

Fortunately, the U.S. Court of Appeals for the DC Circuit—prior, I would add, to the confirmation of the three recent judges we have confirmed just in the last few weeks—concluded that this was a lawless act; that it was unconstitutional; that the President did not have the right to deem the Senate in recess when, according to the Senate's own rules, the Senate was in session. The Senate was not in recess.

That case today was reviewed by the Supreme Court of the United States. I had the privilege of sitting in the courtroom just across the street and watching those proceedings. I was pleased to see the checks and balances within our system were functioning—at least to the extent that we have our court system reviewing this act by the President of the United States. I think it is fortunate we have this kind of judicial system that can review it. Based on what I saw today and the quality of the arguments presented to the Court, I am hopeful the Court will reach the same conclusion. I am hopeful the Supreme Court will affirm the judgment entered by the DC Circuit.

In a broader sense it is sad, it is disappointing that it even had to get that far, and it is disappointing that the President of the United States was willing to engage in such a lawless act; that the President of the United States was willing openly to flout the plain text, history, tradition of the U.S. Constitution.

Ours is not a government of one. It was with good reason that the Founding Fathers split up the power, including the power to appoint people to high Federal office such that the President could nominate but the Senate got to confirm. By the President's approach, pursuant to which the President of the United States could himself deem the Senate in recess if he did not think the Senate was doing enough when it went into brief sessions, the President himself could substantially circumvent the advice-and-consent role the Founding Fathers and the Constitution wisely placed in the hands of the Senate.

The reason I said it is unfortunate it had to get to that level, it is unfortunate, first of all, the President felt it was OK, it was acceptable do this. He, of course, took an oath, not once but twice, to uphold, protect, and defend the Constitution of the United States.

It is unfortunate, secondarily, that there was not more of an outcry from this body. Sure, there were a lot Republicans who joined me in calling this action lawless, because it was. It was sad that none of our colleagues from the other side of the aisle—at least not publicly—were willing to acknowledge the lawlessness of this act. Some acknowledged to me in private that it was problematic. Some acknowledged to me that there were some implications behind this that threatened the Senate as an institution. But I think we need to be more open, more faithful, more forceful, and less partisan about the way we defend the Constitution of the United States.

To me it would not matter—if this were a Republican President I would be arguing with equal strength on this issue. In the future when we have a Republican President, if any Republican President is lawless enough to try this, I will oppose it with everything within me. We ourselves take an oath to uphold the Constitution of the United States. I think that involves doing more than simply leaving it to the courts to iron out the details.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

#### UNEMPLOYMENT COMPENSATION

Mr. HARKIN. Mr. President, first, I thank the Senator from Rhode Island and the Senator from Utah for agreeing to the way we worked this out so we could all have our time to speak on the Senate floor. I appreciate it very much.

Extending unemployment compensation benefits is one of the most important things, vital things we should be doing right now in Congress, both for the people who are unemployed but also for our economy. Our economy is improving—slowly. There are still 20 million Americans either out of work or marginally employed who want to work. Almost 4 million of those have been out of work for over 6 months. So, faced with this, it is reprehensible that Congress failed to extend Federal unemployment benefits at the end of last year, 3 days after Christmas.

To correct this failure, last week the Senate began considering a bill that was intended to extend those benefits, and I wholeheartedly support this effort. As our economy makes steady improvements on the long road of recovery from the great recession, we continue to support our fellow Americans who are out of work through no fault of their own. The way to do that is to restore Federal unemployment insurance programs for the long-term unemployed. But to garner the votes needed to pass the unemployment insurance extension, my colleagues on the other side of the aisle insisted we find a way to pay for it, through cuts to existing programs, cuts that one columnist for the Los Angeles Times said were Swiftian in their absurdity and cruelty.

I refer to the January 10 issue of the Los Angeles Times by Michael Hiltzik. It is titled "An awful idea: hammer the disabled to pay for unemployment benefits."

The first paragraph says:

It would take the pen of Jonathan Swift to fully describe Congress's willingness to beat up on the least fortunate members of society to protect the richest. The latest example is a plan to pay for a one-year extension of unemployment insurance by cutting Social Security benefits for the disabled.

First of all, I wish to say I do not believe that an extension of Federal unemployment insurance benefits needs to be offset. We have done it before. We did it under the Bush administration

and we have done it before and it has always been an emergency. It is just as if a hurricane hits or terrible storm; this is a terrible storm for people who are unemployed for long periods of time. Frankly, the recent budget deal we just passed reduced the deficit by \$25 billion. I disagree with having to find extra money. But the other side—the Republicans—says we have to find offsets. I guess I am reluctantly willing to do so.

However, the proposal before us would do so in one of the most pernicious ways possible. I guess the most positive comment I can make about it is it is comparatively less damaging than some of the amendments that have been filed by some of my Republican colleagues. But understand this. The proposal before us to extend unemployment benefits and to "pay for it," what it would do is it would deny individuals who have a disability and who are receiving Social Security disability insurance—it would say that if someone gets unemployment compensation, their disability payments will be reduced, dollar for dollar, for every dollar they get in unemployment compensation. That is bad enough. I will get into that in a second. Amendments filed on the Republican side would go further, and they would say if someone gets \$1 in unemployment compensation payments, they would lose all their disability rights, all their disability payments, and all their Medicare support that comes along with being approved for SSDI—Social Security disability insurance.

The proponents of these policies say that people with disabilities who receive disability insurance payments and unemployment compensation payments are double dipping. They claim this is a loophole; that somehow people who receive both are scamming the system. This is not true. This is simply not true. SSDI, Social Security disability insurance, is designed to address the needs of people with disabilities. Unemployment insurance is designed as a partial, temporary replacement of income for people who lost jobs through no fault of their own. They are two separate programs with two separate designed benefits. It is possible for an individual to be eligible for both.

How can this be? First of all, we have to disabuse ourselves of what we keep hearing on the Senate floor from my friends on the Republican side. They keep talking about disability insurance as though, if someone gets Social Security disability insurance, then they are unable to work. That is not true. That is simply not true. SSDI is set up as system to give some support while looking for work—or get a job and supplement that.

Under the law, people who qualify for SSDI, Social Security disability—I will just say disability. People who qualify for disability insurance can work and are encouraged to work, and they can make up to \$1,070 a month without losing their SSDI. Why is it? Because we

want people to work to the best of their ability—especially when they have a disability. People with disabilities also want to work.

Keep in mind the SSDI Program is not a freeloader program. When you work and get a paycheck, they take out FICA taxes, which is the Federal Insurance Contribution Act. There are three parts of it. You pay to an insurance program for Social Security, old age, and survivors. It is indemnity insurance so when you get old, you get a check. Most people think of it as Social Security. The second part is hospital insurance, or Medicare. The third part is disability insurance. If you don't work and you haven't paid your FICA taxes, you don't get SSDI.

Listen to this. An adult becomes eligible for disability insurance compensation when they have worked at least 10 years. You have to work at least 10 years and at least 5 years prior to getting Social Security disability, and you have to have earned at least \$4,800 a year. You have to earn at least \$400 a month for 5 years before you even qualify.

So this idea that I keep hearing about, oh, someone works for 4 weeks, and then they go out and file for disability and are on disability for the rest of their lives is nonsense. That is not true. Yet we keep hearing these stories going around and around. You will have worked at least 10 years and will have had earnings during at least 5 of the previous 10 years prior to receiving it, and you have to have made at least \$4,800 a year before you qualify.

Then let's say you do become disabled and file for disability. What is your chance of getting it? One out of three. For every three persons who file for Social Security disability insurance compensation, only one out of three actually gets it. Why is that? You have to go through a long evidentiary process—a medical evidentiary process—and the administrative law judge is going to send you back to get further opinions. So it is not something you just file and you get it. Only one out of three qualifies for it.

That is why if a person works and pays taxes—your FICA taxes—and is then laid off, they can get unemployment. But if they also qualify for disability insurance, they should get that if they paid into the system. People with disabilities who work and pay into that system can also be eligible for unemployment compensation. Why shouldn't they get that?

Listen to this. If we deny people with disabilities their right to the insurance they have paid for, we are discriminating against a group of people in a way that no other group is singled out. In other words, we are discriminating against you just because you are disabled. How do you like that? Is that what we are about? We are going to discriminate against you just because you are disabled. Because if you are not disabled, you won't be discrimi-

nated against. If you are not disabled, you will get your unemployment compensation. You might even be eligible for some other government programs, such as section 8 housing or something like that. We don't take that away.

God forbid you become disabled and you are working—you are disabled, you get a disability check, and you go to work. You can work and make up to \$1,070 a month. You are providing a little bit of extra income so you can live independently and maybe provide a few things for yourself. But you, and only you—if you get unemployment compensation, we are going to take away your disability payments. Only you. Nobody else. Nobody else is denied their full unemployment compensation. Under the bill we have, only people with disabilities will be affected.

Let me provide a real-life example of what this means to a real person. I will call him Henry. This is a real person. Henry lives in the District of Columbia. Henry has a disability. He is deaf, and he has other health problems on top of being deaf. But Henry worked. He worked for 10 years. He worked and paid his taxes, but then in his thirties, because of other health reasons, he couldn't continue to work full time so he went on disability and qualified for it. So now he is making \$740 a month on his disability insurance—\$740 a month. Well, he can earn up to \$1,070 a month, as I said, under the law and still get that. He can't work full time, but he likes to work. He wants to work. He wants to be a productive citizen, so he went out and got a part-time job consistent with his disabilities. He makes \$950 a month.

If you add \$950 and \$740, you get \$1,690 a month. Big deal. But I can tell you what that \$1,690 does for him. It allows him to live independently. It allows him to provide some payments for a support system. It allows him to sign up for cable TV. It allows him to go see a movie once in a while and maybe even go out and have a hamburger—\$1,690 a month. That is what Henry was doing.

Henry became unemployed. But now mind you, every month he worked and made \$950 a month, he paid his FICA taxes every month. Now he is unemployed. Well, what happens? He went on unemployment compensation and he gets \$520 a month. He gets \$740 for disability, \$520 for unemployment, which adds up to \$1,260 a month. It is a little over \$400 and some less than what he was getting when he worked full time. Still, \$1,260 a month allows him to live independently. It allows him to support himself.

Under the amendment that is in this bill, here is what happens: He gets his \$520 in unemployment, but his disability is reduced to \$220 a month. Now Henry is getting \$740 a month. What is he going to do? He won't be able to afford his apartment, let alone have cable TV. I don't know if Henry has cable TV. But \$740 a month?

No other person working in America and paying their FICA taxes is treated

like that—no one. And they still aren't unless this amendment is adopted, and then we will discriminate against you simply because you are disabled. I mean, you wonder what people are thinking about.

Yes, I have compassion for those who are unemployed. I would like to see our economy improve. We have to extend unemployment benefits but not at the expense of people who are on the lowest rung of our ladder—people with disabilities, who have paid into the system, and who have become unemployed. Henry wants to work. He wants to work. He wants to make that \$950 a month. Pernicious? Pernicious? That is just a fancy way of saying it is abominable that we would even consider it.

Henry is not double dipping. He is not scamming the system. He is not a slacker. He is not defrauding anybody. He is only getting what is rightfully his because he paid into the program. If people with disabilities are earning income, as Henry was, and paying into the disability insurance program, they should be eligible for that just as any other citizen who paid into that program. Again, to do otherwise would be to discriminate against someone just because they are disabled.

One of my proudest moments in my history here in the Senate—indeed, in the entire Congress—is when I stood on this floor as a chief sponsor of the Americans with Disabilities Act in 1990. When we passed that and President Bush signed it into law, the cheers went up. It was passed 25 years after the passage of the great Civil Rights Act of 1965. That was sort of the emancipation proclamation for people with disabilities. Because of that law, we have encouraged people with disabilities to work. They want to work. Now we want to break down the barriers, provide for accommodations and transportation and ramps and widen doors and all the other factors that make it possible for people with disabilities to get a job and go to work. It changed the system.

I can remember when we had the hearings. We had people come in and testify. Employers said they would hire people with disabilities, but sometimes they don't show up for work and this and that. Well, I looked into it, and I found out they couldn't get on the bus because the bus wasn't accessible. How are they going to get to work? They couldn't drive because they were in a wheelchair and they couldn't get on the bus. So we changed it. We made the buses and the metro accessible. Everything is accessible now. People with disabilities are working, and they want them to work.

Now we are saying to them, you can work. Like Henry, you can work, and you should. If you qualify for disability insurance, you can get your disability insurance and make up to \$1,070 a month because we would like you to work if you want to work. But if you are like Henry and pay into the system and become unemployed, you will go

from \$1,690 to \$740 a month simply because we are discriminating against you. What kind of signal does that send?

That is why this provision is opposed by members of the entire disability community, Arc, the National Disability Rights Network, the National Organization of Social Security Claimants Representatives, American Association of People with Disabilities, and on and on and on.

Mr. President, I ask unanimous consent that the letter expressing opposition to this proposal from these groups be printed in the RECORD at the end of my remarks.

I also ask unanimous consent that this article from the L.A. Times be printed in the RECORD at the end of my remarks.

As I pointed out, you hammer the disabled to pay for unemployment benefits? You sometimes wonder.

I want to be clear about one thing: I don't ascribe bad motives to anybody in this body—not in the least. As a matter of fact, I am told there will be a motion to strike this provision when we vote on the cloture on this tomorrow, and that is good. I hope it is generally supported by everyone here. So I don't ascribe bad motives, but what happens sometimes is we don't think these things through. Someone starts this thing, and they say these people are double dipping and scamming the system, and all of a sudden it sounds—oh, my gosh, yes.

But when you look into it and examine it, and you see these people have been paying their FICA taxes—they have been paying their taxes. But you say because you are disabled, you don't get it if you become unemployed.

We are busy around here, and we look at different things, so there are no bad motives. I take the floor to set the record straight and to let everyone know just what is at stake. Do we really, truly want to discriminate against 117,000 Americans? That is what the General Accounting Office said in a study done a couple of years ago—that there were about 117,000 Americans at any one time who are getting disability insurance as well as unemployment.

If Henry's health improved, and he was able to get a full-time job, he wouldn't get his disability. He would go back and start earning money full-time. So are we saying that somehow we are going to take away their incentive to work? No, I don't think so. I think it is just one of those things that comes up and people say they are double dipping and they are scamming the system. But, no, that is not what is happening at all. They pay into the system. It is insurance. They pay for it. They ought to receive it, and they shouldn't have their disability payments reduced because they are getting unemployment. They are two separate programs.

So I hope two things happen. I hope we can get cloture on the bill to proceed to extend Federal unemployment

benefits. But I also hope all of my colleagues will see the error of this part of the amendment and move to strike it. Fundamentally, it is the only right thing to do. So I hope we will do that. I hope we will begin to take a look more and more at disability insurance in terms of what it means, how it operates. The notion that, somehow, if a person gets disability insurance they cannot work—that is not true. A person can work. If a person is able to work, they can earn up to \$1,070 a month without losing their disability payments.

So I hope as we go forward, we will begin to shed more light and have a more enlightened discussion on this program and how it operates and why it is so essential to ensure that people with disabilities are not discriminated against in a manner that no other part of our society would be, if this provision were left in the bill.

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

CONSORTIUM FOR CITIZENS  
WITH DISABILITIES,  
Washington, DC, January 11, 2014.

U.S. SENATE,  
Washington, DC.

DEAR SENATORS: The undersigned members of the Consortium for Citizens with Disabilities are writing to express our opposition to proposals to eliminate or reduce Social Security Disability Insurance (DI) benefits for individuals who concurrently receive Unemployment Insurance (UI) benefits as a partial offset for extending the Emergency Unemployment Compensation (EUC) program.

The DI and UI programs have been established for different purposes and largely serve different populations. As highlighted in a 2012 report by the Government Accountability Office (GAO), less than one percent of individuals served by the DI and UI programs receive concurrent benefits.

At the same time, receiving UI and DI is not inconsistent. This has been the long-standing position of the Social Security Administration and of the courts. Individuals who receive concurrent benefits do so because they have significant disabilities that make them eligible for DI, and because they have also attempted to work at a low level of earnings but have lost their job through no fault of their own. According to the GAO, the average quarterly concurrent benefit in fiscal year 2010 was about \$1,100 in DI and \$2,200 in UI for a quarterly average of about \$3,300 in total benefits.

These benefits can be a lifeline to workers with disabilities who receive them, and their families. We are concerned about any cuts to these already modest benefits, and about the prospect of worsening the economic security of workers with disabilities and their families at a time when the economy continues to struggle.

Finally, we believe that changes to our nation's Social Security system should be carefully considered as part of discussions about how to strengthen Social Security, and that benefit cuts to Social Security should not be considered as part of offsets for other important benefit programs.

In closing, while we strongly support extending the EUC program, we oppose amendments to partially offset the costs by eliminating or reducing concurrent DI and UI benefits.

Sincerely,  
ACCSSES, The Advocacy Institute, The Arc of the United States, Association of University Centers on Disabilities

Autism National Committee, Autistic Self-Advocacy Network (ASAN), Community Legal Services, Inc., Brain Injury Association of America, Disability Rights Education & Defense Fund, Easter Seals, Goodwill Industries International, Health and Disability Advocates, Lupus Foundation of America.

National Alliance on Mental Illness (NAMI), National Association of Disability Representatives, National Association of County Behavioral Health & Developmental Disability, Directors National Council for Community Behavioral Healthcare, National Council on Independent Living (NCIL), National Disability Rights Network, National Multiple Sclerosis Society, National Organization on Disability, National Organization of Social Security Claimants' Representatives, TASH, United Cerebral Palsy, United Spinal Association, World Institute on Disability.

[From the LA Times, Jan. 10, 2014]

AN AWFUL IDEA: HAMMER THE DISABLED TO  
PAY FOR UNEMPLOYMENT BENEFITS  
(By Michael Hiltzik)

It would take the pen of Jonathan Swift\* to fully describe Congress's willingness to beat up on the least fortunate members of society to protect the richest. The latest example is a plan to pay for a one-year extension of unemployment insurance by cutting Social Security benefits for the disabled.

This flinthearted idea has been endorsed by Senate Democrats, of all people, who have written it into a proposal that could reach the floor as early as Monday. Its chief sponsor is Sen. Jack Reed, D-R.I., but it's got the support of Senate Majority Leader Harry Reid too.

Advocates for Social Security and for disabled workers are in a fully justified uproar over this measure for two main reasons: it uniquely burdens the disabled among all workers, and it sets a terrible precedent of raiding Social Security to pay for other social programs. As a coalition of disabled advocacy groups put it in a letter to Sen. Tom Harkin, D-Iowa, chairman of the Committee on Health, Education, Labor, and Pensions, the measure would mean "worsening the economic security of workers with disabilities and their families at a time when the economy continues to struggle."

How crucial is this offset for the federal budget, you fiscal hawks in Washington? It would save about \$100 million a year. That's less than three thousandths of a percent of the annual federal budget. Sure, fiscal responsibility has to start somewhere, but surely there are deeper pockets to mine than those of disabled people struggling to make ends meet.

The offset, moreover, is based on the unjustified treatment of disability pay and unemployment compensation as somehow two sides of the same coin, so that receiving one should disqualify you from the other.

The idea that disabled persons are "double-dipping" by collecting wages or other compensation while also getting a disability check is enshrined in conservative attacks on disability. But it's untrue. The Social Security disability program is designed as a bridge to full employment. Its benefits aren't intended as a substitute for wages, but a supplement.

As the Center on Budget and Policy Priorities observes, disabled beneficiaries can earn up to \$1,070 a month in wages this year without jeopardizing their benefits so they can "test their ability to return to work" and ease their transition back into the labor market.

The average monthly disability benefit was about \$1,130 last year and the average unemployment check \$1,200, so no one is getting

rich here. Add together the averages, and we're still talking about poverty level income for a family of four.

The coalition of disability groups points out that the unemployment and disability programs were designed for different purposes and for the most part serve different populations. But there is an overlap estimated at about 117,000 of the 8.9 million Americans receiving disability, according to Rebecca Vallas of the National Organization of Social Security Claimants' Representatives, a leading advocacy group.

These are people who have passed through the very stringent gauntlet necessary to qualify for disability benefits, and they've also worked long enough to become eligible for unemployment. There's no justification in law or logic for offsetting one benefit by the other.

Vallas and other advocates are especially nervous that this sort of proposal encourages lawmakers to view Social Security benefits as a "piggy bank" to pay for other social programs. "It's death by a thousand paper cuts to call this a pay-for" to cover the expansion of unemployment insurance, she says.

But the idea is becoming disturbingly common in Washington. The disability-unemployment offset also appeared in President Obama's 2014 budget proposal, which called it a "smart reform . . . (to) root out duplicative or wasteful spending." (The budget hasn't been passed.)

It's anything but a "smart reform": it's a hacking away at the safety net for the disabled and unemployed that only a Scrooge would contemplate. The very idea that we should bill the disabled to pay for benefits for the jobless suggests that our national standards of fairness and civilization have fallen very, very low indeed. This is a proposal that should die in its crib.

Mr. HARKIN. Mr. President, with that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

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

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

#### VERMONT ARMY NATIONAL GUARD

Mr. LEAHY. As the longtime co-chair of the Senate National Guard Caucus, I have the honor of advocating for the amazing men and women of the National Guard and of supporting their role in protecting our Nation, both at home and abroad. It is always a great pleasure for me to be able to point to the men and women of Vermont's own National Guard as an example of everything the National Guard does right. This weekend, a battalion of the

Vermont National Guard was honored with the Army's prestigious Valorous Unit Award for their service in Afghanistan. I recognized the achievements of this acclaimed unit last week here in the Senate.

I ask unanimous consent that an article from today's Burlington Free Press commemorating the award ceremony held January 12 in Norwich, Vt., and the amazing service that led to the award be printed the RECORD.

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

[From the Burlington Free Press, Jan. 13, 2014]

COMMENDED FOR COURAGE: GUARD UNIT, COMBAT MEDIC HONORED FOR ACTIONS IN AFGHANISTAN

(By Sam Hemingway)

Three years after the Vermont Army National Guard concluded its largest deployment since World War II, 600 members of the mountain infantry contingent were given a Valorous Unit Award on Sunday for their service in Afghanistan.

"You served in a very hostile area," Brig. Gen. Brian Carpenter told the soldiers as they stood in formation during a ceremony at Shapiro Field House at Norwich University in Northfield. "For a unit to be recommended, as you are, takes tremendous leadership."

The award, the second highest award a military unit can receive, honored the combat performance of the 3rd Battalion, 172nd Infantry while it was carrying out its 2010 mission in Paktya and three other provinces in eastern Afghanistan near the Pakistani border.

The unit was attached to the active Army's 101st Airborne Division and stationed at the Herrera and Rahman Kheyl combat outposts and at the Gardez forward operating outpost. The unit is largely made up of Vermonters, but includes soldiers from Maine and New Hampshire.

Also recognized during the ceremony was combat medic Sgt. Michael Mulcahy, who was awarded the Bronze Star for Valor for his bravery during a platoon ambush that claimed the lives of two Guard soldiers, Sgt. Tristan Southworth of Walden and Sgt. Steven Deluzio of Glastonbury, Conn.

Mulcahy who was assigned to the small Herrera outpost in Paktya province, braved enemy fire during back-to-back ambushes near Mullafatee village on Aug. 22, 2010, according to a narrative detailing his exploits.

Carpenter, reading a portion of the narrative to soldiers and attendees at the ceremony, described how Mulcahy "led the way uphill through accurate heavy volumes of enemy fire" in order to reach injured soldiers.

At one point, according to the narrative, Mulcahy used his body to shield a wounded Southworth from heavy enemy fire.

"Mulcahy moved with very little cover through RPG (rocket-propelled grenade) and extremely heavy machine gun fire to . . . Southworth," the narrative said.

After determining Southworth had died, Mulcahy again risked his life to treat another wounded soldier.

Mulcahy, described by a colleague at the ceremony as a "very humble guy" went up to Southworth's parents after the ceremony. The three exchanged long, tearful embraces.

"We are proud to know him," Julie Southworth, Tristan Southworth's mother, said of Mulcahy after the ceremony ended. She said the family had not met Mulcahy previously. Mulcahy told Guard officials he did not want to be interviewed.

Carpenter, speaking of the unit award, said the 172nd Infantry carried out 4,300 combat patrols during the Afghanistan deployment. Twenty-six members were awarded Purple Hearts for injuries sustained during combat, he said.

"Their expertise in bringing decisive combat power to bear on the enemy wherever and whenever needed set the conditions for overwhelming victory and represents a phenomenal effort," the unit award narrative said in part.

The unit also served in the only province where no civilians were harmed or killed during parliamentary elections in 2010. Paktya's turnout for the elections topped 94,000, a 15 percent increase over its turnout in the previous election.

The unit also worked on various economic development and governance projects, and helped train Afghan army, police and medics.

Attending Sunday's ceremonies were U.S. Sen. Bernie Sanders, I-Vt., Rep. Peter Welch, D-Vt., Gov. Peter Shumlin and Lt. Gov. Phil Scott, who had spent the day before as an honorary Guard member. John Tracy, a veteran and Vermont office director for Sen. Patrick Leahy, D-Vt., represented Leahy. All but Scott spoke briefly at the ceremony.

"This is a really emotional day for me," said Lt. Col. Robert Charlesworth, who was based at Gardez and oversaw the 172nd Infantry's operations in Afghanistan. "To finally see these guys and gals recognized for the accomplishments that they had in Afghanistan is very satisfying."

Charlesworth, who now works at the Pentagon as a staff planner with the Joint Chiefs of Staff, said the gains made by the infantry unit in Paktya have mostly held up since the deployment ended.

He said the outposts at Herrera, Rahman Kheyl and Gardez where the soldiers served have been either dismantled or substantially altered since the unit left Afghanistan.

Charlesworth said he's hopeful for the future of Afghanistan as the United States continues to withdraw combat troops from the country and wind down its operations there.

"It's a pretty pivotal moment in history right now in Afghanistan," he said. "We're in the final stages of trying to put together our bi-lateral security agreement with Afghanistan to try to solidify all of the gains we helped the Afghans build over there. I think the next year is going to be critical."

During the course of Sunday's ceremony, one of the soldiers in the unit collapsed as the result of an apparent seizure. The proceedings were halted briefly while several soldiers came to his aid. The soldier, who was not identified, was able to walk under his own power out of the building. Maj. Chris Gookin, the Guard's spokesman, said later Sunday he did not believe the soldier had to be hospitalized.

Two other of the 600 soldiers who stood during the hour-long event also grew faint during the proceedings and were assisted by their comrades.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO BERNICE JOSEPH

• Ms. MURKOWSKI. Mr. President, today I wish to honor the life and achievements of Bernice Joseph, who committed her life to improving our State through education reform and to ensuring the success of Alaska Native students.

As the vice chancellor and executive dean of the College of Rural and Community Development at the University