

S. 1315 is a comprehensive bill that would improve benefits and services for veterans, both young and old. The bill includes numerous enhancements to a broad range of veterans' benefits, including life insurance programs for disabled veterans, traumatic injury coverage for active duty servicemembers, and specially adapted housing and automobile and adaptive equipment benefits for individuals with severe burn injuries. In addition, the bill includes a provision that would correct an injustice done to World War II Filipino veterans over 60 years ago. It grants recognition and full veterans' status to these individuals, both those living inside and outside the United States.

Many Americans have forgotten that during World War II, the Philippines was not an independent nation as is the case today. The Philippines, along with Puerto Rico and Guam, was ceded to the United States in 1898 following the Spanish-American War. Although plans for Philippine independence from the United States were underway when World War II broke out, the United States government controlled the defense and foreign relations of the Philippines when the war began. It was not until 1946, after the end of World War II, that the Philippines became an independent nation. As a result of this relationship, Filipino veterans who fought under the United States Command were United States veterans until that status was taken away by Congress in 1946.

S. 1315, the bill as passed by the Senate, would overturn a 2006 decision of the United States Court of Appeals for Veterans Claims in the case *Hartness v. Nicholson*. The *Hartness* decision provided that certain veterans, those who receive a service pension benefit based solely on their age, qualify for additional benefits that are provided to very severely disabled veterans, a result not intended by Congress. The savings generated from overturning this court decision would pay for many provisions in the bill, including pension for Filipino veterans.

Despite the fact that the purpose of the provision in S. 1315 which reverses the *Hartness* decision is to do nothing more than restore the clear intent of Congress, it has been mischaracterized by some as an attempt to withdraw benefits from deserving veterans in order to fund benefits to Filipino veterans. That is simply not the case. Such accusations fail to appreciate the facts of the matter that led the Senate to take corrective action.

VA nonservice connected disability pension benefits have historically been paid to wartime veterans with low incomes who are disabled from conditions not connected to their service. Under current law, wartime veterans who receive pensions based upon disability are eligible to receive certain additional benefits if they are totally disabled and are also housebound, blind, or need the aid and attendance of

another person to perform daily activities.

The statutory provision involved in *Hartness* was enacted in 2001 so as to provide a service pension, not based on disability, to certain veterans. Under this law, older, low income wartime veterans are eligible for a service pension at age 65, without the need to demonstrate any disability. This service pension, which is similar to one provided many years ago to veterans of the Spanish American War, is found in the service pension section of the statute, not in the section of the law where pension for disabled veterans is found.

The court in *Hartness* ruled that elderly persons who are not totally disabled, but who receive a service pension based on age, could also receive the extra benefits available under the disability pension benefit program, even if they did not meet the threshold requirement of total disability. In so doing, the *Hartness* court failed to demonstrate an understanding of the difference between a service pension and a pension based on disability.

In passing the service pension law in 2001, Congress clearly created a separate program and did not intend the result in the *Hartness* decision. Congress intended that veterans who were disabled would receive benefits under the disability pension program, with the opportunity to receive the extra benefits if they were more seriously disabled. Veterans who met the age threshold, but who were not disabled, would receive benefits only under the service pension program, with no basis for receiving the extra benefits. The intent of this action was to create a bright line distinction between the two pension programs, but the actual statutory construction allowed for ambiguity, leading the court to misinterpret the law.

The provision passed by the Senate in S. 1315 would overturn the *Hartness* decision so as to reaffirm that the extra pension benefits are only for those severely disabled veterans who receive pension on the basis of being totally disabled. This result conforms to the original Congressional intent of reserving the special additional benefits for those who demonstrate the greatest need based on disability, not simply those who attain a certain age. Even with the repeal of *Hartness*, aged veterans who are totally disabled and who are also housebound or in need of aid and attendance would still qualify for additional money under the non-service connected disability pension program.

S. 1315 is now pending in the House of Representatives and there is some opposition to the bill that seems to stem from a misunderstanding of the purpose of VA pension benefits and the *Hartness* decision. Critics of the bill have suggested that it arbitrarily redistributes scarce VA benefits to the benefit of individuals to whom our government has no responsibility. These critics fail both to understand the his-

tory of the provisions construed in the *Hartness* decision and the service of Filipino veterans. Restoring the original purpose of the service pension law would provide the savings needed to pay for increased benefits for veterans with service-connected disabilities as well as justice for Filipino veterans of World War II.

COMMENDING CHECKPOINT ONE FOUNDATION

Mr. SMITH. Mr. President, today I wish to commend the work of the Checkpoint One Foundation, a non-profit organization based in Oregon. Checkpoint One assists Iraqis who have served as translators with the U.S. military. Under recent legislation authored by myself and my distinguished colleague Senator KENNEDY, many of these Iraqis are seeking refuge in the United States from persecution in Iraq.

Checkpoint One was founded by Jason Faler, one of many Oregonians drawn to public and humanitarian service. Jason served as a military intelligence officer with the Oregon Army National Guard in Iraq, where he worked with many brave Iraqis who risked their lives assisting U.S. troops. These Iraqis are far more than just people who translate Arabic to English; they are cultural advisers and loyal friends who help our soldiers survive in every dangerous and unfamiliar corner of Iraq. They stand shoulder to shoulder with Americans, facing the same bullets and bombs, but often without the same protections. In the face of death threats and attacks on them and their families, these Iraqis provide invaluable service to coalition forces. We are morally obligated to come to their aid, as they have come to ours.

In response to this obligation, Senator KENNEDY and I introduced The Refugee Crisis in Iraq Act last year to help bring translators and other Iraqis in peril to the United States. The act passed and was signed into law in January 2008. Unfortunately, more than 4 months later, key provisions of the law have not been implemented. The State Department and Department of Homeland Security have still not described how they plan to meet their new obligations. In-country processing is not available for Iraqi translators and others who are persecuted but unable to get out of Iraq. Translators remain waitlisted, in spite of the fact that 5,000 new special immigrant visas are supposed to be available to them. Instead, Iraqi translators remain in danger in the red zone, their path to safety still blocked by bureaucratic red tape.

Many of the interpreters who apply for these visas are living on borrowed time, actively hunted by an insurgency which has brutally murdered their friends and colleagues. The three families that Jason began helping with the application process in the fall of 2006 arrived in September 2007, January 2008, and March 2008, respectively. One family was kept waiting in Jordan for

over 5 months, and never given a sufficient explanation of the delay in their case.

This is an unacceptable way for the United States to treat Iraqis who have loyally served with our soldiers at great personal risk. Groups like the Checkpoint One Foundation are invaluable in helping the United States repay our debt to those Iraqis translators to whom we owe so much. Jason Faler, the Checkpoint One Foundation, and similar organizations should be highly commended.

ADDITIONAL STATEMENTS

HONORING BRENDA ZODY

• Mr. BAYH. Mr. President, today I honor a great Hoosier teacher, Brenda Zody, whose many accomplishments during 39 years as an Indiana educator serve as an example for us all. As Brenda prepares to retire from service to the children of Indiana, it is appropriate that we take a moment to give thanks to her for all she has offered to those she has reached throughout her career.

Brenda is a native of Martinsville, IN, and is a 1966 graduate of Martinsville High School. She received both her BS and MS degrees in education from Indiana State University, and began teaching in 1969 in Flint, MI. She moved back to her home state after a year, becoming an elementary school teacher at Staunton Elementary in Clay County, IN, while living in Vigo County.

In 1979, she returned to Martinsville with her family and began teaching second grade at Green Township Elementary, where she herself attended first, second and third grade as a child. She began teaching fourth grade in the late 1980s. During her time as a fourth-grade teacher, Brenda was involved heavily in the "Computer at Home/Buddy Project," an innovative education network which provided fourth and fifth graders across the State with take-home computers. She made it a point to take her students each year on Indiana history field trips, such as the Indiana Statehouse, the James Whitcomb Riley Home, the Benjamin Harrison Home, the new and old Indiana State museums, historic Vincennes and McCormick's Creek State Park. In addition, she was also heavily involved in the continuation of annual visits by Martinsville students to Cross School, one of Morgan County's only surviving one-room schoolhouses. Here, dressed in period clothing, students spend a day learning what school meant to children generations ago.

Brenda consistently went above and beyond the expectations of her post and, in doing so, imparted a love for the State of Indiana on her students. For these efforts, she was awarded the 2003 Wal-Mart Teacher of the Year award in Martinsville. She also played a critical role in developing the first

written history of Green Township Elementary School. Today, Brenda resides in Morgan County on property that has been in her family for about 100 years. She is the mother of John Zody of Bloomington and Erin Zody Kaiser of Greenville, and is grandmother to Gavin and Ruth Kaiser. Brenda's parents are Bill and Ruth Hammans of Martinsville.

As Brenda prepares to retire from the Metropolitan School District of Martinsville, I am reminded of a quote by Henry Brooks Adams, "A teacher affects eternity; she can never tell where her influence stops." While no longer in the classroom, her influence upon the students she has taught will continue to be felt for generations to come.●

REMEMBERING HARVEY KORMAN

• Mrs. BOXER. Mr. President, today I ask my colleagues to join me in honoring the memory of a very special man, Harvey Korman of Los Angeles County, who died May 29, 2008. He was 81 years old.

Harvey Korman was a man of many talents and will be fondly remembered for his work in Hollywood as a comedic actor.

Harvey Herschel Korman was born to Ellen and Cyril Korman on February 15, 1927, in Chicago, IL. Interested in acting as a child, Harvey was signed by a local radio station when he was 12 years old. After serving in World War II, Harvey came back to Chicago to attend the Chicago Institute's Goodman School of Drama. After his studies at the Goodman School of Drama, Harvey moved to New York City, where he spent several years trying to find roles in Broadway theater productions.

After 13 years in New York, Harvey moved to Hollywood in the early 1960s. In 1964, Harvey was hired by Danny Kaye to be a part of "The Danny Kaye Show" ensemble. He stayed with the show for the next 3 years before joining the "Carol Burnett Show" in 1967. Harvey's versatile acting abilities played a critical role in explaining the success of the Burnett show, which appeared without interruption in television's top 10 during its 11-year run. It was through the "Carol Burnett Show" that Harvey also met one of his closest friends, Tim Conway. Through their many years together performing on the "Carol Burnett Show," Korman and Conway formed one of television's most formidable comic teams.

On the big screen, Harvey made more than 30 films, including four comedies directed by Mel Brooks: "Blazing Saddles," 1974; "High Anxiety," 1977; "History of the World Part 1," 1981; and "Dracula: Dead and Loving It," 1995.

Those who knew Harvey Korman recognized him as an animated and brilliant man. He took pride in promoting comedy to audiences worldwide. His work in comedic film and television will be remembered fondly by all those whose lives he touched. He will be deeply missed.

Harvey is survived by his wife Deborah Fritz and his four children: Kate, Laura, Maria, and Chris.●

REMEMBERING J.R. SIMPLOT

• Mr. CRAPO. Mr. President, Idaho lost one of her native sons on May 25, a man who put Idaho on the map and made "Famous Potatoes" synonymous with Idaho across the world. John Richard "J.R." Simplot passed away at the age of 99, leaving a legendary legacy of hard work and shrewd business dealing—a pioneer in every respect. Who would have thought that a young man, with no more than an eighth grade education who used to hunt wild horses to feed hogs—his first business venture as a teenager—would put Micron on the global map some 50 years later? Among other things, J.R. can be credited with catapulting the ubiquitous McDonald's French fry to worldwide fame.

By the reckoning of some, J.R. Simplot is responsible for the employment of 14,000 Idahoans today, as well as the establishment of many Boise retail and hospitality centers such as the Boise Centre on the Grove, the Boise Factory Outlet and the Qwest Arena.

Those of us who knew him knew a man with a colorful personality and a resolute sense of self and what he believed in. He was a dogged businessman, as comfortable in his role in convincing President Reagan to support U.S. business interests as he was wandering into a campground near his cabin to visit with folks around the fire. His personality was as multifaceted as the organizations and institutions to which he gave millions of dollars. J.R. donated to multiple causes including millions of dollars to Boise State University and other Idaho institutions of higher learning, the Ronald McDonald House, the Boys and Girls Clubs, the arts, Idaho Public Television, the Boise Zoological Society, Boise area medical centers, the YMCA and public libraries. Being rated by Forbes as one of the top 100 wealthiest Americans, and the oldest living billionaire in the United States, didn't change J.R.'s outlook on life, nor his habit of driving to McDonald's to eat a few times a week. In his trademark pragmatic way, he outlined for Esquire Magazine, at age 92, what it takes to be successful in business. He compared business to playing a game of marbles: "Each man has his own taw, and if he gets good with that taw, he can knock the hell out of some marbles. And he can win, but he has to have strong fingers and the right aim. It's like anything else: You got to work at it."

J.R. was a no-nonsense, down-to-earth, highly perceptive businessman, entrepreneur and philanthropist. Idaho can be proud of his incredible legacy.●

TRIBUTE TO STEPHEN TERRY

• Mr. INHOFE. Mr. President, I would like to congratulate Mr. Stephen Terry