

We could make Kool-Aid whenever we wanted to. Simple things. They could go outside and walk in the neighborhood. They got a little dog, and they could walk the dog in the neighborhood—something they could not do in the nursing home. That is another part of the bill—very closely aligned with the CLASS Act, but it pertains to those people with disabilities right now.

We know, again, from data and statistics we have that by paying for personal care services and home care services—and you might say that is really expensive. But we know from data that we get three for one. In other words, for every one person in a nursing home, for what that costs, we can provide community and home-based services for three people. That is three people for every one in a nursing home. So in a way, yes, it costs money, but for every person we get out of a nursing home, we can pay for three living in the community. Again, that is not to mention the kind of quality of life I just mentioned.

This bill for the first time creates the community first choice option, which gives States an extra share of Federal money—6 percent—if they agree to provide personal care and services to all eligible people in their State—I mean those eligible for institutional care. If they provide that to them, then they get a bump up. And only by making personal care services available on an equal basis to all those eligible can we satisfy the promise of the Americans with Disabilities Act and really meet the Supreme Court mandate in the Olmstead decision.

I say to my friend from Pennsylvania, there are two aspects of the bill. One is the CLASS Act, which looks ahead and provides that peace of mind that people know they can have that access. Then we provide for people with disabilities who are living out there, fearful that the only thing that will happen to them is they will have to go to a nursing home. Now we are going to say to States: You provide community- and home-based services, and we will give you more money to do so through your Medicaid Program. Hopefully, with that, the States will begin to move more rapidly to fulfill the mandate of that Supreme Court decision.

I thank my friend for yielding me this time to explain that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CASEY. Mr. President, I ask unanimous consent that on Friday, December 4, after any leader remarks, the Senate then resume consideration of

H.R. 3590 with debate only in order until 11:30 a.m., with no amendments, motions to commit, or any other motion, other than a motion to reconsider a vote, if applicable, in order during this period, except those that are currently pending, with the time after the leader time equally divided and controlled between the leaders or their designees, with the majority controlling the first portion of time.

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

#### MORNING BUSINESS

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

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

#### TRIBUTE TO JEFFERY D. RUPERT

Mr. REID. Mr. President, I rise today to recognize the work of Jeffery D. Rupert, who served as executive assistant to the U.S. Capitol Police Board from August 2003 to December 2009.

Pursuant to Public Law 108-7, section 1014(c) Congress established the position to act as a central point for communications and enhance the Police Board's work. In his capacity as the first executive assistant to the board, Mr. Rupert built the job from the ground up, developing policies, initiating procedures, and establishing an archival system which will serve as a historic chronicle of board security decisions.

Mr. Rupert contributed greatly to the safety and security of the Capitol Complex during his tenure, which included board support for two Presidential inaugurations, two dozen joint sessions of Congress, and other major special events and demonstrations.

Additionally, Mr. Rupert's regular daily duties enhanced the overall effectiveness and efficiency of the board's oversight activities. Whether he was coordinating a meeting or writing legal analysis, Mr. Rupert paid great attention to detail.

His more than 6 years of work were critical in supporting preparations for potential terrorist attacks and included a vast span of expertise in law enforcement, safety, and security issues. He served the USCP and the Capitol Police Board honorably in the aftermath of the ricin attacks.

Mr. Rupert served as a liaison with other congressional and executive branch entities to include the Department of Homeland Security, the Federal Bureau of Investigation, the Central Intelligence Agency, the Department of Defense, and many other agencies. As a liaison, Mr. Rupert provided information concerning national level issues including continuity of government and continuity of operations for the U.S. Congress. His personal and

professional contacts ensured seamless sharing of vital intelligence, and the Capitol community was well served during his stewardship.

I understand Jeff has accepted a high-ranking position at the Pentagon. On behalf of the entire Senate, I wish Jeff the very best in his future endeavors and offer him heartfelt thanks for his service to Congress and the American people.

#### HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS KIMBLE A. HAN

Mr. HATCH. Mr. President, I rise today to pay tribute to PFC Kimble A. Han who made the ultimate sacrifice for his country on October 23, 2009, in Afghanistan. According to initial reports, Private First Class Han died of injuries sustained when an improvised explosive device detonated near his vehicle.

Private First Class Han was assigned to the 569th Engineer Company, 4th Engineer Battalion, Fort Carson, CO.

Private First Class Han enlisted in the Army in January of 2008 and by December was assigned to the combat engineers. He exhibited an astounding sense of devotion to duty in service to our great Nation. He received numerous recognitions, medals and ribbons for his service, including the National Defense Service Medal, the Afghanistan Campaign Medal with Campaign Star, the Global War on Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon and Combat Action Badge. As a result of his heroic service, Private First Class Han was posthumously promoted to specialist. The selfless courage Kimble displayed in the service to our country will not be forgotten. We are forever in his debt.

Mr. President, let us not forget the sacrifice of PFC Kimble A. Han. I am filled with deep gratitude for his service and pray for his family and friends throughout this difficult time. I know that I am joined by all my colleagues in the Senate in mourning the loss of PFC Kimble A. Han, our Nation's protector and hero.

SERGEANT JAMES MICHAEL NOLEN

Mr. President, I rise today to pay tribute to SGT James Michael Nolen who was killed in the line of duty on November 23, 2009, in Zabul, Afghanistan. Sergeant Nolen sustained fatal wounds when enemy forces attacked his vehicle with an improvised explosive device.

SGT James Nolen served with the 2nd Battalion, 508th Parachute Infantry Regiment, 4th Brigade Combat Team, 82nd Airborne Division, Fort Bragg, NC.

Sergeant Nolen truly exemplified the qualities of a dedicated soldier and hero. A fellow paratrooper conveyed that "Sergeant Nolen was a true soldier. Nothing could take away from his warm personality. His caring smile and willingness to help others were his most identifiable features."

James exhibited an astounding sense of devotion and duty to our great Nation. He received numerous recognitions, medals and ribbons for his service including the Bronze Star Medal, the Purple Heart Medal, the Army Commendation Medal, the Army Achievement Medal, the Army Good Conduct Medal, the National Defense Service Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, the NATO Medal, the Combat Infantryman Badge and the Basic Parachutist Badge.

Mr. President, I express my deepest appreciation for the selfless dedication this soldier proudly exhibited in service to our country. He courageously put himself in harm's way to defend us, and for that we owe him an infinite debt of gratitude. I offer my deepest condolences and prayers for James' family and friends during this difficult time. I know that I am joined by all my colleagues in the Senate in mourning the loss of SGT James Michael Nolen, our Nation's protector and hero.

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#### NOMINATION OF JACQUELINE NGUYEN

Mr. BEGICH. Mr. President, I want to comment today on the confirmation earlier this week of the Honorable Jacqueline Nguyen to be judge on the U.S. District Court for the Central District of California. Unfortunately, I was delayed in my return from Alaska, and I was unable to be here for the vote. Had I been here, I would have proudly cast my vote along with the rest of my Senate colleagues to confirm this highly qualified and well-respected jurist. Upon her confirmation, Judge Nguyen made history by becoming the first Vietnamese-American to serve as a U.S. district court judge in U.S. history.

I applaud the judge's unanimous confirmation by the Senate as an example of what we do all too infrequently, I am afraid—recognizing a public need and to acting appropriately and expeditiously to address it. I commend the President for heeding the recommendation by our colleagues from California and nominating a woman of obvious talent. The President nominated Judge Nguyen, I am sure, because he perceived in her a combination of the education, experience, and temperament appropriate for a life-tenured position on the federal bench. Her unanimous "well qualified" rating from the American Bar Association's Standing Committee on the Federal Judiciary, earned after an 18-year career in the law, including nearly 7 years as a California Superior Court judge and roughly the same amount of time as an assistant U.S. attorney in the same district in which she will now serve as a Federal judge, would seem to be completely justified. I have little doubt that Judge Nguyen will be an outstanding Federal judge.

As impressed as we all should be with her qualifications, I believe we can all

look at the details of Judge Nguyen's life as a truly great and quintessential American story. Born in Da Lat, Vietnam, Judge Nguyen and her family were able to escape the approaching North Vietnamese and Viet Cong armies, departing Saigon in 1975 on a crowded helicopter as gunfire could be heard in the background. The Nguyen family was part of the great wave of Vietnamese immigrants who left their homeland to escape the Communist takeover. After stops in refugee camps in the Philippines and on Guam, the Nguyens made their way to California, spending several months living in a tent on the grounds of the Marine base at Camp Pendleton. The Nguyens eventually settled in La Crescenta. The judge, her siblings, and their mother cleaned dental offices after school and at night, while her father studied to be a computer programmer and worked in a gas station at night and on weekends. Eventually, her parents purchased a doughnut shop in North Hollywood. Judge Nguyen says she often did her homework during high school between shifts at the doughnut shop and also worked there while she was earning her degree from Occidental College. She would ultimately earn her law degree from UCLA.

I do not know Judge Nguyen, but I am impressed by her accomplishments and the drive she and her family have shown in coming to this country and embracing the opportunities the United States offers its citizens. I recognize in her story the same drive and love of country that I have seen among the Vietnamese-American citizens of Alaska. The United States is a nation made great in part by its diversity. I personally take pride in serving alongside our first African-American President, and at the same time as our first Vietnamese-American Federal judge. Still, as much as the confirmation of this highly qualified woman is an example of the possibilities available to all Americans, I cannot help but believe it is being hailed today as a point of immense pride by the Vietnamese-American community in my home State of Alaska, in Judge Nguyen's State of California, and all across this country. I extend the judge, and the Vietnamese-American community, my sincere congratulations.

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#### STEM EDUCATION

Mr. KAUFMAN. Mr. President, a few weeks ago the Department of Education released application guidelines for the Race to the Top competitive grant program. I am very encouraged that these guidelines include a competitive preference for science, technology, engineering, and mathematics—or STEM—education. I commend the Department for its foresight.

Throughout the year, I have spoken many times about how important a focus on science and engineering is to our continued economic recovery. Engineers and scientists have always been

the world's problem-solvers. They will help us to solve the challenges of clean water; lifesaving cures for cancer and disease; clean, renewable petro-free energy; affordable-health care; and environmental sustainability.

Yet, if we are to tackle these immense challenges, we can no longer wait to begin training our Nation's future STEM professionals until after they leave the K-12 education pipeline. That is why I am so pleased that the Race to the Top grant application emphasizes STEM education. This is just the kind of attention STEM education needs.

The Race to the Top fund is designed to reward States that have been successful in raising student achievement and have superior plans to accelerate education reform. State grant applications must, of course, focus on certain core education reform areas. However, an emphasis on STEM education is considered a competitive preference priority worth 3 percent of a State's application score. It is the only competitive preference in the Race to the Top application guidelines. Applicants will earn all or none of the designated points, thereby truly rewarding sound initiatives.

To meet this priority, each State must offer a rigorous course of study in STEM education. They are encouraged to collaborate with industry professionals, universities, research centers, museums, and other STEM-focused community partners. Additionally, each State must have a plan for preparing and assisting teachers in integrating STEM throughout the curriculum. This includes offering applied learning opportunities and relevant instruction for students.

There are some successful STEM education programs already in operation throughout the country. A study released by the National Academy of Engineering in September highlighted a handful of K-12 engineering curriculum projects. Other education-based initiatives are also spurring interest among our youth. For example, there is a remarkable afterschool program in Wilmington, DE, that I recently spoke about here in the Senate. It inspires high school students to pursue careers in STEM fields by teaching them how to build robots. It is a great program. All too often, though, these types of opportunities have not been available to all of our Nation's students. The Race to the Top grants will bring more opportunities to more students.

Perhaps the most important component for meeting this grant priority is that States' plans must prepare more students to pursue college majors and careers in STEM. They must also specifically address the needs of women and underrepresented minorities. The United States cannot maintain its position as a technological leader nor can we solve the problems we face without a diversity of perspectives and participation.