. President, we just heard the Senator from South Carolina urging Members to vote against the health care bill. He talks about the truth about the health care bill. We don't have a health care bill before the Senate because we have two committees that are working on it. One already reported out a bill, the HELP Committee, which stresses prevention, because we all know that if you look at the major costs to our families, they all encompass—70 percent of them—five major diseases. I think we know what they are. They are heart issues, pulmonary issues, cancer issues, stroke issues. We know what they are. Putting prevention first, which is not something we have ever done, is going to save money, is going to make our people healthier, is going to work. There are many other aspects of the health bill that are very good for our people.

I have to say, when the Senator from South Carolina comes to the floor and

starts attacking Democrats, I think people have to understand that very Senator was quoted in the press as saying that essentially we can break Barack Obama if we destroy his push for health care. He said it will be his Waterloo.

I support my colleagues' right to say what they want. They will be judged by what they say. They will be judged by what is in their heart. They will be judged on how they act. But we are here to take care of the American people, not to bring down a President or raise up a President. Our job is to represent the people who sent us here. It is not to break a President. It is not to play politics with one of the most important issues facing our country. And good for this President for having the courage to step forward and point out that the current status quo on health care is disastrous, and, yes, we are going to address it and we are going to make sure that the people in this country, if they like their health care, can keep what they have, keep their insurance. If they don't, they have a chance to buy into other options. That will be their choice. We will stress prevention now. We will have healthier families.

I want to point out that there has been a recent study that says if we do nothing, if we bring down this opportunity we have to do something to better the health care system in this country, if we turn away from that and do nothing, in California, by 2016, Californians will have to spend 41.2 percent of their income on health insurance. I want you to think about that. And that is not the worst. In Pennsylvania, Senator CASEY told me, it would be over 50 percent of people's incomes. How are we going to sustain that? Who can sustain spending 40 percent of their income on premiums? Fifty percent? It isn't going to happen. People will have to walk away. People will get sicker.

We cannot afford the status quo. That is why I have this chart here that says: No equals the status quo. It is no, no, no. No, let's not do this. No, let's not help our President. No, let's not address this issue. Scare tactics, throwing around words, "government-run health care."

I say to my friend from South Carolina—unfortunately, he is not here—government-run health care, does he want to bring down the veterans health care system? Just try that one with your veterans. That is a government-run health care system. Veterans get free health care. Does he want to bring down the health care that our military gets every single day run by this government? Of course not. They are getting the best care in the world on the battlefield, and it is done because taxpayers pay the freight. That is a government-run health care.

Does my friend want to bring down Medicaid that helps the poor people get some insurance? I hope not because it would be tens of thousands of people in his State, including many children. How about SCHIP? That is a govern-

ment-run health care system that helps our poor kids. Does he want to bring it down? Why doesn't he try to do that? See where the votes are. And last but not least, Medicare. Medicare is a single-payer system, government run, very low overhead costs. Our seniors love Medicare. Does my friend want to bring down that government health care system?

This is ridiculous. There is no plan that is moving forward that is a government takeover. Yes, we keep veterans health care going and military health care going. Yes, we keep SCHIP for the kids going. Yes, Medicaid. Yes, veterans. But we don't expand that except to say as we go out to the American people to tell them we are going to save them from enormous premium increases, that there will be an option, a choice they can make to buy into a public plan or a public interest plan. Some say it could be a co-op. We don't know the details. But to have my friend from South Carolina come to this floor and tell us: Vote no on this health care when we don't even have a plan before us means he is for the great big red stop sign because no equals the status quo. And no action is in itself a hostile act.

Employer-sponsored health care premiums have more than doubled in the last 9 years. Two-thirds of all personal bankruptcies are linked to medical expenses. Let me say that again. Two-thirds of all personal bankruptcies are linked to medical expenses. And how about this: The United States spends more than twice as much on health care per person than most industrial nations, and it ranks last in preventable mortality. It ranks last in preventable mortality, and we spend twice as much as any other nation. Status quo is no, no change.

Is that what we want to see continued—continued increases in premiums for businesses, for individuals, getting to a point where it is 40, 50 percent of a family's income? That is not sustainable. Where do they get the money for food, for clothing, for shelter?

The other problem we have is 46 million Americans have no health insurance, including one in five working adults. What does that mean? It means that the people without health insurance are waiting for a crisis to occur. They don't take any preventive steps. They don't see a doctor until late in the process in an emergency room. It means that we are picking up the bills because when people go to an emergency room and they cannot pay, who is picking up the tab? Those of us who have insurance. That is how it goes.

I am hoping that the American people weigh in on this debate, as they have begun to do. I was told ever since I was a young person that you need to try hard when there is a problem. Try hard. Be constructive. Don't call other people names. You may disagree with them, respect them. Don't try to bring them down, don't try to break them. Make your arguments; put forward an

alternative. I have looked at the course of history, and history says to people who do nothing that they haven't contributed very much. In this case, because the status quo is unsustainable, they are hurting our people. They are hurting our people. More than half of all Americans live with one or more chronic conditions. The cost of caring for an individual with a chronic disease accounts for 75 percent of the amount we spend on health care. I have those five chronic diseases in front of me. They are: Heart disease, cancer, stroke, chronic obstructive pulmonary disease, and diabetes. Those five are responsible for more than two-thirds of the deaths in the USA. That is information that is important because, when you look at this, many of these can be prevented and treated in a way so that they do not wind up costing so much and hurting our families.

We have an extraordinary opportunity before us, and I think you are going to see the parties showing who they represent. Do they represent the forces of the status quo that are going to scare people or do they represent the forces of change—positive change? I think history will show that those who stepped to the plate here and were constructive are going to be the ones about whom people say: She tried. He tried. He fixed a lot of problems. Not all of them, but they started moving in the right direction.

Our families deserve change here. Our families cannot sit back and absorb the kind of increases in health care premiums they have seen in the past. We know how to fix it. If we work together, we will be able to fix it.

I wish to take a minute to thank the Republicans who are working so constructively with our Democrats. You don't hear them speaking much on the floor, as you did the Senator from South Carolina, who, as I say, was quoted as saying he wants to make health care President Obama's Waterloo. He wants to break him on this. The Republicans whom you don't see on the floor talking like that are the ones who are sitting with the Democrats, working day after day, night after night, to solve this problem.

I hope people will remember, when you hear these scare tactics—government-run health care—that we don't even have a bill yet, and they are saying it is about government-run health care, not one bill that I have seen is government-run health care, not one. But I challenge my friends. If they do not like Medicare—it is government run—why not try to repeal it and see how many senior citizens come to your office. If my Republican friends don't like government-run health care, take away the health care from the veterans because it is government run. Take away health care from the military. Privatize that. Take away Medicaid. Take away SCHIP from our kids.

They are not going to do that because they know these programs work. Are they perfect? Of course, they are

not perfect. Do we have to continue to make them better? Yes, we do. But we need to come together. We need to find that sweet spot that we look for in legislation. I wish to, again, thank those Republicans who are meeting with the Democrats. Be courageous. Stick with it. Don't play politics. Don't try to bring down this young President. Try to work with him. Don't threaten that this is going to be a Waterloo. Don't talk about government-run systems when that is not in the bill. Don't frighten people. Because at the end of the day, this is our moment if we work together.

I certainly reach out my hand and compliment those who are willing to work across party lines because we cannot sustain the health care system as it is. We can make it better, we can make it affordable, we can keep choice in there, we can turn to prevention, and that is what I hope we will do. We will work hard, but I think we can do it with the help of some courageous folks on the other side of the aisle.

I yield the floor.

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

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak as in morning business and ask the Chair to please let me know when I have finished 9 minutes.

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

Mr. ALEXANDER. Mr. President, I was listening to the Senator from California, and with respect to her comments let me state the position of the Republican Senators on health care reform. Our leader, Mitch McConnell, the Senator from Kentucky, stated yesterday to the news media: This isn't about winning or losing. This is about getting it right.

Health care is very personal to every one of us, to every one of our families, and to all the American people. Our goal, on the Republican side, and I am sure for many Democrats as well, is to start with cost and make sure we can say to the American people they can afford their health care policy; and when we have finished fixing health care, they can afford their government. So far, that has not been the case.

We have offered plans which we believe will reach that goal. Just to give my own example: Last year, I joined with Senator WYDEN, a Democrat; Senator BENNETT, a Republican, in endorsing their plan. It is not perfect, but it is a very good plan, and it has a completely different approach than the bill that came out of the Senate HELP Committee or that is coming through the House. I believe it is a better approach.

The point is there are 14 Senators on that plan today—8 Democrats and 6 Republicans. Why isn't it being considered? It doesn't have a government-run program in it. Why shouldn't we talk about not having a government-run

program? Medicaid, the largest government-run program we have today, is used to cover low-income Americans and forces them to take their health care in a system that 40 percent of America's doctors won't serve because, in general, they are paid about half as much for their services as they are if they serve the 177 million of us who have private health insurance.

The Wyden-Bennett bill is constructed along the idea of rearranging the subsidies we already give to the American people for health care and gives it to everyone in a way that will permit them—all the American people—to afford a health insurance plan that is about the same as a plan that congressional employees have. Literally, we would say to low-income Americans: Here, take this money and buy a private insurance plan of your own, like the rest of us do. This is a much better idea than dumping 20 million more people into a failed government program called Medicaid—which is not only not serving those low-income people but bankrupting States.

What is wrong with that idea, 14 of us think it ought to be considered? Yet it has not been given the time of day.

Senator COBURN and Senator BURR have proposals that I have endorsed. Senator GREGG has a proposal. Senator HATCH has a proposal. None of them have been given the time of day.

We have had very friendly discussions, but they do not qualify as bipartisan discussions. I give the Senate Finance Committee members great credit for trying to work in a bipartisan way, but they are working in a bipartisan way that is still going in the wrong direction, which is expanding an existing government plan that has failed—Medicaid—they are working on creating a new government plan for people who lose their health care under the theories that have been proposed. Don't think they are not.

I would hope the President would see what is happening and say: Whoa, let's slow down. I have stated what I want. I have put my neck out. I have said to the American people, if they have a health care plan they like, they can keep it. Unfortunately, under the plans we see today, they are going to lose their health care. They have a very good risk of losing their health care and ending up, if they are poor, with their only option being a failed government program that none of us would join, if we could possibly avoid it.

Why would we stuff 20 million people into a program we don't want to be in, when we could give them the opportunity to be in a program similar to the one we are in? That is what we should be doing. On the Republican side, we are saying to our Democratic colleagues: We know you have the majority. We know you have the Presidency. But we have some ideas we think the American people would benefit from.

We only have one chance to pass this, to change this big system we have, and

we better make sure we do it right. If you don't want to take our advice, we would say, respectfully: Why don't you listen to some others? There is the Mayo Clinic. The Senator from California asked: Why are they talking about government programs? Because the Mayo Clinic—often cited by the President, by many of us, as the kind of high-quality, good results, low-cost health care we would like to have more of—the Iowa Clinic, the Marshfield Clinic, and other clinics say these health care plans are headed in the wrong direction, and one reason is because they would create a new government plan which would eventually drive the Mayo Clinic and these other clinics out of the market, which means they wouldn't be serving Medicare patients.

So why would we do that? I think we should take our time and get it right. If the Mayo Clinic is saying we are heading in the wrong direction, if the Democratic Governors are saying that, if the Congressional Budget Office is saying we are adding to the cost and adding to the debt, wouldn't the wise thing be to say: Well, maybe they have a point.

Gov. Phil Bredesen of Tennessee, a Democrat from my State, knows a lot about health care—Medicaid—and he says Congress is about to bestow “the mother of all unfunded mandates.” Governor Bredesen, a former health care executive, continued:

Medicaid is a poor vehicle for expanding coverage. It is a 45-year-old system originally designed for poor women and children. It is not health care reform to dump more money into Medicaid.

Here is the Governor of Washington, a Democrat.

As a governor, my concern is if we try to cost-shift to the States we're not going to be in a position to pick up the tab.

Gov. Bill Richardson of New Mexico, a Democratic Governor, said:

I'm personally very concerned about the cost issue, particularly the \$1 trillion figures being batted around.

Gov. Bill Ritter of Colorado, a Democrat.

There's a concern about whether they have fully figured out a revenue stream that would cover the costs, and that if they don't have all the dollars accounted for it will fall on the States.

So said Gov. Jim Douglas of Vermont. And Gov. Brian Schweitzer of Montana said:

The governors are concerned about unfunded mandates, another situation where the Federal government says you must do X and you must pay for it. Well, if they want to reform health care, they should figure out what the rules are and how they are going to pay for it.

So instead of standing on the other side and saying the Republicans are saying no, I am saying the Republicans are saying yes. We support the bipartisan Wyden-Bennett bill. We have offered the Burr-Coburn bill. We have offered the Gregg bill. We have the Hatch bill. Take our proposals and consider

the ideas because they do not involve government-run programs, they do not dump low-income people into Medicaid, where you would not be able to see a doctor. That is akin to giving someone a bus ticket to a route with no buses. We already do it with 60 million people, so why should we do it with 80 million people, which is the suggestion we have.

We want to work with the President and with our friends on the Democratic side to come up with health care reform this year. We want to be able to say to the American people: We want a plan you can afford for yourself. And when we're finished fixing it, we want a government you can afford. If the Mayo Clinic and the Democratic Governors and the Congressional Budget Office are all saying we are headed in the wrong direction, then why don't we start over and work together and try to get a result we can live with for the next 30 or 40 years?

We can only do this once, and we need to do it right.

I thank the President.

The ACTING PRESIDENT pro tempore. The Senator has used 9 minutes.

Mr. DURBIN. Will the Senator yield for a question?

Mr. ALEXANDER. On the Senator's time, I will be happy to.

Mr. DURBIN. I don't know that we are in controlled time; are we, Mr. President?

The ACTING PRESIDENT pro tempore. We are not in controlled time, but the next speaker to be recognized under the unanimous consent agreement is the Senator from Delaware, when the time of the Senator from Tennessee has expired.

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

HONORING DR. DEBORAH JIN

Mr. KAUFMAN. Mr. President, I have often spoken about the need to invest in technology and innovation. We cannot afford to fall behind in this area after leading the world in science research and discovery for half a century.

Since I began coming to the floor to talk about great Federal employees, I have honored individuals who have made significant contributions in the areas of engineering, medicine, defense, housing assistance, land conservation, and international aid. The list of fields benefiting from the work of our Federal employees is lengthy.

Another such area is physics. At a time when our planet faces resource scarcity and higher energy costs, the work of physicists at Federal research institutions remains an important investment in our future security and prosperity.

Dr. Deborah Jin is one of these outstanding Federal employees pioneering advances in the field of physics. She serves as a research team-leader at the JILA—National Institute of Standards and Technology joint institute in Boulder, CO.

Deborah's team created a new form of matter, a major discovery in the

race toward superconductivity. Superconductivity, or using extremely low temperatures to move electrons through a magnetic field, can potentially lead to breakthroughs in energy efficiency and computing. Her work will likely improve the lives of hundreds of millions of people.

This achievement was far from easy. To create a new form of matter, Deborah and her team needed to get particles called fermions to join together in pairs. Unfortunately, fermions have a natural tendency to repel each other.

Deborah discovered that fermions will pair up when exposed to certain gasses at more than 450 degrees below zero.

This exciting advance takes us one giant step closer to understanding superconductivity. The uses of this technology could include faster computers and cell phones, smaller microchips and more efficient home appliances. Potentially, superconductivity could eliminate the ten percent of energy lost in transfer from power plants to homes and businesses.

Deborah and her colleagues exemplify the spirit of ingenuity and determination that has always characterized Americans working in scientific research. They had been racing against six other teams from laboratories around the world, and they were the first to reach this milestone.

It is unlikely that we will be able to appreciate the full extent of this breakthrough for many years, and future generations may not remember those who worked so hard to achieve it.

But, like all of those who work in public service, Deborah knows that she and her team have made a difference—that the impact of their findings will be felt in every subsequent discovery on the path to making superconductors a reality.

I call on my fellow Senators and on all Americans to join me in honoring the service of Dr. Deborah Jin, her colleagues at the joint institute in Boulder, and all Federal employees working on scientific research. They are the unsung heroes of America's global leadership in science and technology.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I want to speak briefly about a very important amendment, amendment No. 1725, which I think will help us restore the franchise, the vote, to our deployed military overseas. This is a bipartisan amendment. The lead sponsors are Senator CHUCK SCHUMER and Senator BOB BENNETT, the chairman and ranking member of the Rules Committee, but this builds on the work Senator BEGICH and I, Senator CHAMBLISS, and others have put into this effort to address what can only be described as a national disgrace.

Our military service members put their lives on the line to protect our rights and our freedoms. Yet many of them still face substantial roadblocks

when it comes to something as simple as casting their ballots and participating in our national elections. Sadly, this is not a new problem. President Truman urged Congress to address obstacles to voting faced by troops serving in Korea. Today, however, troops deployed in Afghanistan and Iraq face many of the same problems.

In 2006, less than half of the military voters who requested absentee ballots were successful in casting them, according to the U.S. Election Assistance Commission.

In 2008, those problems continued. More than a quarter of the ballots requested by uniformed and overseas voters went either uncollected or uncounted, according to a recent survey of seven States with high military voting populations.

In a soon to be released study of the 2008 cycle which looked at 20 States with large military populations, the Heritage Foundation has concluded that as many as three-quarters of our troops and their family members were “disenfranchised by their inability to request an absentee ballot” and that as many as one-third of the ballots that were requested never reached the appropriate election officials to be counted.

Voting has remained a challenge for our troops and their families for many reasons. First, our election laws are complex and multiple levels of government are involved. Election challenges and other unforeseen events can delay the finalization of ballots. The high tempo of military operations often requires frequent deployments for our troops and their families.

Let me describe what this amendment, which I hope we will adopt later today, does.

Our legislation addresses several of the biggest roadblocks our troops and their families face when attempting to vote. First, this legislation will provide voter assistance services to every service member and family member upon transfer to a new military installation. As part of each installation’s in-processing, every service member will now be offered an opportunity to fill out a simple form the Department of Defense will return to the appropriate election officials. That form will update the address on file with election officials and request absentee ballots for the next Federal election cycle. These voter assistance services will give our military personnel some of the support that civilians now enjoy through motor voter laws.

Second, this legislation reduces the reliance on snail mail for correspondence between troops and their election officials. Under current election laws, many troops must mail a request for an absentee ballot, then wait for the election officials to mail them the blank ballot, and then to return the completed ballot in time to be counted. This legislation requires elections officials to create electronic blank ballots and to post them online. Election offi-

cial must also accept faxes and e-mails to expedite correspondence with our troops.

Together, these reforms will reduce dependence on snail mail until the service member is ready to return the completed ballot to be counted.

Third, this legislation will expedite the return of the completed ballot to election officials. Under current law, each servicemember is responsible for making sure his or her ballot is post-marked and returned on time. This legislation requires the Department of Defense to take possession of completed ballots and ensure that they get to election officials on time by using Express Mail, if necessary.

This legislation also requires election officials to give our troops 45 days, at least, to return their ballots.

This important amendment contains many other commonsense reforms suggested by other Senators and will help end the effective disenfranchisement of our troops and their families. Our goal has been to balance responsibilities between elections officials and the Department of Defense, and I believe this amendment accomplishes that goal.

As I said, this amendment would not be in its current posture without the leadership of Senator SCHUMER and Senator BENNETT. And I appreciate them working to include two pieces of legislation I introduced earlier this year, something called the Military Voting Protection Act, which, just this weekend was unanimously endorsed by the National Association of Secretaries of State, and a second piece of legislation called the Military Voters’ Equal Access to Registration Act. These two pieces of legislation have received broad bipartisan support from the beginning, including Senators BEGICH, INHOFE, WYDEN, VITTER, and HUTCHISON. We have also worked closely with leaders in the House of Representatives, especially Congressmen KEVIN MCCARTHY and DUNCAN HUNTER.

All of our work was not done in Washington. We relied on support and technical assistance from the Texas Secretary of State’s Office, especially our Director of Elections, Ann McGeehan, dozens of military support organizations and veterans service organizations, and many other citizens and patriots who want our troops to enjoy their right to vote—that it be protected, particularly for those who defend all of us.

I urge all of our colleagues to support this amendment when it comes to the Senate floor, I hope, later on today, and to give this important amendment our unanimous consent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

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

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

HEALTH CARE REFORM

Mr. DURBIN. Mr. President, once every 20 years we take up critical

issues like health care reform. Many of us believe this particular moment in history is perhaps the only opportunity in our public career to tackle an issue of this magnitude. We know overwhelmingly the people of America want us to do this.

Many people like their health insurance policies, particularly if they don’t use them. But most people understand the health care system we have in this country is broken. We have to fix what is broken, and we have to preserve those things that are good about the current system.

I have heard a lot of speeches from the other side of the aisle about the situation we currently face, the debate that is underway. I think what recently happened in the Senate HELP Committee is a good indicator of a good-faith effort by the Democratic majority and Senator DODD to try to come up with a bipartisan Republican-Democratic approach.

Over the course of over 60 days of hearings the Senate HELP Committee had filed over 800 amendments, considered over 400 amendments, adopted 160 Republican amendments in the course of 61 hours of straight hearing, and at the end of the day when the rollcall was taken, not a single Republican Senator would support the bill. I think Senator DODD made a good-faith effort, and I think we should continue to.

Now the Finance Committee is taking up the same bill. It will be a lot better bill if it is a bipartisan effort and if compromises are reached, if we try to do this together in an expeditious way. But if it becomes a standoff where there are no Republican votes in support of it or where they will not negotiate, where they all vote against it, then I am afraid it will not be in the best interests of what the American people want to see.

Yesterday on the front page of the Washington Post they had headlines about some of the comments being made by some of my colleagues on the other side of the aisle. The headline read, “GOP Focuses Effort To Kill Health Bills.” Not to modify, not to improve, but to kill health bills.

From a perspective of Republican leadership, that is what our health care debate is about. Many of them just want to stop health care reform. It has been 15 years since we made our last effort to provide quality, affordable health care coverage to every American. The Republican National Committee chairman, Michael Steele, today suggested that the President should take another 8 to 10 months to formulate a plan.

It has already been 8 months since Barack Obama won the 2008 election on a platform of reforming health care. It has been 6 months since he took office. Yet on the other side of the aisle, their chairman says let’s wait 8 to 10 months more.

It may fit in perfectly with a strategy to delay this debate as long as possible, but it doesn’t fit in with a strategy of solving the problem. Tonight,

President Obama will be speaking to the American people, answering questions from the press on health care. Tomorrow, in a trip to Cleveland, he will be visiting the Cleveland Clinic and some other facilities to talk about health care reform. We are just a couple of weeks away from an August recess. We will come back in September and by then I hope we can roll up our sleeves and get to work. The American people want us to. They understand the problem.

Health care spending per person has increased rapidly over the past 10 years, rising over 40 percent. The people of the United States spend over \$2 trillion on health care each year. That is more than twice as much per person as any other country on Earth, and our health results do not show that money is being well spent.

Many countries, spending a lot less, get better results. We are wasting a lot of money. It is money that is being taken out in fraud and profit taking. It is money that does not make us feel any healthier. It is just money that we have to pay, many times from paychecks where it is a struggle to pay it.

The average annual premium of family coverage in Illinois during the George W. Bush Presidency, those 8 years, went up \$5,000. The average annual premium went from \$600 a month to over \$1,000 a month.

The employer's share rose by 72 percent, the worker's portion rose by 78 percent. I might tell you in the same period of time, workers' wages were not going up, just the cost of health care. People know this. They sense it is getting out of hand.

Clearly, two-thirds of all the personal bankruptcies filed in America, two-thirds of them, are related to medical expenses. Over 46 million Americans have no health insurance, and 14,000 Americans lose their health insurance every single day.

If you hear about the 47, 48 million Americans without health insurance, and say: It is a darned shame, but the poor will always be with us, and we cannot solve every problem, Senator, sadly, some of your neighbors, maybe some of the members of your family may find themselves in that predicament soon if we do not address health reform.

Those of us who are lucky enough to have health insurance—for the record, Members of Congress have the same health insurance plan as Federal employees, 8 million of us; Federal employees and their families, Members of Congress and staff, are in the same basic health care plan. There is a lot of bad information out there about our health insurance. It is a good plan, do not get me wrong, but it is the same one Federal employees are entitled to. I think that is a fair way to approach it.

But even those of us paying for health insurance are paying a hidden tax. We pay up to \$1,000, \$1,100 per year per family to subsidize those who are

uninsured, who show up at the hospital and still get treated. They get treated, they cannot pay for it, their expenses are shifted to others who do pay. That includes those of us under health insurance, about \$1,100 a year.

At this point, we have 2.3 million more people losing health insurance every year across America. It is something that should concern us. But let's get down to specifics. Because I think if my friends on the other side of the aisle will join us on this side of the aisle and talk to American families about what they are going through, we would get a better understanding of why this is so important and why we cannot wait 8 months, 10 months, a year or more, we have to move on this and do it decisively.

There is a fellow in my district who lives in Libertyville, IL. His name is Rene Apack. He has been an insurance broker for 11 years. He knows that business. He sells all kinds of insurance. He will sell private health insurance to close friends and family members, but he shies away from it when it comes to the general public because he says it is too complicated to explain, there are too many underwriting tricks and traps in those insurance policies.

Mr. Apack does not want to get into the business of trying to defend those policies to his clients. If his clients are denied coverage for health care based on some fine print they do not understand, even though he had nothing to do with it, he feels bad about it. So he discourages the sale of private health insurance to his clients.

Medicare, he said, is the opposite. We have heard people come to the floor day after day on the other side of the aisle criticising government health insurance. But I have yet to hear the first Republican Senator call for eliminating Medicare. Medicare covers 45 million Americans, seniors and disabled, with affordable health insurance. It is a government-administered program. I have yet to hear the first Republican Senator say we should do away with it.

It is a program which saves a lot of people, some of whom retire before they reach the age of 65 and run into medical problems and pray they can be eligible for Medicare and not lose their life savings. It happened to a member of my family, my brother.

Luckily for him, Medicare kicked in at the right moment, saved his life savings. It might have saved his life. He is 77 now, so for 12 years Medicare has been helping to pay his bills. Mr. Apack says:

My mom, my mother-in-law, my uncle—they have Medicare supplement insurance and everything works like clockwork. I have never had one Medicare supplement claim denied.

It is not just his clients who have problems with health insurers, his own health insurance has had a high deductible, \$7,000 a year is his deductible on his health insurance for his family coverage, himself, his wife, and his 12-

year-old son. Last year his wife was told she needed a routine mammogram, basic preventive care. But they did not know how much it would cost. So they did what conscientious consumers would do since they knew they had to pay the first \$7,000 deductible before the health insurance paid anything.

They called and they said: Give us a ballpark estimate of how much it will cost for a mammogram. Is it \$200 or \$2,000? No one would tell them the price.

Mr. Apack, an insurance broker, said: It is like walking into a restaurant and ordering a meal and hoping you can afford it. In the end, Mrs. Apack decided it was too risky to go in for this test and not know how much it would cost. She did not do it. That is not a good outcome.

Preventive care could save her life and avoid more serious and expensive medical care. A while back, after his premiums increased 38 percent over 2 years, Mr. Apack reapplied with the same insurer, wanted to see if he could lower his premiums by switching to a higher deductible. He answered every question on the application form. Remember, this man is an insurance broker. Then he got a letter from his insurer, and the letter asked him: Are you sure about all the answers you gave us? Do you want to stand by all the answers?

Then he got a phone call from the insurer, and the caller asked: Are you sure there is not something you failed to tell us? And he named a date 8 years earlier. The person from the insurance company said: Is it not true that you had a prescription in your name filled that day 8 years ago?

Well, finally he remembered. Mr. Apack remembered he had been in a car accident that day. He was not hurt badly, but he was a little sore. His doctor said: Here is a prescription for pain medication, take it if you need it. He filled the prescription. Eight years later that prescription apparently gave his insurer pause about keeping him as a customer.

We talk about preexisting conditions. We talk about unknown costs in the current system. To think they could go in your past and find a prescription you filled 8 years ago and call you back and say: Are you sure you have not failed to disclose something here?

That is what the current system is, a health insurance system full of tricks and traps. Those on the other side of the aisle who say we do not need to change it, one Senator from South Carolina said let the market work, which means basically hands off. Mr. Steele, who heads the Republican National Committee, said: Let's wait 8 to 10 more months before we get into that.

Do they not understand what families are facing on an everyday basis? Mr. Apack knows he is probably luckier than some who live around him. One of his neighbors pays \$15,000 a year for health coverage for herself,

her husband, and child—more than they pay on their family mortgage.

He met with a client recently, a real estate company with about 50 employees. Last year, the employees all decided to switch to part time so no one would be laid off. Their incomes are down at least 50 percent from a year ago. Their health insurance premiums went up 5 percent.

In the professional opinion of this Illinois insurance broker, we need a better system, health care coverage that is affordable, simple, and fair. That is the challenge we face in the Senate. It is a challenge we cannot ignore.

The Finance Committee now is trying to work out a reasonable way to deal with this challenge. We know the providers have to be in on this conversation. If we are spending more than twice as much as any nation on Earth for health care, then we obviously need to ask if there can be savings.

United Health Care reported their earnings, if you followed that in the business pages of the paper, another big recordbreaking profit, far beyond expectations. Health care insurance companies are doing very well.

Pharmaceutical companies historically have been some of the most profitable companies. There are providers in the health care system that are doing extremely well. We need to bring costs down within the system, without compromising quality. That is the challenge we face.

I know they tried in the HELP Committee adopting 161 Republican amendments and could not find a single Republican Senator to support the final bill. Tonight the President is going to renew the challenge, the challenge to all of us not to miss this once-every-two-decades opportunity to deal with health care.

I fear, if we do that, we are going to find ourselves in an unsustainable position. The cost of health care is going to continue to go up at expense levels we cannot handle as a nation. We have to make sure we have basic health care reform and get it right. We have to reduce costs for families, businesses, and the government. We have to protect people's choice of doctors, hospitals, and insurance plans. If you have an insurance plan you like, you ought to be able to keep it and assure affordable high-quality health care.

We have to make sure health insurance companies are not denying coverage for preexisting conditions, health status or medical condition. We have to eliminate the caps on coverage so a very expensive chronic disease does not end up blowing the top off your health insurance policy and going right into your savings account.

We have to put a limit on out-of-pocket expenses. We have to guarantee equal treatment for men and women, Black, White and brown, young and old, and different geographic locations. Incidentally, I noted the health insurance companies have now said they are going to look into this to make sure

they start billing women a little more favorably than they have in the past—I wonder if it has anything to do with our debate—that the basic health insurance plan in America has a kind of coverage and protection that is adequate for every family. We have to bring down the costs.

One of the ways we are going to do that is provide some tax incentives and help for low-and middle-income families. We have to make sure people are paying fair premiums. Finally, we have to make sure we support small businesses. Of the 47 million uninsured, the vast majority of those are people working in small businesses and their families.

Senator SNOWE, Senator LINCOLN, myself, and others have introduced a bill called the SHOP bill that would give small businesses across America the same basic option Federal employees have in the health benefit program.

That is a way to get small businesses into purchasing pools to lower their costs, to make sure their employees and the small businesses have the same benefits when it comes to health care coverage.

I encourage my colleagues on the other side of the aisle, we have to get beyond “no.” You have to get to a point where you work with us to try to change the status quo and bring about real health care reform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona

Mr. MCCAIN. Mr. President, it is my understanding we may move ahead shortly with debate and vote on an amendment by Senator BROWNBACK and a side-by-side vote on the same subject with Senator KERRY.

I believe Senator KERRY's amendment would be first. Hopefully, we can agree with that soon.

The PRESIDING OFFICER. The Senator from Michigan

Mr. LEVIN. Mr. President, we are expecting that unanimous consent agreement can be propounded within the next few minutes so we can continue to press forward.

Mrs. HUTCHISON. Mr. President, I wish to ask the distinguished chairman and ranking member if there is going to be a quorum call, I ask unanimous consent that I speak until the agreement has been reached.

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

HEALTH CARE REFORM

Mrs. HUTCHISON. Mr. President, I wish to speak as in morning business on health care. It has been the topic of conversation while the Defense bill has been negotiated behind the scenes. I wished to talk about health care reform because it is the issue of the day. I think America is focusing on this issue now, and I am so glad they are because the more we learn about the proposals that are being made in the House and in the committees on the Senate side, the more concerns are being raised by the American people

and by the experts who are studying the proposals.

What I am concerned about is the proposals that have been put forward from the Senate committee, and what is being put forward on the House side are proposals that are going to be the beginning of a government health care system that is modeled after Canada and Great Britain. What we are looking at is more government, more taxes, more expensive health care, and what we see less of is quality health care, less choice, less reimbursement to hospitals and Medicare and Medicaid; exactly the wrong direction.

We have hospitals all over my home State of Texas that treat indigent patients and patients who cannot pay.

Every one of our hospitals, rural and urban, gets extra help from Medicare and Medicaid for doing these services. The problem is that people go into the emergency rooms for primary care, care they could get from a doctor in a doctor's office if they had health care coverage. But they don't, so they wait until their diseases are much more progressed, and they go to an emergency room. What does that do? It makes the cost of health care higher for everyone. It makes the cost of health care continue to go up, and it raises premiums for people who have coverage. It costs taxpayers who have to pay for the emergency room care in the form of tax increases.

What we are looking at now is a proposal that will take money out of the hospitals. Every one of the hospitals in Texas will have lower reimbursements from Medicare and Medicaid, every one. That is estimated to cost more taxpayer dollars to cover the people who are going to the emergency room. Rural hospitals, particularly, may have to close their doors. I am hearing from rural hospital administrators that they don't have the money to absorb these cuts. They have a choice. They can cut services, or they can close hospitals—neither of which is an outcome any of us wants to see.

In addition, there are Medicaid requirements for States. Every Governor, Democratic or Republican, is saying: What are you thinking? More Federal mandates that are unfunded? That is why people are so frustrated with the Federal Government right now, more unfunded mandates. The estimate is that it would cost my home State of Texas \$3 billion a year to absorb just the Medicaid unfunded mandate that is in the proposed bill making its way through Congress.

There has been an urgency. Many of the people on the floor here, as well as the President, are saying: We have a deadline. We have an August deadline, and we must pass this bill by August.

We are talking about a complete overturning of our health care system, not reform. Reform is what we all want. We need reform in our health care system. We need lower costs and more people covered. That is not what the bill going through Congress will do.

It is a complete upheaval of the health care system. It will be a single-payer government system that will start encroaching on and displacing the private health care people know and that provides the quality assurance we expect.

The private health care system will start being displaced by a big government system that will be cheaper but will also give fewer choices and less service. That is the concern so many people are beginning to have as more and more comes out about this health care plan.

In addition, there is an effort being made to pay for this big government takeover of health care. What are the options on the table? This is what is being proposed: that we will fine employers who do not offer private health care to their employees. That is like saying: OK, if you hire more people and you don't offer health care, your fines will go up. So that is going to discourage the hiring of people at a time when unemployment is at a record high. We should be encouraging people, especially in small business, to hire people. We want to create jobs, not cut them. Instead, we are going to increase taxes on small business. As much as 45 percent is being proposed on small business. That will make small business taxes higher than corporate taxes. Corporate taxes in America are among the highest in the world. Yet we are going to add on top of the 45 percent that the small businesses will pay, 35 percent for corporate. And then you fine the businesses that don't offer health care. It is almost as though we are in a self-fulfilling death wish. In the unemployment atmosphere in which we find ourselves, all of a sudden we are going to pass new taxes and new fines on small businesses which are the economic engine of America. It is small business that creates jobs, not big business, not government. Big business does some, but mostly it is small business growing that creates economic vitality. It is certainly not government.

When we get to bigger and bigger government, we are going to find ourselves in a spiral where half the people are working to support the other half of the population. It will go down from there.

It is important to read what the Mayo Clinic said about the House bill. They said:

Although there are some positive provisions in the bill, the proposed legislation misses the opportunity to help create higher quality, more affordable health care for patients. In fact, it will do the opposite.

This is the Mayo Clinic, one of the premier health care providers in the country.

In general, the proposals under discussion are not patient-focused or results-oriented. Lawmakers have failed to use a fundamental lever, a change in Medicare payment policy, to help drive necessary improvements in American health care.

The Mayo Clinic goes on:

Unless legislators create payment systems that pay for good patient results at reason-

able cost, the promise of transformation in American health care will wither. The real losers will be the citizens of the United States.

Today 40 percent of physicians turn away Medicaid patients because the system is poorly administered and has a weak record of reimbursement. We know that billions of taxpayer dollars are wasted on fraud and abuse in Medicare every year. Are we going to emulate a program that doctors are walking away from and that is costing billions of wasted dollars to the taxpayers?

This is not responsible governing. We need to take our time. Republicans have come forward and will continue to come forward with alternatives, alternatives that don't break the backs of taxpayers, that don't break the backs of small business people, that give the quality health care Americans have come to expect and should. We have alternatives that are responsible. Small business health plans, for one, would be the best approach to this, because more people being covered means lower cost for everyone.

What does every family in this country want? They want a job to support their families, and they want health care coverage for their children. We can give them that by giving affordable opportunities for small businesses to give health care coverage options to their employees. That is what Americans want. They don't want a big government health care system that is going to rob them of quality and cost them more in the meantime.

I appreciate the opportunity to talk today about this important issue and why we must take time to do this right. If we completely overturn our health care system, we may never be able to get it back. We may never be able to recover. We can do this right, if we take the time and if it is truly bipartisan, if Republicans will have a seat at the table. They didn't have a seat at the table when the Senate committee voted its bill out taking two Republican amendments out of 45 offered. That is not bipartisanship. That is being polite and saying no. What we want is to have real options that will keep the quality, keep the choice, keep the private sector employment in our system and give families a chance to have good jobs with health care coverage. We can do that, if we will get together on a bipartisan basis and go forward in a positive way.

The bills coming out of the House and Senate right now, with virtually no Republican input, are not right for America. That is why we are saying: Let's go back to the drawing board.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 1761

Mr. LEVIN. I ask unanimous consent that the pending amendment be set aside so that I may call up an amendment.

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

Mr. LEVIN. On behalf of Senator KERRY, Senator LUGAR, and myself, I call up amendment No. 1761.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. KERRY, for himself, Mr. LUGAR, Mr. LEVIN, and Mr. WEBB, proposes an amendment numbered 1761.

The amendment is as follows:

(Purpose: To express the sense of the Senate that the United States should fully enforce existing sanctions, and should explore additional sanctions, with respect to North Korea and to require a review to determine whether North Korea should be re-listed as a state sponsor of terrorism)

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

SEC. 1232. SENSE OF THE SENATE ON ENFORCEMENT AND IMPOSITION OF SANCTIONS WITH RESPECT TO NORTH KOREA; REVIEW TO DETERMINE WHETHER NORTH KOREA SHOULD BE RE-LISTED AS A STATE SPONSOR OF TERRORISM.

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

(1) On April 5, 2009, the Government of North Korea tested an intermediate range ballistic missile in violation of United Nations Security Council Resolutions 1695 (2006) and 1718 (2006).

(2) On April 5, 2009, President Barack Obama issued a statement on North Korea, stating that "Preventing the proliferation of weapons of mass destruction and their means of delivery is a high priority for my administration", and adding, "North Korea has ignored its international obligations, rejected unequivocal calls for restraint, and further isolated itself from the community of nations".

(3) On April 15, 2009, the Government of North Korea announced it was expelling international inspectors from its Yongbyon nuclear facility and ending its participation in the Six Party Talks for the Denuclearization of the Korean Peninsula.

(4) On May 25, 2009, the Government of North Korea conducted a second nuclear test, in disregard of United Nations Security Council Resolution 1718, which was issued in 2006 following the first such test and which demanded that North Korea not conduct any further nuclear tests or launches of a ballistic missile.

(5) The State Department's 2008 Human Rights Report on North Korea, issued on February 25, 2009, found that human rights conditions inside North Korea remained poor, prison conditions are harsh and life-threatening, and citizens were denied basic freedoms such as freedom of speech, press, assembly, religion, and association.

(6) Pursuant to section 102(b)(2)(E) of the Arms Export Control Act (22 U.S.C. 2799aa-1(b)(2)(E)), President George W. Bush, on February 7, 2007, notified Congress that the United States Government would oppose the extension of any loan or financial or technical assistance to North Korea by any international financial institution and the prohibition on support for the extension of such loans or assistance remains in effect.

(7) On June 12, 2009, the United Nations Security Council passed Resolution 1874, condemning North Korea's nuclear test, imposing a sweeping embargo on all arms trade with North Korea, and requiring member states not to provide financial support or other financial services that could contribute to North Korea's nuclear-related or missile-related activities or other activities related to weapons of mass destruction.

(8) On July 15, 2009, the Sanctions Committee of the United Nations Security Council, pursuant to United Nations Security Council Resolution 1874, imposed a travel ban on five North Korean individuals and asset freezes on five more North Korean entities for their involvement in nuclear weapons and ballistic missile development programs, marking the first time the United Nations has imposed a travel ban on North Koreans.

(9) On June 10, 2008, the Government of North Korea issued a statement, subsequently conveyed directly to the United States Government, affirming that North Korea, "will firmly maintain its consistent stand of opposing all forms of terrorism and any support to it and will fulfill its responsibility and duty in the struggle against terrorism."

(10) The June 10, 2008, statement by the Government of North Korea also pledged that North Korea would take "active part in the international efforts to prevent substance, equipment and technology to be used for the production of nukes and biochemical and radioactive weapons from finding their ways to the terrorists and the organizations that support them".

(11) On June 26, 2008, President George W. Bush certified that—

(A) the Government of North Korea had not provided any support for international terrorism during the preceding 6-month period; and

(B) the Government of North Korea had provided assurances that it will not support acts of international terrorism in the future.

(12) The President's June 26 certification concluded, based on all available information, that there was "no credible evidence at this time of ongoing support by the DPRK for international terrorism" and that "there is no credible or sustained reporting at this time that supports allegations (including as cited in recent reports by the Congressional Research Service) that the DPRK has provided direct or witting support for Hezbollah, Tamil Tigers, or the Iranian Revolutionary Guard".

(13) The State Department's Country Reports on Terrorism 2008, in a section on North Korea, state, "The Democratic People's Republic of Korea (DPRK) was not known to have sponsored any terrorist acts since the bombing of a Korean Airlines flight in 1987."

(14) The Country Reports on Terrorism 2008 also state, "A state that directs WMD resources to terrorists, or one from which enabling resources are clandestinely diverted, poses a grave WMD terrorism threat. Although terrorist organizations will continue to seek a WMD capability independent of state programs, the sophisticated WMD knowledge and resources of a state could enable a terrorist capability. State sponsors of terrorism and all nations that fail to live up to their international counterterrorism and nonproliferation obligations deserve greater scrutiny as potential facilitators of WMD terrorism."

(15) On October 11, 2008, the Secretary of State, pursuant to the President's certification, removed North Korea from its list of state sponsors of terrorism, on which North Korea had been placed in 1988.

(b) REPORT ON CONDUCT OF NORTH KOREA.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a detailed report examining the conduct of the Government of North Korea since June 26, 2008, based on all available information, to determine whether North Korea meets the statutory criteria for listing as a state sponsor of terrorism. The report shall—

(1) present any credible evidence of support by the Government of North Korea for acts of terrorism, terrorists, or terrorist organizations;

(2) examine what steps the Government of North Korea has taken to fulfill its June 10, 2008, pledge to prevent weapons of mass destruction from falling into the hands of terrorists; and

(3) assess the effectiveness of re-listing North Korea as a state sponsor of terrorism as a tool to accomplish the objectives of the United States with respect to North Korea, including completely eliminating North Korea's nuclear weapons programs, preventing North Korean proliferation of weapons of mass destruction, and encouraging North Korea to abide by international norms with respect to human rights.

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

(1) the United States should—

(A) vigorously enforce United Nations Security Council Resolutions 1718 (2006) and 1874 (2009) and other sanctions in place with respect to North Korea under United States law;

(B) urge all member states of the United Nations to fully implement the sanctions imposed by United Nations Security Council Resolutions 1718 and 1874; and

(C) explore the imposition of additional unilateral and multilateral sanctions against North Korea in furtherance of United States national security;

(2) the conduct of North Korea constitutes a threat to the northeast Asian region and to international peace and security;

(3) if the United States determines that the Government of North Korea has provided assistance to terrorists or engaged in state sponsored acts of terrorism, the Secretary of State should immediately list North Korea as a state sponsor of terrorism; and

(4) if the United States determines that the Government of North Korea has failed to fulfill its June 10, 2008, pledges, the Secretary of State should immediately list North Korea as a state sponsor of terrorism.

(d) STATE SPONSOR OF TERRORISM DEFINED.—For purposes of this section, the term "state sponsor of terrorism" means a country that has repeatedly provided support for acts of international terrorism for purposes of—

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

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

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

Mr. LEVIN. I ask unanimous consent that amendment Nos. 1761 and 1597 be debated concurrently for up to 30 minutes, with the time equally divided and controlled between Senators KERRY and BROWNBACK or their designees; that upon the use or yielding back of time, the Senate proceed to vote in relation to amendment No. 1761, to be followed by a vote in relation to No. 1597; that no amendment be in order to either amendment; that prior to the second vote there be 2 minutes of debate divided as provided above.

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

The Senator from Massachusetts.

Mr. KERRY. Mr. President, in addition to Senator LUGAR and Senator LEVIN, I believe Senator WEBB is also an original cosponsor of this amend-

ment. I believe this amendment is a responsible alternative to the amendment offered by Senator BROWNBACK. This amendment appropriately takes note of and condemns North Korea's recent behavior as a threat to the northeast Asian region and to international peace and security. But in contrast to the Brownback amendment, which expresses the sense of the Senate that North Korea should immediately be re-listed as a state sponsor of terrorism, the Kerry-Lugar-Levin-Webb amendment requires something to happen, not just a sense of the Senate that there might be a relisting. It mandates a report, a formal report, to be completed within 30 days, examining North Korea's conduct since it was removed from the terrorism list last June, including the evaluation of any evidence that North Korea has engaged in acts of terrorism or provided support for acts of terrorism or terrorist organizations.

One of the reasons for requiring that is that in the Brownback amendment on page 3, section 9, line 21, it says:

There have been recent credible reports that North Korea has provided support to the terrorist group Hezbollah, including providing ballistic missile components and personnel to train members of Hezbollah . . .

Let me state unequivocally to my colleagues in the Senate: The most recent intelligence assessments of our intelligence community simply do not sustain this charge. In fact, President Bush specifically refuted that charge because it was an old one, and he refuted it last year. It would be the height of irresponsibility for the Senate to pass an amendment based on a finding that is false. It is important to have a report to the Senate that requires us to evaluate, that would have the administration submit to us precisely what the situation is.

The report will also assess the effectiveness of relisting North Korea as a state sponsor of terrorism for achieving our national security objectives; namely, completely eliminating North Korea's nuclear weapons programs, preventing North Korean proliferation of weapons of mass destruction, and encouraging North Korea to abide by international norms with respect to human rights.

Our amendment then expresses the sense of the Senate that if the United States finds that North Korea has, in fact—that we would know this within these 30 days—provided support for terrorism, then the Secretary of State should immediately relist North Korea as a state sponsor of terrorism.

It also expresses the sense of the Senate that the United States should vigorously enforce all existing unilateral and multilateral sanctions and consider the imposition of additional sanctions if necessary to achieve the policy goals with respect to North Korea.

I believe it is an important, realistic amendment. I think it is tougher because it mandates some things specific, and it rightly condemns North Korea, as we have.

Let me emphasize, the United States, this administration, has fully and rightly condemned North Korea's launch of ballistic missiles and its test of a nuclear weapon on May 25, 2009. We have led a strong international response to those provocations, and we succeeded in winning unanimous support from the United Nations for U.N. Security Council Resolution 1874, imposing sweeping new sanctions against North Korea. The sanctions mandated under the U.N. Security Council Resolution 1874 include not only a comprehensive arms embargo but also robust new financial sanctions on North Korean trading companies, and visa restrictions on North Korean officials engaged in the proliferation of weapons of mass destruction.

These sanctions have teeth. They are multilateral. And they are having an impact. A North Korean cargo ship suspected of carrying arms to Burma turned around after it was denied bunkering services in Singapore. The Government of Burma joined with us, and the government itself warned that the ship would have to be inspected on arrival in order to ensure that it did not have munitions onboard. The sanctions have had a bite. They are working.

As strong as those measures have been, additional measures may be necessary, and this report will help us to evaluate that. But additional steps, including the relisting of North Korea as a state sponsor of terrorism, ought to be based on a careful examination of the facts—that is how we ought to do things in the Senate—and an assessment of whether those sanctions are going to advance our interests. That is precisely what the Kerry-Lugar-Levin-Webb amendment mandates, and that is why it is actually a better sanctions policy than the alternative Brownback amendment.

Let me add one last word. We are currently deeply concerned about the fate of two American journalists currently under detention in North Korea. The administration is engaged right now in sensitive discussions with the North Korean Government attempting to secure the immediate release of these two American citizens. For the Senate to suggest—on something we already know is factually incorrect but out of emotion and otherwise—that North Korea ought to be returned to the list of state sponsors of terrorism without regard to whether they have, in fact, engaged in acts of terrorism or provided support to terrorist organizations would be irresponsible with respect to those particular efforts and otherwise at this time.

We ought to proceed according to facts. We ought to proceed in ways that best advance the interests of our country.

Mr. President, I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, thank you very much. I appreciate the

chance to debate this issue with my colleague, the distinguished Senator from Massachusetts.

I find it very interesting to hear the statement that the sanctions are working. I am trying to think of how they are working at all. They are working to prevent North Korea from detonating another nuclear weapon? That did not quite work. We got another one of those. They are working to prevent them from launching more missiles? Well, that one did not quite work. They are working to prevent North Korea from taking Americans hostage? Well, that one did not quite work.

I am trying to think how these sanctions are working. And if they are so great on an international basis, why aren't we doing them on a domestic basis, for us toward North Korea? I am having difficulty. Maybe they are working for us to prevent North Korea from associating with the military junta in Myanmar. Wait a minute, that was in the news yesterday, that North Korea is working to provide the military junta in Myanmar with weapons and possibly nuclear weapons that the Secretary of State, Secretary Clinton, is talking about now happening. Well, maybe it prevented—well, I guess it did not quite prevent that.

I am trying to figure out how the sanctions have worked at all. I thought it was a mistake when the Bush administration delisted them from the terrorist list in a negotiation of the six-party talks and said: OK, we will do this, and they do that, and then ended up doing nothing and, indeed, stepped up what they are doing more and more.

It seems to me very strange to suggest that the sanctions are working. I respect my colleague from Massachusetts. He is a strong chairman of the Foreign Relations Committee. I do not see where they have worked at all. I would ask my colleagues to examine: Do they believe that the sanctions to date have worked toward North Korea from the United States? And when you examine the factual setting here, you have to go: I don't think so. I don't think these have happened.

Plus, I am very concerned that the administration now is taking the tack of discussing an additional set of incentives to the North Korean regime to try to get them from proliferating further. This is an interesting, hot-off-the-press article from yesterday: "Obama Administration Preparing Incentives Package for North Korea."

Mr. President, I ask unanimous consent that the article be printed in the RECORD after my full statement.

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

(See exhibit 1.)

Mr. BROWNBACK. Reading from this article:

The Obama administration is consulting with allies on a new "comprehensive package" of incentives—

Not sanctions; incentives—aimed at persuading North Korea to abandon its nuclear programs, senior U.S. officials confirmed Tuesday.

The officials, who were traveling with Secretary of State Hillary Clinton in Thailand, told reporters that the package is only in its early stages and will not be offered to North Korea unless and until the allies sign off on it. Pyongyang would also have to first take specific, concrete and "irreversible" steps to begin destroying its arsenal of nuclear weapons.

This is the third round of us giving incentives to North Korea not to develop nuclear weapons. It has not worked in the past. It is not going to work now. Why on Earth would we do something like this?

The Kerry amendment calls for a study. Studies are fine. But it actually delays the study that the State Department has already promised to me: that by the end of this month they will have a study out as to whether they are proliferating further weapons, that they should be listed as a terrorist state.

The Kerry amendment says: 30 days after the enactment of this bill. Even if the bill gets through the floor this week, it has to go to conference, and it has to come back in front of this body. You are looking, probably, at October, maybe early November, that this actually comes back—this law—and then 30 days after that the report has to be issued. So we are looking at somewhere, maybe November, December, for the report taking place, when the State Department has already told me they will have their report out by the end of July. So this is actually slowing down the process, if we adopt this amendment.

And it calls for a report. I am sure Pyongyang is very concerned about this report. But I do not think it is going to change any of the behavior that is taking place. If we do not have a strong answer, as a matter of fact, it is probably going to urge them to do something even further.

My colleagues are saying: Well, OK, you are being irresponsible in this statement on this narrow category of whether they are doing anything with Hezbollah. It is a bipartisan amendment that I put forward with Senator BAYH, who wanted that provision in it.

There is a current CRS report that talks about North Korea supporting Hezbollah, building bunkers, and supporting and helping that out. That is a current factual setting, and my colleague on the other side of the aisle, Senator BAYH, has asked and pushed that this be in the overall bill.

I would ask my colleagues to look at this interesting definition of "international terrorism," as shown on this chart. This is a definition that is in U.S. statute on international terrorism. It appears to be written for North Korea and North Korea in mind.

It defines the term under (1)(A), and then under (B)—these are in the alternative—(B) "appear to be intended"—the actions of "international terrorism" "appear to be intended to intimidate or coerce a civilian population"—that is what North Korea does and Kim Jong Il's regime does—"to influence the policy of a government by

intimidation or coercion”—that is the flying of missiles over Japan, that is the intimidation toward South Korea or the United States—“to affect the conduct of a government by mass destruction, assassination, or kidnapping”—they have done kidnappings of Japanese citizens—“to affect the conduct of a government”—clearly trying to affect our conduct—(C) “occur primarily outside the territorial jurisdiction of the United States.” This is what North Korea is doing.

I would further point out to my colleagues that this is a sense of the Senate. As to the Kerry amendment, with all due respect toward Senator KERRY, this is asking the administration to do a report and asking and directing the administration to take some steps. Ours is a sense of the Senate as to what the Senate thinks, and it is saying that the Senate believes North Korea should be relisted as a state sponsor of terrorism.

I would ask my colleagues, in a commonsense review of what North Korea has done recently: Don't you think they qualify or, if they do not, what country in the world would qualify as a state sponsor of terrorism if North Korea does not, with what it has done, what it has done personally, what it has conducted with other countries, with Syria, with Myanmar, with these other rogue groups?

It is a sense of the Senate to state we believe North Korea is a state sponsor of terrorism. It is bipartisan with Senator BAYH and myself. It has a number of cosponsors on it. It actually would be productive for us to say to North Korea, in a public way, we believe they are acting like state sponsors of terrorism. I believe it would be actually counterproductive if this body were to say we think it should be studied and a report issued. That is not going to be the sort of strong action that would be understood at all by the government in Pyongyang at this point in time.

With that, I would urge my colleagues to look at the Brownback-Bayh amendment, to support it on its very sensible grounds—it is a sense of the Senate—and to vote for the amendment.

With that, Mr. President, I yield the floor and reserve the remainder of our time.

EXHIBIT 1

[From FOXNews.com, July 21, 2009]
OBAMA ADMINISTRATION PREPARING
INCENTIVES PACKAGE FOR NORTH KOREA
(By James Rosen)

BANGKOK.—The Obama administration is consulting with allies on a new “comprehensive package” of incentives aimed at persuading North Korea to abandon its nuclear programs, senior U.S. officials confirmed Tuesday.

The officials, who are traveling with Secretary of State Hillary Clinton in Thailand, told reporters that the package is only in its early stages and will not be offered to North Korea unless and until the allies sign off on it. Pyongyang would also have to first take specific, concrete and “irreversible” steps to begin destroying its arsenal of nuclear weapons.

The aides said that the administration needs to see concrete action. Mere assurances from North Korea that it will take action in the future would not be enough to trigger the presentation of the incentives package, they said.

The United States, though, has not yet conveyed to the North Koreans what the “irreversible” steps might entail, as Washington continues discussions with its allies in the so-called Six Party Talks.

The aides, who work on North Korea policy for three separate agencies in the U.S. government, portrayed the development of the new package as the second track of a two-track approach.

The first track consists of continued aggressive enforcement, also in conjunction with other nations across the globe, of U.N. Security Council Resolution 1874—which gives U.N. member states increased authority to interdict the flow of weapons and possible nuclear material in and out of North Korea.

The aides made clear they expect the two-track approach to remain in place for the foreseeable future.

“This is not going to be resolved in a couple of weeks,” one official said. “This could be a sustained, substantial effort that could go on quite a long time.”

The package of incentives would include some elements that are “familiar” from the Six-Party talks, the officials said, as well as new ones and some that differ in their “dimensions.”

The United States, China, Japan, South Korea and Russia are the other participants in the long-running—and long-stalled—Six-Party Talks aimed at persuading North Korea to abandon its nuclear programs.

The emphasis on consultation with these other countries derives, the officials said, from the perception among some of them that the Bush administration did not adequately confer with them prior to the removal of North Korea from Washington's list of state sponsors of terrorism last year.

“The Japanese do have anxieties about engagement of North Korea,” one official said.

The officials also echoed the “growing concerns” about reports of a military relationship between North Korea and Burma that Clinton voiced earlier Tuesday in a news conference with Thailand's deputy prime minister.

“It would be destabilizing for the region” if such reports were true, Clinton said, adding, “It would pose a direct threat to Burma's neighbors. And it is something, as a treaty ally of Thailand, that we are taking very seriously.”

Briefing reporters after Clinton's news conference, the senior officials said their concerns range from suspicions that North Korea is supplying small arms to Burma to reports of possible nuclear collaboration between the two countries. Pressed on the nuclear question, the officials refused to discuss classified intelligence data but noted North Korea's history of proliferation with Syria. One aide said the possibility of nuclear collaboration between Pyongyang and Burma is “one of those areas that we would like to know more about.”

To that end, U.S. intelligence agencies are studying recently published photographs purporting to show an elaborate set of underground tunnels that North Korea has built along Burma's border with Thailand. The officials said they see “some similarities” between the tunnels in the photographs and a network of underground tunnels in North Korea, the existence of which the United States learned about in the 1990s.

Both North Korea and Burma, a repressive military dictatorship whose leaders have renamed the country Myanmar, have been the

target of broad sanctions by successive U.S. administrations over the last decade.

Clinton said Tuesday she would like to see Washington develop a “more productive” relationship with Burma, starting with steps by the government to release political prisoners and dissidents jailed there.

“We are very much engaged with partners such as Thailand and others in assessing and determining not only what is going inside of Burma but also what we can do effectively to change the direction and behavior of the Burmese leadership,” Clinton said.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I yield myself such time as I will use, and I will be very brief.

The Senator from Kansas just cited the Congressional Research Service report in his statement about Hezbollah. I am reading from a memorandum from the President of the United States. This is the Presidential report, certification, when he lifted the designation of North Korea. And he wrote—this is from the President—

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

We have not received that evidence. We specifically request it. And contrary to what the Senator just said, this does not delay the report. It says: not later than 30 days after the passage. The report can come next week. The report can come in answer to the Senator's request. We would ask for that.

Let's be accurate in this designation. The President of the United States said there is no credible evidence. And there is none to this date. Our report asks for whether any currently exists. That is the way the Senate ought to behave with respect to serious matters such as this.

Mr. President, I yield the remainder of the time to the distinguished chairman of the committee.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the language in the Kerry amendment does one other thing relative to this report. It says if the United States determines that the Government of North Korea has indeed engaged in terrorist activities, then the Secretary of State shall “immediately list North Korea as a state sponsor of terrorism.” So it requires a report in not more than 30 days. That could come at any time. But it also requires action if the Secretary of State makes the finding.

The last administration, the Bush administration, delisted North Korea. They found there was no credible evidence of state-supported terrorism. We are a government of laws. Our laws

provide for a listing of countries that engage in terrorist activities or support terrorist activities. It does not provide for a listing of countries that, no matter all of the other things they do which are so wrong, so bad, so objectionable to the international community, so justifiably producing sanctions and other kinds of diplomatic actions against them—regardless of those activities, unless they are a supporter of terrorist acts, our laws do not provide that they be put on the terrorist list. That is our law. That is what the Bush administration was applying when they delisted North Korea.

North Korea is a country which engages in horrendous activities. That is not the issue. I don't know of anybody in this Senate who does not believe North Korea engages in repressive, authoritarian activities. I don't know of anybody in this Senate who does not believe the North Korean leadership is reprehensible in the way it treats its citizens. There is a long list of actions on the part of North Korea in terms of its pursuit of ballistic missiles, provocative actions it has taken of the testing of nuclear devices, firing a series of missiles. It has clearly solidified its status as a pariah of the region and of the international community at large.

So the question isn't whether strong action should be taken. We should take strong action which will be effective against the government—not the people but the government—of North Korea. The Kerry amendment lays out a course of action, exploring additional sanctions so that we can put additional power and leverage against the Government of North Korea, as well as requiring our administration to consider whether the Government of North Korea should be listed again. And if so, if they find that under our law there is reason to put it back on the terrorist list, then they must, under the Kerry amendment, take that step.

What the Kerry amendment avoids doing is what the Brownback amendment does in one part of the Brownback amendment, which is saying that the Government of North Korea should be on a list of terrorist states when the last thing we have heard from an American administration was from the Bush administration taking the North Korean Government off the list because they could not find credible evidence that the government took actions which would require it being placed on the list of terrorist states.

So again, it seems to me that clearly our goals here are similar. I had hoped we might be able to reach a consensus on common language, but so long as this body expresses itself very strongly, as the Kerry and Lugar amendment does, it seems to me we will then have made an important statement to the Government of North Korea and at the same time avoided taking a step which our laws do not provide for.

One of our arguments with North Korea is that they are lawless, they are

a totalitarian government. Our government is a government of laws. We have a law that provides for the listing of countries that support terrorist acts. The administration, after a long assessment, concluded there was no credible evidence that North Korea engaged in the activities which appropriately required it or appropriately permitted it to be listed on the terrorist state list and therefore removed it from that list. That is the last action by the administration.

By the way, being on that terrorist list did not change the actions or the activities of the Government of North Korea, in any event. I very much support that terrorist list. I very much support it being kept up to date and being used appropriately. But I don't think we should in any way kid ourselves as to whether being on that list is going to change the activities of North Korea.

We need other countries to support us in putting maximum pressure on North Korea. When we act lawfully—when we put sanctions on North Korea, working with other countries, we are acting lawfully. If we do not abide by our own law which defines when a country will go on a terrorist list, we are setting the wrong example for the world, and it makes it more difficult for us to obtain the kind of support from other countries which we deserve in going after the abominable activities of the Government of North Korea.

I don't know whether our side has any time left, but if we do, I reserve the remainder of our time.

The PRESIDING OFFICER (Mr. BURRIS). The time has expired.

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I ask unanimous consent to ask several questions of the Senator from Kansas.

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

Mr. MCCAIN. Mr. President, has the Senator from Kansas detected any change in North Korean behavior since the imposition of sanctions by the United Nations?

Mr. BROWNBACK. Yes. They have taken more provocative actions rather than less provocative actions since the imposition of the U.S. sanctions, if not more.

Mr. MCCAIN. Including launching missiles on the Fourth of July.

Mr. BROWNBACK. It is a strange day they would pick, the Fourth of July, but they did.

Mr. MCCAIN. Isn't it true that there is evidence that North Koreans were involved in the construction of a nuclear facility in Syria which the Israelis felt was enough of a threat to their national security that they destroyed it?

Mr. BROWNBACK. Absolutely, abundant evidence, and it was amazing how quiet the world community was for a long period of time, because I guess they didn't want it known that the North Koreans did build that facility or that it was in Syria.

Mr. MCCAIN. Isn't it true that there is a published news report that North Korea and Iran have worked together in the development of nuclear weapons and nuclear technology, and if Iran acquires that capability, it certainly ratchets up the tensions between Iran and Israel?

Mr. BROWNBACK. Published reports, and the missile technology the Iranians use is built off of the No-dong system of the North Koreans.

Mr. MCCAIN. The latest information in the last few days is that there is cooperation between North Korea and Myanmar, better known to some of us as Burma, one of the real rogue nations of the world.

Mr. BROWNBACK. There is.

Mr. MCCAIN. So if that North Korean ship, which was shadowed for a period of time by the U.S. Navy, had gone into port in Myanmar, do you think there is any likelihood the Government of Myanmar would have complied with the U.N. resolution that required that ship to be inspected by "port authorities"?

Mr. BROWNBACK. Myanmar has not cooperated with anything the United Nations has directed to date. I don't know why they would cooperate with anything such as that.

Mr. MCCAIN. I thank the Senator. Of course, maybe North Korea, when we look at it with a very fine definition of terrorism—from the recent Washington Post article about 200,000 people in the most horrible prison conditions in the world perhaps would argue that we should do whatever we can—short, obviously, of any military action—to try to see that the North Korean regime acts at least in some civilized fashion.

Mr. BROWNBACK. I think they should.

Mr. President, I would point out, if I could, to my colleagues as well—if I could have the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. I am frustrated on this topic. I would presume the chairman—I know the chairman of the Foreign Relations Committee is frustrated, along with the chairman of the Armed Services Committee. I have worked too long with the refugees and the people in the gulag and people trying to get out of North Korea for us to now back up and say: OK, we want a report. These folks are dying. They are in a gulag the likes of which was in the Soviet era. This has been published and it is all available to us and we want a report. I understand people don't want to go this far, but this is very frustrating. If you were in one of those situations—and people track what comes out of the Senate, just as in the Soviet gulag they tracked what came out of here then—it would be like saying to them: Well, we are not that concerned about you; whereas, if we take strong action such as what I am saying, it does give them hope. That is what I am

asking us to do. I think it is very responsible, and it is a sense of the Senate, what we are asking them to do. That is what is at the root of this.

The chairman of the Armed Services Committee says: Well, they were delisted by the last administration. And they certainly were, but they were not removed from that list because they stopped sponsoring terrorism. The regime was delisted in order to entice them to dismantle their weapons of mass destruction program. It was a six-party talk negotiation, and that didn't work, just as the prior negotiations on weapons of mass destruction didn't work. Why should we continue the problem if that is the case?

Mr. KERRY. Would the Senator yield for a question?

Mr. BROWNBACK. I am happy to yield for a question.

Mr. KERRY. Is the Senator suggesting that the President of the United States in his letter of certification misinformed the American people and the Senate?

Mr. BROWNBACK. What I am suggesting is that this was part of a negotiation and that they have wide latitude. In fact, if I may continue my answer for my colleague who has asked a very pertinent question on this issue and who is very familiar with the six-party talks, as I am partially, somewhat familiar with the six-party talks, these have been talks going on for a long period of time. The North Koreans hate being listed as a state sponsor of terrorism. Their big push was to be delisted. The administration has broad authority. It has broad abilities to be able to interpret this, and they said: OK, we are going to be able to do this, and we will find some room in here to interpret it this way, in exchange for you guys stopping your weapons of mass destruction, which did not happen.

I am saying that what we should do now is not continue with that mistake. What I am saying we should do now is, let's call a spade a spade in this situation. This is a terrorist nation. The Senator from Massachusetts knows that. He knows what is taking place and what they are doing. They are one of the lead sponsors of terrorist activities in arming, bad, rogue regimes around the world, and the Senator knows that. What we should do is call that what it is in this Senate and not call for just a report.

Mr. KERRY. Mr. President, if the Senator will further yield, does the Senator from Kansas believe this language:

Our review of intelligence community assessments indicates there is no credible or sustained reporting at this time that supports allegations they have provided direct support—

Et cetera—

and should we have credible evidence of international terrorism at any time in the future—

The President clearly—

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

All time has expired.

Mr. KERRY. Mr. President, I ask for the yeas and nays on amendment No. 1761.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be. The yeas and nays are ordered.

Mr. BROWNBACK. Mr. President, I have a parliamentary inquiry, if I could. Have the yeas and nays been ordered on both amendments?

The PRESIDING OFFICER. The yeas and nays have been ordered on amendment No. 1761.

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I ask for the yeas and nays on both amendments.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays are ordered on both amendments.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1761.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

The result was announced—yeas 66, nays 31, as follows:

[Rollcall Vote No. 238 Leg.]

YEAS—66

Akaka	Franken	Murkowski
Alexander	Gillibrand	Murray
Baucus	Grassley	Nelson (NE)
Bayh	Gregg	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown	Kaufman	Sanders
Burr	Kerry	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Kohl	Snowe
Carper	Landrieu	Specter
Casey	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Levin	Udall (CO)
Corker	Lieberman	Udall (NM)
Dodd	Lincoln	Voinovich
Dorgan	Lugar	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NAYS—31

Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Risch
Brownback	Graham	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Thune
Coburn	Isakson	Vitter
Cochran	Johanns	Wicker
Cornyn	Kyl	
Crapo	Martinez	

NOT VOTING—3

Byrd	Kennedy	Mikulski
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The amendment (No. 1761) was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1597

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1597, offered by the Senator from Kansas. Who yields time?

The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask for an "aye" vote on this amendment even if people voted for the Kerry amendment. It was critically important during the Soviet gulag days that the people in the gulags knew we cared and that we were focused on them. If we vote to say we are going to issue a report, that is fine. But it doesn't say much to people in a gulag. If we vote to say it is the sense of the Senate that North Korea is a state sponsor of terrorism, it is a strong message. It gives hope to people who don't have hope today.

Who in this body doubts that North Korea is a state sponsor of terrorism? With nuclear weapons, missiles being launched, a connection with Myanmar—with all these things taking place today, who can doubt that they are a terrorist country?

I urge my colleagues, even those who supported the Kerry amendment, to also vote for this one to send the message that North Korea is a state sponsor of terrorism and to send a message of hope to those in the North Korean gulags.

I yield back my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, it would be both inconsistent and inappropriate to vote aye on both amendments for a couple of reasons. First of all, the amendment we just passed with 66 votes mandates that no later than 30 days after this is passed—it could happen next week, in 3 weeks—we are mandating the report from the administration with respect to whether there is evidence at this time of North Korea actually aiding or abetting or being a terrorist state.

The most recent finding of the intelligence community says no. The President of the United States, George Bush, certified to us when he decertified them as a terrorist state that they were not engaged in any activities of aiding and abetting terrorism at that time in the world. There is no evidence within the intelligence community at this moment in time that says so.

The Brownback amendment states that there is. So it is wrong, and it would be inappropriate for the Senate to base designating North Korea as a terrorist state on findings that do not exist, as well as doing so at a time when we are negotiating to get the release of two young journalists. This would be a completely inappropriate measure by the Senate at this time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1597. The yeas and nays have been ordered. The clerk will call the roll.

Mr. LEVIN. Parliamentary inquiry.
The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, after the conclusion of this vote, is there any pending amendment?

The PRESIDING OFFICER. There will not be.

Mr. LEVIN. Mr. President, to let folks know, I intend to ask for a quorum call immediately following this vote to try to work out an orderly way to proceed on amendments.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

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

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

The result was announced—yeas 43, nays 54, as follows:

[Rollcall Vote No. 239 Leg.]

YEAS—43

Alexander	Ensign	McConnell
Barrasso	Enzi	Murkowski
Bayh	Graham	Nelson (NE)
Bennett	Grassley	Nelson (FL)
Bond	Gregg	Risch
Brownback	Hatch	Roberts
Bunning	Hutchison	Sessions
Burr	Inhofe	Shelby
Chambliss	Isakson	Snowe
Coburn	Johanns	Thune
Cochran	Kyl	Vitter
Collins	Lieberman	Voinovich
Cornyn	Lincoln	Wicker
Crapo	Martinez	
DeMint	McCain	

NAYS—54

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

NOT VOTING—3

Byrd	Kennedy	Mikulski
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The amendment (No. 1597) was rejected.

Mr. KERRY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, I ask unanimous consent that, first, there be a period of morning business of 5 minutes, so Senator BROWN can speak as in morning business. Then we proceed to consideration of the amendment of Senator CARDIN, amendment No. 1763. After the disposition of that amendment, that the Senator Kyl amendment, No. 1760, be in order. There may or may not be a second-degree amendment to that of Senator KYL—that it be in order if there is a second-degree amendment. After the disposition of the amendment of Senator KYL and the second-degree amendment thereto, we then proceed—presumably it would be in the morning—to an amendment by Senator LIEBERMAN, No. 1744, with a 1-hour time agreement and a side-by-side amendment or a second-degree amendment of Senator BAYH relative to the—relevant to the Lieberman amendment, which would also have a 1-hour time agreement.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, reserving the right to object and I will not object, I say in the case of the amendment of Senator CARDIN, there is no objection on this side. We would be glad to agree to a 15-minute time agreement, if that is agreeable.

Mr. LEVIN. That presumably might be adopted without a rollcall as well.

Mr. President, let me revise my unanimous consent request for Senator CARDIN's amendment having a 15-minute time agreement, that there not be a time agreement set yet on the Lieberman amendment No. 1744 and the Bayh second-degree amendment or side-by-side amendment to it because apparently we could not get that, for some reason I don't understand or know. I don't understand the reason or the objection.

One other correction. The Cardin amendment is No. 1475, not No. 1763.

Mr. SESSIONS. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I wonder, I know the bill managers have many challenges, but I wonder if they contemplate that I would have the opportunity to call up Sessions amendments Nos. 1657 and 1533 before we go too far in this process.

Mr. LEVIN. There are a number of people who have asked to be put in line at this point. We have been unable to go beyond where we are. That took enough time. We thought, if we went any further, it would be impossible to get this unanimous consent done because there are many people who are in the same position as our friend from Alabama.

Mr. SESSIONS. I am not delaying, of course. We want to see this bill move

forward. But I do have two amendments I care about. Maybe I can talk to the chairman in a little bit. I thank him for his courtesy. I will not object.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. In response to the Senator from Alabama, I will do everything I can to get his amendment in order. Senator ISAKSON and Senator BURR and Senator BOND and others have all come up and said they want their amendments in line. I think we have to have some kind of consultation on our side to establish a priority.

I also would like to point out, the amendment of Senator SESSIONS, I believe, is on missile defense, a very important amendment.

I also think, in full disclosure, the majority leader, I am told, will file cloture tonight, which will then, at some point, rule out nongermane amendments. But I will do everything I can to get Senator SESSIONS' amendment up, in order. But we have been following a process, as I am sure the Senator from Alabama knows, of one side's amendment and then the other side's amendment, going back and forth.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. The missile defense amendment is one that is a sense-of-the-Senate amendment that Senator LIEBERMAN is offering now. That was not the two I referred to. I agree with Senator MCCAIN that sense of the Senate definitely needs a vote. It is an important issue.

The other two amendments I have I hope also can be considered. I will be pleased to talk with the Senator and his staff about it.

The PRESIDING OFFICER. Is there an objection to the request? Without objection, it is so ordered.

Mr. LEVIN. I thank the Presiding Officer and thank Senator SESSIONS as well. As I understand it, the amendments Senator SESSIONS was referring to were amendments relating to al-Qaida; am I correct?

Mr. SESSIONS. That is correct.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

HEALTH CARE REFORM

Mr. BROWN. Mr. President, the progress of this country does not and has not come easily. Passage of the Civil Rights Act was not easy. Passage of the Voting Rights Act was not easy. Passage of the Social Security Act was not easy. The Fair Housing Act, that was not easy. Passage of Medicare and Medicaid was not easy.

This year, passage of health care reform will not be easy. Time and time again, decade after decade, special interests—the drug companies, the insurance companies, medical interests—have delayed and denied and destroyed meaningful health care reform.

In recent weeks and months, opponents have ramped up their efforts to derail health care reform, saying you have to slow down but, as with other historic legislative victories, we must find a path forward.

Last week, the Senate Health, Education, Labor, and Pensions Committee found a path forward that works for American families and businesses.

The HELP health reform legislation is designed to lower costs, provide more coverage choices, and ensure that Americans have insurance they can count on.

This legislation would give every American access to quality, affordable, and flexible health insurance.

This legislation would reduce costs by decreasing fraud, abuse, and medical errors while promoting best practices and prevention and wellness initiatives.

It would provide insurance security for people who lose their job, their coverage, or maybe their patience with an insurer who has let them down.

And, this legislation gives Americans more health care choices.

The public option in our legislation—the Community Health Insurance Option—is a national insurance program modeled after coverage offered to Members of Congress.

A strong public option would ensure Americans in every State have insurance choices they can trust.

It would increase price competition in the health insurance market to drive premiums down.

And a strong public option would set a standard for quality coverage that gives private insurers a benchmark and Americans new options.

Let's face it. There is nothing like good old fashioned competition to keep insurers honest.

Under our bill, no longer would insurers be able to hide behind preexisting conditions, health history, age, gender, or race to deny coverage and delay care for patients.

Done right, health reform represents a real opportunity to expand access to quality, affordable coverage for all Americans, like Robert and Carol of Bryan, OH, in Williams County, northwest Ohio.

Carol is a social worker who works for a nonprofit drug, alcohol, and mental health agency. Her husband Robert, a self employed barber, had his first bout with cancer in 2003 and is facing, just days from now, another cancer surgery.

Robert and Carol wrote to me that they depleted their life savings to cover cancer treatments and maintain coverage to monitor cancer remission.

Carol wants Members in this Body to let her husband fight for his life, not fight with insurance companies.

Joseph, in Summit County, operates a small land surveying business that is struggling to pay health insurance premiums.

After being diagnosed with multiple sclerosis in 2004, Joseph wrote to me that it is impossible for his business to shop around for more affordable health coverage because of his preexisting condition.

The HELP Committee's Affordable Health Choices Act represents a vic-

tory for the millions of American families and business owners, like Joseph, whose health care costs have soared out of control.

It is a victory for the 46 million uninsured Americans and millions more underinsured, those whose financial security is at risk day in and day out because of health care costs.

And it is a victory for U.S. taxpayers.

If we are going to get a grip on health spending, we have got to squeeze out waste, needless redtape, and costly medical errors.

We have to give private insurers a reason to charge reasonable premiums, not grossly inflated ones.

I am proud that the President is touring the Cleveland Clinic tomorrow.

Cutting edge health systems like the Cleveland Clinic University Hospitals, and the Metro Health System all in Cleveland, have helped to give Ohio its reputation as a leader in high quality health care.

Our work will not be done until Ohioans like 73-year-old Bert from Allen County can afford the retirement he deserves.

Bert wrote to me that he cannot afford to retire, despite suffering a heart attack last year.

He described how exorbitant prescription drug costs leave the unacceptable choice between his medication or his wife's medication. But not both.

Bert wrote to me, "God help us should anything happen to my wife medically. We will, no doubt, lose everything we have worked all of our lives for."

Our work cannot be done until Bert, Joseph, Robert, and Carol, and every American live in a Nation with an affordable, effective, and inclusive health care system.

Our work will not be done until crucial national priorities are no longer crowded out by health care spending.

Our work will not be done until exploding health care costs no longer cut into family budgets, no longer weigh down businesses, and no longer drain tax dollars from local, State, and Federal budgets.

It will not be easy, but as history demonstrates the important changes rarely are.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the unanimous consent request indicated that there would be 15 minutes on the Cardin amendment, No. 1475. I am wondering if my friend from Arizona might listen to this as well. On Senator CARDIN's amendment, we did not say "equally divided." We are not sure whether there is opposition to it. If there is, we should now say "equally divided." If not, Senator CARDIN only needs about 5 to 10 minutes.

Mr. MCCAIN. I am not sure anyone wants to challenge Senator CARDIN's eloquence.

Mr. LEVIN. In that case, I ask unanimous consent we say "equally divided" in case anyone changes their mind.

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

The Senator from Maryland is recognized.

AMENDMENT NO. 1475

Mr. CARDIN. I call up amendment No. 1475 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Mr. CARDIN] proposes an amendment numbered 1475.

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

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

The amendment is as follows:

(Purpose: To require the Secretary of Defense to report on the numbers and percentages of troops that have served or are serving in Iraq and Afghanistan who have been prescribed antidepressants or drugs to treat anxiety)

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

SEC. 724. PRESCRIPTION OF ANTIDEPRESSANTS FOR TROOPS SERVING IN IRAQ AND AFGHANISTAN.

(a) REPORT.—

(1) IN GENERAL.—Not later than June 30, 2010, and annually thereafter until June 30, 2015, the Secretary of Defense shall submit to Congress a report on the prescription of antidepressants and drugs to treat anxiety for troops serving in Iraq and Afghanistan.

(2) CONTENT.—The report required under paragraph (1) shall include—

(A) the numbers and percentages of troops that have served or are serving in Iraq and Afghanistan since January 1, 2005, who have been prescribed antidepressants or drugs to treat anxiety, including psychotropic drugs such as Selective Serotonin Reuptake Inhibitors (SSRIs); and

(B) the policies and patient management practices of the Department of Defense with respect to the prescription of such drugs.

(b) NATIONAL INSTITUTE OF MENTAL HEALTH STUDY.—

(1) STUDY.—The National Institute of Mental Health shall conduct a study on the potential relationship between the increased number of suicides and attempted suicides by members of the Armed Forces and the increased number of antidepressants, drugs to treat anxiety, other psychotropics, and other behavior modifying prescription medications being prescribed, including any combination or interactions of such prescriptions. The Department of Defense shall immediately make available to the National Institute of Mental Health all data necessary to complete the study.

(2) REPORT ON FINDINGS.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the findings of the study conducted pursuant to paragraph (1).

Mr. CARDIN. I want to thank Senators LEVIN and MCCAIN for their help in allowing me to bring forward this amendment. This amendment is an important amendment which deals with the increasing numbers of suicides and attempted suicides by the young men and women serving in the U.S. military.

We have not only seen each month an increased number of suicides and attempted suicides, but recently we saw

the killing of five of our servicemembers when a fellow soldier allegedly opened fire inside a mental health clinic at Camp Liberty in Iraq.

The purpose of this amendment is for the Department of Defense to give us information on the type of medications that are being prescribed so we can get a better handle on whether there is more that we can do in order to protect our young men and women who are serving our Nation.

Yesterday, we did something to help in approving the Lieberman amendment. The Lieberman amendment increased our force levels, our authorized force levels. One of the suspected reasons suicides and attempted suicides are increasing is the number of deployments, the length of deployments, and the fact that we do not have enough personnel in order to do the normal military responsibilities so that we have to continue to call up again our young people for renewed deployments. That will certainly help.

This Congress has passed significant increases in funds for mental health services for our service personnel. That will clearly help. But one thing we should all be concerned about is that there are more and more of our soldiers who are using prescription antidepressant drugs, SSRIs, and we are not clear as to whether they are under appropriate medical supervision. I say that because these SSRIs take several weeks before they reach their full potential as far as blocking depression or dealing with the causes of depression. During that period of time, particularly if they are in the age group of 18 to 24—many are in that age group—they are susceptible to increased thoughts of suicide.

Many of our service people are changing from location to location. They may very well be in the theater of battle. They may not be able to get the proper type of supervision. So we are concerned about whether the use of these drugs is being appropriately administered, but we do not have the facts; we do not have the information. We need to get that information.

There have been surveys which have shown that as many as 12 percent of those who are serving in Iraq and 17 percent of those who are serving in Afghanistan are using some form of prescribed antidepressant or sleeping pills in order to deal with their needs. That would equal 20,000 of our service personnel using prescription medicines or antidepressants or sleep medicines. We need to get the information.

My amendment is simple. My amendment says starting in June of 2010 and through 2015, the Department of Defense will make available to Congress the information on the number of personnel receiving these antidepressant drugs. It is done in a generic sense; therefore, there is no individual information about any service personnel. We protect their individual privacy as we have under HIPAA. This is absolutely protected. There is no stigma attached at all to this survey.

I think we have tried to deal with the legitimate concerns that have been raised. I hope my colleagues would agree that this is an important matter that should be included in our DOD authorization. I talked about it yesterday. I am glad now that I had the opportunity to, in fact, offer this amendment.

With that, if there is no one interested in speaking in opposition, I am prepared to yield back my time.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment was agreed to.

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

Mr. MCCAIN. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

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

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

AMENDMENT NO. 1760

Mr. KYL. What I am going to do now is seek to get an amendment which is filed pending. The other side will want to offer a side-by-side amendment. I understand there may be an opportunity to debate some of this tonight. Some of the other debate may have to be tomorrow, and that is fine. But at this point, is there an amendment pending?

The PRESIDING OFFICER. There is not an amendment pending.

Mr. KYL. I call up amendment No. 1760 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. MCCONNELL, Mr. MCCAIN, Mr. INHOFE, Mr. SESSIONS, Mr. GRAHAM, Mr. VITTER, Mr. DEMINT, Mr. RISCH, Mr. CORNYN, Mr. BARRASSO, Mr. LIEBERMAN, and Mr. WICKER, proposes an amendment numbered 1760.

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

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

The amendment is as follows:

(Purpose: To pursue United States objectives in bilateral arms control with the Russian Federation)

At the end of title XII, add the following:
SEC. 1232. LIMITATION ON FUNDS TO IMPLEMENT REDUCTIONS IN THE STRATEGIC NUCLEAR FORCES OF THE UNITED STATES PURSUANT TO ANY TREATY OR OTHER AGREEMENT WITH THE RUSSIAN FEDERATION.

(a) FINDINGS.—Congress makes the following findings:

(1) In the Joint Statement by President Dmitriy Medvedev of the Russian Federation

and President Barack Obama of the United States of America after their meeting in London, England on April 1, 2009, the two Presidents agreed “to pursue new and verifiable reductions in our strategic offensive arsenals in a step-by-step process, beginning by replacing the Strategic Arms Reduction Treaty with a new, legally-binding treaty”.

(2) At that meeting, the two Presidents instructed their negotiators to reach an agreement that “will mutually enhance the security of the Parties and predictability and stability in strategic offensive forces, and will include effective verification measures drawn from the experience of the Parties in implementing the START Treaty”.

(3) Subsequently, on April 5, 2009, in a speech in Prague, the Czech Republic, President Obama proclaimed, “Iran’s nuclear and ballistic missile activity poses a real threat, not just to the United States, but to Iran’s neighbors and our allies. The Czech Republic and Poland have been courageous in agreeing to host a defense against these missiles. As long as the threat from Iran persists, we will go forward with a missile defense system that is cost-effective and proven.”

(4) President Obama also said, “As long as these [nuclear] weapons exist, the United States will maintain a safe, secure and effective arsenal to deter any adversary, and guarantee that defense to our allies, including the Czech Republic. But we will begin the work of reducing our arsenal.”

(b) LIMITATION.—Funds authorized to be appropriated by this Act or otherwise made available to the Department of Defense for fiscal year 2010 may not be obligated or expended to implement reductions in the strategic nuclear forces of the United States pursuant to any treaty or other agreement entered into between the United States and the Russian Federation on strategic nuclear forces after the date of enactment of this Act unless the President certifies to Congress that—

(1) the treaty or other agreement provides for sufficient mechanisms to verify compliance with the treaty or agreement;

(2) the treaty or other agreement does not place limitations on the ballistic missile defense systems, space capabilities, or advanced conventional weapons of the United States; and

(3) the fiscal year 2011 budget request for programs of the Department of Energy’s National Nuclear Security Administration will be sufficiently funded—

(A) to maintain the reliability, safety, and security of the remaining strategic nuclear forces of the United States; and

(B) to modernize and refurbish the nuclear weapons complex.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the stockpiles of strategic and nonstrategic weapons of the United States and the Russian Federation.

(d) DEFINITIONS.—In this section:

(1) **ADVANCED CONVENTIONAL WEAPONS.**—The term “advanced conventional weapons” means any advanced weapons system that has been specifically designed not to carry a nuclear payload.

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the following committees:

(A) The Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(B) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

Mr. KYL. If there are others who wish the floor, I would be happy to accede to their wishes so that I can come back tomorrow and discuss it further.

This is identical to an amendment that was unanimously adopted by the House of Representatives in their version of the Defense authorization bill. So I would hope that on both sides of the aisle this should not be particularly controversial.

It has to do with the START negotiations, the negotiation the administration is engaged in with the Russians right now on the number of warheads and delivery vehicles that both Russia and the United States will field in the next many years.

Whatever those numbers are, whatever the agreement is, that treaty will be presented to the Senate later this year. Presumably we will act on it either late this year or early next year.

All this amendment does is say that during the 7 years when the START Treaty is implemented, the United States needs to do certain things. We want to make sure the treaty is verifiable. That is something we all agree with. We need to ensure that our missile defenses are protected; that our conventional strike capability is protected, that is, our submarines and bombers that deliver conventional weapons, for example, and, very importantly, we want to make sure the modernization program for our nuclear weapons complex and the weapons themselves, the modernization program that was recommended by the bipartisan Perry-Schlesinger Commission begins to be implemented.

In fact, this amendment does not identify exactly what that program is. It does not say it has to be a particular amount of money or describe the details of it. But it does say we need to get a modernization program underway.

The point of this is to simply acknowledge the obvious; which is, as we begin to reduce the number of warheads and delivery vehicles in our strategic nuclear deterrent, we need to make more and more sure what we have works and works well.

It is an aging stockpile. The Perry-Schlesinger Commission noted that there is a lot of work that needs to be done to bring these weapons up to modern conditions to maintain them appropriately to ensure they are safe and reliable. The work that has to be done on that is going to take some time and cost some money.

So it makes sense to put Congress on record with the administration as insisting that we begin this process right away. The amendment does not say this, but my strong recommendation to the administration is, since they are going to begin putting the budget for fiscal year 2011 together starting in another month or two, that they need to be working now on what their budget recommendations for 2011 are for the modernization of our nuclear complex and stockpile.

So what this amendment would do is to say, as the START Treaty is implemented, whatever that treaty is, it does not bind the administration in terms of what it negotiates, whatever it is, that that money cannot be spent on that until these other conditions are met as well.

I hope that since this received a unanimous endorsement in the House, it would not be particularly controversial on this side. I would just reiterate one final time, this does not bind our negotiators at all. It does not tell the negotiators what they can and cannot negotiate with the Russians.

What it says is, once they have negotiated whatever they have, then we need to start a process of modernizing our nuclear weapons program and stockpile. I think that is something, since it was the unanimous recommendation of the Perry-Schlesinger Commission, that we ought to be able to agree upon.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, under the existing unanimous consent agreement, the Lieberman amendment that would be in order after the disposition of the Kyl amendment was listed as being amendment 1744. The correct number is 1627. I ask unanimous consent that the consent agreement be so modified.

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

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

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

Mr. SESSIONS. Mr. President, I rise to make a few remarks in support of the Kyl amendment. This amendment relates to the possible follow-on agreement to the 1991 Strategic Arms Reduction Treaty, so-called START. The Joint Understanding issued at the recent Moscow summit suggests the United States and Russian Federation are well on their way toward completing a new agreement, perhaps even before the end of this year. Rather than wait until the agreement is signed and submitted to the Senate for the Senate's consent, this amendment provides an opportunity for the Senate to give its advice before the treaty's provisions are agreed to. It reflects this Senator's desire to see a follow-on treat-

ty that does not weaken our nuclear deterrent or place in doubt our nuclear guarantee to our allies and partners who depend on it.

It also reflects a caveat that any future agreement should not limit U.S. missile defense capabilities or U.S. capabilities for long-range conventional strike. Finally, this amendment makes clear that any reductions in our nuclear stockpile should be supported by long-range plans to modernize our aging nuclear deterrent and supporting infrastructure. This is important. We have had testimony in the Armed Services Committee on a number of occasions from our top military commanders who deal with this issue. They say continued reductions of nuclear weapons must be accompanied by a modernization of the limited number we have left. When we do that, we can make them safer and far more difficult for anyone who were to nefariously obtain them to utilize and protect them and make them more reliable.

Most, if not all, would agree that it is important to ensure that the verification and monitoring provisions of the START Treaty of 1991 not be allowed to lapse come December 6.

While there are a number of ways to handle this, either by extending the current agreement or drafting a new agreement dealing specifically with these matters, the United States and Russia have chosen the more ambitious goal of a new treaty that would make further reductions in the current nuclear stockpiles which are today at the lowest levels since the Cold War. We have about 2,200 warheads today. We had 6,000 not too many years ago. We have reduced those numbers. I support that.

The rush to complete an agreement before START expires in December has led the United States to agree to provisions in the Joint Understanding that potentially may not be in our best interest. It is not a critical thing that we reach a firm agreement by the end of December. We should not allow the Russians to put us in a position where we are so desperate to reach an agreement by the end of the year that we would reach a bad agreement. At the very least, it can be said that these matters have not sufficiently been analyzed to know whether they are in our interest.

First, with respect to the central limits to be enshrined in a new agreement, the two sides agreed to warhead limits of between 1,500 and 1,675 warheads, and limits on the number of strategic nuclear delivery vehicles to somewhere between 500 and 1,100. That is quite a wide range. The final number is to be negotiated by the parties. The Senate has yet to see the analytical basis for the levels agreed to in the Joint Understanding which means we are not off to a good start in the advice and consent process.

Today the United States deploys approximately 2,200 operational nuclear warheads on some 900 delivery vehicles.

These are our ICBM missiles, our SLBMs, and bombers. Whether it is prudent to go below these numbers depends on some important considerations. To take that down to 500 would be a dramatic reduction of our delivery systems. Whether it is prudent to go below these numbers that we currently have depends on some important considerations, not the least of which is the impact on the size and shape of the U.S. nuclear TRIAD, the ICBMs, the submarine-launched missiles, and our bomber fleet; our ability to extend credible nuclear guarantees to our allies; and whether lower levels provide an incentive to other nuclear powers to build up their forces so they can be a peer competitor with the United States and Russia.

I will have more to say on this in the future. Suffice it to say that I have yet to hear a convincing strategic rationale that would justify going this low. Indeed, I believe the burden of proof will be on those who think it is necessary to continue to reduce U.S. nuclear force levels that are today but a fraction of what they used to be. My major concern, however, is language in the Joint Understanding which seems to suggest the two sides may establish limitations on U.S. missile defense and long-range conventional strategic strike capabilities. In other words, an agreement could well involve a limitation, either in part of the treaty or a corollary agreement, to limit our national missile defense capabilities. That is a dangerous and unwise linkage.

For example, the Joint Understanding states there will be a provision "on the interrelationship of strategic offensive and strategic defensive arms." I find this troubling because we have made it clear to the Russians that our missile defense capabilities are not directed at, nor are they capable of being an effective defense against, massive Russian capabilities. We only have a plan to put in 44 missiles in the United States and 10 in Europe. That is a fraction of the capacity that the Russians have today. Instead we build missile defenses to address a threat to the United States and its allies posed by rogue nations such as North Korea and Iran. That is what 40 missiles in Alaska and California can do. That is what 10 in Europe could do. It can't defend against massive Russian delivery systems. It has no capability of doing that. They know it. So why do they object?

What do we mean, as we carry out this discussion, by the term "strategic defensive arms"? How does one distinguish between a strategic and nonstrategic missile defense system? Is the United States SM-3 missile, which has some capability against long-range North Korean missiles, considered a strategic missile defense system? It is best not to get into negotiations that could eventually constrain our ability to build missile defenses against countries such as Iran and North Korea. To

be sure, any such limitations would make a START follow-on agreement dead on arrival in the Senate. I don't believe the Senate would pass such an agreement.

The Joint Understanding also contains—between the Obama administration and Russia—a provision addressing the impact on strategic stability of strategic missiles in a nonnuclear configuration. This apparently is an attempt by Russia to constrain the ability of the United States to field long-range strike systems armed with conventional warheads, nonnuclear warheads.

Conventionally armed long-range strike systems, also known as "prompt global strike," are consistent with a move by both countries to place less reliance on nuclear weapons for deterrence. Prompt global strike would allow the United States to launch a missile without a nuclear weapon that could take out a dangerous threat anywhere around the world in a very prompt fashion. We have debated that over the years in the Senate.

Finally, the amendment by Senator KYL would send a strong message to the administration that a START follow-on agreement must be supported at the same time it is submitted to the Senate for ratification by a long-term program to modernize the remaining nuclear forces of the United States, including warheads, delivery systems, and infrastructure needed to support both. Such a modernization is called for by the Congressional Commission on the Strategic Posture of the United States and by the Secretary of Defense, Secretary Gates, who last October said:

There is absolutely no way we can maintain a credible deterrent and reduce the number of weapons in our stockpile without resorting to testing our stockpile or pursuing a modernization program.

Our colleagues don't want us to test. They think this would be a bad example to Iran and North Korea. If we did that, somehow they might be more likely to want to test. I don't think it will have any impact on those rogue nations. The Secretary of Defense is saying that if we don't continue testing, we need to modernize the weapons system we have. If we continue to draw down the number, these 40, 50-year-old weapons need to be modernized. They need to be reliable. This Senator will condition his support for a START follow-on agreement upon a serious commitment by the administration to modernize our nuclear deterrent which remains necessary to protect the United States and our allies against threats to our vital interests.

I wish to note a similar version of this amendment was adopted unanimously by the House on their version of the national Defense authorization bill. I commend Senator KYL for offering it and note the importance of sending a clear message to the administration and to our allies and to Russia regarding our views on the ongoing START follow-up negotiations.

I wish to say what is obvious to all of us who have been here a long time. Senator KYL is a real patriot who has maintained a deep interest in these issues throughout his career. This is a well-thought-out, well-conceived amendment that is wise for our Senate to pass. I believe we will. I think if my colleagues will find the time to review it and think it through, they will be convinced this is a wise step for us to take at this time so we don't end up with misunderstanding later on when a treaty plops down in the Senate that has a lot of problems for a host of Senators.

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

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

AMENDMENTS NOS. 1472, 1518, 1569, 1553, 1471, 1512, 1473, 1561, 1520, 1600, 1555, 1488, 1476, 1612, 1560, 1500, 1535, 1536, 1510, 1492, 1495, 1599, 1636, 1619, 1638, 1642, 1499, 1634, 1676, AND 1677

Mr. LEVIN. Mr. President, I send a series of 30 amendments to the desk, which have been cleared by myself and Senator MCCAIN, and I ask for their immediate consideration.

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

Without objection, the amendments will be considered en bloc.

Mr. LEVIN. Mr. President, the amendments, I understand, have been cleared by the Republican side.

The PRESIDING OFFICER. Is there further debate?

Mr. LEVIN. Mr. President, I now ask unanimous consent that the amendments be agreed to en bloc and that the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1472

(Purpose: To modify the reporting requirement for the defense nanotechnology research and development program)

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

SEC. 252. MODIFICATION OF REPORTING REQUIREMENT FOR DEFENSE NANOTECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

Section 246 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 10 U.S.C. 2358 note) is amended by striking subsection (e) and inserting the following new subsection (e):

"(e) REPORTS.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the National Science and Technology Council information on the program that covers the information described in paragraphs (1) through (5) of section 2(d) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(d)) to be included in the annual report submitted by the Council under that section."

AMENDMENT NO. 1518

(Purpose: To require the Secretary of the Army to expand the First Sergeants Barracks Initiative (FSBI) throughout the Army in order to improve the quality of life and living environments for single soldiers)

On page 565, after line 20, add the following:

Subtitle D—Other Matters**SEC. 2841. EXPANSION OF FIRST SERGEANTS BARRACKS INITIATIVE.**

(a) EXPANSION OF INITIATIVE.—Not later than September 30, 2011, the Secretary of the Army shall expand the First Sergeants Barracks Initiative (FSBI) to include all Army installations in order to improve the quality of life and living environments for single soldiers.

(b) PROGRESS REPORTS.—Not later than February 15, 2010, and February 15, 2011, the Secretary of the Army shall submit to Congress a report describing the progress made in expanding the First Sergeants Barracks Initiative to all Army installations, including whether the Secretary anticipates meeting the deadline imposed by subsection (a).

AMENDMENT NO. 1569

(Purpose: To require a plan to manage vegetative encroachment at training ranges)

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.”.

AMENDMENT NO. 1553

(Purpose: To authorize the Secretary of the Army to construct a previously authorized Armed Forces Reserve Center in vicinity of specified location at Pease Air National Guard Base, New Hampshire)

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.

AMENDMENT NO. 1471

(Purpose: To release to the State of Arkansas a reversionary interest in Camp Joseph T. Robinson)

At the appropriate place, insert the following:

SEC. ____ . RELEASE OF REVERSIONARY INTEREST.

The United States releases to the State of Arkansas the reversionary interest described in sections 2 and 3 of the Act entitled “An Act authorizing the transfer of part of Camp Joseph T. Robinson to the State of Arkansas”, approved June 30, 1950 (64 Stat. 311, chapter 429), in and to the surface estate of the land constituting Camp Joseph T. Robinson, Arkansas, which is comprised of 40,515 acres of land to be acquired by the United States of America and 40,513 acres to be acquired by the City of North Little Rock, Arkansas, and lies in sections 6, 8, and 9 of township 2 North, Range 12 West, Pulaski County, Arkansas.

AMENDMENT NO. 1512

(Purpose: To require additional disclosure of poor performance in the contractor performance database)

On page 259, between lines 12 and 13, insert the following:

SEC. 824. MODIFICATIONS TO DATABASE FOR FEDERAL AGENCY CONTRACT AND GRANT OFFICERS AND SUSPENSION AND DEBARMENT OFFICIALS.

Subsection (c) of section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4556) is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (5) the following new paragraphs:

“(6) Each audit report that, as determined by an Inspector General or the head of an audit agency responsible for the report, contains significant adverse information about a contractor that should be included in the database.

“(7) Each contract action that, as determined by the head of the contracting activity responsible for the contract action, reflects information about contractor performance or integrity that should be included in the database.”.

AMENDMENT NO. 1473

(Purpose: To modify the provision requiring the inclusion of pension obligations for certain Department of Energy facilities in the budget request of the President to include pension obligations for all Department of Energy facilities)

On page 590, lines 7 through 9, strike “for the National Nuclear Security Administration or for defense environmental cleanup”.

AMENDMENT NO. 1561

(Purpose: To expand the authority of the Ombudsman under the Energy Employees Occupational Illness Compensation Program Act of 2000)

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.).

AMENDMENT NO. 1520

(Purpose: To require a report on the re-determination process of the Department of Defense used to determine the eligibility of permanently incapacitated dependents of retired and deceased members of the Armed Forces for benefits provided under laws administered by the Secretary of Defense)

At the end of subtitle G of title X, add the following:

SEC. 1073. REPORT ON RE-DETERMINATION PROCESS FOR PERMANENTLY INCAPACITATED DEPENDENTS OF RETIRED AND DECEASED MEMBERS OF THE ARMED FORCES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the re-determination process of the Department of Defense used to determine the eligibility of permanently incapacitated dependents of retired and deceased members of the Armed Forces for benefits provided under laws administered by the Secretary. The report shall include the following:

(1) An assessment of the re-determination process, including the following:

(A) The rationale for requiring a quadrennial recertification of financial support after issuance of a permanent identification card to a permanently incapacitated dependent.

(B) The administrative and other burdens the quadrennial recertification imposes on the affected sponsor and dependents, especially after the sponsor becomes ill, incapacitated, or deceased.

(C) The extent to which the quadrennial recertification undermines the utility of issuing a permanent identification card.

(D) The extent of the consequences entailed in eliminating the requirement for quadrennial recertification.

(2) Specific recommendations for the following:

(A) Improving the efficiency of the recertification process.

(B) Minimizing the burden of such process on the sponsors of such dependents.

(C) Eliminating the requirement for quadrennial recertification.

AMENDMENT NO. 1600

(Purpose: To require the Comptroller General of the United States to conduct an audit of assistance to local educational agencies for the education of dependent children of members of the Armed Forces)

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

SEC. 537. COMPTROLLER GENERAL AUDIT OF ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an audit of the utilization by local educational agencies of the assistance specified in subsection (b) provided to such agencies for fiscal years 2001 through 2009 for the education of dependent children of members of the Armed Forces. The audit shall include—

(1) an evaluation of the utilization of such assistance by such agencies; and

(2) an assessment of the effectiveness of such assistance in improving the quality of education provided to dependent children of members of the Armed Forces.

(b) ASSISTANCE SPECIFIED.—The assistance specified in this subsection is—

(1) assistance provided under—

(A) section 572 the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3271; 20 U.S.C. 7703b);

(B) section 559 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1917);

(C) section 536 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1474);

(D) section 341 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2514);

(E) section 351 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1063); or

(F) section 362 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-76); and

(2) payments made under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-77; 20 U.S.C. 7703a).

(c) REPORT.—Not later than March 1, 2010, the Comptroller General shall submit to the congressional defense committees a report containing the results of the audit required by subsection (a).

AMENDMENT NO. 1555

(Purpose: To permit the extension of eligibility for enrollment in Department of Defense elementary and secondary schools to certain additional categories of dependents)

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.”.

AMENDMENT NO. 1488

(To include in the study on options for educational opportunities for dependent children of members of the Armed Forces consideration of the impact of such options on students with special needs)

On page 125, between lines 9 and 10, insert the following:

(H) The extent to which the options referred to in paragraph (2) would improve the quality of education available for students with special needs, including students with learning disabilities and gifted students.

AMENDMENT NO. 1476

(Purpose: To permit the Secretary of the Air Force to convey to certain Indian tribes certain relocatable military housing units)

At the end of title XXIII, add the following:

SEC. 23. CONVEYANCE TO INDIAN TRIBES OF CERTAIN HOUSING UNITS.

(a) DEFINITIONS.—In this section:

(1) EXECUTIVE DIRECTOR.—The term “Executive Director” means the Executive Director of Walking Shield, Inc.

(2) INDIAN TRIBE.—The term “Indian tribe” means any Indian tribe included on the list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a-1).

(b) REQUESTS FOR CONVEYANCE.—

(1) IN GENERAL.—The Executive Director may submit to the Secretary of the Air Force, on behalf of any Indian tribe located in the State of Idaho, Nevada, North Dakota, Oregon, South Dakota, Montana, or Minnesota, a request for conveyance of any relocatable military housing unit located at Grand Forks Air Force Base, Minot Air

Force Base, Malmstrom Air Force Base, Ellsworth Air Force Base, or Mountain Home Air Force Base.

(2) CONFLICTS.—The Executive Director shall resolve any conflict among requests of Indian tribes for housing units described in paragraph (1) before submitting a request to the Secretary of the Air Force under this subsection.

(c) CONVEYANCE BY SECRETARY.—Notwithstanding any other provision of law, on receipt of a request under subsection (c)(1), the Secretary of the Air Force may convey to the Indian tribe that is the subject of the request, at no cost to the Air Force and without consideration, any relocatable military housing unit described in subsection (c)(1) that, as determined by the Secretary, is in excess of the needs of the military.

AMENDMENT NO. 1612

(Purpose: To modify the provision clarifying responsibility for preparation of the biennial global positioning system report)

Beginning on page 419, strike line 10 and all that follows through page 420, line 2, and insert the following:

(a) IN GENERAL.—Section 2281(d) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “the Secretary of Defense” and inserting “the Deputy Secretary of Defense and the Deputy Secretary of Transportation, in their capacity as co-chairs of the National Executive Committee for Space-Based Positioning, Navigation, and Timing;” and

(B) by striking “the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives” and inserting “the Committees on Armed Services and Commerce, Science, and Transportation of the Senate and the Committees on Armed Services, Energy and Commerce, and Transportation and Infrastructure of the House of Representatives”; and

(2) by striking paragraph (2) and inserting the following new paragraph (2):

“(2) In preparing each report required under paragraph (1), the Deputy Secretary of Defense and the Deputy Secretary of Transportation, in their capacity as co-chairs of the National Executive Committee for Space-Based Positioning, Navigation, and Timing, shall consult with the Secretary of Defense, the Secretary of State, the Secretary of Transportation, and the Secretary of Homeland Security.”.

AMENDMENT NO. 1560

(Purpose: To make technical corrections regarding certain military construction projects at Cannon Air Force Base and Holloman Air Force Base, New Mexico)

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".

AMENDMENT NO. 1500

(Purpose: To include analysis of military whistleblower reprisal appeals in the assessment by the Comptroller General of the United States of military whistleblower protections)

On page 428, between lines 21 and 22, insert the following:

(3) A sample of military whistleblower reprisal appeals (as selected by the Comptroller General for the purposes of this section) heard by the Boards for the Correction of Military Records referred to in section 1552 of title 10, United States Code, of each military department.

AMENDMENT NO. 1535

(Purpose: To require the Director of National Intelligence to report on Cuba and Cuba's relations with other countries)

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

SEC. 1222. REPORT ON CUBA AND CUBA'S RELATIONS WITH OTHER COUNTRIES.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the defense and intelligence committees of the Congress a report addressing the following:

(1) The cooperative agreements and relationships that Cuba has with Iran, North Korea, and other states suspected of nuclear proliferation.

(2) A detailed account of the economic support provided by Venezuela to Cuba and the intelligence and other support that Cuba provides to the government of Hugo Chavez.

(3) A review of the evidence of relationships between the Cuban government or any

of its components with drug cartels or involvement in other drug trafficking activities.

(4) The status and extent of Cuba's clandestine activities in the United States.

(5) The extent and activities of Cuban support for governments in Venezuela, Bolivia, Ecuador, Central America, and the Caribbean.

(6) The status and extent of Cuba's research and development program for biological weapons production.

(7) The status and extent of Cuba's cyberwarfare program.

AMENDMENT NO. 1536

(Purpose: To require the Director of National Intelligence to report on political and other support provided by Venezuelan officials to terrorist and other groups)

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

SEC. 1222. REPORT ON VENEZUELA.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the defense and intelligence committees of the Congress a report addressing the following:

(1) An inventory of all weapons purchases by, and transfers to, the government of Venezuela and Venezuela's transfers to other countries since 1998, particularly purchases and transfers of missiles, ships, submarines, and any other advanced systems. The report shall include an assessment of whether there is accountability of the purchases and transfers with respect to the end-use and diversion of such materiel to popular militias, other governments, or irregular armed forces.

(2) The mining and shipping of Venezuelan uranium to Iran, North Korea, and other states suspected of nuclear proliferation.

(3) The extent to which Hugo Chavez and other Venezuelan officials and supporters of the Venezuelan government provide political counsel, collaboration, financial ties, refuge, and other forms of support, including military materiel, to the Revolutionary Armed Forces of Colombia (FARC).

(4) The extent to which Hugo Chavez and other Venezuelan officials provide funding, logistical and political support to the Islamist terrorist organization Hezbollah.

(5) Deployment of Venezuelan security or intelligence personnel to Bolivia, including

any role such personnel have in suppressing opponents of the government of Bolivia.

(6) Venezuela's clandestine material support for political movements and individuals throughout the Western Hemisphere with the objective of influencing the internal affairs of nations in the Western Hemisphere.

(7) Efforts by Hugo Chavez and other officials or supporters of the Venezuelan government to convert or launder funds that are the property of Venezuelan government agencies, instrumentalities, parastatals, including Petroleos de Venezuela, SA (PDVSA).

(8) Covert payments by Hugo Chavez or officials or supporters of the Venezuelan government to foreign political candidates, government officials, or officials of international organizations for the purpose of influencing the performance of their official duties.

AMENDMENT NO. 1510

(Purpose: To provide technical changes to land conveyance matters regarding Ellsworth Air Force Base, South Dakota)

On page 565, after line 20, add the following:

SEC. 2832. LAND CONVEYANCE, ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA.

(a) CHANGE IN RECIPIENT UNDER EXISTING AUTHORITY.—

(1) IN GENERAL.—Section 2863(a) of the Military Construction Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 2010), as amended by section 2865(a) of the Military Construction Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-435), is further amended by striking "West River Foundation for Economic and Community Development, Sturgis, South Dakota (in this section referred to as the 'Foundation')" and inserting "South Dakota Ellsworth Development Authority, Pierre, South Dakota (in this section referred to as the 'Authority')".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2863 of the Military Construction Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 2010), as amended by section 2865(b) of the Military Construction Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-435), is further amended—

(A) by striking “Foundation” each place it appears in subsections (c) and (e) and inserting “Authority”;

(B) in subsection (b)(1)—

(i) in subparagraph (B), by striking “137.56 acres” and inserting “120.70 acres”; and

(ii) by striking subparagraphs (C), (D), and (E).

(b) NEW CONVEYANCE AUTHORITY.—

(1) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the South Dakota Ellsworth Development Authority, Pierre, South Dakota (in this subsection referred to as the “Authority”), all right, title, and interest of the United States in and to the parcels of real property located at Ellsworth Air Force Base, South Dakota, referred to in paragraph (2).

(2) COVERED PROPERTY.—The real property referred to in paragraph (1) is the following:

(A) A parcel of real property, together with any improvements thereon, consisting of approximately 2.37 acres and comprising the 11000 West Communications Annex.

(B) A parcel of real property, together with any improvements thereon, consisting of approximately 6.643 acres and comprising the South Nike Education Annex.

(3) CONDITION.—As a condition of the conveyance under this subsection, the Authority, and any person or entity to which the Authority transfers the property, shall comply in the use of the property with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study.

(4) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under paragraph (1) is not being used in compliance with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study, 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 paragraph shall be made on the record after an opportunity for a hearing.

(5) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this subsection shall be determined by a survey satisfactory to the Secretary.

(6) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this subsection as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 1492

(Purpose: To authorize a land conveyance at F.E. Warren Air Force Base, Cheyenne, Wyoming)

On page 565, after line 20, add the following:

SEC. 2832. LAND CONVEYANCE, F.E. WARREN AIR FORCE BASE, CHEYENNE, WYOMING.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the County of Laramie, Wyoming (in this section referred to as the “County”) all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon and appurtenant easements thereto, consisting of approximately 73 acres along the southeastern boundary of F.E. Warren Air Force Base, Cheyenne, Wyoming, for the purpose of removing the property from the boundaries of the installation and permitting the County to preserve the entire property for healthcare facilities.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the County shall provide the United States consideration, whether by cash payment, in-kind consideration as described under paragraph (2), or a combination thereof, in an amount that is not less than the fair market value of the conveyed real property, as determined by the Secretary.

(2) IN-KIND CONSIDERATION.—In-kind consideration provided by the County under paragraph (1) may include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facilities or infrastructure relating to the security of F.E. Warren Air Force Base, that the Secretary considers acceptable.

(3) RELATION TO OTHER LAWS.—Sections 2662 and 2802 of title 10, United States Code, shall not apply to any new facilities or infrastructure received by the United States as in-kind consideration under paragraph (2).

(4) NOTICE TO CONGRESS.—The Secretary shall provide written notification to the congressional defense committees of the types and value of consideration provided the United States under paragraph (1).

(5) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States under paragraph (1) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B)(ii) of such subsection.

(c) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines at any time that the County is not using the property conveyed under subsection (a) in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(2) RELEASE OF REVERSIONARY INTEREST.—The Secretary shall release, without consideration, the reversionary interest retained by the United States under paragraph (1) if—

(A) F.E. Warren Air Force Base, Cheyenne Wyoming, is no longer being used for Department of Defense activities; or

(B) the Secretary determines that the reversionary interest is otherwise unnecessary to protect the interests of the United States.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the County 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) and implement the receipt of in-kind consideration under paragraph (b), including survey costs, appraisal costs, costs related to environmental documentation, and other administrative costs related to the conveyance and receipt of in-kind consideration. If amounts are received from the County in advance of the Secretary incurring the actual costs, and the amount received exceeds the costs actually incurred by the Secretary under this section, the Secretary shall refund the excess amount to the County.

(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 and implementing the receipt of in-kind consideration. 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) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 1495

(Purpose: To authorize a land conveyance at Lackland Air Force Base, Texas)

On page 565, after line 20, insert the following:

SEC. 2832. LAND CONVEYANCE, LACKLAND AIR FORCE BASE, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to an eligible entity, all right, title, and interest of the United States to not more than 250 acres of real property and associated easements and improvements on Lackland Air Force Base, Texas, in exchange for real property adjacent to or near the installation for the purpose of relocating and consolidating Air Force tenants located on the former Kelly Air Force Base, Texas, onto the main portion of Lackland Air Force Base.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the eligible entity accept the real property in its condition at the time of the conveyance, commonly known as conveyance “as is” and not subject to the requirements for covenants in deed under section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)).

(c) ELIGIBLE ENTITIES.—A conveyance under this section may be made to the City of San Antonio, Texas, or an organization or agency chartered or sponsored by the local or State government.

(d) CONSIDERATION.—As consideration for the conveyance under subsection (a), the eligible entity shall provide the Air Force with real property or real property improvements, or a combination of both, of equal value, as determined by the Secretary. If the fair market value of the real property or real property improvements, or combination thereof, is less than the fair market value of the real property to be conveyed by the Air Force, the eligible entity shall provide cash payment to the Air Force, or provide Lackland Air Force Base with in-kind consideration of an amount equal to the difference in the fair market values. Any cash payment received by the Air Force for the conveyance authorized by subsection (a) shall be deposited in the special account described in section 2667(e) of title 10, United States Code, and shall be available to the Secretary for the same uses and subject to the same limitations as provided in that section.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) IN GENERAL.—The Secretary may require the eligible entity to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under this section, including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyances. If amounts are collected from the eligible entity 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 eligible entity.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement 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 conveyances. 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.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 1599

(Purpose: To authorize a land conveyance at Haines Tank Farm, Haines, Alaska)

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.

(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.

AMENDMENT NO. 1636

(Purpose: To authorize land conveyances of certain parcels in the Camp Catlin and Ohana Nui areas, Pearl Harbor, Hawaii)

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) CONVEYANCES AUTHORIZED.—The Secretary of the Navy (“the Secretary”) may convey to any person or entity leasing or licensing real property located at Camp Catlin and Ohana Nui areas, Hawaii, as of the date of the enactment of this Act (“the lessee”) all right, title, and interest of the United States in and to the portion of such property that is respectively leased or licensed by such person or entity for the purpose of continuing the same functions as are being conducted on the property as of the date of the enactment of this Act.

(b) CONSIDERATION.—As consideration for a conveyance under subsection (a), the lessee shall provide the United States, whether by cash payment, in-kind consideration, or a combination thereof, an amount that is not less than the fair market of the conveyed property, as determined pursuant to an appraisal acceptable to the Secretary.

(c) 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 convey 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.

(2) CONVEYANCE DEADLINE.—If a lessee accepts the offer to convey 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.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the lessee to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out a conveyance under subsection (a), including survey costs, related to the conveyance. If amounts are collected from the lessee 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 lessee.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out a conveyance under subsection (a) 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) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of any real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 1619

(Purpose: To authorize the Department of Defense to participate in programs for the management of energy demand or the reduction of energy usage during peak periods)

At the appropriate place in title III, insert the following:

SEC. ____ DEPARTMENT OF DEFENSE PARTICIPATION IN PROGRAMS FOR MANAGEMENT OF ENERGY DEMAND OR REDUCTION OF ENERGY USAGE DURING PEAK PERIODS.

(a) IN GENERAL.—Subchapter I of chapter 173 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2919. Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods

“(a) PARTICIPATION IN DEMAND RESPONSE OR LOAD MANAGEMENT PROGRAMS.—The Secretary of Defense, the Secretaries of the military departments, the heads of the Defense Agencies, and the heads of other instrumentalities of the Department of Defense are authorized to participate in demand response programs for the management of energy demand or the reduction of energy usage during peak periods conducted by any of the following parties:

- “(1) An electric utility
- “(2) An independent system operator.
- “(3) A State agency.

“(4) A third party entity (such as a demand response aggregator or curtailment service provider) implementing demand response programs on behalf of an electric utility, independent system operator, or State agency.

“(b) TREATMENT OF CERTAIN FINANCIAL INCENTIVES.—Financial incentives received

from an entity specified in subsection (a) shall be received in cash and deposited into the Treasury as a miscellaneous receipt. Amounts received shall be available for obligation only to the extent provided in advance in an appropriations Act. The Secretary concerned or the head of the Defense Agency or other instrumentality, as the case may be, shall pay for the cost of the design and implementation of these services in full in the year in which they are received from amounts provided in advance in an appropriations Act.

“(c) USE OF CERTAIN FINANCIAL INCENTIVES.—Of the amounts derived from financial incentives awarded to a military installation as described in subsection (b) and provided for in advance by an appropriations Act—

“(1) not less than 100 percent shall be made available for use at such military installation; and

“(2) not less than 30 percent shall be made available for energy management initiatives at such installation.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

“2919. Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods.”

AMENDMENT NO. 1638

(Purpose: To require a master plan to provide world class military medical facilities in the National Capital Region)

At the end of title XXVII, add the following:

SEC. 2707. REQUIREMENT FOR MASTER PLAN TO PROVIDE WORLD CLASS MILITARY MEDICAL FACILITIES IN THE NATIONAL CAPITAL REGION.

(a) MASTER PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop and implement a comprehensive master plan to provide world class military medical facilities and an integrated system of health care delivery for the National Capital Region that—

(1) addresses—

(A) the unique needs of members of the Armed Forces and retired members of the Armed Forces and their families;

(B) the care, management, and transition of seriously ill and injured members of the Armed Forces and their families;

(C) the missions of the branch or branches of the Armed Forces served; and

(D) performance expectations for the future integrated health care delivery system, including—

(i) information management and information technology support; and

(ii) expansion of support services;

(2) includes the establishment of an integrated process for the joint development of budgets, prioritization of requirements, and the allocation of funds;

(3) designates a single entity within the Department of Defense with the budget and operational authority to respond quickly to and address emerging facility and operational requirements required to provide and operate world class military medical facilities in the National Capital Region;

(4) incorporates all ancillary and support facilities at the National Naval Medical Center, Bethesda, Maryland, including education and research facilities as well as centers of excellence, transportation, and parking structures required to provide a full range of adequate care and services for members of the Armed Forces and their families;

(5) ensures that each facility covered by the plan meets or exceeds Joint Commission hospital design standards as applicable; and

(6) can be used as a model to develop similar master plans for all military medical facilities within the Department of Defense.

(b) MILESTONE SCHEDULE AND COST ESTIMATES.—Not later than 90 days after the development of the master plan required by (a), the Secretary shall submit to the congressional defense committees a report describing—

(1) the schedule for completion of requirements identified in the master plan; and

(2) updated cost estimates to provide world class military medical facilities for the National Capital Region.

(c) DEFINITIONS.—In this section:

(1) NATIONAL CAPITAL REGION.—The term “National Capital Region” has the meaning given the term in section 2674(f) of title 10, United States Code.

(2) WORLD CLASS MILITARY MEDICAL FACILITY.—The term “world class military medical facility” has the meaning given the term by the National Capital Region Base Realignment and Closure Health Systems Advisory Subcommittee of the Defense Health Board in appendix B of the report entitled “Achieving World Class – An Independent Review of the Design Plans for the Walter Reed National Military Medical Center and the Fort Belvoir Community Hospital”, published in May, 2009.

AMENDMENT NO. 1642

(Purpose: To require the Comptroller General of the United States to conduct a review of spending in the final quarter of fiscal year 2009 by the Department of Defense)

At the end of subtitle G of title X, add the following:

SEC. 1073. COMPTROLLER GENERAL REVIEW OF SPENDING IN THE FINAL QUARTER OF FISCAL YEAR 2009 BY THE DEPARTMENT OF DEFENSE.

(a) REVIEW OF SPENDING BY THE COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct a review of the obligations and expenditures of the Department of Defense in the final quarter of fiscal year 2009, as compared to the obligations and expenditures of the Department in the first three quarters of that fiscal year, to determine if policies with respect to spending by the Department contribute to hastened year-end spending and poor use or waste of taxpayer dollars.

(b) REPORT.—Not later than the earlier of March 30, 2010, or the date that is 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing—

(1) the results of the review conducted under subsection (a); and

(2) any recommendations of the Comptroller General with respect to improving the policies pursuant to which amounts appropriated to the Department of Defense are obligated and expended in the final quarter of the fiscal year.

AMENDMENT NO. 1499

(Purpose: To authorize an Air Force Academy athletics support program)

On page 120, before line 1, insert the following:

SEC. 524. AIR FORCE ACADEMY ATHLETIC ASSOCIATION.

(a) IN GENERAL.—Chapter 903 of title 10, United States Code, is amended by inserting after section 9361 the following new section:

“§ 9362. Air Force Academy athletic programs support

“(a) ESTABLISHMENT AUTHORIZED.—

“(1) IN GENERAL.—The Secretary of the Air Force may, in accordance with the laws of

the State of incorporation, establish a corporation to support the athletic programs of the Academy (in this section referred to as the ‘corporation’). All stock of the corporation shall be owned by the United States and held in the name of and voted by the Secretary of the Air Force.

“(2) PURPOSE.—The corporation shall operate exclusively for charitable, educational, and civic purposes to support the athletic programs of the Academy.

“(b) CORPORATE ORGANIZATION.—The corporation shall be organized and operated—

“(1) as a nonprofit corporation under section 501(c)(3) of the Internal Revenue Code of 1986;

“(2) in accordance with this section; and

“(3) pursuant to the laws of the State of incorporation, its articles of incorporation, and its bylaws.

“(c) CORPORATE BOARD OF DIRECTORS.—

“(1) COMPENSATION.—The members of the board of directors shall serve without compensation, except for reasonable travel and other related expenses for attendance at meetings.

“(2) AIR FORCE PERSONNEL.—The Secretary of the Air Force may authorize military and civilian personnel of the Air Force under section 1033 of this title to serve, in their official capacities, as members of the board of directors, but such personnel shall not hold more than one third of the directorships.

“(d) TRANSFER FROM NONAPPROPRIATED FUND OPERATION.—The Secretary of the Air Force may, subject to the acceptance of the corporation, transfer to the corporation all title to and ownership of the assets and liabilities of the Air Force nonappropriated fund instrumentality whose functions include providing support for the athletic programs of the Academy, including bank accounts and financial reserves in its accounts, equipment, supplies, and other personal property, but excluding any interest in real property.

“(e) ACCEPTANCE OF GIFTS.—The Secretary of the Air Force may accept from the corporation funds, supplies, and services for the support of cadets and Academy personnel during their participation in, or in support of, Academy or corporate events related to the Academy athletic programs.

“(f) LEASING.—The Secretary of the Air Force may, in accordance with section 2667 of this title, lease real and personal property to the corporation for purposes related to the Academy athletic programs. Money rentals received from any such lease may be retained and spent by the Secretary to support athletic programs of the Academy.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9361 the following new item:

“9362. Air Force Academy athletic programs support.”

AMENDMENT NO. 1634

(Purpose: To express the sense of Congress regarding airfares for members of the Armed Forces)

On page 201, after line 25, add the following:

SEC. 652. SENSE OF CONGRESS ON AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Armed Forces is comprised of over 1,450,000 active-duty members from every State and territory of the United States who are assigned to thousands of installations, stations, and ships worldwide and who often-times must travel long distances by air at their own expense to enjoy the benefits of leave and liberty.

(2) The United States is indebted to the members of the all volunteer Armed Forces

and their families who protect our Nation, often experiencing long separations due to the demands of military service and in life threatening circumstances.

(3) Military service often precludes long range planning for leave and liberty to provide opportunities for reunions and recreation with loved ones and requires changes in planning due to military necessity which results in last minute changes in planning.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) all United States commercial carriers should seek to lend their support with flexible, generous policies applicable to members of the Armed Forces who are traveling on leave or liberty at their own expense; and

(2) each United States air carrier, for all members of the Armed Forces who have been granted leave or liberty and who are traveling by air at their own expense, should—

(A) seek to provide reduced air fares that are comparable to the lowest airfare for ticketed flights and that eliminate to the maximum extent possible advance purchase requirements;

(B) seek to eliminate change fees or charges and any penalties for military personnel;

(C) seek to eliminate or reduce baggage and excess weight fees;

(D) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, and to waive fees (including baggage fees), ancillary costs, or penalties; and

(E) seek to take proactive measures to ensure that all airline employees, particularly those who issue tickets and respond to members of the Armed Forces and their family members are trained in the policies of the airline aimed at benefitting members of the Armed Forces who are on leave.

AMENDMENT NO. 1676

(Purpose: To require the Comptroller General of the United States to review the assessment and plan for the Ground-based Midcourse Defense element of the Ballistic Missile Defense System)

On page 66, between lines 19 and 20, insert the following:

(e) COMPTROLLER GENERAL REVIEW.—The Comptroller General of the United States shall—

(1) review the assessment required by subsection (b) and the plan required by subsection (c); and

(2) not later than 120 days after receiving the assessment and the plan, provide to the congressional defense committees the results of the review.

AMENDMENT NO. 1677

(Purpose: To avoid a break in production of the Ground-based Interceptor missile until the Department of Defense completes the Ballistic Missile Defense Review and to ensure there is no gap in homeland defense by ensuring that Missile Field 1 at Fort Greely, Alaska, does not complete decommissioning until seven silos have been replaced at Missile Field 2 at Fort Greely)

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

SEC. 245. CONTINUED PRODUCTION OF GROUND-BASED INTERCEPTOR MISSILE AND OPERATION OF MISSILE FIELD 1 AT FORT GREELY, ALASKA.

(a) LIMITATION ON BREAK IN PRODUCTION.—The Secretary of Defense shall ensure that the Missile Defense Agency does not allow a break in production of the Ground-based Interceptor missile until the Department of Defense has—

(1) completed the Ballistic Missile Defense Review; and

(2) made a determination with respect to the number of Ground-based Interceptor missiles that will be necessary to support the service life of the Ground-based Midcourse Defense element of the Ballistic Missile Defense System.

(b) LIMITATION ON CERTAIN ACTIONS WITH RESPECT TO MISSILE FIELD 1 AND MISSILE FIELD 2 AT FORT GREELY, ALASKA.—

(1) LIMITATION ON DECOMMISSIONING OF MISSILE FIELD 1.—The Secretary of Defense shall ensure that Missile Field 1 at Fort Greely, Alaska, does not complete decommissioning until seven silos have been replaced at Missile Field 2 at Fort Greely.

(2) LIMITATION WITH RESPECT TO DISPOSITION OF SILOS AT MISSILE FIELD 2.—The Secretary of Defense shall ensure that no irreversible decision is made with respect to the disposition of operational silos at Missile Field 2 at Fort Greely, Alaska, until that date that is 60 days after the date on which the reports required by subsections (b)(3) and (c)(3) of section 243 are submitted to the congressional defense committees.

Mr. LEVIN. Now, Mr. President, I would ask unanimous consent that Senator UDALL be recognized as in morning business for 10 minutes; then that Senator AKAKA be recognized to speak on an amendment, which he intends to offer, and which we will do everything we can to make in order tomorrow; and then that Senator MURRAY be recognized for 10 minutes as in morning business.

Mr. MCCAIN. Mr. President, reserving the right to object, and I will not object, it is also my understanding then that at the beginning of business tomorrow we will be taking up the Kyl amendment and the Bayh either second degree or side-by-side, with 2 hours equally divided.

Mr. LEVIN. No. The UC, I believe, as it reads, is that we will take up the Kyl amendment tomorrow, with a possible second degree or side-by-side; and then after they are disposed of, then we would go to the Lieberman amendment and a second degree or a side-by-side amendment of Senator BAYH.

Mr. LIEBERMAN. On the alternate engine.

Mr. LEVIN. On the alternate engine.

Mr. MCCAIN. So we would be taking up the Kyl amendment first, and then—

Mr. LEVIN. Then a possible second degree or side-by-side to Kyl. Then, after the disposition of Kyl and any side-by-side or second degree, we would move to the Lieberman amendment on alternate engines, with a Bayh second degree or side-by-side.

Mr. MCCAIN. And there are time agreements on both amendments?

Mr. LEVIN. We do not have a time agreement yet on any of the amendments. We hope in the morning to have time agreements. But we did not have the language available for any—we did not have either the second-degree amendment language or the side-by-side available, so your side was unable, understandably, to agree to a time agreement.

Mr. MCCAIN. Once the other sides of these amendments are aware of the side-by-side, then it is our intention to have an hour or two equally divided,

and then move on to pending amendments.

Mr. LEVIN. If it is not already agreed to, I think there was an understanding on the Lieberman and on the Bayh amendments there would be an hour for each.

Mr. LIEBERMAN. That is fine.

Mr. LEVIN. We need the language before that can be agreed to. But that is the understanding or intent.

Mr. MCCAIN. I thank the chairman. I think that clears up what our plans are for a good part of tomorrow.

Mr. LEVIN. There will be no more votes tonight.

The PRESIDING OFFICER. Is there any objection to the speaker order?

Without objection, it is so ordered.

The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent to speak as in morning business.

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

SOTOMAYOR NOMINATION

Mr. UDALL of Colorado. Mr. President, 28 years ago my father, former Congressman from Arizona, Morris Udall, took the long walk from the House of Representatives to come to the Senate. The divide that separates the two great Chambers of Congress sometimes struck my father as deeper and wider than the Grand Canyon of Arizona, but he crossed over that day because he had a mission. He came to testify before the Senate Judiciary Committee on behalf of a fellow Arizonan Sandra Day O'Connor—the first woman to serve as a U.S. Supreme Court Justice.

My father, who was often at odds with ideologues of every stripe, noted she was “clearly conservative,” but he also spoke of her “great judicial temperament” and her disposition to always put justice ahead of partisanship.

Justice O'Connor proved to be an outstanding member of the Court, and my father never regretted his decision to support her nomination.

A generation later, I am honored to stand here today to voice my strong support for the first Hispanic woman nominated for the U.S. Supreme Court—Sonia Sotomayor.

Judge Sotomayor's story is truly the quintessential example of the American dream. The daughter of Puerto Rican parents who moved to New York City at a time when racial and ethnic prejudice was widespread, she lost her father at age 9. Her extraordinary mother worked hard to provide an example of striving in the best sense of that word. Sonia Sotomayor took that example to Princeton, Yale Law School, the Manhattan District Attorney's Office, and as a Federal judge.

It is no wonder the Hispanic community is proud of this nomination and has shown an outpouring of support for Judge Sotomayor. I was moved personally to learn that Hispanic citizens from across the country traveled to Washington, DC, and stood in line for hours in order to be in the audience for her confirmation hearings.

Former Colorado State Senator Polly Baca was one of those who traveled from Colorado. As a friend of the Sotomayor family, Polly's reaction mirrored many others when she said that the judge is "just brilliant." "Some people viewed her as a bit of a nerd," Senator Baca said, "because she worked so hard, studied so hard. And she's led her life that way. . . ." "She is who she is," Senator Baca concluded. This historic nomination is not only a source of pride for Hispanic Americans, but for all of us. That is because we all take heart and experience pride when we hear of a fellow American who overcomes great obstacles and does good through hard work and perseverance.

Let me quote the Greeley Tribune out on our eastern plains in my home State of Colorado. The Tribune wrote:

This is, instead, a celebration of the growth of our democracy . . . it is important that we recognize her nomination for what it is: a signpost on the unending road toward a more perfect union.

The Framers of the Constitution specifically outlined the advise and consent role of the Senate regarding nominations. This is one of our most solemn duties as Senators, the importance of which cannot be overstated. I take this responsibility very seriously. The Supreme Court is the highest Court in our land. Once it rules on a case, that holding and rule become the law of the land. The Presiding Officer, as the former attorney general of Illinois, knows that to be the case. The men and women we send to serve there make decisions and render judgments that can chart our destiny, literally, as a people.

So an inspiring life story is not the only or even the most compelling reason to confirm Judge Sotomayor. What matters most? Her qualifications for the job, her record, and her approach to the Constitution.

Last week my colleagues on the Senate Judiciary Committee began the confirmation proceedings for Judge Sotomayor and examined her record. During those hearings, the judge handled herself with grace and poise. She answered tough questions and clearly demonstrated her commitment to the law and the Constitution.

Out on the west slope of our great State of Colorado, we have the city of Grand Junction. The Daily Sentinel, that city's newspaper, stated last week: "Sotomayor is unquestionably qualified." And I agree.

There is no doubt that she is superbly qualified to be our next Supreme Court Justice. As a Federal trial judge, in addition to her more recent experience on the court of appeals, Judge Sotomayor brings more experience as a judge to the job of serving on the Supreme Court than anyone currently serving on the Court.

In addition, the judge received a "well-qualified" rating from the American Bar Association. This is the highest rating from the ABA, notable because it is given by Judge Sotomayor's peers.

Judge Sotomayor has received endorsements from a variety of organizations, ranging from law enforcement and sportsmen and hunters, to legal and higher education professionals.

The Framers of the Constitution anticipated the importance of having an independent and duty-bound judiciary. Alexander Hamilton, in the *Federalist Papers*, noted that:

To avoid an arbitrary discretion in the courts, it is indispensable that they should be bound down by strict rules and precedents, which serve to define and point out their duty in every particular case that comes before them. . . .

From her record, it is unmistakable that Judge Sotomayor has demonstrated a commitment to precedent and the rule of law, as Mr. Hamilton described it. During her confirmation hearings, she said:

As a judge, I do not make the law . . . judges must apply the law.

Some have raised the question whether Judge Sotomayor is a "liberal activist" because of her involvement on the board of the Puerto Rican Legal Defense and Education Fund. But Judge Sotomayor's role and involvement has not been in directing legal opinions from this organization, but it has been directed instead at encouraging Puerto Rican youth to pursue careers in the legal profession.

According to her record, she has participated in 434 published panel decisions where there was at least one judge appointed by a Republican President. Despite notions to the contrary, she has agreed with the result favored by the Republican appointee 95 percent of the time. What does that demonstrate? Well, it demonstrates that Judge Sotomayor does not have an ideological bias but that she is a moderate jurist.

I also wish to acknowledge another alleged controversy Judge Sotomayor's critics have seized upon as a reason to oppose her confirmation; that is, her so-called "wise Latina" remarks in which the judge waxed not so eloquently on her hopes that she might draw special wisdom and insight from her personal experience. Judge Sotomayor herself has acknowledged the clumsiness of her language. If anything in her record suggested a special bias or prejudice, these words might be evidence of a larger problem, but that is simply not borne out in a review of her record on the bench. Nor did her decision on the Ricci case strike me as evidence of activist bias so much as it was a case of deference for judicial precedent. It strikes me as particularly unfair for Judge Sotomayor's critics to assail her for social activism when there is little, if any, evidence of that in her record, and they also used the Ricci case as an example. Frankly, I think the judge's opinions consistently show judicial restraint, respect for established legal precedent, and deference to the policymaking role of the elected branches—even when it leads to a result that may be unpopular or different from her personal opinion.

After I had a chance to meet with Judge Sotomayor, I came away with the opinion that she possesses the temperament, the qualifications, and the experience to meet the challenges of serving at the highest level on the Supreme Court.

I also appreciated that she acknowledged one of the most important issues to the livelihood of westerners: water. She surprised me when she said that all of the questions surrounding water may be among the most challenging legal controversies we face in the next 25 to 50 years. We did not have a conversation about the specific legal issues that might emerge around water, energy, or public lands in the West, but what I saw was a reassuring appreciation for the unique problems of our region and an intellectual curiosity to match it.

So as I conclude, I have reviewed Judge Sotomayor's impressive judicial record. I have watched and listened carefully to her answers during her confirmation hearing and met with her in person. Like Justice Sandra Day O'Connor, I believe she is poised to make history. I am proud to support her nomination, and I would encourage my colleagues in the Senate to do likewise.

Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, I ask unanimous consent that after the remarks of the Senator from Hawaii, the Senate go into a period of morning business, with Senator MURRAY to be recognized first for 10 minutes and other Members of the body permitted to speak for up to 10 minutes each.

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

The Senator from Hawaii is recognized.

AMENDMENT NO. 1522

Mr. AKAKA. Mr. President, I rise to speak on amendment No. 1522 to S. 1390. I understand there is not yet an agreement to consider the amendment, but I am hopeful there will be one soon.

Amendment No. 1522 would enhance the retirement security of Federal employees and address inequities in the system. As chairman of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, I am proud to join with Senators COLLINS, LIEBERMAN, VOINOVICH, MURKOWSKI, BEGICH, KOHL, MIKULSKI, CARDIN, INOUE, WEBB, and WARNER in this bipartisan amendment.

Each of these revisions is much needed and has been thoroughly debated by the appropriate committees in the House and Senate. Many of the changes were requested by the administrators of the retirement plans and are strongly supported by many organizations. The list of supporters is too long to read here, but it includes every major Federal employee union; postal unions, supervisors, and postmasters; the Federal Law Enforcement Officers Association, and several government managers groups.

Most important to my home State of Hawaii, the amendment provides retirement equity to Federal employees in Hawaii, Alaska, and the territories. More than 23,000 Federal employees in Hawaii, including more than 17,000 Defense Department employees and another 30,000 Federal employees in Alaska and the territories, currently receive a cost-of-living allowance which is not taxed and does not count for retirement. Because of this, workers in the nonforeign areas retire with significantly lower annuities than their counterparts in the 48 States and DC. COLA rates are scheduled to go down later this year, along with the pay of nearly 50,000 Federal employees if we do not provide this fix.

In 2007, I introduced the Non-Foreign Area Retirement Equity Assurance Act. The bill passed the Senate by unanimous consent in October 2008. Unfortunately, the House did not have time to consider the bill before adjournment.

I reintroduced S. 507, which is included in the amendment, with Senators MURKOWSKI, INOUE, and BEGICH. It is nearly identical to the bill that passed the Senate last year. It is a bipartisan effort to transition employees in Hawaii, Alaska, and the territories to the same locality pay system used in the rest of the United States while protecting employees' take-home pay. The measure passed unanimously through the committee on April 1, 2009.

The second provision I wish to highlight corrects how employees' annuities are calculated for part-time service under the Civil Service Retirement System. This provision removes a disincentive that now discourages Federal employees near retirement from working on a part-time basis while phasing into retirement. It would treat Federal employees under CSRS the same way they are treated under the newer Federal Employee Retirement System.

The third provision I wish to discuss would allow FERS participants to apply their unused sick leave to their length of service for computing their retirement annuities as is done for CSRS employees. The Congressional Research Service found that FERS employees within 2 years of retirement eligibility used 25 percent more sick leave than similarly situated CSRS employees. OPM also found that the disparity in sick leave usage costs the Federal Government approximately \$68 million in productivity each year. This solution was proposed by Federal managers who wanted additional tools to build a more efficient and productive workplace and to provide employees with an incentive not to use sick leave unnecessarily near retirement.

Finally, I wish to add that this amendment will make good on the recruitment promise made to a small group of Secret Service agents. Approximately 180 Secret Service agents and officers hired from 1984 through 1986 were promised access to the DC Police and Firefighter Retirement and

Disability System. This amendment is meant to provide narrow and specific relief only to this small group of agents and officers by allowing them to access the retirement system they were promised at the time they were hired.

I strongly encourage my colleagues to support this amendment, the Federal retirement reform provisions, and the bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

MORNING BUSINESS

HEALTH CARE REFORM

Mrs. MURRAY. Mr. President, if you look at the front cover of newspapers across the country this week or watch cable news each day, it is pretty clear that the rhetoric on health care reform is really heating up. Whether it is threats from the other side of the aisle to "break" a President who has made health care reform a priority or whether it is the million-dollar ad buys from interest groups we are seeing or whether it is political pundits, health care rhetoric is reaching a fever pitch. In fact, the discourse here in Washington, DC, has gotten so loud that the voice of American families is being drowned out.

These days, those who need reform the most are the ones being heard from the least. That is why 3 weeks ago I sent an e-mail to many of my constituents asking them to share with me their personal stories of dealing with our health care system and asking them for their ideas for reform. So far, I have received in just a few short weeks over 5,000 e-mails into my office with deeply personal and often very painful stories from every corner of my State. Yesterday, I came to the floor to share several of those stories. They were the stories of women who had lost their insurance, and due to an inability to get care when they needed it most, they lost their lives. Many of the letters I have received, such as those I spoke about yesterday, tug at the heart strings. But today, this evening, I wish to talk about what so many Americans are concerned about right now: their purse strings.

I understand many Americans are satisfied with the level of care their insurance provides. These are the Americans who can get in to see a doctor when they need one, and they receive good, quality care. These are the Americans who want to know what is in it for them: What will I get out of reform? And with all of their other problems, why should we pay for it right now? These are good questions to which the American people deserve a good answer.

It is not just the uninsured who are impacted by not being able to access preventive medicine or having to seek costly care in the emergency room.

These costs get passed on to those with insurance in the form of higher insurance premiums. In fact, it is estimated that a family of four today here in this country is paying an added \$1,000 in premiums a year to help pay for those who don't have any coverage. Essentially, families with health insurance today are paying a hidden tax. That tax is hurting our families who are insured, it is hurting our businesses, and it has to end.

Health care reform will do that. By creating a competitive pool of insurance options, including a public option, we can bring down the costs and the premiums to families in the long run. We are going to be moving to a system that rewards innovation and healthy outcomes, and because Americans will have a choice of insurance plans, insurance providers will be forced to lower costs so they can be competitive.

The existence of a pool of insurers to choose from means that if you lose your job, you don't lose your insurance. If you want to change jobs or maybe even start a business, there is a health care option for you. And we make it easier for small businesses to provide coverage for their employees by having them pay for up to half the cost of health insurance for businesses with 50 or fewer workers. Accordingly, we also prohibit insurance companies from charging higher premiums for women or for the elderly, and we end the practice of denying coverage to those people with preexisting conditions. And for the first time, we put a priority on prevention and wellness. If we invest in community-based programs to improve nutrition or prevent smoking or increase fitness, we are going to save taxpayers nearly \$16 billion a year within 5 years.

So health care reform, when we talk about it here, will make health care coverage more affordable, portable, and undeniable.

Let me give a real-life example of someone who has health insurance today but would benefit greatly from the health care reform we are talking about. One of the letters I recently received is from Patricia Jackson, who lives in Woodinville, WA. I suspect her story will sound pretty familiar to most Americans.

Patricia and her family have private insurance that is paid for each month through premiums that come directly out of Patricia's paycheck. But as is the case with many middle-class families, the burden of those premium payments is rapidly rising. To provide care for her family of four, Patricia paid \$840 a month in 2007. Then last year her payments jumped to \$900 a month. Today she is paying \$1,186 in premiums to provide care for her family every month.

Unfortunately, for too many families, Patricia's story isn't the exception, it is the rule. It is exactly what they are seeing in their homes with their premiums.

Health insurance premiums for working families in Washington State have