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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, the giver of every good and perfect gift, thank You for the favor which You have given to humanity. We are grateful, Lord, for the nobility You have placed in human hearts that enables us to toil until we pass the breaking point and still not break. Thank You that You have enabled us to love until even self is forgotten. Thank You also for those who willingly sacrifice even life itself for the things they hold dear. Thank You that goodness always haunts us and sin ever brings its remorse.

Thank You for the Members of this legislative body who labor to be Your ambassadors of reconciliation in a divided world. May they commit their time, effort, and resources to formulate public policy in keeping with Your will for our beloved Nation.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 14, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader time, there will be a period of morning business for up to 1 hour, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half. Following morning business, the Senate will resume consideration of H.R. 980, the collective bargaining legislation. Rollcall votes are expected to occur throughout the day.

Debate on this legislation has been exemplary. All amendments to this point that have been offered relate to labor issues. That is important. This is a bipartisan bill. We should be able to legislate on this, hopefully get it completed in the near future. There is a lot of pent-up desire on both sides to offer amendments on all different issues, but I think we would get more done if we could focus on this legislation.

I indicated to Senator ENZI, who was so involved in this, how we would proceed. He has been, as he always is, a gentleman. Senator KENNEDY and Senator ENZI didn't get everything worked out on this piece of legislation that they wanted prior to coming to the floor; therefore, Senator ENZI feels an obligation to offer some amendments to take care of some of the issues he believes are important, and I support him on that.

MEASURE PLACED ON THE CALENDAR—S.J. RES. 32

Mr. REID. Mr. President, S.J. Res. 32 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the resolution by title for the second time.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 32) limiting the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Saudi Arabia.

Mr. REID. I object to any further proceedings with respect to the joint resolution.

The ACTING PRESIDENT pro tempore. Objection having been heard, the joint resolution will be placed on the calendar.

FARM BILL CONFERENCE

Mr. REID. Mr. President, before turning this over to the Republican leader, we have worked long and hard on the farm bill. It is a bipartisan bill. It has been a struggle to get where we are. I so appreciate the work done by Senators who are responsible for bringing this to the floor, Senators HARKIN and CHAMBLISS, BAUCUS, GRASSLEY, and a lot of other players who are involved. It is a very important piece of legislation. We expect to turn to the farm conference report as soon as we receive it from the House. We even will try to do it before it comes here, if we can get a consent agreement. We hope we can limit debate on this matter and get it out of here.

Remember, this week we have to hopefully dispose of the collective bargaining legislation. We have to take

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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care of the farm bill. We have to appoint conferees on the budget. We also have to dispose of, because we have a statutory problem, the media cross-ownership issue. There are 10 hours of debate on that. I hope we can limit that significantly. Those are the items we need to complete this week—this week—and it is already Wednesday.

RECOGNITION OF THE MINORITY LEADER

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

COMMEMORATING 60 YEARS OF ISRAELI STATEHOOD

Mr. MCCONNELL. Mr. President, more than a hundred years ago, the Hungarian journalist Theodore Herzl set into motion a political movement that would change the world.

Herzl's vision for a Jewish homeland would not be realized in his own lifetime, but the nation that would become the modern State of Israel would have exceeded even his dreams of a prosperous home for the descendants of Abraham, Isaac, and Jacob.

In the nearly 2,000 years that had passed since the exile, the Jewish people had remained faithful to their traditions, praying and hoping for their eventual return. That right was acknowledged in the Balfour Declaration of 1917 and reaffirmed by the mandate of the League of Nations in 1922. The horrors of the Nazi Holocaust made Israel's establishment all the more urgent, and had created among the American people a deep sympathy for the aspirations of the Jewish people. At the stroke of midnight, on this day in 1948, the modern State of Israel was born, and just eleven minutes later, here in the U.S., President Truman recognized the new state, solidifying for all time the bond between our two countries.

A deep friendship between America and Israel is natural, given the many political and moral values we share. But our strong diplomatic ties were far from inevitable. Historians tell us that recognition was strenuously opposed by Secretary of State George Marshall, a foreign policy realist who valued strategic interests over humanitarian concerns. In this case, Marshall was overridden by his Commander in Chief, who, following the Holocaust, saw the moral and humanitarian imperative of the Jewish people having their own state. Despite President Truman's deep respect for Marshall, it was a decision that Truman would never regret.

The U.S. Congress, it should be noted, had spoken out on the issue long before recognition was sought. As far back as 1922, Congress expressed its sympathy for a sovereign homeland for the Jewish people. It would take two more decades for that state to come about, but when it did Congress and the American people were ready once again to express overwhelming support.

In the decades since the birth of the modern State of Israel, much has changed. This desert land has in many ways become ''a land that floweth with milk and honey.'' In this, it reflects the ingenuity and the resourcefulness of the Israeli people.

Over time, the U.S.-Israeli relationship has only grown stronger. A bond that was originally based largely on moral grounds and shared values has been fortified by shared strategic interests.

While some Arab states recognize Israel, most do not. And Israel faces numerous threats, including an existential threat from Iran.

Yet on this day of celebration, it is my fervent hope that Israel will soon celebrate its birth as a state that is recognized by all its Arab neighbors, safe from the threat of terror. Until then, I know my colleagues and I will do everything in our power to ensure that the U.S.-Israeli relationship is robust, and that the Jewish state has all it needs to defend itself.

On this anniversary, we send our best wishes and every expression of heartfelt goodwill and congratulations to the Jewish people.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Ohio.

COLOMBIA FREE TRADE AGREEMENT

Mr. BROWN. Mr. President, in a little more than 2 hours, I will join members of the United States and Colombian labor organizations at a news conference speaking out against human rights abuses in Colombia, speaking out against the pending free-trade agreement that would ignore those abuses and, in some sense, excuse them. Much of the talk about this agreement centers around the violence and impunity in Colombia, especially as it relates to trade unionists. And for good reason. International organizations, human rights and religious groups look at Colombia's record with alarm and urgency. Human rights defenders, trade unionists, community leaders, and religious leaders are today, in too many cases, receiving death threats from rearmed paramilitary groups such as the Black Eagles and are reeling from a new wave of violence.

Before, during, and after a countrywide rally on March 6, 2008, against paramilitary and all forms of violence, at least two march organizers were killed. Union leaders Carlo Burbano and Carmen Cecilia Carvajal were killed for simply trying to voice their views. Three other social leaders were killed in events that also were associated with the march. March organizers all over the country received death threats. One organizer's house was attacked with gunfire on February 29. Those human rights issues are serious. Yet the administration takes them in stride, barely acknowledging the Colombian culture of violence and then impunity, in too many cases, for those who committed those violent acts.

In a short while, I will stand with nearly a dozen brave women and men who have come to Washington to give witness to the horrific danger they and their loved ones face every day. These brave men and women face threats to their jobs, their families, their homes, and their lives. They are under threat because they have taken a stand. They have fought for labor and human rights in Colombia.

One message I want them to take back to Colombia is that we are not taking lightly what is happening to them. The administration may be taking it lightly, but an awful lot of people in the House and Senate and an awful lot of Americans don't take this lightly. We will push the Bush administration to take a stand against the violence occurring in Colombia instead of glossing over it.

The President must not forsake our Nation's values, our profound respect for the rule of law, and our Nation's hard-won progress on behalf of labor and human rights and basic rights. Again, the President must not forsake our Nation's values and our profound respect for the rule of law or our hard-won progress to establish labor, human, and basic rights. The President must not forsake our values or dismiss the sacrifices of so many.

The Colombian Government has taken steps to strengthen legal institutions and processes—I acknowledge that—but the bottom line is the violence is not subsiding. Murders of labor leaders continued at a pace of one per week already this year.

Some newspapers have said the violence is down—and although it was down last year, now it is back up—and we should move on with this Colombia trade agreement because the violence is down. But when there is one labor activist killed every single week, it is hard to say that is an acceptable level. That is what people in the administration are saying. That is what some newspapers are saying, that that is an acceptable level of violence. No, we should not approve a trade agreement when that kind of violence is aimed at too many labor activists.

For the sake of both our nations, the United States should not sign a trade

deal with Colombia that shortchanges workers, that rewards polluters, that gives businesses the same power as sovereign governments. Later, I will talk more about a part of this trade agreement and how it does reward polluters and gives businesses the same power as sovereign governments. In many cases, corporations will be able to override the democratically attained rule of law, rules, and regulations. More on that later.

Back to the issue at hand with Colombia, we absolutely should not sign a trade deal that forgives treachery toward labor leaders, that says it is OK that these labor leaders are murdered. We in this body will fight alongside our Colombian labor friends for fair trade, and we will fight for their efforts to end the violence.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

FARM BILL

Mr. TESTER. Mr. President, I rise today not only as a U.S. Senator from Montana but also as a farmer who is actively engaged in agriculture, family farm agriculture. It truly is a family farm that we operate in north central Montana. Not only do my wife Sharla and I farm, but when we need help, my brother, my son-in-law, my son, and my daughter all step to the plate and help us.

We just finished spring planting in north central Montana, and with it comes hopes for a great year. We all know the commodity prices right now are very good, but the rest of the story is this: Diesel prices are double what they were last year. Chemical prices have gone through the roof. Fertilizer is becoming unaffordable because the cost is so high.

That is where the farm bill steps in—this farm bill which just came out of conference committee which we will vote on, hopefully, later today. In this farm bill, we raise the target price. We have a disaster program that Senator BAUCUS fought so hard to get into this bill so that farmers, when they do have a disaster, do not have to come back to Washington, DC, with hat in hand. They will have a safety net. We have country-of-origin labeling in this farm bill with some teeth in it that I hope the next administration takes by the horns and adopts so people know where their food comes from. It allows for the interstate shipment of meat so small meatpackers can ship their products across State lines, which has not been available before, to add value to meat products throughout this country. It has a nonfood biofuel section of which a part of that is a camelina pilot program, which I am very proud of, which offers farmers another crop for their rotation and helps this country become more energy independent. It also has a very aggressive nutrition program to help people who need help buying food, which is very important.

This bill is about rural development, about making rural America all it can be, creating jobs, and helping meet this country's energy needs, creating a level of energy independence.

This bill is also about food security for this country. We have been very fortunate in the United States. We have not suffered the lack of food that other countries have. I believe it is because of farm bills of the past, and it is because family farmers have done such a great job meeting this country's food demands.

We need to have a farm bill that helps support those family farmers, and that is exactly what this farm bill does. Is it perfect? No. But is it pretty darn good? Yes. This farm bill does things for people in production agriculture that it needs to do to make sure they remain in business, to make sure this country's food security needs are met.

So when I read editorials in newspapers on the east coast, west coast, in the Washington Post, Boston Herald, Dallas Morning News, Los Angeles Times—and the list goes on and on—that talk about this farm bill being loaded with waste and giveaways and lard, I ask the folks who write these editorials to come out to Montana and talk to somebody who has their hands in the dirt. Go out to the Midwest and see the kinds of challenges these folks have and ask yourself: Is this farm bill really full of the kind of waste you are talking about? Because it is not. It is a farm bill that meets the needs of America's family farmers. As I have said many times before, if we lose this country's family farmers, this country will change forever, and not for the better.

So I applaud the folks who worked on the conference committee from both parties, from all corners of this country, to develop a farm bill that meets the needs of this country. I hope the Members of this Senate join me later on today in voting for this farm bill and sending it to the President's desk. I hope the President signs it because it is the right thing to do.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll of the Senate.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. 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.

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, it has now been 10 days since the devastating tropical cyclone hit the country of Burma. The cyclone, which brought sustained winds of 130 miles an hour, with gusts as high as 160 miles an hour, really caused widespread destruction across this Asian nation.

As you can see from the before and after satellite photographs that are on this chart, the devastation was particularly severe in the country's low-lying delta area. A 12-foot wall of water swept away entire villages, leaving thousands dead and homeless. Bodies floated in floodwaters, and survivors tried to reach dry ground on boats, using blankets as sails. Fights broke out around the few shops that were able to provide any kind of food to the hungry people.

The United Nations has estimated that between 1.2 million and 1.9 million people have been severely affected and that cyclone-related deaths could reach over 100,000. Already, more than 200,000 people are reported missing.

Immediately after the cyclone, countries around the world, including the United States, offered emergency supplies and assistance. We offered help in transporting badly needed food, water, and medicine. In fact, U.S. Navy ships that by coincidence were in the region for training exercises have remained in the vicinity to offer help. Yet almost 2 weeks after the cyclone, this natural disaster has been made worse by the reluctance of the Burmese military government to even accept international aid on the scale that is necessary. Instead, they have ignored the plight of their own people, as the entire world watches. Not only have they refused most outside assistance, they broadcast shameless propaganda showing the military handing out aid to the people. Yet reports from the ground indicate the government has done little or nothing to really help. In fact, there are reports that the government's military has confiscated some of the limited aid that has been allowed to enter into the country.

Not only has the military ignored the suffering of its own people, but it tried to push through a sham referendum at the same time. Can you imagine a national election in the midst of this devastation? Critical time and resources were used to intimidate people to the polls—time and resources that should have been spent for helpless and suffering victims.

U.N. Secretary Ban Ki-moon summed up the situation when he said:

> This is not about politics; it is about saving people's lives. There is absolutely no more time to lose.

He continued:

> Unless more aid gets into the country very quickly, we face an outbreak of infectious diseases that could dwarf today's crisis.

In a country that already has one of the worst health care systems of the world, it is even harder for people who need medical attention to find it. The environment is a rich breeding ground for infection and contagious disease. We are hearing disturbing reports of badly injured people trying to dress their own wounds. The government has repeatedly forced humanitarian organizations such as Doctors Without Borders to leave the hardest hit areas. Bodies are decomposing. The contamination is spreading. The immediate

risk of waterborne disease is acute. The risk of other diseases, such as malaria and dengue fever, is growing as mosquitoes rapidly reproduce in the flooded areas.

Existing malnutrition among children, which affects up to half the population in Burma, is even worse because of the flooding and cyclone.

Mr. President, perhaps the world should not be so surprised with this military's outrageous reaction to this disaster. This is, after all, a government with a long, well-documented history of brutality to its own people.

In eastern Burma, the military has destroyed 3,000 villages over the past 10 years. It has widely used forced labor and has recruited up to 70,000 child soldiers—far more than any other country in the world. Today, Burma has an estimated 1.5 million internal and external refugees.

It is a country with a well-documented history of political repression and torture. Two years after the Burmese people protested conditions in 1988, the government held an election. Aung San Suu Kyi, a leader in human rights around the world, was placed under house arrest before the election and has suffered mightily since. Despite her party's victory she was subjugated and imprisoned in her own home for most of the last 18 years. Suu Kyi has been awarded the Congressional Gold Medal—recognition by this Congress of her singular efforts in Burma to bring a new day and a new government. Last September, thousands of monks peacefully protested for change in Burma. Many of them were hunted down, imprisoned, and killed. This military junta has ignored global calls for dialog and an end to the violence.

Earlier this week, ADM Timothy Keating, who leads the U.S. Pacific Command, and USAID Administrator Henrietta Fore landed with an American relief flight in Rangoon. They met directly with the Burmese military officials to offer help. I hope this visit does help.

Last week, I spoke of the world taking definitive action to halt the genocide in Darfur. Today, we face a mounting humanitarian crisis in Burma.

Some, including French Foreign Minister Bernard Kouchner, have said the United Nations should invoke the responsibility to protect—a provision that allows the world community to help those left unprotected by their governments. Others argue that China, which also has suffered a horrible natural disaster this week, should use its friendship with Burma to help open the country to outside assistance. At a minimum, Burma should view China's response to its earthquake, in which it immediately and proactively stated its willingness to accept emergency aid, as an important way to work with the global community. Whatever the route, the world community, with American leadership and generosity, must do more to address this humanitarian crisis.

HEALTH CARE

Mr. DURBIN. Mr. President, free market fundamentalism tells us that all we have to do is get Government out of the way and the miraculous powers of competition and supply and demand will solve all our problems. This is a cardinal principle of the administration now in power. They have had 7½ years to test their theory, and the results—for our economy and America's working families—has been a disaster. They have put their theory to work, and it has thrown Americans out of work. The middle class in America is shrinking and suffering. Today, more Americans are falling out of the middle class than are working their way into it.

A new poll by the respected Kaiser Family Foundation provides a sobering look at the economic situation and the reality of economics in America today. The Kaiser Foundation asked people about seven economic trends or changes that they considered serious problems. Forty-four percent of Americans said problems paying for gasoline is a serious problem for their family's financial well-being. Twenty-nine percent said problems getting a good-paying job or a raise are serious. Twenty-eight percent of Americans said problems in paying for health care and health insurance were serious and hurting their economic well-being. Those are the top three economic strains on family budgets: The price of gasoline, jobs—good-paying jobs—and paying for health care.

They also rated serious problems when they were asked about the strains and problems their families face. Problems paying for mortgage or rent: One out of five. Problems paying for food and credit card debt: One out of five. Losing money in the stock market: About one out of six.

We have heard a lot said about the strain the record gas prices are placing on families and our economy. Yet in the midst of all this, with the knowledge of what it is doing to our economy, to families, to businesses, to farmers, big oil companies continue to rake in record profits at the expense of the American economy.

I wish to take a few minutes to talk about another economic problem that is hurting America's families and businesses: out-of-control health care costs. A recent essay in Newsweek magazine contained an eye-opening title: "The Myth of the Best in the World."

I ask unanimous consent that the full article be printed in the CONGRESSIONAL RECORD.

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

[From Newsweek, Mar. 22, 2008]

THE MYTH OF 'BEST IN THE WORLD'—A SPATE OF NEW RESEARCH SHOWS THE U.S. BEHIND OTHER COUNTRIES IN CANCER SURVIVAL AND DIABETES CARE

(By Sharon Begley)

Not to be heartless or anything, but let's leave aside the dead babies. In international comparisons of health care, the infant mortality rate is a crucial indicator of a nation's standing, and the United States' position at No. 28, with seven per 1,000 live births worse than Portugal, Greece, the Czech Republic, Northern Ireland and 23 other nations not exactly known for cutting-edge medical science—is a tragedy and an embarrassment. Much of the blame for this abysmal showing, however, goes to socioeconomic factors: poor, uninsured women failing to get prenatal care or engaging in behaviors (smoking, using illegal drugs, becoming pregnant as a teen) that put fetuses' and babies' lives at risk. You can look at 28th place and say, yes, it's terrible, but it doesn't apply to my part of the health-care system—the one for the non-poor insured.

That, in a nutshell, is why support for health-care reform is fragile and shallow. Yes, many people of goodwill support extending coverage to the 47 million Americans who, according to the Census Bureau, had no insurance for all or part of 2006. An awful lot of the insured, though, worry that messing with the system to bring about universal coverage, even if it allows more newborns to survive, might also hurt the quality and availability of care that they themselves get ("If I have trouble getting my doctor to see me now, what will happen when 47 million more people want appointments?"). This is where you start getting the requisite genuflection to the United States' having "the best health care in the world." One problem: a spate of new research shows the United States well behind other developed countries on measures from cancer survival to diabetes care that cannot entirely be blamed on the rich-poor or insured-uninsured gulf. None of this implies a specific fix for the U.S. health-care system. It does, however, say that "the best in the world" is a myth that should not be an impediment to reform.

How widespread is the "best in the world" view? In a survey of 1,026 U.S. adults, the Harvard School of Public Health and Harris Interactive reported last week, 55 percent said they thought the United States has the best quality care of any country. (Fewer called the U.S. system the best overall, due to poor access and high costs.) "Health-care reform has failed before and will fail again if middle-income people with insurance think it will make quality go down," says Harvard's Robert Blendon.

One thing Americans love about their system is the availability (for the insured) of high-tech equipment and the latest procedures. But there is abundant evidence that these are not necessarily beneficial. I remember breast-cancer patients screaming bloody murder in the 1990s when they were denied access to bone-marrow transplants. Sadly, once the treatment was subjected to rigorous study, it was shown not to extend life. But it made women who worked the system to get it (some private insurers agreed to cover it) suffer even more than they already were. In a centralized system such as Medicare, science more than the market shapes what treatments are available. "Some of the things patients scream for," says Blendon, "aren't going to help them." Though they do run up the U.S. medical bill. At $6,697 per capita in 2007, it is the highest in the world (20 percent more than Luxembourg's, the next highest) and more than twice the average of the 30 wealthy countries in the Organization for Economic Cooperation and Development.

If only it bought better care. Only 55 percent of U.S. patients get treatments that scientific studies show to work, such as beta blockers for heart disease, found a 2003 study in The New England Journal of Medicine. One reason is that when insurance is tied to employment, you may have to switch doctors when you change jobs. In the past three

years, says Karen Davis, president of the Commonwealth Fund, 32 percent of Americans have had to switch doctors. The result is poor continuity of care—no one to coordinate treatment or watch out for adverse drug interactions. Such failures may contribute to the estimated 44,000 to 98,000 annual deaths from medical mistakes just in hospitals, and to ''amenable mortality''—deaths preventable by medical care. Those total about 101,000 a year, reports a new study in the journal Health Affairs. That per capita rate puts America dead last of the study's 19 industrialized countries.

Other data, too, belie the ''best in the world'' mantra. The five-year survival rate for cervical cancer? Worse than in Italy, Ireland, Germany and others, finds the OECD. The survival rate for breast cancer? You'd do better in Switzerland, Norway, Britain and others. Asthma mortality? Twice the rate of Germany's or Sweden's. Some of the U.S. numbers are dragged down by the uninsured; they are twice as likely to have advanced cancer when they first see a doctor than are people with insurance, notes oncologist Elmer Huerta of Washington Hospital Center, president of the American Cancer Society. But the numbers of uninsured are too low to fully explain the poor U.S. showing.

It isn't realistic to expect America to be the best in every measure of medical quality. And none of this tells us how to reform the U.S. system. But it does say the ''best in the world'' is misguided medical chauvinism that should not block attempts at reform.

Mr. DURBIN. This column points out that the United States spent almost $7,000 per person on medical care last year—$6,697 per capita. That is the highest in the world. It is 20 percent more per person than the next highest spending nation of Luxembourg, and it is more than twice as much as the 30 wealthiest countries around the world.

In a survey of over 1,000 adults, the Harvard School of Public Health and Harris Interactive found that 55 percent thought the United States had the best-quality care in the world.

The fact that we spend so much per person may lead people to that conclusion—that we have the best care. After all, we spend the most money. Yet the facts tell us otherwise. The highest cost doesn't mean the highest quality. We rank below other nations in many critical health outcomes. There is no doubt in my mind if I were seriously ill in any part of the world, I would try to find my way to the United States. There is no question we have the very best doctors, the very best medical professionals, hospitals, and medical technology.

But when you take a step back and look at the outcomes for the American people, it tells a different story. The 5-year survival rate for cervical cancer in the United States—cervical cancer—is worse than Italy, Ireland, Germany, and many others. The survival rate for breast cancer in the United States is worse than the survivor rate in Switzerland, Norway, Britain, and other nations. Our asthma mortality rate is twice the rate of Germany and Sweden. True, we have the best hospitals but not the best outcomes, in many instances.

Only 66 percent of U.S. patients receive treatments that scientific studies show to work, such as beta blockers for heart disease, according to the New England Journal of Medicine.

According to a 2007 survey by the Independent Commonwealth Fund, adults in the United States are more likely to forgo needed health care than adults in Australia, Canada, Germany, Netherlands, New Zealand, and the United Kingdom. Nearly one out of five American adults surveyed said they have serious problems paying medical bills. That is more than double the rate in the next highest country. Nearly a third of those surveyed had spent more than $1,000 out of pocket in the last year on medical costs not covered by insurance. Only one out of five Australians and one out of eight Canadians spent that much money on out-of-pocket health expenses. No other nation came even close.

Seven years ago, the World Health Organization made the first major effort to rank the health systems of 191 nations. The top two nations in the world: France and Italy. The United States did not even make the top 10; not even the top 20. We ranked 37th in the world, according to the World Health Organization, when it came to our health care systems. We have this vanity in the United States that because we spend so much money on health care, we must be the best in the world. It is not true.

More people die each year from medical and surgical mistakes in the United States than in any other industrialized nation. Incidentally, more Americans die of medical mistakes each year than die from AIDS, breast cancer, and automobile accidents combined.

In health information technology, we lag far behind. By 2005, the United Kingdom had invested 450 times more per person in public funding of health information than the United States. We rank the highest in infant mortality among 23 nations and near the bottom in healthy life expectancy at age 60. We are 15th among 19 countries in deaths from a wide range of illnesses that would not have been fatal if treated timely and in an effective way. We do well in reducing smoking, but we still have the worst rates of obesity.

When you get beyond the myths and look at the studies, it becomes clear. The quality of a nation's health care is determined not by how much we spend but by whether we provide universal care that works. The United States is the only major industrialized nation without universal health coverage. We cannot give an assurance to every single American that they will have a doctor at hand when they need one. We can't give them the assurance that they can have basic access to needed health care when they absolutely need it for their family. Other nations have met that responsibility. We have not.

Ironically, the persistent and unfounded belief that Americans receive the best health care is a major reason why we don't move toward change and don't move toward providing the peace of mind which every American and every American family deserves. The health care and insurance companies spend millions of dollars to frighten Americans into thinking that covering everyone with health insurance will somehow mean less coverage for others and less choice for Americans who already have health insurance. That is a scare tactic. Look at all the other countries in the world that have better health care at much lower cost. By the way, when it comes to health care choice—especially choice of doctors—a third of Americans with health insurance say they had to change doctors in the last 3 years because their insurance company insisted on it. One out of three Americans. So the idea that consumers are in charge of their own health care choices is belied by that statistic.

There is no reason why we can't build a better health care system in America that lowers costs, covers everybody, and makes us a healthier nation. One of the first steps is to get beyond the myths and the vanity and actually look at the facts.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. 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.

RECOGNIZING ISRAEL'S 60TH ANNIVERSARY

Mr. CORNYN. Mr. President, I want to join others of my colleagues in helping the nation of Israel celebrate its 60th anniversary.

The nation of Israel was founded, of course, on May 14, 1948. I think it is appropriate that we honor this ally of the United States and reaffirm the bonds of close friendship and cooperation between our two countries. This alliance, this friendship, has never been more important to the mutual security and safety of our people than it is today. This friendship, of course, spans oceans and is based on shared values.

I was pleased when Congress recently reaffirmed our commitment to preserving and strengthening that alliance by passing a concurrent resolution honoring Israel and recognizing its important mission and its history.

In the face of common threats, our relationship with Israel today is as important as ever. We have mutual goals in defeating radical Islamic terrorism, fostering Middle East stability, and promoting freedom.

Israel has shown an unwavering conviction in democracy, justice, security, and peace. The nation of Israel and its people deserve not only our friendship and our support but our admiration as

well. I extend my warmest congratulations to the State of Israel and the Israeli people for this important anniversary.

SENATE INACTION

Mr. CORNYN. Mr. President, I want to turn to an important vote that we had yesterday in the Senate. Unfortunately, yesterday morning, we saw only 42 Senators voted to do anything significant about the high price of gasoline at the pump. This is just the latest example, I am afraid, of congressional intransigence and turning a deaf ear to the cries of the American people for Congress to do something to help bring relief at the gas pump. Unfortunately, it is just the latest example.

I know most of us came to Washington to serve in the Congress to try to solve problems. Unfortunately, the mentality inside the beltway seems to be that we ought to spend more time shooting at each other on a partisan political basis and not working together to solve problems. Unfortunately, there are more examples than just high gas prices to demonstrate this mentality.

I will just point to four areas where we have seen significant delays in congressional action that have had tremendous consequences on the American people. First and foremost is on our national security. It was 89 days ago that the Foreign Intelligence Surveillance Act basically expired. The most recent authorization would have allowed us to continue to listen in to foreign terrorists communicating with each other on the telephone in a way that would allow us to detect and deter terrorist activity and defeat terrorist activity.

Why the House of Representatives and Speaker PELOSI would refuse to allow this important piece of legislation to come to the floor after it passed the Senate on a strong bipartisan vote is, frankly, beyond me. But it has been 89 days now since we have had the ability to detect new terrorist threats, when the Foreign Intelligence Surveillance Act basically went dark and expired.

Secondly, it has been 540 days since we have failed to act on the Colombia Free Trade Agreement. Free-trade agreements should not be partisan affairs. It is good, in fact, for us to have free-trade agreements because it opens markets to American farmers and American manufacturers and producers for their goods in other countries. In fact, Colombia does about $2.3 billion in trade with the State of Texas each year, which is very important to my State. Unfortunately, when Texas sells goods and produce to Colombia, they carry large tariffs, which disadvantages my manufacturers, my producers, and my farmers in Texas, while Colombian goods that are sold in the United States, because of other agreements, basically come in duty free.

Why Speaker PELOSI would fail to allow this important free-trade agreement to be taken up and voted on in the House of Representatives, again, escapes me. This is in the best interest of the United States. It is in the best interest of my State and the people who work there. At a time when we are dealing with stimulus packages because we are concerned about the softening of our economy, what better stimulus could we enact than to pass this free-trade agreement, which would strengthen the robust markets in Colombia for American goods and produce? But here we are 540 days later, and it is bogged down in partisan disagreements.

The next number is another important number. I think one of the most important jobs the Senate has is to take up and consider the nominations of individuals who have been proposed for service on the Federal bench and to serve in that important branch of Government. But we have seen that because of inaction in the Judiciary Committee, on some nominees such as Peter Keisler—nominated more than 685 days ago—and we have seen nominees out of North Carolina pass the 300-day mark without even so much as a hearing in the Judiciary Committee.

This is another example of partisan delays that, frankly, I think frustrates the American people. It certainly frustrates me. It is an example of where we ought to act and find an opportunity to come together to solve a problem, and the problem is particularly in the Fourth Circuit Court of Appeals, where many litigants simply cannot find access to the courts because there are not enough judges sitting on those benches to listen to cases. Whether you are a crime victim or a small business man or woman or whether you are just a regular citizen in that Fourth District, we have a judicial emergency with about one-third of the seats vacant. Frankly, that creates a lack of access to justice. So, again, it has been 685 days without a vote on some of the nominees in the Judiciary Committee. We need to do better.

Of course, it was 751 days ago when Speaker PELOSI,—then running for election, and before the 2006 election, where Democrats were given the majority status in both the House and Senate, said: Elect us and we will produce a commonsense plan to help bring down the price of gasoline at the pump. Unfortunately, the price of gasoline at about the time that she took office as Speaker of the House was about $2.33 a gallon, I believe. And now, of course, it is about $3.75 a gallon.

Yesterday, as I mentioned, we had an opportunity to help provide relief for American families, to help them deal with their family budgets when it comes to the cost of gasoline. But I think we took a half step that did not do very much. What I mean by that is we did vote to quit filling the Strategic Petroleum Reserve, but if you look at how much oil that represents that would then be available in the open market, it is roughly 70,000 barrels of oil a day. Now, 70,000 barrels of oil a day sounds like a lot of oil, unless you consider the amount of oil consumed globally by all the countries on the planet. That is 85 million barrels of oil a day. How much of an impact do you think it will have on gasoline at the pump to provide an additional 70,000 barrels of oil, when worldwide consumption is 85 million? You don't have to be a Ph.D. in mathematics to figure that out. It will not be big. As a matter of fact, it will be minuscule—not completely insignificant but not very much.

On the other hand, we had an opportunity to vote to reduce our dependence upon imported oil and gas from dangerous enemies of the United States, countries such as Iran and Venezuela, both of whom are members of OPEC, the Organization of Petroleum Exporting Countries.

Unfortunately, the Senate turned down that opportunity to produce as much as 3 million barrels of oil a day from the U.S. reserve because we would not allow or authorize Alaskans to produce oil in Alaska. We would not authorize the States along the Outer Continental Shelf to be able to develop their oil reserves in the Outer Continental Shelf, and we would not allow States in the West to develop the oil shale that could produce massive amounts of oil right here in America, reducing our dependency on imported oil from dangerous countries such as Iran and Venezuela.

What I don't understand is, if our friends across the Senate—and I believe there was only one vote against the decision to stop putting oil in the Strategic Petroleum Reserve. But if everybody in the Senate virtually agrees that adding 70,000 barrels of oil to the worldwide supply of oil would help bring down the price of gas at the pump—however minuscule that figure may be—how much more would it be likely to bring down the price of gas at the pump to add 3 million additional barrels to worldwide supply? Of course, this would not be from Saudi Arabia or Iran or Venezuela. It would be from the good old USA.

Again, how many new jobs would that create at home, when our economy has turned soft? It would create a lot of jobs in Texas. I know it would create jobs in Louisiana and, frankly, all over the country.

Instead of taking an opportunity to take a bold move on a bipartisan basis to increase the supply of American oil and gas, we find ourselves with half steps and relatively insignificant votes to increase production. I am glad that, finally, the Congress has recognized that the laws of supply and demand are not inapplicable in the District of Columbia. As a matter of fact, for a long time, it seemed that we outright refused to recognize the economic laws that apply across the planet right here in Washington, DC.

So I ask my friends and colleagues, if you are unwilling to allow us to open

American oil reserves when the price of gasoline is $3.75 a gallon and the price of a barrel of oil is $125, will you allow us to do it when gasoline hits $4 a gallon? How about when it hits $4.50 a gallon or $5 a gallon or $10 a gallon? How about when the price of oil hits $150 a barrel or $200 or $250?

We know because of the geopolitical situation with countries such as Iran, which are no friend to the United States and are major oil producers and are part of OPEC, that causes speculation on the spot market to push the price of oil higher. I believe it would have a dramatic impact on those prices and, ultimately, because oil represents 70 percent of the price of a gallon of gasoline, I believe it would ultimately bring down the price of gasoline and provide some much needed relief to the average American family.

Congress's failure to act on a strong bipartisan basis to do it is, frankly, inexplicable to me, just as it is inexplicable to me why we would not allow our intelligence officials to listen to the conversations of new targets of foreign terror surveillance, and why we would continue to let American businesses and farmers be disadvantaged by tariffs on goods and produce sold to the nation of Colombia, and why we would wait more than 685 days to consider the nominations of judicial nominees and allow crime victims and small businesses and others to go without their day in court.

Just for the same reasons those delays are inexplicable, why are we still waiting 751 days after Speaker PELOSI made the statement that she would produce a commonsense plan to bring down the price at the pump?

It is inexplicable to me why we have to wait with no real solutions in sight.

I yield the floor.

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

Mr. VITTER. Mr. President, I ask that I be notified when I have consumed 6 minutes.

The ACTING PRESIDENT pro tempore. The Chair will so advise.

Mr. VITTER. Mr. President, I also rise on the Senate floor today to talk about the crisis we face in terms of gasoline and energy prices and the need for us to act in terms of this true crisis that affects every Louisiana family I represent and every American family this body represents.

When this new Congress, led by Democratic leadership, took office, energy prices, gasoline prices were supposed to be a top priority. At the time, the price at the pump was $2.31. Yet today it has risen to $3.76 a gallon. That is a 61-percent increase.

If this was such a priority at $2.31, if we have had this dramatic increase, the fastest, the most dramatic, the most onerous on the consumer in history, why isn't this leading to action? The simple reality is that it is not.

This Congress has been tangled in inaction, unable to take significant action on this issue, and that has to end for the good of the American people.

As my colleague from Texas reiterated, this is not overly complicated. Price is set by the equation of where supply meets demand. That is economics 101. That is the first lesson of economics. So we need to do everything we can to reduce demand, mitigate worldwide demand, which is clearly increasing, particularly from rapidly growing countries such as China and India, and we can do that through conservation, fuel efficiency, and new sources of energy. But we also need to increase supply. We need to do both at once because our energy picture is so challenging and so dire.

So I rise to join my colleagues who are saying we need to act, we need to break out of this gridlock, we need to act on energy prices which affect all American families.

Unfortunately, we had that opportunity in the last several weeks and, once again, the Senate passed on the opportunity, shut down the opportunity to take real action.

Again, this is an enormous challenge, and we need to do everything we can, both on the demand side—and I support those measures: increased energy efficiency, increased levels of conservation, development of new technology and new energy sources. We have done a little bit of that, but we need to do more. But we also need to act on the supply side, increasing our supply of energy, particularly our domestic supply which increases our energy independence, lessens our dependence on unfriendly foreign nations.

Several weeks ago, we were on an FAA bill, and I had an amendment at the desk that would constitute real, meaningful action. It was very simple. It would have established a trigger at the price of $126 per barrel of oil. When the price reached that mark—and we are, unfortunately, perilously close already—then the trigger would have been pulled, and we would have been able to explore and produce off America's Outer Continental Shelf, where we have vast resources of energy. But we would only do that with two significant caveats, with two significant demands.

The first is that the host State involved, wherever we were proposing drilling, would have to want that activity. The Governor and the State legislature would both have to affirm that they wanted to produce off their coast. It is very important, very fair, respecting State sovereignty and States rights.

Secondly, my amendment would have built on provisions we passed several years ago to give those host States significant royalty sharing so anything produced off their coast, 37.5 percent of that royalty would go to the State for the State to use on its top priorities, whether they be highways or higher education or, in the case of Louisiana, coastal restoration, hurricane protection, hurricane evacuation routes. That was a very sound, sensible policy we set a couple years ago as we opened new areas of the gulf.

My amendment, which I had at the desk for the FAA reauthorization bill, would have expanded on that good policy initiative. Unfortunately, we couldn't have a full debate on that amendment. We couldn't have any vote on that amendment because the Democratic majority leader filled the amendment tree, took up all opportunity for amendment for himself and blocked all other amendments from coming to the floor.

That is unfortunate on any issue. It is particularly unfortunate, again, on the top concern of the American people, when prices at the pump are skyhigh and continuing to rise, when they have risen from $2.31 a gallon at the beginning of this Democratic Congress to $3.76 a gallon today—a dramatic, onerous, 61-percent increase.

Yesterday, we had another opportunity to break through the gridlock and act, and it was by adopting the McConnell-Domenici amendment. That amendment proposed a number of measures, including something very similar to my Vitter amendment regarding the Outer Continental Shelf.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator has used 6 minutes.

Mr. VITTER. I thank the Chair. That McConnell-Domenici amendment included a number of measures, something very similar to my proposal with regard to the Outer Continental Shelf. It would have dramatically expanded our domestic supply. It would have done something real, concrete and meaningful and have a significant impact over time on the price at the pump.

Yet again, the Senate refused to act, refused to move forward with that significant proposal that would do major things on the supply side and would couple it with other actions we are taking and further actions we need to take on the demand side.

Instead, we did something extremely modest. We said: For now, we are not going to continue to fill the Strategic Petroleum Reserve. I supported that move. It is true that will free up 70,000 barrels of oil to put into the open market versus pumping into the Strategic Petroleum Reserve, but that is very modest. That is hardly going to make a dent on the price at the pump.

In contrast, all the provisions of the McConnell-Domenici amendment, all that extra supply domestically would have meant 3 million barrels in contrast to 70,000. Yet again, the Democratic leadership and the Senate overall refused to act, refused to address this issue, the most serious that Americans are facing today, the one that hits their pocketbook over and over, causing them real concern about their family budget and how they are going to make it.

I urge the Senate to get out of this do-nothing attitude. I urge the Senate

to act on this crucial issue for all American families.

Again, this is not brain surgery. This is economics 101, supply and demand. It is not either/or. We need to do everything we can to lessen demand, and I support those measures to increase efficiency, to increase efforts at conservation, to increase new technology efforts that will lead us to new fuel sources. That is absolutely necessary. But it needs to be coupled with action to increase supply, particularly domestic supply, by tapping those vital reserves, particularly on our Outer Continental Shelf.

I join the Senator in Texas in asking, if we are not going to do it now at $3.76 a gallon, when are we going to act? Are we going to wait for $4? Are we going to wait for $5? We need to act now. This is a serious issue for all Americans. This hits the pocketbook of every American family. We need to act now. We need to act not with political demagoguery, not with pure rhetoric. We need to act with measures that have an impact, both on the demand side and the supply side. I hope the Senate and the Congress move to do that.

ISRAEL'S 60TH ANNIVERSARY

Mr. VITTER. Mr. President, I wish to also speak on Israel's 60th anniversary. It is a very important date for a truly remarkable country and a remarkable people who, in a mere six decades of existence, have built a vibrant, successful, modern democracy out of almost nothing.

When I was still a student, I had the opportunity to visit Israel with my sister. She had a college friend who had moved to Israel after graduation. Even back then—I was very young—I couldn't help be impressed by the determination and perseverance of all the people I met and their effort to build a vibrant, democratic state, to create a safe, secure homeland for all Jews, no matter where they may have originally been from around the world.

I had a second opportunity to visit Israel as a Member of Congress many years later. It was a very different sort of trip, very different itinerary, a very different set of meetings than when I was a student. But I left with the same strong feelings of respect and admiration for all the people of Israel, the same recognition of their determination and unflagging faith in their nation and countrymen. Their belief in the importance of their mission had not faded at all in the years between my visits.

What makes today especially notable is it is the 60th anniversary of the founding of the State of Israel. There is wonderful hope in this celebration of the 60th anniversary, and there is also sober appreciation of the challenges that remain.

On the hopeful side, on the impressive side, is that in a mere 60 years, as I have said, Israel has created a nation characterized by strong democratic principles, a compassionate and determined people, innovative industry, especially in technology, medicine, and science, a competitive global economy.

In a mere six decades, Israel has built all that tremendous innovation, tremendous economic prosperity and progress virtually out of nothing, virtually out of the sands of the desert. It has become a beacon of freedom and democracy in a region that has very few examples to speak to. Israel is the only fully developed democracy in that sense. It represents to all peoples what can be achieved when people come together in a common cause, set aside differences, work together in a very determined way to make life better for them and their children. I recognize this important anniversary.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 980, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 980) to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

Pending:

Reid (for Gregg-Kennedy) amendment No. 4751, in the nature of a substitute.

Hatch amendment No. 4755 (to amendment No. 4751), to provide for a public safety officer bill of rights.

Alexander amendment No. 4760 (to amendment No. 4751), to guarantee public safety and local control of taxes and spending.

Leahy amendment No. 4759 (to amendment No. 4751), to reauthorize the bulletproof vest partnership grant and provide a waiver for hardship for the matching grant program for law enforcement armor vests.

Corker amendment No. 4761 (to amendment No. 4751), to permit States to pass laws to exempt such States from the provisions of this act.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I see my friend and colleague, Senator ENZI. I will now make a comment about the pending legislation. I thought we did have some good discussion and debate on yesterday. A number of important issues were raised. I will try this morning at least to respond to some of those matters to clear up what I think are some questions we had. Obviously, we are interested in moving this process forward, considering amendments, and getting to the Senate's business.

Once again, I will mention two organizations that support our Public Safety Employee Cooperation Act: the International Association of Firefighters and the Union of Police Associations. We pointed out this week is set aside in our Nation, and has been set aside since 1962, to give special honor to our men and women in the police organizations who have lost their lives in the line of duty. It is a very special, solemn ceremony in which they participate. We are mindful of their service every day but especially this week. We are grateful for their strong support for this legislation. They have studied it, analyzed it, looked into it, and support it.

The National Association of Police Organizations and a great many other organizations have supported this legislation—our first responders. These are the organizations that speak for firefighters, speak for police officers, speak for the first responders.

Yesterday we had a good debate about the bill. I think we are off to a good start. I would like to take some time today to set the record straight as to what the bill does do and what the bill does not do. Fundamentally, this bill is about choice, who should make the choice whether public safety workers get a union—the Federal Government, State government, or the workers themselves.

Right now we have a system where the Government makes the choice—26 States give workers the ability to form a union if they want one; 24 States deny workers that option. These 24 State governments think they know better than the workers themselves what is best.

I disagree. Our public safety officers are on the front lines every day fighting fires, stopping crimes, saving lives. They know best how to protect the public. They know best how to keep safe on the job. They know best whether they need a union to represent their interests.

The Cooperation Act gives this choice to the workers. It says the States have to provide a path that workers can use if they decide they want a union. If the workers do not want a union, fine, they do not have to walk down that path. But the State has to make it available and let the workers choose, just as it is with the right to vote. Individuals do not have to vote, but they have the right to vote. This is the State making that judgment. We recognize that as a fundamental right there and here.

Under current law, States make the judgment decision. With the Alexander amendment it will allow the States to make the judgment and decision. Under the Corker amendment, that is it. Under our Cooperation Act it is the workers themselves who make the judgment—do they want it, don't they want it—and we abide by the outcome. That is a basic, fundamental difference.

It is not going to be hard for the States to build this path. All they have to do is provide for four core rights: No. 1, the right to form and join a union; No. 2, the right to sit down and

talk at the table; No. 3, the right to sign a contract if both parties agree; and, No. 4, the right to go to a neutral third party when they have disputes.

They can make the judgment whether they want arbitration, whether they want mediation, whether they want fact finding. There are no requirements. They can make those judgments; they can make those decisions. They make the judgments.

Apart from these four things, all other details of the collective bargaining system are left up to the States. States have the flexibility to decide whether to exempt small communities. They decide how workers can select a union—through card check, elections, or both. Do we understand? The States make those judgments and decisions.

States can decide how workers and employers should resolve disputes—through arbitration, mediation, fact finding, or some other mechanism. If a State decides not to pass a law providing a framework for bargaining, or if the State law does not provide for the four core rights, the Federal labor relations authority will step in to ensure that workers have these rights. But that is only if the State refuses to act.

We heard a good deal of discussion about the role of this authority and how we do not understand what this is all about and how this is going to change federalism. It is very simple what this legislation does do and what it does not permit. Our first responders sacrifice so much for us each day, the least we owe them is the ability to choose for themselves whether they want a union. We owe them at least that much dignity and respect, and that is what the Cooperation Act provides.

I hope this explanation will ease the minds of many of my colleagues. I think there have been a lot of misconceptions about this bill floating around. I hope this explanation can alleviate some of those concerns. We heard a lot of talk yesterday about this bill imposing Washington's will on the States. Of course that is not true. I happen to think that unions are good for workers, but nothing in this bill imposes my opinion or the opinion of my colleagues on public safety officers. Under this bill, Congress does not make the decision whether public safety officers have a union. Instead, firefighters, police officers, have the choice. That is where the decision will be made.

Several amendments were filed yesterday that would give the State and local governments, the employers, the opportunity to opt out of the requirements of this bill. But these opt-out provisions actually block the rights of the first responders. They would allow the State and local governments to cut off public safety officers' rights. We should let police and firefighters decide whether they want to exercise their rights to have a union. That is what this bill would do.

Senator ALEXANDER and Senator ENZI said people in their States are happy without unions. If that is true, then it is likely nothing will change. If those public safety officers believe their voices are being heard and their concerns are being addressed, then they will choose not to form unions. Nothing in this bill forces them to make a different choice.

Senator ALEXANDER and Senator ENZI should put their assertions to the test and pass this legislation. If they are right, nothing will change. But if they are wrong, public safety officers in Tennessee and Wyoming will vote for unions and get a voice in the workplace.

We also heard that Washington was imposing a one-size-fits-all federal system on the States. This is another misconception. At every turn in drafting this legislation, Senator GREGG and I went out of our way to give States the flexibility to adopt a collective bargaining law that works for them. Under this bill, Congress will not tell Tennessee or Wyoming or any other State how to implement the law. States can choose how to comply.

As I mentioned, States only have to provide the most basic rights. Other than those basic rights, States have the flexibility to adopt the system that works best for them.

I would note that several of the amendments filed yesterday would take these basic choices away from the States and mandate a Federal rule on issues such as right to work or card check. That is not what this bill should be about. The flexibility for States is important as long as the core rights are there.

States also have the flexibility to completely control costs under this bill. This control means there is no risk of unfunded mandates. My colleagues across the aisle love to talk about charges of unfunded mandates, but it simply does not fit.

This bill comes with no—I repeat no—price tag. Nothing in this bill tells the State and local governments to spend any money. Nothing says they have to raise wages. Nothing says they have to improve benefits or shift money from local priorities into public safety. Governments are free to write their own contracts. At the bargaining table, State and local governments are free to offer bargaining proposals that are consistent with their local fiscal needs. They cannot be forced to agree to any terms they do not want or cannot afford.

In addition to being able to protect their interests at the bargaining table, State and local governments can also safeguard their financial interests through the legislative process. The bill explicitly allows State and local legislative bodies to retain the right to approve or disapprove funding for a contract by requiring an agreement be presented to a legislative body as part of the process for approving such contract or memorandum of understanding.

That simply means elected Representatives have the final say on spending. Do we understand that? The bill explicitly allows the State and local legislative bodies to retain the right to approve or disapprove funding for a contract by requiring an agreement ''be presented to a legislative body as part of the process for approving such contract or memoranda of understanding.'' Elected Representatives have the final say on spending.

Remember also that under this bill, public safety officers have no right to strike and no requirement of binding arbitration. That means no one can force a contract on a State and local government under this bill.

The other side's additional argument that there will be costs associated with just implementing any new State law is a red herring. The costs will be minimal. All State and local governments already have human resource departments in place. In addition, collective bargaining often creates new efficiencies that actually save money. In Miami, FL, the local firefighter union worked with the community to reconfigure EMS services and ended up saving taxpayers a great deal of money.

On top of all these safeguards for State and local governments, we have adopted an additional safeguard for the States' smallest communities. In addition to the protections I have just outlined, the bill allows State governments to exempt these smaller communities if they want. If a town has fewer than 5,000 residents or employs fewer than 25 workers, the State can say: Our law does not apply to you.

You can see this bill is a reasonable way to extend the choice of whether to have a union for our Nation's public safety officers. We have taken extensive steps to protect State and local flexibility to ensure they will not be burdened by these procedures.

A final argument that we have heard about States rights yesterday was that this bill violates States rights under the Constitution. This argument is simply false. The bill has been carefully crafted to comply with the current Supreme Court cases on the ability of Congress to regulate State governments. Throughout our history, our Federal Government has set core labor standards, such as minimum wage and overtime rules, that apply also to State workers. Do we understand that? Minimum wage, overtime apply to State workers. They apply to them in Massachusetts. They apply in Tennessee.

Bargaining rights are no different. I do not think anyone in this Chamber would argue that the State government should not have to comply with the basic standards prohibiting them from discriminating against workers based on race or gender. The same is true for collective bargaining rights. Bargaining rights are civil rights too.

Moreover, there is a strong Federal interest in the performance of State and local first responders. We have an

increasingly Federal approach to national security. We have created a Department of Homeland Security and appropriated $40 billion for that—$40 billion, for homeland security.

The last time I looked at the map, all the States fell within that criterion, in terms of being protected. In our post-9/11 world, this national response to terrorism increasingly depends on coordination with State and local public safety officers. It is more appropriate than ever for the Federal Government to ensure that public safety officers are working as efficiently and as effectively as possible. By encouraging strong partnerships between public safety officers and the cities and States they serve, this bill advances the Government's interests in improving homeland security.

Finally, my colleagues have tried to scare even those States that have good, solid collective bargaining laws into believing that their laws are on the line. In truth, more than half of the States in the country will not be affected by this bill.

As I described a minute ago, the bill does not require that State laws have specific provisions, only that they provide the basic protections I outlined. The Federal Labor Relations Authority, which will make those determinations, is not some secret society. It is a longstanding Federal agency staffed by dedicated career servants and Presidential appointees who are confirmed by the Senate—not greatly different from the National Labor Relations Board, for example.

In summary, you can see that this bill is not the aggressive intrusion into State government that was portrayed yesterday.

In addition, I wish to address some of the other individual concerns raised about the bill that are misleading and misplaced.

First, this bill will not encourage strikes. In fact, this bill provides additional safeguards to prevent strikes. It specifically says that a public safety officer may not engage in a strike, work slowdown, or any action that will measurably disrupt the delivery of emergency services. There is no room for interpretation. That is an ironclad ban on any action that will impair public safety. This language specifically says that a public safety officer may not engage in a strike, work slowdown, or any other action that will measurably disrupt the delivery of emergency services. More importantly, it creates a mechanism for public safety officers and their employers to communicate and build strong bipartisanship that enhances cooperation, decreasing the likelihood of strikes.

It is an insult—it is an insult to public safety officers to suggest that they will strike. It has been decades since there has been a police or firefighters strike in this country. Police and firefighters in most States already have the right to bargain, and there has been no problem with strikes. These brave men and women take their duty to serve the public very seriously, so seriously they are willing to die for it. The suggestion that they would shirk their duty in order to argue over a contract dishonors them and dishonors their sacrifices.

Next, I wish to underscore that this bill will not harm communities that rely on volunteer firefighters. This legislation expressly applies only to employees, which means volunteers are excluded. Any suggestion that cities and towns are going to be forced to bargain with and possibly pay their volunteer firefighters is wrong. What is more, we included language supported by the National Volunteer Firefighter Council to ensure that professional firefighters can continue to volunteer in their off-duty hours. This language outlaws contract provisions that would prohibit an employee from engaging in part-time employment or volunteer activities during off-duty hours. That includes part-time or volunteer firefighting. Senator ENZI says that is not clear, but it seems pretty clear to me.

My colleagues across the aisle also attacked this bill yesterday as hypocritical because it is inconsistent with how our Federal Government treats its own workers. Again, this criticism is untrue and misleading. Federal workers have bargaining rights. They also have a say in their wages. The law allows them to petition the Government each year.

Federal law enforcement offices are an example of how well collective bargaining rights and public safety go together. Whether Congress should give Federal public safety officers the right to directly bargain over wages is an issue for another day. We do not need to resolve that question in order to do the right thing for the State and local offices.

We also heard complaints about the process that brought us to this point. Listening to the debate, you might think this bill was a new idea never explored or never debated. That again is simply false. This bill has been around for a long time. It was introduced in 1999, almost 10 years ago, by Senator DeWine, and then by Senator GREGG. It has also had strong bipartisan support.

My colleagues across the aisle would have us go through more hearings and debate before we act. We do not need more hearings. We have already had a hearing in the HELP Committee. In fact, we have marked this bill up twice, once in 2001 and once in 2003. We even voted on this bill before in 2001. Our Nation's first responders have waited long enough for the basic rights in this bill. We should not make them wait any longer. They do not make us wait when we need them. We should not have them wait any longer.

I yield the floor

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, we did have a brief time yesterday to begin exploring the multiple flaws and deception in this legislation. I believe it would be useful today to begin by touching on a few of those flaws.

I have taken the suggestion of my colleague and friend from Massachusetts, Senator KENNEDY, and looked very carefully at the RECORD of yesterday's proceedings, and here are a few things worth noting.

In response to my remarks and those of Senator ALEXANDER, we were repeatedly told yesterday that it was perfectly all right to federalize the programs of State and local labor relations of States like mine and Senator ALEXANDER's and at least 20 others to, in effect, tell those States that the Democratic decisions of their sovereign governments and their citizens simply did not count, that the Federal Government knows best, that the Federal Government will tell those States what their law must be and how they must conduct their labor relations with their own employees. In essence, the citizens and legislators of a near majority of States are being told by the proponents of this bill that they know better what will work for those States.

As Senator ALEXANDER put it so well yesterday, this bill is really about States like Massachusetts or New Jersey telling States like mine or his, and at least 20 others, how best to deal with their employees and how to fashion their own State laws in the total absence of any need to do so. Now, I completely reject that. However, for those who support it, they owe it to themselves to at least be consistent in their approach. They are not. While they would deny a near majority of States the right to determine what they believe to be the best approach to public sector labor relations within their States, they staunchly defend the right of a small minority of States to deny public employees the most fundamental democratic rights in the workplace.

Five States—New York, New Jersey, Illinois, New Hampshire, and Massachusetts—all home to the sponsors of this bill, have card check laws for their public workers. Those States have decided this is the way they intend to conduct the labor relations among their employees. I respectfully disagree. I believe that approach to be antidemocratic, and it is certainly contrary to the Federal labor policy which preserves for workers in the private sector the right to a democratic secret ballot in deciding the question of unionization.

However, we are told by the proponents of this bill that this fundamental workplace issue is a matter of State choice, while at the same time being told that any State's choice to elect a different system of labor law than that imposed by H.R. 980 is not. Denying workers a secret ballot election on unionization is somehow a matter of local choice, but deciding to utilize and meet and confer on a system of labor management relations or to decide the issue by local option is not.

The inconsistency and hypocrisy of that position is nothing short of stunning. It is utterly indefensible.

At least that issue is addressed by Senator HATCH's amendments. That amendment will at least end that hypocrisy by expressly overturning anti-democratic card check laws for public sector employees in New York, New Jersey, New Hampshire, Illinois, and Massachusetts. While we should not impose Federal law on States at all, if we ought to do it, we ought to do it consistently.

Now, lastly, I want to note that yesterday my colleague and great friend from Massachusetts indicated that if the bill were half as bad—he reiterated it again today—half as bad as I had indicated in my remarks, he would be against it as well. I take my friend at his word but do not ask that he take me at mine.

Late yesterday, the leaders received a letter from Michael Bloomberg, the mayor of New York, regarding H.R. 980.

I wish to remind everyone that New York has a full collective bargaining statute covering public safety officers. I also wish to remind everyone that we are told by all of the proponents of this bill that because of this, New York would not be affected by this law.

Here is what Mayor Bloomberg had to say in his letter to Leaders REID and MCCONNELL:

I am writing to express my serious concerns about legislation before the Senate which would alter the current state of collective bargaining between the City of New York and a number of its unions. The legislation has the potential to harm both New York City and New York State labor relations.

As you are aware, the Public Safety Employer-Employee Cooperation Act of 2007 is a bill that would significantly expand the jurisdiction of the Federal Labor Relations Authority, FLRA, into the labor relations between State and local governments and their public safety officers.

Though the bill may be well intentioned, its fundamental problem from the point of view of New York is that it does not clearly distinguish States like New York that have long provided collective bargaining rights to their employees from States that have not.

Under the bill, States with long histories of collective bargaining face the risk of having their labor relations with public safety officers Federalized to the detriment of long-established public policies.

For over 40 years, the New York City Collective Bargaining Law and the New York State Public Employees Fair Employment Act, also referred to as the Taylor Act, have provided a legal framework for public sector collective bargaining in the City of New York. There has been extensive administrative and judicial review of virtually every aspect of this legal framework. The bill has the potential to undermine this long-established framework.

One problem is the bill's treatment of the ability of public safety employees to strike. The New York State Taylor Law currently contains a clear and unequivocal prohibition on all strikes by public sector employees and explicit penalties, such as substantial fines against the individual members for violations of the no-strike provision.

The language in the proposed language before the Senate is less clear. The City is very concerned that section 6 of this bill can be read to prohibit only a strike that would measurably disrupt the delivery of emergency services.

This language, while it may not be intended to limit the prohibition in this way, is an invitation to misinterpretation and litigation. In addition, the same section could encourage employees to refuse to carry out services that many believe are not required under the mandatory terms and conditions of employment in situations where the public safety might be immediately affected by such a refusal.

The mayor of New York goes on to say:

Another serious problem with the bill is that it gives FLRA the authority to decide what must be collectively bargained. New York has longstanding legal precedent regarding what are mandatory, permissive and prohibited subjects for collective bargaining. Under section 4 of the bill, such long-established legal precedent could be overturned by the FLRA.

A notable example is that disciplinary procedures for police officers and firefighters, including due process, are provided for in the New York City Charter and administrative code and are prohibited subjects of bargaining. The New York Court of Appeals confirmed as recently as 2006 that these procedures may not be subject to bargaining, but the bill would give the FLRA the authority to decide otherwise.

I think that is a point we made yesterday.

A decision by the police commissioner, for example, as to whether or not discipline should be brought against a police officer involved in a shooting incident is something for which he remains fully accountable to the public. It is of grave concern to the City that it could be forced to bargain over such procedures as a result of an improper finding by the FLRA, and such public accountability would thereby be lost.

Even if the FLRA does not interfere with precedent that restricts bargaining in sensitive areas like discipline, the bill at a minimum would provide an additional means for such precedent to be challenged repeatedly in Federal court, resulting in an extended period of uncertainty.

In the final analysis, the bill could significantly affect the ability of the City of New York to ensure the safety of the public in the integrity of essential government services, and is likely, at a minimum, to involve the city in costly and disruptive litigation in Federal court.

Any remedy of these concerns should be achieved in statutory language, not merely in legislative history. Given the serious concerns the proposed bill raises for the City of New York, I oppose the bill in its current form.

Sincerely, Michael R. Bloomberg, Mayor.

As I showed yesterday, there are more than 20 States that will have their laws overturned by this, and 12 more whose laws could be challenged in court.

They recognize that. Calls we are getting, letters we are having shared with us indicate that is a concern of those out there who have to deal with these kinds of problems and the gaps the bill language leaves and the new authority of this Federal Labor Relations Authority which hardly anybody has had to deal with in the past. It is not even equipped to handle what is in the bill.

This is an ill-conceived and badly drafted bill that would not only overturn the law in a near majority of States and disregard the democratic will of the legislatures and people in other States, it would plainly disrupt the law and labor relations policies of every State. This is the price that is paid when the proponents of a bill pander to special interests and circumvent the regular order of this body in an attempt to advance fundamentally flawed legislation. The sad truth is, I do not believe this bill can be fixed. I certainly do not believe it can be fixed on the floor of the Senate. It should have been addressed in committee, but we are left with no choice. So we will continue today to take up the floor time of the Senate trying to fix an irretrievably broken, totally unnecessary piece of special interest legislation. Is it any wonder the American public holds Congress in such low disregard?

I haven't had a chance yet to even talk specifically on the employee bill of rights amendment and the unfunded mandate option. I will take that opportunity at this point in time. Yesterday, the Senator from Utah, Mr. HATCH, offered a public employee bill of rights amendment. Many of my colleagues have spoken about the tremendous service America's public safety employees give to the public. I believe 100 Senators believe that and want to help, in every way possible, the public safety employees do their job. I am a little concerned that occasionally we think that only through collective bargaining will anybody listen to a suggestion of a public service employee. I have never seen that happen. I am not saying it couldn't happen somewhere in America, but if they are suggesting something for safety, I think people will listen.

A lot of times we don't think of things for safety until after a tragedy such as Charleston. Then we think about what could have been done, and it is shared with the Nation. A lot of that is put into place, not through collective bargaining, through common sense. You want to protect the lives of the people who work for you; that is, the people who work for the people of the United States, work for the people in the communities. The toughest job in America is being a mayor because you are right there with the people. They can grab you by the shirt collar—you usually don't have any kind of security—and explain in no uncertain terms what they are thinking. Usually, they have a pretty good idea, not just a complaint but a complaint coupled with a suggestion.

I know, on any given day, one of these officers could be asked to put his or her life on the line, and they do so courageously. I agree with my colleagues that individuals who choose these careers deserve respect, gratitude, and special treatment. But the underlying amendment would actually

result in diminishing the rights of public safety employees who are not currently unionized. Once a workforce is unionized, even employees who do not wish to be a part of the union will have pay deducted from their paychecks and spent in a manner outside their control. They will have little ability to question or alter the legal representation established with or without their support. The Hatch amendment merely balances that diminution of self-determination by establishing a public bill of rights. The amendment will do three things. It guarantees the right to vote by a secret ballot. It guarantees to limit the right of public unions' dues collection authority to nonpolitical uses. It guarantees that financial transparency will be there. By ensuring that public safety employees in all States have the right to vote on whether they unionize by secret ballot, the Hatch amendment guarantees for public safety employees the same right private employees now have in many States. In a democratic society, nothing is more sacred than the right to vote. It is undeniable that nothing ensures truly free choice more than the use of a private ballot.

The possibility of coercive or threatening behavior toward employees who may not wish to form a union is even more concerning in the context of public safety employees who rely on coworkers to reduce the deadly risks they face routinely in the course of their work. The amendment would also limit the right of public unions' dues collection authority to nonpolitical uses. Those who choose public service often accept lower pay than they might make in the private sector because they are dedicated to public service. Let's not insult that choice by allowing labor bosses to take money from paychecks and spend it on purely political causes the employee does not support. I believe public employees should have the same protections from fraud and abuse as private employees. This amendment would empower public employees by allowing them to observe how their dues are being spent and the other financial dealings of their unions. It does this by bringing public unions under the requirements of the Labor Management Reporting and Disclosure Act. That is a 1959 law enacted with bipartisan support, including then-Senator John F. Kennedy. Public employees who pay union dues, especially those who are compelled to do so against their wishes, are no less entitled to financial transparency and fraud protections than private sector employees covered under the law today.

In regard to the Alexander amendment, I don't think there is any doubt that the bill's mandates would increase costs for States and localities that are either now unionized or do not allow bargaining to the extent required under the law and will, therefore, be subject to new rules. We have heard the argument that this has to be approved by a legislative body. There is also the clause in there about what the Federal Labor Relations Authority can do with any agreements that come up. I assume that would be if they didn't think they were tough enough. The costs I am concerned about go far beyond any increased pay or work scheduling costs.

The bill's most burdensome mandate falls on small towns that will have to assemble collective bargaining resources and capability on short notice. We keep looking at the 5,000 figure like it is magic. Five thousand is a very small town, and many of them already have difficulty complying with current Federal unfunded mandates. But we are going to impose one more on them. I don't want people to think the small town exemption is really just set at 5,000 population. The bill says 5,000 population or 25 employees. Towns have to hire a lot of people to run the facilities that we take for granted. We expect to turn on our faucet and have the water there. We expect to flush the toilet and have it disappear. We expect to set our garbage out and have somebody pick it up. We expect the streets to be in good condition so they are safe. A lot of places we expect sidewalks to be there so pedestrians don't have to be on the street. We even have in some municipalities the provision of electricity.

Gillette, WY, was so isolated and had so few people at one time that nobody wanted to provide electricity. So the city provided it. That has been a growing entity with employees. But it always required quite a few employees for doing the pole work and the meter work and the electrical work that was necessary. So 25 employees is a pretty easy threshold to get to in a small town. So 5,000 population or 25 employees, don't forget the 25 employees part.

The costs I am concerned about go beyond increased pay and work scheduling costs. This bill will also require them to assemble collective bargaining resources and capability, and on very short notice. I think that means that since the union will be able to bring in a negotiator, the city, the town—in Wyoming, 5,000 is a first-class city—will have to bring in different legal and bargaining experts to help with the negotiations, at least to train them to know how to negotiate. That will happen on both sides.

So this requires actions such as hiring labor law experts and establishing contracts with arbitrators, all resources that may be in short supply since small towns all across the country will be facing the same mandate at the same time.

As the former mayor of Gillette, I know what it is like to balance a municipal budget. When the Federal Government imposes costly new mandates and provides no funds to pay for them, it is frustrating for the mayor and the council and anybody who works for the city. When I became mayor, it was a boom town. The town had recognized the need to have better sewer treatment facilities. We had applied to the Federal Government. We had received a grant. Just as I took office, this new sewer treatment facility went on line. The inspector showed up and said: Your town has grown so much, you are violating the capacity of your sewer system. Since we provided the money for it, we are going to fine you.

So I needed a new sewer treatment facility. I needed several million dollars' worth of new sewer treatment facility. So I went back to the source. The Federal Government said: That one wasn't adequate because of the growth you have had. They said: Sorry, you already got one grant. You wind up at the bottom of the list now. So thousands of communities across the United States, probably rightfully, got to be ahead of my community. But that didn't stop the fines. Fortunately, I got a judge who said:. Yes, we have to fine you, but we are going to make you pay that money into a fund to build a new sewer treatment plant. That helped a little bit because we still had the money to do something, but we were still being put under this Federal mandate, which is a good idea. You need to do adequate sewer treatment. That is very important. But how do these small towns afford that? There are thousands of them, and they are all going to be put under that law at the same time. There aren't enough people trained to help them do this. So the burden falls on the taxpayers. The taxpayers elect local officials who will pursue their priorities and collect taxes at a level to cover the cost of those priorities. That is partly right. You don't always have the right to increase taxes. There are State limits in many of the States that say how much a municipality can tax. So that option may be closed down. This bill upsets the democratic order by imposing Federal priorities on local taxpayers with no way to pay for them. Local governments don't have ''funny money'' gimmicks like the Federal Government. Increased costs have to result in increased taxes, such as sales tax, property tax or decreased services. So which of those 25 employees are we going to get rid of in order to meet the costs of this bill? You can say it is not a Federal mandate because we have some definitions that explain what a true Federal mandate is, but I think the towns will consider it to be a Federal mandate. So will the people who are taxed or lose services or who are taxed and lose their jobs.

This is a choice I believe we should leave to local government. The Alexander amendment would leave it up to them by allowing localities to opt out of the bill's requirements, if they determine it will increase local property taxes, compromise public safety or constitute an unfunded mandate.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from South Carolina.

AMENDMENT NO. 4763

(Purpose: To improve educational assistance for members of the Armed Forces and veterans in order to enhance recruitment and retention for the Armed Forces)

Mr. GRAHAM. I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. KENNEDY. Mr. President, I am sure I will not object, but I would like to see the amendment. If the Senator will give us a moment to see the amendment, we have not seen it.

The PRESIDING OFFICER. Consent is not needed.

The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina (Mr. GRAHAM), for himself, Mr. BURR, and Mr. MCCAIN, proposes an amendment numbered 4763.

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

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

CLOTURE MOTION

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. I send a cloture motion to the desk on a first-degree amendment and ask unanimous consent that reading of the motion be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. I object.

The PRESIDING OFFICER. Objection is heard.

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment No. 4763 to H.R. 980, the Public Safety Employer-Employee Cooperation Act of 2007.

Mitch McConnell, Michael B. Enzi, Johnny Isakson, David Vitter, Jim DeMint, Robert F. Bennett, Pat Roberts, John Ensign, Thad Cochran, Roger F. Wicker, Richard Burr, Larry E. Craig, Lindsey Graham, Saxby Chambliss, Mel Martinez, Kay Bailey Hutchison.

The PRESIDING OFFICER. The Republican leader.

AMENDMENT NO. 4764 TO AMENDMENT NO. 4763

(Purpose: To improve educational assistance for members of the Armed Forces and veterans in order to enhance recruitment and retention for the Armed Forces)

Mr. MCCONNELL. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 4764 to amendment No. 4763.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. KENNEDY. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue.

The legislative clerk continued with the reading of the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I thought things were too good to be true, that we would have a debate on a bipartisan bill. There are a lot of things we could do to bring the Presidential politics into what is going on here on the floor. I think this is untoward.

This is a bill that has been worked on for a long time. Senator KENNEDY and Senator GREGG have worked in good faith to bring this up to help firemen and police officers. I had a group of police officers in my office today. They were so excited about this bill because we are doing something to help them.

We have been through this before. I told MIKE ENZI last Friday, through staff, that I would not fill the tree on this. I wanted to see if we could work in good faith for once without the Republicans playing their petty politics. But, obviously, we cannot do that.

Now, is it any wonder—I ask: Is it any wonder—that the Republicans have lost three special elections for House seats? It is no wonder. The American people understand what this Republican-led Congress has done, led by this man in the White House.

Now, is it any wonder that in a poll yesterday in the Washington Post, the Democrats have a 21-percent lead on the Republicans on being better able to handle the problems of this country? It is no wonder because this is what we have. They are not serious about anything.

We have had 71 filibusters that have been filed this Congress we have tried to break—we have had to break them—71 filibusters.

So I tell my friend, Chairman KENNEDY, and Ranking Member ENZI, it is obvious we cannot complete this legislation. It is obvious that games are being played.

Now, can you imagine on this bill dealing with people who are first responders—on 9/11, who were the people rushing into that building to die? Firefighters and police officers. They have asked for some help from us. For example, in Nevada, we have a situation where the State legislature said local law enforcement officers can bargain collectively. But isn't it interesting, the State cannot. Highway patrol officers cannot, those people who are capital policemen in Nevada cannot.

That is what this legislation would do. It would direct attention to some of the problems law enforcement has in this country, and we are not going to be able to do it because we are working now and are going to have to vote on whether there should be a holiday on gas prices. I talked to a woman in Pahrump, NV, yesterday, 50 miles out of Las Vegas. She moved to Pahrump because it would be cheaper to live. She works in Las Vegas. Well, that was a bad bet she made because she has a diesel vehicle. Yesterday, it cost almost $130 to fill it with diesel fuel, and she has to fill it once a week.

So we have a situation here where now we are going to start debating the energy policies of this country. We are happy to enter into that debate because we know the energy policy in this country has been set by Dick Cheney. He met with oil companies. It was all secret. They protected themselves, even through the Supreme Court, that we would not know whom they met with and what they met with. But it is obvious the policies they came up with have been a real big boon to the energy companies, making more money than any companies in the history of the world.

So if my Republican colleagues want to debate energy, we are happy to do it. What we wanted to work on is something to help police and fire. I am very disappointed. We on this side wanted to finish this legislation. But we have a cloture motion filed on the McCain proposal, and I am forced to acknowledge that probably he is trying to do anything he can. He is a flawed candidate, and he is wrong on the war, and he is wrong on the economy. But it is too bad he is still interfering with what we are trying to do here to start doing some serious legislating, ''he,'' meaning JOHN MCCAIN.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, before the leader departs the floor, I wish to thank him again for his strong support for this legislation that is so important to our first responders, to our firefighters, and our police officers in this country.

We have seen this parliamentary gimmick that has taken place offered by the Republican leadership that is a slap in the face to every firefighter and police officer and first responder in the country.

We have bipartisan support for this legislation. We have four amendments that are now pending. We had some understanding that we would have an opportunity to address those amendments during the course of the day. They are all related to this legislation. But oh, no—oh, no—the games are going to be played, and we are saying to the firefighters of this Nation and to the police officers of this Nation and the first responders of this Nation: Your interests, the safety and security of our communities across this Nation,

should be put aside in favor of some political gimmick by the Republican leader in the Senate.

That is what this is about. Make no mistake about it. Every firefighter ought to understand that. We are here now at noontime, ready to do the public's business, ready to take a vote on these issues, but oh, no, the Republican side says: No, you can't do it. You can't do it.

Look, the underlying position the Republicans are talking about is help for our GI bill. Senator WEBB has his proposal. I am all in support of what Senator WEBB is doing. Why not have that done after this bill is over? Why not have it done after then? Why didn't the Republican leader come on up and speak to the Democratic leader and propose: Let's do that at the end of the week. Do it Friday, Saturday, Sunday, and Monday. Maybe Senator MCCAIN will come back for it; maybe he won't. Do it after we finish this bill. But, no, we are going to insult—and this is an insult, make no mistake about it. I have been around here long enough to know when the insults are being played, and this is it. This is saying: Your interests are not as important as a political hit. That is what is happening. That is what is happening.

Who are these individuals? Forty billion dollars we spend on homeland security. Forty billion we are spending on homeland security. Who are the people who implement homeland security? They are our firefighters, our police officers, and first responders in all 50 States. They believe they have ways of doing it better than it is being done at the present time. I do too. So do Democrats and so do a few Republicans. We want to work through the political process to give the opportunity to have that done. But oh, no—oh, no—we are not going to do that. We are going to play games. It is Wednesday. It is noontime. We are just going to play some more games. We did it with you guys in the Senate last week on energy. We are going to do it here.

Listen, we are glad and willing to vote. I have been doing that for 45 years, and I am glad to do that now. But make no mistake about it who the target is—who the target is. The Republicans are saying: We will not take the time. We will not take the time to let the Senate work its will in terms of the firefighters and policemen of this country. That is outrageous. It is a gross insult to each and every one of them. It is a slap in the face to each and every one of them. Make no mistake about it, that is what is going on here. That is what is going on here.

Well, we are not giving up. We are not giving up on them. Maybe the other side wants to give up, but we are not giving up on them. We believe their service—their service—is too important to this country, their lives too important to this country. When are we going to be threatened again? Too important to this country.

Maybe the leadership on the other side can tell us whether Senator MCCAIN approved this strategy. Maybe we can find that out. I think the police and firefighters of the country would like to know whether Senator MCCAIN—we have Senator MCCAIN's proposal here. It is difficult to believe an effort would be made to bring this up without his approval. I think firefighters and policemen ought to understand whether Senator MCCAIN supports this proposal. You cannot get away without believing that he does and that he has been an architect. You don't just go around and get 16 Senators. You have to go around here and get all those. This thing has been in the cooking for a period of time. This just did not happen, although it looks—they duck in the cloakroom, and then they run out and do that—all that business.

This has been going on. This is a conscious act, and one will have to assume Senator MCCAIN is absolutely against it. I hope he is able to talk to the firefighters and the police officers and the first responders. Why are you interrupting this bill—this bill—that is so essential to the security, homeland security? Why interrupt this bill when we are in the process—at least we thought so—that we were going to be moving ahead to get some votes on these particular measures? Why? No, no effort at all to try and talk to the leadership, certainly not to—I do not expect—although, for the first 20 years or so I was in this body, people used to do that. They used to talk to people and tell them what was going to come on up. But I do not expect that anymore. But you would have thought: At least talk to the leadership who has responsibility.

So I hope each and every one of the firefighters, police officers, first responders who have been working on this legislation for years—I wish to mention about how long they have been working on this. It was introduced on May 12, 1999. On July 25, 2000, we had a Health Committee hearing. On September 19, 2001, we had a committee markup and reported it out. On November 6, 2001, we had a Senate vote, No. 323. On November 24, we had a HELP Committee markup. On February 4, 2004, it was offered as an amendment to S. 1017. On November 13, 2007, it was offered as amendment No. 2419.

For 8½ years this has been before the Senate—8½ years. Two committees, one chaired by the Senator from New Hampshire, the HELP Committee, and the other one by myself, and we supported this bill out. We finally have a chance to debate this. We had a good debate yesterday, and we are prepared to deal with the amendments on a matter of vital national security for our country and for respect for those who are our first responders who have done so much. But the answer is, no.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, all except the 9—10 new Senators we have remember the time that I lived on the Senate floor. For 6 years I was here from the time we came in session until we left, with no exceptions. I tried at that time to be as fair to the Republicans as the Democrats. If someone asked for more time on our side, with the Republicans not being here, they automatically got that time.

That is what took place today—I want Senator KENNEDY to hear this. I want Senator KENNEDY to hear this. Here this morning I congratulated you and the ranking member, Senator ENZI, because we were having a good debate and we were going to be working from the idea that we would try to improve this bill. I said specifically that Senator ENZI said he wished he had more time to do some committee work, and he wanted to do some work out here.

More power to him. That is what he should be able to do. I complimented everyone for the way this bill was being handled. Do you know the sad part about it, I say to my friends. Senator MCCONNELL was standing right there. We had a conversation walking out the door. Shouldn't he have said to me: Well, maybe you shouldn't feel that way; I am going to file cloture on the McCain amendment to get the tax holiday on gas.

But I am so surprised. I never try to avoid a phone call from my Republican counterpart. I always try to be available. I would say this: I would never do to him what he did to me this morning. It is untoward.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called 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.

Mr. REID. Because we had so much notice on this, I thought it was the McCain tax holiday amendment. But, no, it is the McCain effort to change the Jim Webb bipartisan GI bill of rights because it is too generous. So this idea is about the same as the gas tax holiday. He doesn't like the GI bill of rights because it is too generous. Now I am wondering if we want to debate Iraq on this bill because we are happy to do it. We are happy to debate an intractable civil war that is costing the American people $5,000 a second every day of the week, every week of the month, every month of the year, $5,000 a second. No weekends off, no holidays, $5,000 a second of borrowed money.

Do we want to debate the Iraq war? Is that what we want to do on this bill that was set aside to deal with firefighters, police officers, and first responders?

Those people came to my office today, some in uniform, some in plain clothes, because that is what they do. Some of them wear their uniform to work every day. Some do other work so they can't wear the uniform. They are

undercover. But no—I apologize to everyone. I thought we were on the McCain tax holiday. But, no, we are now on the GI bill of rights McCain effort because it is too generous.

The bipartisan bill of JIM WEBB that he wrote himself, bipartisan in nature, is too generous according to JOHN MCCAIN. We are happy to debate that. If that is what this body needs to do is to start the supplemental debate a week early, we can do that too.

I note the absence of a quorum.

Mr. KENNEDY. Would the Senator withhold that request?

Mr. REID. Yes.

Mr. KENNEDY. As I understand what the majority leader is saying, he is prepared to see the Senate vote on the McCain amendment as well as have a vote on the Webb amendment, and do it in a timely way. Is that what I am gathering here?

Mr. REID. Yes. We are going to do it next week anyway. Do you want to do it a week early? Fine.

Mr. KENNEDY. The majority leader has indicated they are prepared to go for a time limit on the McCain amendment, a time limit on the Webb amendment, and then have a vote so Members can do it here, and do it in a prompt way. I also understand that we would be able to continue the consideration of this matter but, as I understand, we are not getting any cooperation from the other side.

Mr. REID. I say to my friend not only was an amendment filed, but untoward cloture was filed at the same time on that amendment. Now, what would happen if on every piece of legislation around here, when you offer an amendment, a person walks in and files a cloture motion at the same time? That is a little funny way to do it. But maybe the Republicans love this filibustering so much—they broke the record, the filibuster record, in 10 months. Maybe they really want to in effect break Hank Aaron's record big in the way of filibusters. It is not enough to break it in 10 months, they want to really break it big, so now they are going to start filing cloture motions on their own amendments.

So I think what we need to do is just relax a little bit. We are going to suggest the absence of a quorum in just a second, and we will talk a little bit to see if there is a way out of this. I hope there is a way out of it for the benefit of the police and firefighters and first responders of this country. They are in town this week because there is going to be a memorial for those who were killed this year, police officers who were killed this year in service to their counties, their cities, and their States. They are here. Part of the reason they are here and the reason we scheduled this at this time is because they were going to be here.

So I suggest the absence of a quorum.

Mr. GREGG. Will the majority leader yield for a question?

Mr. REID. I yield for a question without losing the right to the floor.

Mr. GREGG. Mr. President, I would ask the majority leader if I might be recognized to speak after he completes his speech and his statement because I would like to speak.

Mr. REID. As I said, Mr. President, we are going to go into a quorum call and huddle down here and find out if there is a way out of this.

Mr. GREGG. Will the majority leader yield for a further question?

Mr. REID. Yes.

Mr. GREGG. I think the majority leader has made his case as to the status of the situation. But I do believe we should not shut off debate in the sense of not allowing for those of us who would like to express the way we see the situation to also be able to speak. That is why I would like to have an opportunity to speak.

Mr. REID. I say to my friend, and he is my friend, we are not going to have any more discussion on this piece of legislation until we figure out a way to help the police and firefighters. The decision was made by the Republican leader to debate the GI bill of rights, OK? That is where we are now.

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. GREGG. Mr. President, I ask unanimous consent that the quorum call be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GREGG. Mr. President, I ask unanimous consent that the quorum call be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

Mr. GREGG. Mr. President, I ask unanimous consent that the quorum call be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ENZI. Mr. President, I ask unanimous consent to set aside the quorum call so that I can answer some of the questions that have been asked on the other side.

Mr. REID. I object.

The PRESIDING OFFICER (Mr. MENENDEZ). Objection is heard.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. 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. REID. Mr. President, I appreciate the patience of all Senators. I am going to, in a couple minutes, move to table the Graham first-degree amendment. That vote will take place shortly. Following that, I have asked Senators KENNEDY and ENZI to sit down and see if there is a way we can finish this important legislation. We have other things to do this week. We have the farm bill that will be here within the hour from the House. We have the budget conferees we have to appoint. Senator DORGAN is pushing hard on the media cross-ownership. That is something we need to complete this week. I want all Senators to see what they can do to exert influence on their friends to finish this bill. I have talked to the head of the firefighters. He is tremendously troubled that we ran into this roadblock. The underlying bill is very important. I would hope everyone understands that. We have all next week to do whatever needs to be done on the supplemental appropriations bill. We will get into a lot of discussion on the war in Iraq and what is going to happen to returning veterans.

In the meantime, it is my understanding the matter before the Senate is the Graham first-degree amendment. I move to table Graham amendment No. 4763 and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN, I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necesarily absent: the Senator from Arizona (Mr. MCCAIN.)

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

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—55

Akaka	Hagel	Nelson (NE)
Baucus	Harkin	Pryor
Bayh	Inouye	Reed
Biden	Johnson	Reid
Bingaman	Kennedy	Rockefeller
Boxer	Kerry	Salazar
Brown	Klobuchar	Sanders
Byrd	Kohl	Schumer
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Specter
Carper	Leahy	Stabenow
Casey	Levin	Tester
Collins	Lieberman	Voinovich
Conrad	Lincoln	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murray	
Feinstein	Nelson (FL)	

NAYS—42

Alexander	Craig	Kyl
Allard	Crapo	Lugar
Barrasso	DeMint	Martinez
Bennett	Dole	McConnell
Bond	Domenici	Murkowski
Brownback	Ensign	Roberts
Bunning	Enzi	Sessions
Burr	Graham	Shelby
Chambliss	Grassley	Smith
Coburn	Gregg	Stevens
Cochran	Hatch	Sununu
Coleman	Hutchison	Thune
Corker	Inhofe	Vitter
Cornyn	Isakson	Wicker

NOT VOTING—3

Clinton	McCain	Obama

The motion was agreed to.

Mr. KENNEDY. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Madam President, may we have order? The Senator is entitled to be heard.

The PRESIDING OFFICER. The Senate is in a quorum call.

Mr. KENNEDY. I ask unanimous consent that further proceedings under the quorum call be suspended.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator cannot reserve the right to object.

Is there objection?

Mr. GREGG. Then I object.

The PRESIDING OFFICER. Objection is heard.

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

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

Mr. KENNEDY. Madam President, I ask unanimous consent that the next hour be evenly divided between the two parties for the purposes of debate only and at the end of that time, a quorum call be in order.

Mr. MCCONNELL. Madam President, reserving the right to object, and I am not going to, but I wish to explain that Members on this side of the aisle are prepared to go forward with the amendments Senator ENZI has been suggesting we vote on. We are having some difficulty achieving that, but we would like to have some more votes on the underlying bill today.

Having said that, I do not object.

Mr. GREGG. Madam President, reserving the right to object, I am happy to agree to this because I have been trying to speak now for 4 or 5 hours, and the last three times I rose to speak, the majority leader would not allow me to speak. I understood his concern and his pique about what he perceived as to what was happening on the floor, but independent of that, I still think I should have the right to speak. Therefore, since I sought the floor initially and was seeking the floor the last time this exercise took place, I would request that the unanimous consent request be adjusted so that I be recognized first and that I be given 5 minutes to speak.

The PRESIDING OFFICER. Will the Senator so modify his request?

Mr. KENNEDY. I so modify, with the understanding that following the Senator from New Hampshire, the Senator from Virginia be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. I just want to say in terms of the voting that we are prepared to vote on our side on the underlying amendments, but we were notified by the other side that we would not be permitted to vote. There was objection from the Republican side to voting on a Democratic amendment, and we insist on getting that worked out so we can move ahead.

Hopefully, we can put aside the games and get moving on this underlying legislation, which is so important. Madam President, I ask unanimous consent further that after Senator WEBB, the speakers be rotated from side to side and the time, as mentioned earlier, be evenly divided.

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

The Senator from New Hampshire is recognized for 5 minutes—the Senator from Virginia.

Mr. WARNER. Madam President, I ask unanimous consent that I be recognized on this side after Senator WEBB.

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

The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, I wanted to rise earlier to put into context what the exercise we were involved in was about and the fact that the issue of the Graham amendment, in my humble opinion, did not, in any way, adversely affect the capacity to pass and proceed on the underlying bill, which is the firefighter initiative here that I and Senator KENNEDY have brought forward.

I think there were representations from the majority leader that the Graham amendment was some sort of attempt to basically sidetrack the firefighter bill. It was not that at all. It was simply the Senate doing its natural business, which is to amend bills on the floor of the Senate and get votes on those amendments. The Republican leader, in his absolute right, set the matter so it would be voted on. If he had not done what he did, there probably would have been no vote on the Graham amendment because the majority would have been able to sidetrack that amendment.

I think Senator GRAHAM had every right to come forward with whatever amendment he wanted. Every Member has that right when a bill is open to amendment. That has been a huge debate for quite a while. The majority party, for some reason, has decided to try to run the Senate as if it were the House of Representatives, which means they are trying to proceed in an autocratic way, where they decide for the minority party what amendments will be brought forward. That is not appropriate. That is not the tradition or the purpose of the Senate. The minority party has an absolute, sacred right to bring forward amendments, and there is no right in the majority party to ban the capacity of the minority party to do that, unless the majority party has the capacity to basically bring down the entire operation of the Senate, which is what it consistently has been doing—filling the tree time and time again in an attempt to shut off our party, the minority, from making its points and bringing forward amendments, which can be debated and voted on, and then you can get to the underlying bill—which is the way the Senate worked, by the way, for over 200 years.

Now, another action is occurring here which required Senator GRAHAM to offer this amendment. He didn't, by choice, pick this bill out of his interest in the bill to offer the amendment on. He had to offer it because the majority party is using the rules of the Senate to shut off all amendments to the bill being proposed by the Senator from Virginia.

The bill of the Senator from Virginia will be marked up in a manner that will bring it to the floor so that it would not be amendable. That has been public knowledge around here for weeks—that we were not going to be given the opportunity to amend the Senator's bill. That is inappropriate also. So the only way Senator GRAHAM could protect his rights was to bring this amendment forward at this time. It did nothing to undermine the movement of this bill forward. If this bill doesn't move forward—the firefighter bill—it will be because the Democratic leadership has not been able to schedule the floor in an efficient enough way to get the bill across the floor. That is the reason. It is not the failure of the minority to move this bill across the floor. It is failure of the majority to bring forward the bill in a proper procedure and allow for a proper amendment process to occur.

I think that point needs to be made. It is like the story of the guy who kills his parents and throws himself on the jury's mercy because he claims he is an orphan. The majority party has killed its parents. They are trying to deny the right of the minority to offer amendments to the Webb measure. It is inconsistent with the way the Senate should act.

I think we had a legitimate case with the Graham amendment. I think the Republican leader did the right thing in filing cloture to force a vote on that amendment. We have now had a vote, which was a vote to table. As a practical matter, it hasn't slowed down the firefighter bill. The bill has not been prejudiced by this action. Rather, the activity of the Senate, which is to give the minority the right to amend, has occurred in a proper way. It took work to get it done and huffing and puffing from the other side of the aisle, saying it should not be done. The proper order was done, and I congratulate the Republican leader for following this course.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. Madam President, I ask unanimous consent that I be allowed to engage in a colloquy with the senior Senator from Virginia and the senior Senator from Nebraska.

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

Mr. WEBB. Madam President, I wish to speak for a few minutes about our bill that the senior Senator from Virginia, the Senator from Nebraska, and 58 Members of this body in total have cosponsored because I regret this vote that has just occurred.

I personally did not think it was appropriate that the amendment of the Senator from South Carolina be placed into this particular legislation, particularly at a time when there had been a good bit of discussion about how any suggestions that were viewed as appropriate to our legislation were welcome. They have been welcome for 16 months.

So I don't want the Members of this body, or other people in our country, to think that in any way our GI bill legislation is a partisan measure or a piece of legislation that simply is being driven by the majority party. In fact, as I said, we have 58 sponsors in the Senate—11 of them Republicans—including the senior Senator from Virginia, who, other than myself, is the only person who has served in a policy position in the Pentagon and who is a former chairman of the Armed Services Committee, and including the former chairman of the veterans committee, a Republican, and also including the current chairman of the Armed Services Committee and the chairman of the veterans committee.

This is a strongly bipartisan bill. It is an attempt to give those people who serve and have served since 9/11 equitable opportunities for the future on a level of the people whom we have come to call the ''greatest generation,'' the World War II veterans. That is all this is. I hope the other Members of this body will come together with us to pass this legislation.

With respect to amendments to this legislation, I wish to say a couple things. One, we have worked with all the major veterans groups over a period of 16 months. We have worked with other Members of this body over a period of 16 months—Democrats and Republicans. We have incorporated many different suggestions. This is a bill that I believe will be dramatically helpful to those who have served, and it will be something of which the American people can be proud.

In that regard, I say, first of all, on the House side, we have 295 sponsors of this identical legislation, including 91 Republicans. So let's all get together and let's set partisan bickering aside and do something affirmative that will allow the people who have been serving in these arduous times to have a true first-class shot in the future.

With that, I yield to the senior Senator from Virginia, whose advice and counsel on this bill has been greatly appreciated and whose support I also appreciate.

The PRESIDING OFFICER. The senior Senator from Virginia is recognized.

Mr. WARNER. Madam President, I stand before this Senate, which I have been in now almost 30 years, with a great sense of humility. I simply say that I would not be here had it not been for previous GI bills. I volunteered and served in the last year of World War II as a young sailor, 17 years old. Subsequently, I volunteered to go into the Marine Corps in 1948 and served on active duty during the Korean conflict, 1950–1952. That modest World War II service gave me a GI bill to get my undergraduate degree then, and my modest service in the Marine Corps on Active Duty—and I stayed in the Reserves for many years afterward—gave me a second GI bill enabling me to get my law degree. I am here because of that education given to me and many other by a generous Nation.

I have joined my distinguished colleague, and dear friend, the junior Senator from Virginia, Mr. WEBB, who was a part of my staff when I was Under Secretary and Secretary of the Navy. We have known each other for many years and have worked together prior to coming to the Senate. I have the greatest admiration for him. He is too modest to talk of his military career, his service in the Department in the Defense, as Assistant Secretary of Defense for Reserve Affairs, and later as Secretary of the Navy. We have collaborated with the Senator from Nebraska, who is another distinguished veteran of the Vietnam period. I think the three of us are highly conscious of what we want to do for today's generation of young men and women in uniform and their families.

In the aftermath of World War II, the first GI bill was passed in 1944. Sixteen million men and women were given that educational opportunity, of which 7.8 million veterans availed themselves of these GI bill benefits.

All those individuals, including this humble Senator, were given the option to go to that university or that college of their choice, and that university or college, because of their academic credentials, would accept them. The dollars were not a subject, because the GI bill largely paid for all the expenses incurred by the veterans.

That is the purpose of the Webb bill, to now give to this very courageous generation the same opportunities my generation had beginning in 1944. I think today's generation will be judged by history as just as great, or greater, than the World War II generation. We should give to this generation nothing less.

I can assure you that, based on my experience—and I think my colleagues will agree—this will be an inducement to bring more high-quality individuals into uniform, knowing that for that service, their Nation would recognize it with the opportunity for them to pursue further education.

Madam President, I will soon ask to have printed in the RECORD a part of the law as it exists today. Much has been said about the transferability of the GI bill rights to a spouse or a child. The Committee of the Armed Services on which I serve, put into law the first option by which a service person could have what is known as transferability of their GI bill to a spouse or child. It is still the law of the day.

I think my distinguished colleague from Virginia, having recognized this as existing law, might well consider it as a part of his legislation. That is a decision he will make and one I will support.

With that, I will yield the floor at this time.

Mr. WEBB. Madam President, first of all, I say to the senior Senator from Virginia, I have raised this piece of existing law a number of times when the individuals who introduced the measure that was just tabled talked about the need for transferability. This option is available to service Secretaries at their discretion under the existing law that the senior Senator from Virginia introduced more than 6 years ago. It would be, I believe, logical and proper to extend that law to the new GI bill.

Mr. WARNER. I thank my distinguished colleague. Might that be in the form of an amendment to the Senator's existing bill?

Mr. WEBB. We would be happy to discuss that as soon as we can meet.

Mr. WARNER. Madam President, I admire the Senator's willingness to accept that. It was my hope that perhaps Senators could have worked together with those who sponsored the bill we just voted to table. But certainly Republicans exercised their right to have this vote on the measures put in by Senator BURR and Senator GRAHAM.

Mr. WEBB. Madam President, the Senator from Nebraska is getting ready to speak. I will point out a couple things. One is that he has served our country with great distinction as an infantry sergeant in Vietnam and was wounded. He has been a great friend for many years, 30 years. He and I came up together working on veterans laws years ago.

Just as importantly, when I mentioned the senior Senator from Virginia and myself were the only ones who served in policy positions in the Pentagon, I believe Senator HAGEL is probably the only Member of this body who has served in a senior policy position in the Department of Veterans' Affairs.

If anyone is looking at the sense of fiduciary responsibility and the wisdom that has gone into our bill, I hope they will consider those sets of experiences.

With that, I yield to the senior Senator from Nebraska.

Mr. HAGEL. Madam President, I thank both of my distinguished colleagues for their service to our country and for their leadership on one of the most important efforts we can make on behalf of those we ask to do so much for our country.

The reality is, today we are asking less than 1 percent of our society to bear all the burden, to carry that burden with tremendous sacrifice, not just for themselves but also a sacrifice called for from their families. They do it willingly, they do it because they love their country, and they care about the future of their country.

What this bill is about, as much as any one thing, is supporting our troops in a time of peace, just as we support our troops in a time of war. These are men and women who have earned this benefit. Every generation of veterans since World War II has been acknowledged by a grateful nation, acknowledged in many ways. Maybe the most important way is a set of educational benefits they have been given in appropriate recognition of their service to our country.

Just as Senator WEBB noted, what we are doing is rotating these benefits forward into the 21st century so they are relevant to the realities of the costs of education today, giving these veterans the same kinds of opportunities and options that Senator WARNER, all of our World War II veterans have had—our Korean war veterans in the Congress, and our Vietnam war veterans, all of them have had.

This is not a new program. This is not a welfare program. At a time when we have no difficulty finding the money to go to war, to place these men and women in war, we are having some debate over whether we have the resources, the commitment in this country to find the resources to do not only what is right but what our Nation has always done since 1944.

Is that the debate? If that is the debate, we should have a debate because it is about the prioritization of our people. These young men and women are expected to go to war, fight and die, many will come back with tremendous scars, ruined families, and then we disconnect? It is not enough to slap a bumper sticker on your car and say, ''I support the troops,'' or for us to stand in the Senate or the House and speak in abstractions about supporting the troops. This is about supporting the troops.

My goodness, what is a wiser investment in our society, in our future, in our country than giving these special men and women the same opportunities we had to make a better world, not just for themselves but for our country, through helping to educate these men and women.

We have missed some points in this debate so far. I hope the points I have covered briefly will come back into some clarity, in some framework of understanding by the American people as to what this is about because, as I note again, if this is about not having the resources to fulfill the commitments we have made for almost 70 years to America's veterans, if that is the case, then that debate needs to be ongoing throughout this Nation because I think the American people will want to say something about this, will want to have something to say about this, and they should. It is their Nation, their sons and daughters we send off to war.

This, as Senator WEBB has noted, should be an effort to bring our country together, not divide our country, not divide us between Republicans and Democrats or between States. This should be some consensus of purpose to acknowledge these men and women who do so much, who bear all the burden. That is what this is about.

There will be more debate, and there needs to be more debate. I am as proud to be part of this effort with my colleagues from Virginia, Senator WEBB and Senator WARNER, with 57 other colleagues in the Senate, and almost 300 in the House, as I have ever been since I have been in the Senate on behalf of a piece of legislation. This should be an effort to unite our country, and I believe the American people will see it that way.

I appreciate very much an opportunity to express some of these points and for the continued leadership of my friend, JIM WEBB.

Mr. WARNER. Madam President, I say to my good friend and the leader of this effort, and Senator HAGEL, let's clarify what I recommend we consider. That is the insertion of a provision, if it is so decided by Senator WEBB, on transferability, which would be for an individual to serve a second tour of service upon the completion of the first tour of service. This tracks with the 2001 legislation.

Will the Senator from Virginia concur?

Mr. WEBB. Madam President, I say to the senior Senator that I have read the existing law, and the understanding I have of it is, at the discretion of a Service Secretary for military occupational specialities, that as they determine with a reenlistment, that transferability in increments would be allowed. That is in keeping with the statements of concern by the Senator from South Carolina about wanting to use transferability as a retention incentive. It is in existing law. It has not really been used extensively by the Service Secretaries. But I agree with the senior Senator that we should look for a way to continue that in our legislation as well.

Mr. WARNER. Madam President, I thank my distinguished colleague. I am proud to note that on the Webb bill I think it remains correct at this time that there are 11 Republican Senators who are cosponsors of the bill. This clearly indicates that Senator WEBB has devised legislation which is bipartisan, and does reflect, as our colleague from Nebraska said, the will of the people of the United States to recognize the extraordinary heroism and commitment of the individual in uniform and their family and loved ones at home.

Madam President, I ask unanimous consent to have printed in the RECORD current law enacted in 2001, to which I referred earlier.

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

FY2002 NDAA

Subtitle E—Other Matters

SEC. 654. TRANSFER OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL BY MEMBERS OF THE ARMED FORCES WITH CRITICAL MILITARY SKILLS.

(a) AUTHORITY TO TRANSFER TO FAMILY MEMBERS.—(1) Subchapter II of chapter 30 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 3020. Transfer of entitlement to basic educational assistance: members of the Armed Forces with critical military skills

''(a) IN GENERAL—Subject to the provisions of this section, each Secretary concerned may, for the purpose of enhancing recruitment and retention of members of the Armed Forces with critical military skills and at such Secretary's sole discretion, permit an individual described in subsection (b) who is entitled to basic educational assistance under this subchapter to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such individual's entitlement to such assistance, subject to the limitation under subsection (d).

''(b) ELIGIBLE INDIVIDUALS.—An individual referred to in subsection (a) is any member of the Armed Forces who, at the time of the approval by the Secretary concerned of the member's request to transfer entitlement to basic educational assistance under this section—

''(1) has completed six years of service in the Armed Forces;

''(2) either—

''(A) has a critical military skill designated by the Secretary concerned for purposes of this section; or

''(B) is in a military specialty designated by the Secretary concerned for purposes of this section as requiring critical military skills; and

''(3) enters into an agreement to serve at least four more years as a member of the Armed Forces.

''(c) ELIGIBLE DEPENDENTS.—An individual approved to transfer an entitlement to basic educational assistance under this section may transfer the individual's entitlement as follows:

''(1) To the individual's spouse.

''(2) To one or more of the individual's children.

''(3) To a combination of the individuals referred to in paragraphs (1) and (2).

''(d) LIMITATION ON MONTHS OF TRANSFER.—The total number of months of entitlement transferred by an individual under this section may not exceed 18 months.

''(e) DESIGNATION OF TRANSFEREE.—An individual transferring an entitlement to basic educational assistance under this section shall—

''(1) designate the dependent or dependents to whom such entitlement is being transferred;

''(2) designate the number of months of such entitlement to be transferred to each such dependent; and

''(3) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

''(f) TIME FOR TRANSFER; REVOCATION AND MODIFICATION.—

''(1) Subject to the time limitation for use of entitlement under section 3031 of this title, an individual approved to transfer entitlement to basic educational assistance under this section may transfer such entitlement at any time after the approval of the individual's request to transfer such entitlement without regard to whether the individual is a member of the Armed Forces when the transfer is executed.

''(2)(A) An individual transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred.

''(B) The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.

''(g) COMMENCEMENT OF USE.—A dependent to whom entitlement to basic educational assistance is transferred under this section may not commence the use of the transferred entitlement until—

''(1) in the case of entitlement transferred to a spouse, the completion by the individual making the transfer of six years of service in the Armed Forces; or

''(2) in the case of entitlement transferred to a child, both—

''(A) the completion by the individual making the transfer of 10 years of service in the Armed Forces; and

''(B) either—

''(i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

''(ii) the attainment by the child of 18 years of age.

''(h) ADDITIONAL ADMINISTRATIVE MATTERS.—(1) The use of any entitlement to basic educational assistance transferred under this section shall be charged against the entitlement of the individual making the transfer at the rate of one month for each month of transferred entitlement that is used.

''(2) Except as provided under subsection (e)(2) and subject to paragraphs (4) and (5), a dependent to whom entitlement is transferred under this section is entitled to basic educational assistance under this subchapter in the same manner and at the same rate as the individual from whom the entitlement was transferred.

''(3) The death of an individual transferring an entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.

''(4) Notwithstanding section 3031 of this title, a child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

''(5) The administrative provisions of this chapter (including the provisions set forth in section 3034(a)(1) of this title) shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible veteran for purposes of such provisions.

''(6) The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

''(i) OVERPAYMENT.—(1) In the event of an overpayment of basic educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the individual making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of this title.

''(2) Except as provided in paragraph (3), if an individual transferring entitlement under this section fails to complete the service agreed to by the individual under subsection (b)(3) in accordance with the terms of the agreement of the individual under that subsection, the amount of any transferred entitlement under this section that is used by a dependent of the individual as of the date of such failure shall be treated as an overpayment of basic educational assistance under paragraph (1).

''(3) Paragraph (2) shall not apply in the case of an individual who fails to complete service agreed to by the individual—

''(A) by reason of the death of the individual; or

''(B) for a reason referred to in section 3011 (a)(1)(A)(ii)(I) of this title.

''(j) APPROVALS OF TRANSFER SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—The Secretary concerned may approve transfers of entitlement to basic educational assistance under this section in a fiscal year only to the extent that appropriations for military personnel are available in that fiscal year for purposes of making deposits in the Department of Defense Education Benefits Fund under section 2006 of title 10 in that fiscal year to cover the present value of future benefits payable from the Fund for the Department of Defense portion of payments of basic educational assistance attributable to increased usage of benefits as a result of such transfers of entitlement in that fiscal year.

''(k) REGULATIONS.—The Secretary of Defense shall prescribe regulations for purposes of this section. Such regulations shall specify the manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2) and shall specify the manner of the applicability of the administrative provisions referred to in subsection (h)(5) to a dependent to whom entitlement is transferred under this section.

''(l) ANNUAL REPORT.—(1) Not later than January 31 each year (beginning in 2003), the Secretary of Defense shall submit to the Committees on Armed Services and the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the transfers of entitlement to basic educational assistance under this section that were approved by each Secretary concerned during the preceding fiscal year.

''(2) Each report shall set forth—

''(A) the number of transfers of entitlement under this section that were approved by such Secretary during the preceding fiscal year; or

''(B) if no transfers of entitlement under this section were approved by such Secretary during that fiscal year, a justification for such Secretary's decision not to approve any such transfers of entitlement during that fiscal year.

''(m) SECRETARY CONCERNED DEFINED.—Notwithstanding section 101(25) of this title, in this section, the term 'Secretary concerned' means—

''(1) the Secretary of the Army with respect to matters concerning the Army;

''(2) the Secretary of the Navy with respect to matters concerning the Navy or the Marine Corps;

''(3) the Secretary of the Air Force with respect to matters concerning the Air Force; and

''(4) the Secretary of Defense with respect to matters concerning the Coast Guard, or the Secretary of Transportation when it is not operating as a service in the Navy.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3019 the following new item:

''3020. Transfer of entitlement to basic educational assistance: Armed Forces with critical military skills.''.

(b) TREATMENT UNDER DEPARTMENT OF DEFENSE EDUCATION BENEFITS FUND.—Section 2006(b)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(D) The present value of future benefits payable from the Fund for the Department of Defense portion of payments of educational assistance under subchapter II of chapter 30 of title 38 attributable to increased usage of benefits as a result of transfers of entitlement to basic educational assistance under section 3020 of that title during such period.''.

(c) PLAN FOR IMPLEMENTATION.—Not later than June 30, 2002, the Secretary of Defense shall submit to Congress a report describing the manner in which the Secretaries of the military departments and the Secretary of Transportation propose to exercise the authority granted by section 3020 of title 38, United States Code, as added by subsection (a). The report shall include the regulations prescribed under subsection (k) of that section for purposes of the exercise of the authority.

(d) FUNDING FOR FISCAL YEAR 2002.—Of the amount authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2002 by section 421, $30,000,000 may be available in fiscal year 2002 for deposit into the Department of Defense Education Benefits Fund under section 2006 of title 10, United States Code, for purposes of covering payments of amounts under subparagraph (D) of section 2006(b)(2) of such title (as added by subsection (b)), as a result of transfers of entitlement to basic educational assistance under section 3020 of title 38, United States Code (as added by subsection (a)).

Mr. WARNER. I yield the floor.

Mr. WEBB. I thank both Senators. I yield the floor, Madam President.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. How much time remains, Madam President?

The PRESIDING OFFICER. There remains 23½ minutes to the Senator from Massachusetts; 12 minutes to the Senator from Wyoming.

Mr. ENZI. Madam President, we had one speaker from my side and then a colloquy with some people from my side who were involved with the Senator from Virginia, but I don't think that can hardly be charged to my side.

Mr. KENNEDY. Madam President, I will be glad to yield 10 minutes——

The PRESIDING OFFICER. Each Senator who spoke was charged with the time based on their party.

Mr. ENZI. I thought I was in charge of half of the time, and I didn't allocate that time. I can see how the rules go here.

Mr. KENNEDY. Madam President, I ask for additional time. I ask unanimous consent for an additional 15 minutes for the Senator from Wyoming.

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

Mr. KENNEDY. And I ask unanimous consent that we will have 10 minutes on our side.

The PRESIDING OFFICER. So the Chair understands, there will be 15 additional minutes for the minority and additional minutes for——

Mr. KENNEDY. I understand we have 22 minutes remaining; is that right?

The PRESIDING OFFICER. Correct.

Mr. KENNEDY. I ask unanimous consent for 10 additional minutes on our side and for 15 additional minutes on the other side—or 20 minutes on the other side.

The PRESIDING OFFICER. Without objection, it is so ordered. There will be 20 additional minutes added to the minority side and 10 additional minutes added to the majority side.

Mr. KENNEDY. Madam President, we have had a very interesting exchange with both Senators from Virginia and the Senator from Nebraska on a matter of enormous importance and consequence, and that is our support for a GI bill that is worthy of the bravery, courage, and valor of those who are serving in the Armed Forces.

The stated legislative purpose of the Senator from Virginia, Mr. WEBB, who is the architect of this program—and I welcome the chance to be a cosponsor—is to try and do for those who are in the service of our country at this time a similar kind of support in education that those who had served in the colors in World War II received. He has explained it in great detail.

I look forward to supporting that proposal when it comes up on the floor of the Senate, probably the early part of next week. I commend the strong bipartisan support that it has been able to receive. I commend my former chairman, Senator WARNER, who led the Armed Services Committee so brilliantly for so many years and has made such an extraordinary contribution to the security of this Nation, both as a serviceman and also as a policy leader, and to Senator HAGEL whom I think for all of us has demonstrated enormous courage in service and outside guiding national security policy.

We are going to, after our next couple of speakers, be moving toward consideration of the farm bill conference report. That is a privileged matter, and it displaces the underlying legislation we have been debating, the Cooperation Act, public service legislation we have been considering both yesterday and today. I expect we will continue through the evening on the farm conference report. Further action on our legislation will be deferred until tomorrow.

In conclusion for this afternoon, on the floor we are considering the service of extraordinary Americans: On the one hand, as Senator WEBB pointed out, those who serve in the armed services of our country, and on the other hand, we are talking about the 659,000 police officers, 262,000 firefighters, who are in the service of our country trying to provide for our national security.

We are mindful that we spend $40 billion a year on homeland security. What this legislation at its heart is all about is to make sure those service men and women, those police officers, those firefighters, those EMTs, are going to be safe and secure; that they are going to have the best in terms of equipment, and that we are going to listen to those individuals who have dedicated their lives to protecting our fellow citizens all across America. We are going to listen to their recommendations and suggestions on how we can improve their safety and the safety of the American people. We give them a mechanism to be able to do that. That is the framework which is the underlying aspect of the legislation we have before us.

People can talk about unfunded mandates and problems of strikes and all these other items, but nonetheless we cannot and should not and will not get away from the fundamental thrust of this legislation and its importance. We have an extraordinary opportunity to make America safer and more secure—here on the floor of the Senate. Who wants to have that challenge? It is the police officers and the firefighters and the first responders who are prepared to accept that responsibility. All they are asking is to have a voice at the table when judgments and decisions are being made by maybe well-intentioned policymakers, well-intentioned bureaucrats. But we want to make sure those out there on the front lines are at least going to have a voice in these policy judgments and decisions. That is what this legislation is about. That is why it is so important.

We are prepared to deal with the various amendments that come up. We look forward to it. We have gotten off track over the course of the day. With all due respect to others, we find that with the exception of the amendment that was being offered by the Senator from Vermont, Senator LEAHY, on bulletproof vests—about which we don't know there is any substantive objection—all the other amendments have been on the other side; not from our side, from their side. We have not tried to interfere with the order those have been offered.

Senator ALEXANDER has been down here and has spoken eloquently. Many Senators have spoken about their amendments. Senator HATCH was down and spent time talking about his amendment.

We are prepared to move ahead. If there is need for further debate, we will have further debate; if not, we are prepared to move ahead and have the judgment made here in the Senate.

This legislation is extremely important. As I have mentioned, it has been around for some 9 years. It was introduced initially by a Republican. It has strong Republican—has strong bipartisan support. I listened to my friend Senator WARNER talk about the strong bipartisan support there is for the GI bill. There is strong bipartisan support for this legislation as well, as indeed there should be, and as we have attempted to achieve. We will continue to work in that area.

We look forward, I expect, to have further consideration on this tomorrow. I am very appreciative, as always, of my friend and colleague from Wyoming, Senator ENZI. We have a remarkable area of agreement in some public policy areas, but we have sharp areas of differences. This happens to be one of those. This legislation happens to be one of those. But it does not take away the great respect and affection I have for him as a legislator and as a friend.

We look forward to continuing this debate and hopefully a resolution on some of these matters tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, it is my understanding our side has 32 minutes remaining. I wish to yield myself up to 10 minutes of that time.

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

Mr. KENNEDY. Would the Senator yield for a unanimous consent request?

Mr. CORNYN. Yes.

Mr. KENNEDY. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 25½ minutes.

Mr. KENNEDY. I am going to yield 15 minutes—10 minutes to Senator KLOBUCHAR and 10 minutes to the Senator from Washington, Mrs. MURRAY, at an appropriate time.

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

The Senator from Texas is recognized.

Mr. CORNYN. Madam President, this Saturday the people in my home State of Texas will join to celebrate Armed Forces Day and, of course, shortly thereafter Memorial Day. These are the days we set aside to honor the men and women who have worn the uniform of the U.S. military, to honor them for their service and particularly remember those who made the ultimate sacrifice in defense of our freedom.

As I prepare to go home this weekend to join my fellow Texans in celebrating this important event, I am reminded of the immense debt we all owe those who have worn the uniform. Of course, this is a debt we know we can never repay.

From a personal perspective, my father served as a B–17 pilot in World War II, and served honorably for 31 years in the U.S. Air Force. He was shot down and spent 4 months in a German prisoner-of-war camp before General Patton and his army came along and liberated him and his fellow POWs.

Of course he, like so many of that generation, came back to his home and took advantage of the GI bill in order to get an education so he could then become the foundation upon which America would continue to build itself in those postwar years and beyond.

The GI bill has done an incalculable benefit not only to the individual veterans who received those educational benefits but to our country as well. It is important now, many years later, in 2008, that we focus our efforts on modernizing that GI bill to make sure the benefits I know we all want to see directed toward our men and women in uniform are available to allow them, when they return home from the fight, to take their uniform off, to get an education, and to achieve their dreams.

Because I believe we need to modernize the GI bill of rights, when it comes to educational benefits for our veterans, I have chosen to cosponsor a bill called S. 2938, the Enhancement of Recruitment, Retention, and Readjustment Through Education Act. Sadly, and for some inexplicable reason, we saw that bill tabled by the Senate. I do not know why, at a time when we ought to be talking about and acting on our appreciation for our men and women in uniform, the Senate decided to table this important piece of legislation. But I wish to talk about it for a minute, to explain to my colleagues what is contained in this important piece of legislation.

This bill would help our military personnel with an extended range of options under the GI bill to ensure that they get the benefits they deserve. It immediately increases education benefits for active-duty personnel to $1,500 a month and, to encourage retention and continuation of service in the military, it gradually increases the education benefits to $2,000 a month after 12 or more years of service.

It expands the authority for servicemembers to transfer—and this is one of the most important elements of this legislation—it allows them to transfer their educational benefits to members of their family, a spouse or a child. After 6 years of service, half of that benefit can be transferred, and after 12 years of service, 100 percent of the benefit can be transferred to a child, to a spouse, or some other loved one.

It increases from $880 to $1,200 per month the education benefits for Guard and Reserve members called to active duty since September 11, 2001. It allows servicemembers to use up to $6,000 per year of Montgomery G.I. bill education benefits to repay student loans, and it provides access to Montgomery GI bill benefits to service academy graduates and senior reserve officers' training corps officers who continue to serve beyond their initial commitment.

This legislation is offered as an alternative to S. 22, a bill produced by my distinguished colleague from Virginia, Senator WEBB, and actually cosponsored by our other distinguished colleague from Virginia, Senator WARNER. I believe both of these bills are born out of the noblest of aspirations and intentions, but I do believe the alternatives offered in the bill that has been laid on the table here a moment ago would actually provide a better range of services to more of our troops as well as their families. Simply put, I do believe it is a better fit for our Nation and a better fit for the people of my State of Texas.

I mentioned the issue of transferability. This is something not found in the Webb bill that is found in the alternative. To begin with, Senator WEBB's bill fails to recognize the enormous sacrifices our military families make in support of their loved ones who wear the uniform of the U.S. military. Talk to any sailor, soldier, airman, or marine and they will tell you that being able to transfer their GI educational benefits to their spouses or their children is enormously important to them. At a time when we depend on an all-volunteer military, isn't it important that we provide the maximum range of benefits not only to our veterans but also to the military families, the people who stay behind while their loved ones are deployed and whose support they need and depend on, and frankly whose support our Nation depends on—our military families?

According to all the service chiefs and the Joint Chiefs of Staff, transferability of this benefit is their No. 1 priority and something wholly missing from the Webb bill.

As I mentioned, my father served as a bomber pilot in World War II. I have experienced, as have other military family members, the joint commitment military families make in support of their loved one in the military.

In addition to the other benefits, I think this particular provision of transferability recognizes a fundamental fairness issue and impacts directly on our ability to retain our servicemembers. Obviously, we would not want to do anything intentionally which would encourage people to leave the military after 3 years of service. It is in the best interests of the United States of America, our strength and security—it is in the best interests of our all-volunteer military force to actually encourage and facilitate service of our active-duty military beyond just an initial tour of 3 years of service.

While we applaud and honor those who serve any period of time in our military, we do need to make sure we do not create an incentive for people to leave early in order to get a benefit under this bill. That is why, under the legislation I am cosponsoring—Senator GRAHAM's bill, also cosponsored by Senator BURR, Senator MCCAIN, and others—our career military will receive additional GI bill benefits to reward them for their continued service.

This bill clearly recognizes you do not have to get out of the military to be able to continue your education. Like the Webb bill, troops will be eligible for up to $1,500 monthly benefits after 3 years of service. However, in order to recognize our career troops as well, benefits would increase to $2,000 a month after 12 years of service—clearly providing both a benefit and incentive for people to continue in military service and not to feel as if they have to leave after 3 years in order to take advantage of this benefit. Unlike the Webb bill, which caters to those who choose to remain in the service for only 3 years—whose service we earnestly appreciate—the Graham bill I believe provides short-term rewards and also rewards our career troops as well.

According to the RAND Corporation study conducted in January, 2008, Senator WEBB's bill would:

> . . . reduce first-term Army reenlistment by about 12 percentage points from the current rate of 40 percent to about 28 percent.

This is an important point. The unintended effect of Senator WEBB's bill would actually be to reduce retention from 40 percent to 28 percent.

Madam President, I ask for an additional 2 minutes by unanimous consent.

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

Mr. CORNYN. Madam President, why in the world would we want to do anything that discriminates between those military members who serve for 3 years and then decide to leave and those who decide to make the military their career? Why would we want to discriminate against their families, who might benefit from the transferability option contained in this alternative legislation which I am supporting? Why would we want to do anything that would actually damage our ability to encourage people to stay in the military should they choose that for themselves and for their families?

I believe this legislation is important not only to our Nation, it provides an important benefit to our military and their families. It encourages retention and continuation of service, facilitates those who do want to stay longer, and creates an enhanced benefit for them.

In a State such as Texas where 1 out of every 10 people in uniform calls our State home, this is very important to my State and my constituents. But I will tell you, this is even more important to our Nation in encouraging that our strong, all-volunteer military force remain strong and that we meet our commitment to make sure they receive the benefits they need and they deserve and are not limited only to the servicemember but can also be extended to family members as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, please advise me after I have spoken for 10 minutes.

The PRESIDING OFFICER. There is an agreement to alternate sides, Senator.

The Senator from Washington State.

Mrs. MURRAY. Madam President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

REFUELING TANKERS

Mrs. MURRAY. Madam President, when our constituents make decisions about big purchases such as buying a house or buying a car, the first thing they do is consider how much money they have to spend, and then they shop for the best quality they can get for the most reasonable price for the item that best meets their needs. When the Government makes a purchase, they expect it to follow that same sort of analysis, whether it is buying a pencil or jet engines. But that is not what our military did when it made its decision to buy the next generation of refueling tankers from Airbus instead of from Boeing.

Compared to Boeing's 767, Airbus's A330 is massive. The simple truth is that a bigger plane is going to be more expensive. The bigger plane the Air Force wants to buy is going to burn more fuel, it is going to take up more space, and it is going to require more people to maintain it. But our hangars, our runways, and our ramps today are all designed for a much smaller tanker.

I also have serious concerns and questions about how much Airbus's tanker is going to cost in fuel and personnel and maintenance. In the months that have passed now since the military announced it had selected Airbus for this massive contract, I have repeatedly asked the Pentagon whether it considered how it will pay for the extra costs of a much bigger plane. I have been astounded that no one has been able to answer my questions. In other words, the military said it wants to spend more than $100 billion to buy bigger planes, but it has no idea where it is going to put them, it does not know who is going to maintain them, and it does not know how we are going to pay to operate them. That makes no sense to me. I am very concerned about how much this decision is going to cost us, and that is why I have come to the floor this afternoon. Let me explain why I am troubled about this decision.

First of all, we do not know what the possible military construction costs might be for this purchase. It is estimated that these planes are too big for many of our hangars and that they are too heavy for many of our runways and our ramps. These tankers I am talking about are the backbone of our military. These refueling tankers make our global Air Force possible. Today, they are stationed around the world. So we are not only buying airplanes we can keep anywhere, the tanker has to be able to take off and land from almost anywhere in the world.

The new tankers are supposed to be a replacement for our current fleet of medium-sized Boeing KC–135s. But compared to our current tankers and compared to the 767, the Airbus plane the Air Force has decided to purchase is massive. Airbus's A330 is 32 feet longer than Boeing's 767. The Airbus A330's wingspan is 41 feet wider. The A330 weighs about 20 percent more than the Boeing plane. Our military experts have said they think the A330 will be able to operate on only about half of the airfields the Boeing 767 can use—about half of our airfields. That means some of our infrastructure in this country and across this globe is going to be torn down and refitted to accommodate these new planes they have decided to buy.

Secondly, oil and gas prices are a major factor of the cost of operating a refueling tanker. I am very concerned because a larger plane is obviously going to burn more fuel and cost dramatically more over the lifetime of these planes. In fact, because the Airbus A330 is larger and heavier than the Boeing 767, it is going to burn 24 percent more fuel. That means that fueling planes the size of the A330 will cost $30 billion more over the lifetime of this plane. That is astonishing when you think that the initial cost for this contract is $35 billion. Fuel alone is going to double the cost of these planes. Americans are up in arms today about the cost of gas for their own cars. How do you think they are going to react if our Air Force chooses to use their tax dollars, American tax dollars, to fuel massive airplanes when there is a cheaper option available?

Third, the larger A330 is going to require bigger refueling and ground crews. Because buying a larger plane means it will not be able to use standard-size military pallets, the military, in making this purchase, is now going to need more personnel and airmen to load and unload every A330 tanker.

Finally, these larger planes are going to cost the military more to maintain. Not only will the A330 simply need more maintenance over its lifetime, larger crews are going to be needed to work on them. Because the planes are bigger, they are going to have to be packed in closer at our bases, and packing them in closer is going to make maintaining and getting them off the ground more dangerous for our airmen and airwomen.

Now, I have been asking some pretty tough questions about how we got to this point, how the Air Force chose the Airbus plane over the Boeing plane, because it does not make sense to me that we would send this contract overseas when we have the capability and the right plane right here at home.

I have specifically asked about the military's construction costs. At four hearings now, four hearings in the last 3 months, I have asked our military officials whether they can tell me if they did an analysis of the potential construction costs of buying these larger planes before they reached their decision. Do you know what. I was shocked by their answer. It was: No. No. No. They did not do an analysis of how much it would cost for these larger planes. That means the Pentagon launched a major contract to replace a plane that we will have for decades that is going to cost us billions of dollars, but apparently it never did a complete, independent analysis of the potential military construction costs of buying that much larger plane.

I am concerned that even though I have asked for an estimate of these costs and even though several of my colleagues here in the Senate and the House have asked for the same information, we do not have an answer.

I first asked Air Force Secretary Wynne about these costs on March 12. I asked him: What will be the associated costs for our military construction budget, and can these Airbus planes fit in the hangars we have today? That is what I asked. At the time, Secretary Wynne could not answer me. He only said to me that the RFP did not indicate any size. So I asked again on April 24, this time with two Pentagon officials, Comptroller Tina Jonas and Under Secretary of Defense Wayne Arny, and they said they were not part of any decisionmaking process and could not comment. So on May 8 and then again today, I asked what the cost of this larger tanker would be for the National Guard and Reserve. Today, the Guard promised to get back to me with an answer. Well, I hope they do.

I am extremely frustrated that we cannot get this information. We are talking about spending billions and billions of taxpayer dollars, and we are talking about a decision that affects our global military power. I am baffled as to why the Pentagon did not do a top-to-bottom analysis of every aspect of this very expensive decision. ''I don't know'' is not an acceptable answer when we are asking American taxpayers to foot the bill for purchasing these planes.

Now, this process has been flawed from the start. As a result, it is now being appealed to the GAO. But regardless of the GAO's findings, I think we, as Members of Congress, as representatives of the American people, should be very concerned about the way the military reached this decision. No family would buy an 18-wheeler if all they needed was a station wagon. And the military should not be buying a jumbo jet that is extremely expensive when what it really needs and what it has told us it needs is an agile refueling tanker. It is common sense.

I think we need some real answers about why the Pentagon believes this decision is worth the taxpayers' money. I hope our colleagues will join with me in demanding that we get that information before we make a mistake that will cost us billions of dollars that we cannot afford to waste.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent to change the order. My friend from South Carolina, Senator GRAHAM, has allowed me to go. I ask unanimous consent to speak and then to be followed by the Senator from South Carolina.

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

Ms. KLOBUCHAR. Madam President, I come to the floor today to express my strong support for the Public Safety Employer-Employee Cooperation Act that the Senate is currently considering, legislation that will ensure our public safety officers are treated with the respect and the dignity they unquestionably deserve.

I have always believed the first responsibility of government is to protect its citizens. I believe that responsibility begins right here at the local level in our neighborhoods and in our communities with our law enforcement officers. To fulfill that essential responsibility, our local public safety officers need the support of the Government in Washington.

Before I came to Washington, like you, I served as a prosecuting attorney. I served for 8 years as a chief prosecutor for Minnesota's largest county. During that time, I saw firsthand the critical and courageous contributions our police officers, firefighters, paramedics, and our public safety personnel make on a daily basis. I gained an unending appreciation for their service in keeping our communities safe and secure. When I came to Washington, I made a commitment that I would remember the officers I had worked alongside in Minnesota and that I would do everything I could to see that they received the full resources and support they deserve.

This bill would demonstrate our support by allowing public safety officers to be treated as they should, by promoting basic fairness in their working standards. It does so in a way that allows States to retain the flexibility to craft their own standards to suit their local conditions.

My State of Minnesota is fortunate to be one of 26 States that already grant collective bargaining rights to their public safety employees. Our police officers, firefighters, and paramedics enjoy strong relationships with the State, counties, and cities that employ them, which enhances their ability to protect the communities they serve.

When public safety employers and employees work together, it reduces worker fatalities and improves the quality of service. We need these valuable partnerships to be at their strongest if we are going to be able to properly respond to disasters and emergencies that strike at our homeland security.

Our State is well aware of this. We have had our share of tragedies this year, from the collapse of the I–35W bridge to the floods in southern Minnesota in which several people died, to the fires up in northern Minnesota in the Ham Lake area over through the Canadian border. This week thousands of police officers have come to Washington to commemorate National Police Week. I have had an opportunity to meet with these police officers. I had the opportunity to meet with paramedics when I was home a week ago. I have had the opportunity to see our firefighters at work. We must respect these hard-working public servants. This respect should be fundamental to the work we do.

I told these officers and paramedics and firefighters that I would come to the floor to speak in support of this legislation and that I was hopeful our colleagues on the other side of the aisle would join us in passing this law. What they want is what they have in our State. They want the right to be treated with the respect of colleagues all across the country. In the last several years, specifically after 9/11, we have placed even greater responsibilities on police and other public safety officers. At a time when State and local budgets are tight, these Federal funds have become more important in assisting local law enforcement to fulfill their duties to protect communities. By passing this legislation and guaranteeing the basic rights it provides and working to deliver the full resources and assistance these officers need to continue their exemplary work, we can demonstrate our acknowledgment and appreciation for the work they do every day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I ask to be notified after 8 minutes.

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

Mr. KYL. First, I compliment Senator WARNER and Senator WEBB for several weeks ago crafting legislation to provide some changes in our GI benefits for educational purposes. I support an alternative measure which has been developed in the weeks since then, among other things, because the Defense Department, led by Secretary Gates, has analyzed the requirements that the Defense Department has and has suggested a different approach than that originally taken by Senators WARNER and WEBB. That approach is embodied in legislation authored by Senator GRAHAM, Senator MCCAIN, Senator BURR, and others. It is S. 2938. I will describe the key point in a moment, but I was very disappointed an hour or so ago when, after Senator GRAHAM had offered this legislation as an amendment, it was tabled. Our colleagues didn't want to have a vote on it. I would think that at least we could have a fair up-or-down vote on the legislation, particularly since it is the approach that has been recommended by Secretary Gates and the Defense Department. I believe it is the approach President Bush would prefer. I believe it would solve the problem we are trying to solve.

Everybody knows that next week, when the supplemental appropriations bill comes before us, the bill that will enable us to fund the troops missions in Iraq and Afghanistan, the Warner-Webb bill will be included as a part of that. We will not have an opportunity to try to amend it. That was the purpose of the Senator from South Carolina offering the amendment today. We have now been foreclosed from voting on that. That is not right, especially since this is the superior of the two approaches.

The key here has to do with the original intent of the GI bill and today's circumstances. After World War II, when most of the members of the Armed Forces had been drafted, came back from the Pacific and European theaters, many of them had been drafted right out of high school or perhaps they were not even in school. They, obviously, saw the importance of getting a college education. A grateful nation said: You have been plucked out of your family circumstance, maybe out of high school. You were not able to attend college, although some were in college when they were drafted. We want to pay something back to you and send you to college, if you would like to do that. That was the GI benefit.

Today the circumstances are much different. We don't have the draft anymore. We didn't have millions and millions of servicemen mustered out of the service, ready to go to college. Today we have exactly the opposite. We need to attract good men and women to serve in our forces, and we need to provide them the kind of benefits that are attractive to them in today's world. They are a very different, diverse group of people. The kind of educational benefit likewise needs to respond to that kind of diversity and circumstance. That is the reason this GI bill is being modernized and updated.

The key point Senator GRAHAM will make and that Secretary Gates has made, as my colleague Senator MCCAIN has said, is that instead of a group of people who have been mustered out of the service, we aren't trying to get people out of the service. Today we are trying to retain folks, good people who have been educated and trained in the military. We want to have as many of those men and women stay in the military as possible.

Clearly, recruitment and retention in an all-volunteer force is critical to an effective military. That is what Secretary Gates was speaking of when he said:

> Our first objective is to strengthen the all-volunteer force. Accordingly, it is essential to permit transferability of unused education benefits from servicemembers to family. Transferability supports military families, thereby enhancing retention.

That is the key difference between these two approaches. I would hope that my colleagues who originally wanted to support an approach that Senators WARNER and WEBB wrote would recognize that there has been an improvement to that in the legislation Senators GRAHAM, BURR, and MCCAIN have offered and would support that alternative which provides for transferability.

There are a couple of other differences. I wish to briefly highlight them. The fact that the Warner-Webb

bill costs more certainly should not be necessarily an argument against it, but it certainly should not be an argument for the legislation either. If we can deliver the same services in a more efficient way, that is good, not bad. As to that point, one of the other differences between the legislation of Senator GRAHAM and the previously introduced bill is that this recognizes everyone in a fair way, providing the same benefit. It doesn't discriminate against people who attend a less-expensive, State-sponsored school in favor of one who attends a more expensive private school, for example. You have the same kind of benefit. It is an adequate benefit because of the increases provided for in the bill.

The bottom line, the reason I strongly support the legislation introduced by my colleagues from South Carolina and from Arizona is because it responds to today's circumstances, the all-volunteer force, where we are trying to keep more people in the military as opposed to the other approach, which is an extension of the old GI bill which was provided for people who were leaving the military. That is the key difference and the reason why I urge my colleagues to support the approach Senator GRAHAM is providing. I hope, even though we have had this legislation now tabled, that we will have an opportunity to actually vote on it in the future. I encourage my colleagues to support us in providing an opportunity to vote on the legislation.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from South Carolina.

Mr. GRAHAM. Can the Chair let me know when I have 2 minutes remaining?

The PRESIDING OFFICER. How much time does the Senator request?

Mr. GRAHAM. Fifteen minutes.

The PRESIDING OFFICER. There is 14 minutes remaining. The Senator will be advised when there is 12 minutes remaining.

Mr. GRAHAM. Let's talk about the policy and then the politics. Everything seems to be in the case of politics. Most Members of the body would like to pass some legislation this year that would improve GI benefits for those who serve and leave and for those who continue to serve. Putting this bill, the Webb bill, on the supplemental emergency funding for the war, a mandatory entitlement program put on a supplemental emergency spending bill for the war is not the way to go. Having a supplemental involving spending for the war that can't be amended is not the way to go. Putting the bill on the firefighter-police officer legislation is not the way to go, but it is the only way I had to go. I have sat down with Senator WEBB and his staff. I hope we can find common ground. I have never doubted the desire of Senators WEBB or WARNER to increase the benefit. Senator WEBB's service to the country has been extraordinary in combat, as Secretary of the Navy, as has Senator WARNER's. Obviously, they have a desire and some expertise in this area to upgrade basic GI benefits. I share that desire and hope this body can do something necessary.

But as Senator KYL said, quite frankly, I don't agree with their approach. The need is there, but the first thing all of us in this body should do is not compound a problem our current forces have, and that is retention. In the name of trying to help recruit people to the military, you don't create a benefit that the Congressional Budget Office and the Pentagon say will hurt retention. It makes perfect sense to me that the approach of Senators WEBB and WARNER will hurt retention. It is $50-something billion of new spending, and it is all geared to the people who leave the military after 3 years. As Senator KYL indicated, this is a different war. Unless we start drafting people, which nobody appears to want, including me, we need to let those who serve and continue to serve know how much we appreciate what they are doing and give them incentives to stay around because every person who will stay in the military to make it a career is a godsend to this country because we are being defended by volunteers.

So how about this idea? Increase the basic benefit, as Senators WARNER and WEBB have proposed but do it in a way that makes the most sense for the entire force. The current amount of money available to someone who leaves the military after 3 years of service to go to college is $1,100 a month. That used to be the average cost of a State college tuition, including room and board. It is now up to $1,500 a month as an average cost. What we have done in our approach is raise the benefit to $1,500, which is the average cost of a State college, room and board. To me, that is a worthy goal for the Nation to pursue.

Senators WEBB and WARNER have a new formula, a new way of delivering benefits that misses the mark. Instead of paying every GI who leaves the service $1,500 a month, and under our bill $1,000 a year for books and fees, what Senator WEBB proposes is that you would look at the school, the highest State school, the highest State institution in terms of tuition in each State, and the GI would receive the amount of money that would pay for that school. So in Michigan, the most expensive State school is $13,000. In South Carolina, it is $5,000 or $6,000. So based on where you live, you could have a disparity in how much benefits come to the veteran. I don't think that is the way to go.

What we have tried to do is make the benefit that exists today reflect the reality of today for those who leave.

If somebody wants to go to Harvard or Yale, what we do under the bill is we tell the institution, if you will forgive 25 percent of the difference between what the Government pays and the tuition, we will put an extra thousand on the table. If you will forgive 50 percent of the indebtedness, we will put more money on the table. If you will forgive the entire indebtedness, I think we would go up to like $3,000, maybe $3,500 a month. That way the institution can get over $40,000, and the veteran can go to that school without any debt. So we have a program in the bill to try to get institutions on the higher end, private schools, to work with veterans to get them through their institutions and put more money on the table.

But the big point I am trying to make is, under our approach, we have a component not found in the Webb bill that the country needs. Right now the GI benefits that are earned after 3 years of service under the Webb approach, $55 billion is spent on that population, not one penny of additional incentive to stay around. Do you know what America needs? We need to take care of those who serve and leave because they have done the country a great service. But as a nation, we need to desperately try to retain people who are willing to serve longer. So what do we do? Senator BURR and myself, Senator MCCAIN, we have listened to the troops. What do the troops want? What do those in uniform want from the GI benefit reform? They would like to transfer their benefits to their spouse or their children.

Under our approach, if you stay 6 years, that $1,500-a-month benefit, that $1,000-a-year payment for books and fees, 50 percent of it can be transferred to a spouse or child. That would revolutionize the way this benefit package is being used today. Fifty percent of the people eligible for GI benefits in today's world never use them. If you could transfer those benefits, it would be a higher utilization, and the benefit would be to the family members of the military member, the ones they love and care about the most. If you will stay in 12 years, at the 12-year point under our bill, the benefit goes from $1,500 a month to $2,000 a month, and you can transfer all of it.

Now, what does that mean? That means if you will continue to serve our country, at the 12-year point you do not have to worry about your kids' ability to go to college anymore. What does that mean? That means your retirement pay has more value. A lot of people are getting out of the military at the 8- and 10-year point because they have a couple kids and they wonder: Can I send them to college on a military salary? Wouldn't it be wonderful to check that block and say: You can stay in the military, get your 20 years, get your retirement, and also have a benefit to pay for your kids' college that will not come out of your retired pay? This will revolutionize retention.

The CBO says for every $10,000 of educational benefit increase, you lose a percent in retention. Under the Webb approach, we would lose 8 to 9 percent a year in retention, at a time we need to retain more.

Under our approach, not only are we going to give more money to those who serve and leave—a very generous benefit—we are also going to put money on the table for the first time in the history of the GI program to reward those who stay. Most people who serve 20 years are going to come out with a college degree they earned in the military without ever using their benefits. The ability to transfer the benefit to a family member is enormous. Again, it will allow the retired pay—of those who go to 20 years—to have much more bang for the buck. They will have their college paid for.

When I talk to people in the Guard and Reserve and Active Forces, they tell me they would love to have the ability to transfer their GI benefits once they get their degree to a spouse or a child.

It would help retention. It would help families. It is, in my opinion, the best bang for the taxpayer buck.

Now, where are we going to go? Here is what is going to happen.

Madam President, how much time is left?

The PRESIDING OFFICER. The Senator has 3 minutes more before his 2-minute warning. The Senator has 5 minutes.

Mr. GRAHAM. Madam President, thank you.

We have a choice to make as a body. We can find some middle ground and pass a bill that 100 people would vote for or we can put the Webb amendment on the supplemental in its current form without any changes, table my bill, and say: Go off in the corner and be quiet. Well, that ''ain't'' going to happen. I am not going to be quiet. I am going to urge the President to veto the Webb bill in its current form because no matter how well-intended it is, it will hurt retention. It will hurt retention at a time, as a nation, when we need to enhance retention.

I have a different approach, and I think it makes sense. But I am willing to meet people in the middle. I am not going to be put in a box of having to vote no and be accused of not caring. Well, I have another approach. I think it serves the country well. I am willing to meet in the middle. I hope we can find some middle ground. At the end of the day, helping veterans and rewarding those who serve is a shared value—not a Democratic value. It is a shared value by all Americans: Republicans, Independents, and Democrats.

Two things are important to the American people at a time of national crisis, at a time of a two-front war. Let's come together and help those who are willing to put on the uniform. Count me in for increasing the benefits for those who serve 3 years and leave. You have done your country a great service. I want to make sure you have money to go to college, that you are well rewarded for your service.

But work with me to do something for those who continue to serve. Reward them. That has never been done before in the GI bill. It is time for the GI bill to change. It is time to have money on the table to reward those families and military members who stay around and keep going back and keep fighting. If you want to help the military, the men and women in uniform who decide to make this a career, allow their benefits to be transferred to their loved ones, allow military members who serve for 12 years and beyond a chance to send their kids to college with GI benefits and not have to use their retirement.

So I look forward to this debate. It is going to be a chance to do some good or it is going to be politics as usual. Well, that is a decision we are all going to have to make. I hope we can do the country some good. To me, the best thing we can do for the country and for those men and women who serve—and continue to serve—is to do something new, something long overdue and new; that is, to allow them to transfer their benefits to their family members. That will help retention. It will reward those families who sacrifice alongside the servicemember. I have talked with enough family members to know how much this would change and help improve family life in the military.

With that, Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. BURR. Madam President, I thank the Presiding Officer and I thank my colleague, Senator GRAHAM, and I really do thank my colleagues from both sides of the aisle who have come to the floor and talked about the GI bill and the fact that we were asleep for a number of years from the standpoint of making changes in the law that reflect the cost of education.

But what I want my colleagues to understand and the public to understand is that the Department of Defense used what we call education kickers to provide retention tools for our Active-Duty troops. Throughout this whole period, as they saw promising service men and women and they wanted them to stay in the military, they used what we call education kickers. They upped the amount of their education benefit if they would re-up for a period of time—3 years, 5 years, 6 years.

So to say that $1,100 was the ceiling, that is not accurate. The fact is, we have reached a point in time when we need to change the number in the law, what the base amount is that is the promise this country is making to our service men and women when they serve. I think it is appropriate, given we have gone through a decade—and I am sure most Americans would not find this hard to believe—where the highest area of inflation in America over the last 10 years has not been health care. It has been higher education. For any parent who is going through higher education with a child today, they know exactly what that means—that it costs a whole lot to go there.

Senator WEBB deserves a lot of credit because for 18 months he has talked about changing our financial level of commitment. I have to say that has been healthy for the men and women who are serving. It has been healthy for this Senate to begin the debate on it. I do not want anybody to leave this debate and feel we are not both headed in the same direction. It is just that I have some fundamental disagreements with the way he structured it.

I believe there is a way to fulfill the promise, that if you serve, then we are going to commit to you, we are going to provide you with a quality education. When my dad came back from the Second World War, he had most of his education paid for before he left, but this is not something he went out and shopped. This is not something where he said: Gee, there is a benefit. Let me find the most expensive place I can go, and let me exercise it there. He focused on what he wanted to be and where the tools were that were available to him.

Sometimes we have to stop for a minute and reflect: What are the unintended consequences of what we do in this body? Well, one thing with the Webb bill is we disregard the fact that part of higher education comes out of the Department of Education today. It is called Pell grants. For those service men and women who qualify for them, that goes toward their education. The way this bill is written, we pay for their education, and the Pell grant, if they qualify—which most would—is then available for them after their education to pocket as cash. I am not sure that is the promise we made. I am not sure it is the promise the American people are committed to fulfill. I am not sure it is what our service men and women expect. They want an education.

What we have done is we have structured an alternative, the Grahamm-Burr-McCain bill, that provides exactly that. It is targeted at the average of the cost of public education in America. Now, fundamentally, I do not believe a student who picks an art and design school in the State of Michigan should be entitled to $13,000 for that school. Yet if he chooses the University of North Carolina at Chapel Hill, then he is only going to get $5,300.

Why is there a discrepancy in those two schools? Because States subsidize higher education at a different level because it is a State decision. It is State money that is used to subsidize higher education. In North Carolina, we choose to subsidize higher education to the tune of 70 percent. We do not expect every State to choose to subsidize it at that level.

But by the same token, why would we create a program that disenfranchises North Carolina, that says to North Carolina: Oh, boy, you are going to be cheated because you subsidize higher education so that more of your kids can have an affordable option. And because now the Federal Government

would have paid everything, you are going to lose money because you subsidize higher education. Unintended consequence: We are going to chase States out of the business of subsidizing higher education.

What is the net effect? Every kid in America who does not serve 3 years Active Duty, cumulative, is going to pay more because States are not going to subsidize. I am not sure that is what we are after. I surely do not suggest that is the intent of Senator WEBB's legislation. It is what will happen if, in fact, we pass the legislation.

So Senator GRAHAM and I and Senator MCCAIN looked for: How do we take the existing system—not create a new one; this is not a wheel that is broken; it works, but let's fund it at today's funding needs.

Now, Senator GRAHAM covered a lot of things that are in the bill. For an Active-Duty servicemember who serves 3 years Active Duty, we are going to provide $1,500 in living expense and tuition every month as a benefit. We are going to provide $1,000 for books and fees a year. For that individual who stays in the military over 6 years, 50 percent of the education benefit they accrue is transferable to a family member: a spouse or child. If a servicemember chooses to serve for 12 years or more, 100 percent of their GI education benefit is now transferable to a spouse or a child.

I think it is safe to say that for most who make a career out of the military, they have numerous opportunities to enhance their academic achievements on Active Duty. So the likelihood is a 20-year veteran of our services probably has all the education they need, and they have a huge education benefit. I cannot think of a better reward to people who have served their country than to say: Let's make this benefit available so you can educate your children. Let them choose the States that highly subsidize so they get more bang for their buck.

Senator GRAHAM covered the fact that we put the responsibility for private schools to fill the gap on the private schools. We say to an institution: Do you know what. You are willing to retire debt for low-income Americans today. Well, let's see what type of commitment you are going to make for veterans, people who are part of the GI program.

Senator WEBB's bill says to the school, Harvard, Yale, Duke, schools that have $35,000 tuitions: Do you know what. We are only paying $5,000 in North Carolina, so, Duke, if you get one of these, that $20,000-some difference—$25,000, $30,000 difference—for every dollar you put in, the Federal Government is going to put in.

What I say, in the legislation, to Duke is: All right. We are putting $14,400 in the pot for that GI. The difference is indebtedness at the end of his career. If you are willing to retire 25 percent of it, then we are going to put an extra $1,000 in the pot. If you are willing to retire 50 percent, we are putting $2,000 in the pot. If you are willing to retire 100 percent of the debt, we are going to put more money into the pot. We are not going dollar for dollar because I do not think that is our responsibility. There has to be a side of the academic institutions that is willing to also recognize the service of our men and women in uniform.

We were denied the opportunity to have a vote on a piece of legislation earlier today. It is a rule of the Senate that you can offer a motion to table an amendment. What does tabling an amendment mean? It means we were denied the opportunity to vote on a real education package for our service men and women.

What is the reason somebody would do that? Well, fear that we were going to win. Fear that enough Members would look at it and vote for it on the merits of the legislation, that we would win. What is the likelihood we are going to have an opportunity to offer our amendment? Probably none. Because the Webb amendment is going to be masked in an emergency supplemental that is going to be made up of war funding, funding that most Members—this one has no idea what other earmarked programs Members of the Senate are going to stick in it or the House of Representatives.

I would say to my colleagues, we ought to vote against the entire package, except for war funding. We ought to come to the floor. We ought to have a side by side: the Webb bill, the Graham bill. We ought to debate it on the merits, but we ought to take into account the needs of our military. To ignore retention, to ignore the tools the military needs to make sure our Nation is secure and strong, is absolutely ignorant. Now, it may be before it is over we are able to influence the authors of the other legislation to put transferability in theirs. But I have to say to my colleagues that the structure is fundamentally flawed.

I am the ranking member of the Veterans Affairs' Committee. Currently, the GI bill is administered partly out of DOD, partly out of the Department of Education, partly out of the Veterans' Administration. We have a Veterans' Administration today that is challenged to process the amount of disability claims, the appeals to disability claims, the appeals to medical services that are delivered. Now we are saying let's create a big new program and let's dump it in the Veterans' Administration and let's ask them to run it. How incredibly insensitive to the work that is currently going on but how insensitive to the needs of our veterans who are injured—those who come back from Iraq and Afghanistan, those who transition out of Active Duty to veteran status who need a Veterans' Administration that is 100 percent focused on the delivery of health care, the processing of disability claims, and making sure every veteran is matched with a check that they need for their livelihood.

Now we are going to say: But we want you to now run education. We want to take the Department of Education out of it. We want to take DOD out of it. We want the Veterans' Administration to be responsible.

Millions and millions, hundreds of millions of dollars is going to be needed to administer this program, hundreds of millions of dollars. Forget the fact that to write the regulations out of a new agency is probably going to take well over a year. That is why the Webb bill is not proposed to start for some time after this body passes it.

I am sure we are going to have ample time to talk about the education benefit for our military members. I am not sure we are going to have an opportunity to have a choice. I am convinced people asked me to come here and serve to represent North Carolina to make sure we have a choice, and that it wasn't a choice between something and nothing, but that it was a choice between something and something. Every Member of the Senate—100 Members—should have the opportunity to come to this floor and to offer what they think is the solution to a problem. Not on this. We tried to do it because we didn't think we would get an opportunity, and instead of getting an up-or-down vote on a very important piece of legislation that provides and extends and revamps the GI education benefit for our military, it was decided that we were all going to have the opportunity to table consideration. I am not sure that is why we were all elected to be here. I think to some degree it shows what is worse about the institution that we are not willing to tackle.

This is the institution of great debate, and when we have big issues, we run from the debate, hoping that the American people aren't looking, hoping that nobody will read about what we have done, that nobody will see the missed opportunity. I will tell my colleagues, our service men and women aren't going to miss this one. It is not going to be over with a simple tabling vote. This is something that will continue to educate the American people and, more importantly, the men and women who put on a uniform and never ask why but go exactly where our Commander in Chief asks them to go.

I urge my colleagues to pay very special attention as we go through the debate on this legislation. Ask yourself not only is it right, ask yourself are the consequences of what we do the consequences that we would want to have happen. If there are unintended consequences to this, the general public of young people who are looking at higher education as an absolute necessity of their livelihood in the future are disenfranchised in some way by this. If servicemembers aren't allowed to extend an education benefit to their children or to their spouse, and it just goes away, have we really done our job? I think the answer is going to be no.

So I encourage the leadership in the majority to give us an opportunity to

have a fair up-or-down vote. Give us the opportunity to compare two pieces of legislation. Nobody should be scared to do that. Let America decide based upon their representatives in the Senate which one better fulfills the promise we have made to the men and women who serve but, more importantly, what upholds the structure of higher education in this country and doesn't disenfranchise or disadvantage any student now or in the future.

I am convinced we can only achieve that if we recognize a benefit that is uniform and equal across the board, not one that is determined by where you choose to go to school, not a benefit that is determined by where you choose to live, but a benefit that fulfills every promise that we are going to provide an education and put some degree of individual responsibility on how that is exercised. I am convinced that for those who may choose a community college versus a 4-year university, the savings they have should be savings they extend to their children and to their spouse.

That would not happen under the current Webb bill; it will just go away. They will miss out on that opportunity. They will never know that unless we are willing to have a debate on this floor. They are never going to know it unless we are provided the opportunity to present them with a choice between something and something versus something and nothing.

I thank the Chair for the time extended to me.

At this time 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. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SESSIONS. Mr. President, I ask unanimous consent that I may speak in morning business for up to 5 minutes.

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

Mr. SESSIONS. Mr. President, the question of updating GI bill education benefits for our veterans and service personnel is something that we need to do. I think all of us agree on that. I have to say that how we do it, however, is very important.

The Webb-Warner bill, as written, fails in some very important ways, ways that make it poor legislation. We need to be honest about that.

I believe the bill offered by Senators MCCAIN, BURR, and GRAHAM is much better legislation. Frankly, I thank Senator MCCAIN for having the gumption to stand up and see the problems with this legislation. He said he knew it was important and he was willing to take some political heat here to try to do the right thing.

Let me read you what the Congressional Budget Office has said about this legislation.

This is what they say about retention. We heard that in remarks from some Senators earlier, but retention deals with how many people re-up and decide after their initial tour of duty is up to make a longer—a new commitment to stay in the military for a longer period or even make it a career. We are in a career military, and I could not be more proud of them. They are performing so exceptionally well. No person who has been around the military for a few years would ever want to go back to the system we had before. This one is working surprisingly well, beyond our expectations. And even in this war where if you reenlist you are likely to be sent abroad, retention continues to be very high.

What will this bill do? According to the Congressional Budget Office, S. 22, as amended, would, in effect, result in ''a 16-percent decline in the reenlistment rate.'' I am telling you, those of us who have been watching the reenlistment rate as members of the Armed Services Committee—and I have been on that committee since I have been in the Senate, and I know the Presiding Officer, Senator PRYOR, is on that committee and knows these issues—reenlistment is critical. This Webb amendment has the perverse effect of paying people to leave the military. We should not do that. We should create incentives as the Burr-McCain-Graham bill does. It encourages people to stay in and gives even more rewards if they stay in and their family more rewards if they stay in. That is the right thing for us to do. I wanted to mention that point.

I am also troubled by how the money is allocated. We have done a calculation. The way it is set up under the Webb amendment, if a person were to take advantage of this GI bill benefit under his provision, a University of Alabama student could receive $13,569 per year and a student at Auburn University would receive $13,355 a year, but a student at the University of Michigan would receive $22,413. That is an $8,000 difference. That is a lot. Is this what we want to do? I don't know what they would give somebody who is an Arkansas Razorback. They would probably give them less than that. No, that is a great university. I don't see any need for me to be supportive of a bill that is going to discriminate that much between State universities. In fact, if the McCain legislation were to pass, students at Alabama and Auburn would receive an additional $400 and $500 under his bill. It would be more generous to students in my State under the McCain bill.

I say to my colleagues, I think Senator WEBB and others who supported this legislation are on the right track. It is time for us to improve the GI bill benefits for our soldiers and their families. We can do that. We ought to put some money in it. I understand our budget is tight, but I am prepared to vote some resources to improve this idea. But I do not believe we should ever consider—please understand—ever consider setting a policy that would essentially encourage and pay people through subsidies to leave the military. We ought to create educational benefit programs that affirm them, affirm their families, as they make the military a career. That is what our current involvement is.

Before I yield the floor, I will say that is why I have chosen to not support the Webb approach and have chosen to support the McCain approach. I think it is preferable.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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.

Mr. REID. Mr. President, we have tried very hard. I was here a few hours ago when the Senate opened, congratulating the Senate for moving forward on a very important bill for firefighters and police. I guess my expectations were far too high. I thought we were going to legislate and finish this bill. It is a bill that is so important.

I had the opportunity after the log had been thrown in the road to speak with the head of the firefighters union. I don't run from organized labor. I think it is important that we recognize the good they do in the country, and no one can dispute the work that firefighters do. I talked with Mr. Schneeberger and told him I don't know if we can do this bill; it appears Republicans don't want to do it. They have offered a mini GI bill of rights. Of course, we have been delayed. That is very unfortunate.

I hope Senator KENNEDY and Senator ENZI can work something out to complete the bill in a very short period of time. We have done about the best we can.

I spoke with Senator ENZI last night—I don't know what time it was—4:30, 5 o'clock. I asked if he wanted votes last night. He said no because he didn't get the work done in committee that he wanted and he had some work to get done on this bill. I accepted that. I said fine.

I was hoping we would do more today. We tried to get a vote on an amendment and could not get agreement to get a vote on an amendment. So at this stage, we are going to see if we can invoke cloture on this bill. If it doesn't work, it is just another bill the Republicans brought down.

Mr. President, I said this morning, is it any wonder that three special elections held for House seats have gone to Democrats in districts where no one expected a Democrat to win? The reason is because the American people are seeing what is going on here. They see what is going on at 16th and Pennsylvania Avenue, and it is down here now

where we cannot do anything, nothing. Mr. President, 71 or 72 filibusters. I don't know how many we are at. We are moving up the road. Is it any wonder that a poll came out yesterday in the Washington Post saying that the American people believe Democrats in Congress are 21 percent better able to handle the problems of this country than Republicans? It is no wonder.

In spite of that, in spite of 7 years and almost 5 months for President Bush, I still would like to work for the next 7 months with him to try to get things done. I would hope he would pick up the phone sometime and call down here and maybe help us get Federal aviation reauthorization done, just as an example. That is fresh in my mind because that was legislatively killed last week.

CLOTURE MOTION

I send a cloture motion to the desk.

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

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Gregg-Kennedy substitute amendment No. 4751 to H.R. 980, the Public Safety Employer-Employee Cooperation Act.

Harry Reid, Edward M. Kennedy, Charles E. Schumer, Joseph R. Biden, Jr., Sherrod Brown, Robert Menendez, John D. Rockefeller IV, Benjamin L. Cardin, Robert P. Casey, Jr., Thomas R. Carper, Sheldon Whitehouse, Barbara A. Mikulski, Blanche L. Lincoln, Amy Klobuchar, Christopher J. Dodd, Tom Harkin, Richard Durbin.

CLOTURE MOTION

Mr. REID. Mr. President, I send another cloture motion to the desk.

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

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 980, the Public Safety Employer-Employee Cooperation Act.

Harry Reid, Edward M. Kennedy, Charles E. Schumer, Joseph R. Biden, Jr., Sherrod Brown, Robert Menendez, John D. Rockefeller, IV, Benjamin L. Cardin, Robert P. Casey, Jr., Thomas R. Carper, Sheldon Whitehouse, Barbara A. Mikulski, Blanche L. Lincoln, Amy Klobuchar, Christopher J. Dodd, Tom Harkin, Richard Durbin.

Mr. KERRY. Mr. President, I am here today to speak in support of the Public Safety Employer-Employee Cooperation Act of 2007, for which I am a proud cosponsor. While the vast majority of private and public employees enjoy the right to bargain collectively, thousands of our public safety employees across the country are denied this basic American right. If enacted, this bill would provide our public safety workers with the right to negotiate for the level of pay and benefits they deserve.

Every day, we rely on the service of these men and women, who risk their lives to provide safety and protection to our communities. Yet many States and local governments deny these workers the right to organize. It is not fair, and it should not be tolerated.

Those who oppose providing public safety employees these fundamental rights claim that the legislation will interfere with existing State and local laws that govern collective bargaining. This is simply false. The legislation ensures that existing collective bargaining units and agreements that have already been issued, approved, or ratified at the State or local level would be maintained. Additionally, this legislation prohibits strikes and work slowdowns by public safety officers and labor unions, as well as lockouts by public safety employers, ensuring that the safety of the public will not be compromised as a result of a work stoppage.

This legislation enjoys broad bipartisan support. Introduced by Senators KENNEDY and GREGG, there are 34 cosponsors, including 11 Republicans. The House version of the bill passed by a vote of 314 to 97, supported by a majority in both parties.

It took a national tragedy in the form of the terrorist attacks of 9/11 to remind us all of the critical role public safety officers play in our lives. Hundreds gave their lives that day, and hundreds more give their life in service each year, to ensure our safety and to protect us from danger. It is inexcusable that workers so dedicated to keeping America safe should be denied the basic and fundamental right to organize.

I urge my colleagues to support this legislation and to stop denying our firefighters, our police, and all of our first responders the right to organize.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—H.R. 2419

Mr. REID. Mr. President, I want to shift gears now and express my appreciation to lots of different people.

I mentioned briefly this morning my congratulations to Senator HARKIN, Senator CHAMBLISS, Senator BAUCUS, and Senator GRASSLEY, but there are other team members who worked so hard to get this most important bill done, the most important bill being the farm bill.

We only do a farm bill every 5 years. There are some who say it took us 5 years to get this bill done. That is really not the case, but we worked on it for a long time, worked very hard.

I mentioned in my caucus yesterday that this was an example of how we should legislate because we had conferences. We have been kind of getting out of the habit of having a public conference where Democrats and Republicans are appointed and sit down and try to work out the differences on a bill. That is what they did here. I think it was exemplary legislative work.

Was there any side that was more right than the other side? No. But they worked together to come up with a fine piece of legislation.

Mr. President, I ask unanimous consent the Senate now proceed to the conference report to accompany H.R. 2419, the farm bill, and during today's session there be 5 hours of debate—remember, this farm bill deals with food, it deals with energy, and it deals with security—with the time equally divided and controlled between the leaders or their designees; and when the Senate resumes the conference report tomorrow there be an additional 90 minutes of debate divided in the same manner; further, that if any motions to waive are made in response to points of order, then these votes occur in the order in which they were made prior to the vote on adoption of the conference report on Thursday; that on Thursday, upon the yielding back of time, the Senate proceed to vote on adoption of the conference report.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. Reserving the right to object, until I get 5 minutes to rebut a little bit of what the leader said about the collective bargaining bill. I do not need much time, but I was cut out of the process earlier today and I deserve the opportunity.

Mr. REID. Mr. President, my friend can have all the time he wants—10 minutes?

Mr. ENZI. Ten will be plenty. I appreciate it.

Mr. REID. How about doing this then? We will go ahead and have this approved, and you do 10 minutes or however much time you want?

Mr. ENZI. That would be part of the unanimous consent? Do I understand that under the unanimous consent I would get my 10 minutes before the farm bill.

Mr. REID. You would get it as soon as the consent is granted—right now.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, before my friend starts, I have said publicly, I have told him privately—we do not have a Senator, Democrat or Republican, who is easier to get along with and who is a better legislator than MIKE ENZI. He is a very fine man, and I am sorry he was cut off.

There will also be no more votes today as a result of this unanimous-consent agreement.

Mr. ENZI. Mr. President, I appreciate the leader's kind remarks. I have been diligently working on the collective bargaining bill. It is an important part of the process to get the full debate out. We are being precluded from that process now.

We have had three amendments brought up. None of those were mine. I have five amendments that I would like to have debated that address what

I see as serious flaws in the bill, but I am being precluded from even bringing up one of those. I was given the offer, take it or leave it, that there could be two Republican amendments, period, and I could decide from among my own and others which would be the two.

As I pointed out at the very beginning of this bill, this bill is flawed. It did not go to committee. This happens every time a bill does not go to committee. We have a process with bills before the committee where people can sit down and look at amendments and revise the amendments until there is agreement between the two sides. That is the only reason that a committee such as Health, Education, Labor and Pensions can get bills done.

We often take a look at all of the amendments when they are in committee and decide that we will work on those before they go to the floor. Otherwise, as contentious a committee as we have, which handles the volume of work it does, we would get nothing done. But we get a lot done. In fact, last week when we were at the signing with the President of one of the bills we passed, the President said: You know, you are the only committee sending us any bills. It is because we go through the whole process.

Usually Senator KENNEDY and I sit down, we list our principles, we agree on the principles, we plug in some details, and then we talk with the stakeholders. That is everybody with an interest in it. Usually at that point there is someone who says: No, we have one provision we have worked on for 12 years, and we never have gotten that provision. And until we get that provision, we don't care about the rest of the bill. Whoever's constituent it is, Senator KENNEDY or I, we take the lead on it and say: You know, you have been asking for it for 12 years and you got nothing. How would you like to get the other 80 percent that you also claim you like? That is the way we do bills. It is working to get common ground, which is a third way.

There are so many issues around here that have been polarized, so the second they come up people jump into the weeds. They talk about a little glitch here or there that irritated people in the past and that gets us nowhere. So we have been able to elevate that to coming up with a third way to achieve the same thing, the same principles we agreed on.

This bill didn't go through any of that process. We just slammed right over here to the floor of the Senate and then they are surprised at the result, that we want to do a few amendments. I saw the House bill, and then I saw the negotiations with some of the Senate people from our side on some amendments that they thought were critical. A lot of those didn't get in at all, even though I think a few of them thought they were in there. They are not in there. That is what I am bringing up—what were good ideas that ought to be contained in this kind of a bill so the rhetoric we have had so far actually winds up meeting what is in the bill.

That is our job. It is really supposed to come out doing what we said it would do. This bill does not do what the chairman said it would do. This bill doesn't say what the Republican cosponsors said it would do. It could be clarified. It is not easy to clarify it when we are out on the Senate floor. It is difficult to do out here because it is more of a take it or leave it. In fact, that is what I was offered: take it or leave it on getting two amendments. What kind of a choice is that? I have five germane amendments and many other germane amendments have also been filed and offered. But, of course, I will have to get unanimous consent to bring up my amendments later if at all. Unanimous consent is not the easiest thing to get around here, particularly when it starts getting into this little friction area.

I want to comment on the 71 filibusters. I suspect the two motions that were just filed count as two more filibusters. What they are is two more attempts to protect the rights of the minority. We have a right, just as that side did when they were in the minority, to bring up amendments. They protected their right, and we are protecting our right.

You heard one of the cosponsors of the collective bargaining bill make those same comments earlier today when the big discussion happened on the amendment that was put on the other side of the tree. He voted not to table that because he respects the rights of the minority. That is what has always had to happen around here.

I have to tell you, on filibusters, one of the reasons we get filibusters is because there is still a Presidential campaign going on on one side of the aisle, and that means two of our Members are not here except in unusual circumstances. So the way it has to happen is, on Monday when we come in we vote on a cloture motion. It is not legislation that necessarily needs a cloture motion because a lot of those have been passed 98 to 0, 96 to 0, maybe 95 to 1. That is nowhere near a filibuster. But that allows us—that forces us into a situation where, for the next 30 hours, we debate whether to debate. That way, by Wednesday the candidates can show up so there is enough of a vote to agree to some of the amendments that go on there. So part of it is a tactical procedure being used by the majority, who still has a primary going on in their Presidential race, to assure they will have the votes there when the time comes.

You can see this is 51 to 49, so if two people don't show up on that side, it is 49 to 49 and that gives the Vice President a chance to vote. So far he has always voted with me. So that gives the minority a win, and I understand that.

But I do not stand for being blamed for all of those cloture motions that have been put out here. Some of those have been to protect the majority as a majority. They need to take credit for those instead of blaming us for it.

This is a kind of do-nothing Congress. If it were not for bills coming out of this committee there wouldn't be a lot of bills passing out here, but a lot of the failed bills come from skipping the process and coming right to the floor, like the immigration bill. The way to get things done is take them through committee and then we don't need to do as many amendments on the Senate floor.

In fact, if you check back on the bills Senator KENNEDY and I worked on, it is very unusual for us to have an amendment on the floor. And they usually pass unanimously here and in the House. That is how they get to the President. There is not a conference committee involved in it. We have already preconferenced with the House and found out what their potential objections were with the House and worked it out. But not on this bill. On this bill what we said—not we said; they said—you know, the policemen and the firemen are going to be in DC for this big memorial event this week. We ought to time it so we can really put the crush on the Republicans.

I have to give you congratulations for that. It would not be enough just to recognize the tremendous sacrifices these people make and the difficult jobs they have. No, we can make some points against the Republicans because they may want to make sure Government still works when we are done with the process.

There are a lot of people commenting that there are some problems with this bill. The mayor of New York City—that is a State that requires collective bargaining—sent us a letter that said: Don't pass this bill. This will affect the way that we do business. It is not a one-sided thing, but I tell you, when it gets one-sided, nothing happens and that is kind of the process we are in.

I am going to be asking people to vote with me against the cloture motion because I have not been able to bring up my amendments. I haven't been able to get votes on the other side.

That has an interesting little twist to it too. We have four amendments: three that are germane—those are the three the Republicans put in, which means they relate to the bill—and one offered by Senator LEAHY that is actually a reauthorization bill on some grant money. It doesn't relate to this bill, but I am willing to have votes on all four of them. I am willing to accept the Leahy amendment and get it done. But there will be objections to that because he chairs the committee that handles judges, and we were promised three circuit court judges before Memorial Day. As I understand it, tomorrow morning there is a markup around here that does not have a single circuit court judge on it, which means that deadline cannot be met.

So, again, protecting minority rights, there are some people on the

Republican side who are saying if they are not going to follow their word, we are not going to follow—The Senator from Vermont then says: If they are not going to take my amendment, then I am not going to allow the other three to be voted on. That happened earlier today.

There is plenty of blame to go around. But to stick it on any one party is the wrong thing to do. And to proclaim that we really want to have this bill done without taking it through the regular process is a misnomer—and I need to have my rights—and I appreciate this time to speak. The majority leader was very kind in that. I appreciate the way he let us at least work for a day, an interrupted day and a partial day at that, before the cloture motion went into effect.

I thank the Chair and yield the floor.

FOOD CONSERVATION, AND ENERGY ACT OF 2008—CONFERENCE REPORT

The PRESIDING OFFICER. The conference report will be stated.

The bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419), to provide for the continuation of agricultural programs for fiscal year 2012, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same. Signed by a majority of the conferees on the part of both Houses.

The conference report is printed in the proceedings of the House in the RECORD of May 13, 2008.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Iowa is recognized.

Mr. HARKIN. Madam President, here we are, finally after a long year and a half. That is how long I have been chairman. Of course, my friend and ranking member was chairman before that, actually started the farm bill when he was chairman. So I guess we can say after about 2 years we are finally here with this farm bill on the floor for final passage and ready to send to the President.

It has been a long road to get to this point. But it has been a road I have had good friends to travel with, good colleagues to travel with. We have had a few bumps along the way, but through it all, we have come here on the floor of the Senate with a strong, good farm bill, and it came from the House today with a strong 318 votes. So the House has passed a conference report with 318 votes this afternoon.

As I said, some people call it a farm bill. Here is the title of it: the Food, Conservation and Energy Act of 2008. Food, Conservation, and Energy Act. We do not have ''farm'' in it. Farm is subsumed under food and conservation and energy, because all three of those apply to our farmers today. So we have a bill here, a Food, Conservation, and Energy Act, passed with bipartisan votes in the House.

We have a coalition of over 500 farm, conservation, nutrition, consumer, and religious groups all together supporting this bill.

This is my seventh farm bill, counting my time in the House of Representatives and my time here in the Senate. I have never seen a farm bill in all of those years with this much broad support. As I said, over 500 farm, conservation, religious groups, antihunger groups, consumer groups, all are supporting this bill.

This is a food bill. Why do I say that? Because $10.4 billion of new spending in this bill, every single penny of the new money allocated to our committee by the Finance Committee on this side, the Ways and Means Committee on the House side, every single penny of that $10 billion was put into nutrition, plus another $400 million, $10.4 billion.

Now, with the changes to nutrition program included in this bill, 67 percent of all of the spending in this bill goes to nutrition; 67 percent. Then I will talk on why we call it a conservation and energy bill in a few minutes. But let's talk about the food aspect of this.

In the last dozen years, we have seen a steady erosion of the food safety net for our low-income families. Let me point to the standard deduction in the Food Stamp Program. This chart indicates what has happened. In 1996, the standard deduction—that is the deduction you take to see if you qualify as a family to get food stamps. In 1996 it was $134 a month. That was frozen in 1996. It has not moved since. It remains $134 to this day for the vast majority of families. But think of all of the increases low-income families now have to pay: higher energy prices, higher food prices. Everything else has gone up. So you wonder why so many people have fallen through the safety net of having an adequate supply of food? It is because we froze it in 1996. Twelve years later now, it has not moved. Now we have increased everything else around here for everybody in 12 years but not for low-income Americans. This Congress—I do not mean this Congress, but I mean all of these Congresses—we have not met our responsibility to low-income Americans. We finally do it in this farm bill.

If the standard deduction in 1996 of $134 had kept pace with inflation, it would be $188 today rather than $134. Well, we could not go as high as $188, so we went to $144. So now we have increased the standard deduction of $144 a month. But the single most important thing is we have indexed it for inflation in the future. No more will we have an erosion because of inflation that hurts our lowest income families in America. So that is the important thing. We have indexed it for the future.

Secondly, the asset level. Under current law a family can have no more than $2,000 in assets and still qualify for food stamps. We did not raise it in this bill, but we indexed that also for the future. So we have two indexes here for the future; one on the standard deduction and one on the asset level.

For the first time ever, we exclude retirement and education savings from counting against the asset limit. Here I give accolades to my colleague from Georgia, Senator CHAMBLISS. It was his intervention that provided that low-income seniors do not have to dip into their retirement savings to meet their food needs. If they are temporarily out of a job, for example, but they have retirement savings, they can still qualify for food assistance and they will not have to dip into that savings. Again, I compliment my colleague from Georgia for fighting hard for that.

We also did something on childcare costs. Here again is something we have not kept up with, and it hurts our low-income families. Right now the childcare deduction is $175 a month. It has been there since 1993. Think about childcare costs since 1993. It has been $175 ever since then. Right now the average cost of childcare per month is $631 average. We only allow $175 for food stamp recipients to qualify. So there is a $456 a month gap and it is growing.

In this bill, we remove the cap. There is no longer any cap on childcare expenses. Whatever your childcare expenses are, that is what you can deduct from your monthly income to qualify for food stamps.

Again, we have also raised the minimum benefit by 50 percent, and we index that to the future.

This bill also provides relief for our food banks. Our food banks in this country provide a backstop for people who may get food stamps but they run out before the end of the month. They do not have enough to get their families through, so a lot of times they go to our food banks.

Well, what has happened? What has happened is that the bonus commodities to our food banks have gone down 75 percent since the 2002 farm bill; 75 percent. That is why we keep hearing from our food banks that they are running out of food. They do not have enough to meet the requirements of people who come in. They need something to get them through the weekend, get them through a holiday, because they do not have enough food and they do not have food stamps.

What we did is put $1.2 billion of new money into the TEFAP, the Temporary Emergency Food Assistance Program, which provides staple commodities to food banks. This year we have raised it. Current law provides for $140 million annually. Here we raised it to $250 million.

As soon as this bill is passed and either signed by the President, which I hope he will do, or we override the veto and it becomes law—as soon as this bill becomes law, immediately $50 million will go out to the food banks around America immediately. Then we index that for the future. So we have indexed the TEFAP commodities for the future.

Lastly, we know low-income Americans have the highest incidence for diseases and illnesses, such as heart disease, obesity, diabetes, and diseases related to diet.

A lot of that is because low-income people have a difficult choice to make in terms of their purchases of food. Some of the healthier foods, such as whole grains, fruits, vegetables, those types of things, are generally higher priced. So to stretch their dollar as far as possible, low-income people go in the grocery store and they stretch their food dollars to get to the next paycheck. But the foods with the least nutrition happen to be the cheapest, and it gets them through the month.

In this bill we provide a pilot program with about $20 million to put incentives in there for low-income Americans to see if we can give them incentives to purchase healthier foods as part of their diet.

Lastly, I want to quote here Vicki Escarra, who is president and CEO of America's Second Harvest. I think she summed it up all well on behalf of all the antihunger groups.

On behalf of our nation's food banks, I urge Senators to vote in favor of this hunger-fighting farm bill. Millions of low income Americans are on the brink of catastrophe, facing some of the most difficult economic times they have had to endure in years. I urge Senators to support this vitally important and necessary legislation.

That is why we talk about this as being a food bill, because 67 percent of the new money goes for nutrition.

This bill does not just provide food in this country for low-income individuals, but also for poor people abroad.

There has been a lot of talk about the McGovern-Dole Program. This is a program, of course, named after former Senators Dole and McGovern that provides money and food for a school lunch program in other parts of the world, in places where they have low income, a lot of hunger. It is a good program because not only does it get a good meal to kids at least once a day, but it is a magnet to get kids in school. In countries where maybe 60, 70, 80 percent of your disposable income goes for food, one nutritious meal a day to a child saves the family a lot of money. If the place to get that food is in a school, you ought to send your kid to school. So it does two good things. In this bill, we provide $84 million in mandatory money for the McGovern-Dole School Lunch Program for kids in other countries and I expect that additional money will be provided through the appropriations process, as it has in the past.

There is one other area that deals with food and health. That is the specialty crop title of the bill. We have two new titles in this farm bill, the livestock title and the specialty crop title. They have never been in the farm bill before.

Under specialty crops, we have a 100-percent increase in the level of farm bill spending for specialty crops programs. This is an historic investment. The 2002 farm bill provided $1.3 billion. We provide $2.7 billion in this bill, just shy of $3 billion—a 100-percent increase in support for fruits, vegetables, organics, farmers' markets, horticulture—all in this farm bill. That is one of the reasons why the 120 groups that have interest in fruits, vegetables, and organics are supporting this legislation, because of all we have provided to support our fruit and vegetable farmers and organic farmers, who comprise the fastest growing segment of American agriculture. We have $22 million to help farmers who are trying to transition from conventional production into organic. We also provide more for farmers' markets. We provide more money for research into organics to get it up to a level where it matches the level of organics in our food supply chain.

For those interested in organic agriculture, we have really invested heavily in those who want to become organic farmers, those farmers' markets where they may collect organic products, and even farmers' markets that may not be organic but may provide locally-grown produce.

We have put money into this bill to provide support for what I would call aggregators—an entrepreneur who understands that perhaps Whole Foods can't go out to each individual farmer for a supply of organic foods, so you need somebody in the middle to put all this together. That is what we have done. We have provided funds and support in this bill for entities that would aggregate, go out to each individual farmer and pull the organic foods all together—it doesn't have to be organic, it could just be locally-grown—bundle them, and then they can sell those to Whole Foods or Safeway or Hy-Vee out in my area.

This is an opportunity to help organic producers get into the market, also for locally-grown produce. It doesn't have to be produce. It could be meats, poultry, beef, whatever that is local, to also get them into the market supply as well.

The last thing I will say in terms of health and specialty crops pertains to the fruit and vegetable snack program. This is something we started in the 2002 farm bill.

I sort of have a history on this. In the 1996 farm bill, I introduced amendments to get vending machines taken out of schools. As anyone can see, I was a spectacular failure at that one. But as time went on, it became clearer that vending machines were not the only problem. The problem is what kids were eating in school. If we could provide healthier foods for kids in school, we would all be better off.

Again, we know low-income kids in these schools are the first to get diabetes and be obese and have all the problems that lead to illness and disease later on.

In the 2002 farm bill, I tried an experiment. I put in a provision to supply about $6 million to test a theory of mine. The theory was that if you gave free fresh fruits and vegetables to kids in school, they would eat them. If they would eat the fresh fruits and vegetables that were free, they would not be eating candy and sugary snacks, cookies, things such as that.

So we tried it. The idea behind it was not to do it in the lunchroom but to do it in the classroom or in the hallway outside the classroom, not just at lunch but in the morning when kids got the growlies about 9 o'clock in the morning.

The idea was to provide it as a snack when kids got hungry in the morning or in the afternoon and not just in the lunchroom.

I have to tell you, a lot of people said to me: Harkin, you are nuts. You are going to have kids throwing apple cores around, orange peels, banana peels. They will be throwing grapes at each other. They are going to make a mess.

I said: OK. Let's see what happens. It is all voluntary. No school has to participate. If they participate and they don't like it, they can drop out the next day. But let's see what happens.

So we took 4 States, 25 schools in a State, 100 schools, and an Indian reservation just to see what would happen with that $6 million, providing free fresh fruits and vegetables. What happened to my test? Every single school says that they don't want to drop out. They want to continue. And we don't have kids throwing apple cores around and orange peels and things like that. These kids are eating better. They are better behaved. Talk to any teacher who has had experience with this program, talk to any principal, and they will tell you these kids are better behaved. They eat better. They go home and tell their parents about the great fruit and vegetable snacks they are getting, and then they tell their folks to buy them at the grocery store. Those four States have now gone to eight States. We are up to about $8 or $9 million a year now.

So because this has been so successful, this conference report has $1 billion in it to expand the Fresh Fruit and Vegetable Program nationwide. Again, we can't do it all next year, so we ramp it up. It has to be ramped up over several years. But in 5 years, by the time we ramp this up, we will be at $150 million a year. And when we reach that level, nearly every low-income elementary school kid in America who is in a school that has a high rate of free and reduced priced lunches, every one of those kids is going to be getting free fresh fruits and vegetables as a snack during the day.

Think what this will do for our kids and their health. I am really happy about this. I am happy first that the test worked. Now I am happy that we are going to take it nationwide to every State. We are targeting it to elementary schools, and we are asking States, since this goes to the States, to further target it to those schools that

have a majority of low-income kids so we can get to them first.

Again, this is helpful not only to the nutrition of our kids but also to the specialty crops all over America because we are going to rely upon them to grow these crops and make them available for the fruit and vegetable snack program.

We said the second part was conservation. Let's talk about the conservation part of this bill. On this chart, I compare the proportion of funding going to conservation as compared to the commodity programs in each farm bill back to 1985. The red portion is the part that goes for conservation as compared to commodities. Why do I compare it to commodities? Because this is the part of these farm bills that go to farmers. The conservation share of the total of conservation and commodity payments has never been even 20 percent. But look at 2008: 41 percent of what we are putting out to farmers is in conservation. We have never done that before. We have never even come close to that before.

I was proud of the 2002 farm bill. In 2002, I said we would put more into conservation in the 2002 farm bill than ever before. That was true in 2002. In 2008, we have more than doubled the share of conservation that goes out, to 41 percent.

The administration said one of the reasons they wanted to veto the farm bill was because we didn't put enough into conservation. But the administration's own bill only put $4.2 billion into conservation, as scored by the congressional budget office. Our bill puts $5.2 billion into conservation, as scored by the same neutral financial accounting, using the same assumptions. So we exceeded what the administration asked for in total conservation spending. And what's more, we have done it in a way that is going to clean up our soil and water, provide incentives to farmers to be good conservationists.

In the all-important EQIP, the Environmental Quality Incentives Program, we put in $15.8 billion over 10 years in total funding. For the Conservation Security Program, now called the Conservation Stewardship Program, we provided $12 billion over 10 years. Why do I single those out? Because those are conservation programs that go to working lands.

Most people think of conservation as taking land out of production. In the past, that has been true. We still do some of that with the Wetlands Reserve Program, and in the Conservation Reserve Program. For fragile, erodible acres and wetlands, taking the land out of production is often the best way to conserve the land, and provide vital wildlife habitat.

But we know, because of the demand for food and the high prices of our commodities, more and more land is coming out of the Conservation Reserve Program. It is being tilled. It is being cropped. This is a free country and these are voluntary programs, so if a farmer has completed a Conservation Reserve Program contract, the land can go back into production if the farmer chooses.

But what we can do about it is put more money into conservation on working lands, to give incentives to farmers to be good conservationists. One of the most important programs, I believe, is the Conservation Stewardship Program. This is a program I included in the 2002 farm bill.

We put in place what was then called the Conservation Security Program, an uncapped entitlement program to go to farmers to be good conservationists on working lands, to give them the incentive to protect the soil, the water, and the wildlife habitat.

CSP has had a little bumpy history, I will be the first to admit, because of rules and regulations that were written and cuts to funding. First of all, they limited enrollment only to specific watersheds, rather than making it available to producers across the country. That was very discriminatory. So under this bill we have revamped it. We have made it applicable to every farmer in this country, no longer just based on watersheds. Every farmer willing to meet the eligibility requirements can get into this program now. The program will be available to producers from Florida to Washington State and from New Mexico to Maine. The program pays not for what you grow, but for how you grow it—the environmental benefits your conservation activities produce. We are devoting over $12 billion over 10 years to the program. We will enroll, under this program now, about 13 million acres a year.

Now, what does this mean? It means we will be giving payments to farmers to take care of the soil, to protect the water, provide wildlife habitat, and to be good producers and deliver important environmental benefits. We know we have to have the production, we have to produce the food and the fiber in the country. But you can have both production and a good, clean environment at the same time. They are not mutually exclusive.

This picture I have in the Chamber shows what I mean. This is what we ought to be about: This is a farm. A river runs through it—but the farmer is using good conservation practices to help keep the river clean. What you see along the river is a barrier strip of grass and trees; barriers to stop the runoff of fertilizer or pesticides that may be put on the land, to keep it from going into the stream. You do not farm right up to the riverbank. The farm is using minimum tillage. And in different fields around the farm you see different kinds of crops. You have a crop rotation that goes on. The farmer has also planted trees as wind breaks along the fence rows.

That is what the Conservation Stewardship Program is all about: making sure we have good production but good stewardship of the soil, good protection for the water, and good wildlife habitat and corridors at the same time.

Why do we need to devote federal spending on conservation? I have a photograph I show you in the Chamber that was taken on April 14, 1935, now known as Black Sunday, near Liberal, KS. This terrible dust storm rolled across Kansas. All of us in grade school have seen this picture in our textbooks of the dust clouds rolling over Kansas in 1935.

Because what had happened? What had happened is, after World War I, because of the demand for food around the world and here, we plowed up everything in the plains States—lands that been unplowed for thousands years. We plowed it up, and when the rain didn't come, it turned to dust. People say: Well, that was 1935. Well, that was 1935, yes.

Let's take a look at another picture I have in the Chamber, taken within a few miles of that picture you saw from 1935. Look at this. Now we have a color picture—the same big dust clouds rolling over the plains—taken in 2006.

Let's not make the same mistake again. That is why we have put so much effort and so much into conservation on working lands—yes, to make sure farmers can make a profit, they can grow the food and the feed and the fiber we need for our people and for exports, but to do it in an environmentally sound way, which can be done so we do not have to have those dust bowls any longer. So we are going to have more land in production and more need for conservation.

Lastly, on conservation, there are important needs across this country, not just in the midwest. Here is a chart of the Chesapeake Bay watershed. Those of us who have been around this area for any time or who have ever been out to the Chesapeake Bay know how polluted the Chesapeake Bay is—killing the fish, taking away a livelihood for so many people who rely on the Chesapeake Bay; not only that, destroying breeding grounds for many of our fish that then go back out to the ocean.

As shown on this chart, this is the watershed that drains into the Chesapeake Bay. It covers Virginia, West Virginia, Pennsylvania, New York, Delaware, and Maryland—all those States. We heard from the Congressmen and Senators and people who live in those areas saying we have to do something to help clean up the Chesapeake Bay. And we did. We put $438 million into this bill to help protect the uplands, to take care of it before it gets down to the Chesapeake Bay. So we have done, I think, yeoman's work in this area in helping to help clean up the Chesapeake Bay.

Lastly, I said food, conservation, and energy bill—energy—energy. Now, I have a chart in the Chamber on that. Let me say this: High gasoline prices and diesel prices are hurting our families all over this country. I know. I hear about it all the time from my constituents. The prices at the pump are

hurting people, especially in rural areas, where people have to drive a distance to get to work.

But we have studies that show because of the supply of ethanol in this country, the price at the gas pump is 29 cents to 40 cents a gallon cheaper. In other words, if it were not for ethanol, the price of gasoline at the pump would be 29 cents to 40 cents a gallon higher than it is today.

So what we did in this bill is, we recognized a couple things. We need more production of clean renewable energy here in America. We need to get off the oil pipeline. But we also recognize the impact it is having on grain. So we have put a lot in this farm bill to move us to cellulose production, biomass production of ethanol in the future. This bill ramps up our capacity to produce clean renewable American energy, not only from grain, but from wood, trees, wood chips, switchgrass, miscanthus, corn stover, wheat stover, oat stover—all kinds of things we basically do not use today. We put over $1 billion in this bill to move us aggressively in that direction. So we can build biorefineries, we give support for farmers who want to grow dedicated cellulose crops for this purpose, and we give them help in growing them, transitioning them, storing them, and transporting them. This is a chart to show you we can do biomass and build biorefineries, and it helps our rural communities and helps America. There is over $1 billion in this bill to move us in this direction.

Two last things in rural development. We have included policy in this bill to get broadband to rural towns and communities all over America. Second, we put $120 million in the bill that will go out right away to reduce the backlog in water and wastewater treatment facilities in our small towns and communities.

I come from a small town of 162 people, where I still live, where about 25 years ago every well in my hometown—including mine—tested unfit to drink. But we got rural water, we got clean water. In my house, I now have clean rural water, and every house in my small town of Cumming has that. We know what it means, and I know what it means firsthand. So we have to get better water and wastewater for our small towns and communities, and we have done that in this bill.

Lastly, there is a lot of talk about reform. Maybe the White House says we did not reform enough in agriculture. We have done what the administration asked in reforming this bill. We now have direct attribution, so we will know from now on exactly where every dollar, every dime goes, to whomever gets it. We did away with the three-entity rule, and we significantly reduced the cap on adjusted gross income.

Now, I want to be clear about this. Right now if you have $2.5 million of nonfarm income, you would still qualify for farm programs—right now. The administration wanted to reduce that to $200,000. We reduced it to $500,000, moving it from $2.5 million to $500,000, and put a cap on nonfarm income. That is real reform.

Second, if the majority of your income today is from farm sources, you can have an income of $5 million, $10 million, $20 million—no limit—and you will still get farm program payments. Under our bill, we put a cap of $750,000 on farm income. If farm income is more than $750,000 then no direct payments. That is real reform. It may not be as much as some might like, but I will tell you, it is far beyond the limits we have now.

I know some of our colleagues had to bite down pretty hard on this because they represent farmers who have higher input costs. They have bigger operations because they have to in order to survive. So I know they have had to take a hit on this. But this is real reform. I commend those members of our committee who worked with us on this to make sure we could have these reforms and bring it here where we are today.

The last reform we put in this bill: We put in a new optional program for farmers, an average crop revenue election program. They can stay in the present price-based countercyclical program or they can take a slight cut in their loan rates, in their direct payments, and then get a revenue-based countercyclical payment if the combination of prices and yields go down. Now, again, I do not know if farmers will take it, but it is an option.

I know the National Corn Growers Association was very supportive of this approach. We have it as an option. Maybe this is the future; I do not know. But it is a reform, and we put it in there for farmers to consider as an option.

It has been a long road. There is a lot more I could say about this food, energy, and conservation bill. There is a lot more I know I have not covered. But it is a strong bill. As I said the other day, it is good for every American from my hometown of Cumming, IA, population 162, to New York City, population 8 million, and everybody in between. That is why so many groups, over 500 groups—antihunger groups, religious groups, conservation groups, clean energy groups—farmers strongly support this bill.

Finally, before I yield the floor, let me thank my colleague, my friend, my ranking member, Senator SAXBY CHAMBLISS, for all he has done to bring this bill to the floor today. He started it when he was chairman, having hearings all over the country, laying the groundwork for this farm bill. I was privileged to take it over this Congress, as chairman. But I could not have asked for a better ranking member, someone I could work closely with. We worked together on this right to the bitter end—I should not say ''bitter end;'' right to the good end; we have a great bill—but right to the end to bring this bill forward. He has worked very hard to make sure we could get to this point on this bill. I wanted to thank him for all of his work, for his close working relationship on this bill.

Tomorrow morning I will thank all of our staff who have worked so hard on this bill, in particular our staff director Mark Halverson. When this is done, I am going to make him take a vacation. He has got to catch up on about a year's worth of sleep here in a couple weeks. But Mark Halverson has been a great staff director in keeping this bill going and keeping all the things together and moving it forward. I cannot find the words to thank him enough for all he has done.

On Senator CHAMBLISS's side, I thank Martha Scott Poindexter, who, of course, was the staff director under Senator CHAMBLISS, and now for him as the ranking member, for all the great work she has done. Both she and Mark Halverson together have worked very hard, and their staffs. They have great staffs, and I am going to name them all tomorrow. But I would be remiss if in my opening statement I didn't thank both of them for their extraordinary work and extraordinary effort they have done to get this bill to this point.

So, Madam President, I have taken way too much time. I wish to yield the floor to a great friend and a great colleague and someone who has helped bring us to this point of getting a great farm bill to all the people of America, Senator CHAMBLISS.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Madam President, I thank my colleague from Iowa, Senator HARKIN. This truly has, under his leadership, been a very bipartisan effort. As we will see on the floor tonight and tomorrow, there will be some folks on both sides of the aisle who will have a lot of good things to say about this bill. Not everybody is in agreement with it, but we never have total agreement on farm bills. They are always controversial. They always contain provisions that some Members of the Senate don't like, but by and large this bill is a true bipartisan bill. I wish to commend Senator HARKIN for his leadership, and not just on the substance of the bill. During the conference process we went through, the Senate stayed in lockstep. All Members, all conferees on the Senate side, Republican and Democratic, remained loyal to the commitment we made to each other as we went through that conference, and I think it was for that reason that we were successful in producing a product that somewhat mirrors the product that came out of this Senate back in December. So I thank Senator HARKIN for his leadership and for his commitment to American agriculture.

I rise tonight in support of the farm bill conference report before us. The Food, Conservation, and Energy Act of 2008 provides certainty to America's farmers and ranchers and restates the strong commitment of Congress to the hungry and less fortunate. This farm

bill contains the most significant reform of our farm programs in recent memory, if not history, and increases investments in the areas of nutrition, specialty crops, conservation, and renewable energy. It is no wonder that nutrition groups, food bank organizations, conservation and wildlife groups, commodity organizations, cattlemen and ranchers, renewable energy advocates, and specialty crop producers have all united in strong support of this farm bill.

This bill is simply the single most important piece of legislation for rural America and the small American towns and communities whose economic engines depend on agriculture. To reject this bill is to leave billions of economic development investments on the table and accept the faulty notion that currently high commodity prices will exist forever. Every farmer knows there is no certainty in the honorable practice of farming. This farm bill is our commitment to provide them with much-needed economic assistance when times are bad and allow them to prosper without our assistance when times are good. Our farm safety net is targeted, fiscally responsible, and will ensure the prosperity of our farmers and ranchers during the tough economic times that are certainly to come.

Yes, this bill helps maintain a safety net for the farmers and ranchers who produce the food on our dinner tables and the fiber for the shirts on our back. I simply do not understand the critics who raise their arms in protest because we attempt to help farmers in this farm bill. Given the amount of investments in the many critical areas to all Americans in this bill, it is actually inaccurate to simply call this a farm bill. I wish to point out to the critics that less than one-fifth of the bill's spending goes toward the production of agricultural programs. Furthermore, all the commodity programs in the commodity title combined account for a mere .29 percent of the entire outlays of the Federal Government spending. That is almost one-quarter of 1 percent. Many are attempting to paint a picture of a bloated bill that provides huge subsidies to large farmers, but the facts present a different picture of how the money is actually allocated. Commodity program spending in this bill represents less than 14 percent of the total spending, while conservation, nutrition, and renewable energy spending account for more than 75 percent of the bill.

There is a common misperception in many editorial boardrooms, and unfortunately at the White House, that the 2008 farm bill does not include adequate reform of our current farm programs. This misperception has led to a series of negative news articles accusing our farm safety net of hindering African cotton trade, raising food prices domestically and globally, providing payments to millionaire farmers who abuse the system, and eroding our ability to provide food aid to the neediest Americans and citizens of other countries. This series of negative and inaccurate propaganda has culminated in a veto threat from the President. I stand before this body tonight to clearly state that this bill contains sweeping reforms of which all Americans can be proud. Drastic reforms are included in this bill to make sure nonfarmers do not benefit from the farm safety net. We rightfully believe the farm safety net should be used to help those who take on an enormous risk every year to produce the crops and livestock that sustain the food supply of our country.

While we disagree with many of the attacks against our farm safety net, we have nonetheless heard the calls for reform and have responded in several meaningful ways. The traditional cotton program has been reformed so that it is more market oriented per our WTO—World Trade Organization—-commitments. The GSM program has been reformed to honor our obligations under the cotton case that was decided last year. The adjusted gross income test for nonfarmers has been reduced by 80 percent, ensuring that farm program benefits are targeted to those who need them most. In addition, this bill eliminates the three-entity rule, adopts direct attribution for farm program payments, and eliminates base acres on land developed for residential use. These accomplishments represent the most significant reform of the farm safety net in the history of farm bills in this country.

Conservation programs are vital to the farm bill and to this Nation's farmers, ranchers, and private forest landowners. Working land—the cropland, grazing land, and forest land that is used to produce our food, feed, and fiber—accounts for nearly 1.3 billion acres or two-thirds of the Nation's land area. Since the enactment of the 2002 farm bill, conservation measures have been applied on more than 70 million acres of cropland and 125 million acres of grazing lands. In addition, more than 1 million acres of wetlands have been created, restored or enhanced.

This farm bill continues its great tradition of protecting working lands by providing producers $4 billion in new resources for conservation programs. In addition to providing new funding, the farm bill also makes numerous improvements to the programs to ensure they meet the needs of producers. One notable improvement is that the environmental quality incentives program will now be available to private forest landowners. It also looks to the future by helping producers and landowners play a role and get credit for mitigating climate change.

In the 2002 farm bill, an energy title was included for the first time, and the Food, Conservation, and Energy Act furthers our commitment to meeting America's energy needs with alternative forms of energy. All Americans must cope with today's extraordinarily high gas prices, and with this farm bill, we take the necessary steps to alleviate the pressure not only on petroleum-based gasoline but on corn-based ethanol. One day, Americans will be able to fill their gas tanks with ethanol made from woodchips or peanut hulls, and when that day comes, you can look back to this farm bill as the foundation for making that a reality.

Speaking of energy, I have heard calls from several of my colleagues to ensure that contracts traded on electronic exchanges, such as natural gas contracts traded on the ICE Futures, are subject to more regulatory oversight by the Commodities Futures Trading Commission. In responding to those concerns, this conference report includes a long-overdue reauthorization of the Commodities Futures Trading Commission, complete with a newly developed regulatory structure for contracts traded on exempt commercial markets that are determined to perform a significant price discovery function. This has been a top priority for Senators FEINSTEIN, LEVIN, and SNOWE, and I am pleased we were able to include it in this farm bill.

This farm bill also includes a new title devoted to horticulture organic production. With specialty crops representing approximately 50 percent of U.S. crop cash receipts, the inclusion of this title appropriately recognizes that fruit and vegetable growers deserve a place in major farm legislation. This industry is vitally important to consumers, and the inclusion of these provisions will ensure that producers of fruits and vegetables receive the support necessary to enhance the healthy foods we have come to demand, as well as improve the viability of this important sector of American agriculture.

However, rural America is not the only beneficiary of this farm bill. The entire country will reap the rewards of increased investments in nutrition, renewable energy, and conservation. This legislation reaches out to low-income Americans to ensure nutritional needs are met by providing schoolchildren with increased access to fresh fruits and vegetables and enhancing our investments to the Food Stamp Program as well as to food banks all across America. The numbers speak for themselves: 73 percent—let me say that again—73 percent of the spending in this bill goes toward our domestic nutrition programs. Given rising food prices and the skyrocketing price of oil, it is critical that we lend a hand to those citizens in both rural and urban America who are struggling to feed their families and fill their gas tanks.

Local food banks around the country are facing increased demands for food from people in need. This farm bill invests an additional $1.25 billion over the next 10 years to increase commodity purchases for food banks—an increase of nearly double the current level of funding. To help improve the dietary intake of all citizens, this farm bill invests significant resources to expand the school-based fresh fruit and

vegetable snack program to all States and increases support for the senior farmers' market nutrition program to help seniors purchase agricultural products at farmers' markets, roadside stands, and other community-supported agricultural programs.

Most significant, though, is the increased investment in the Food Stamp Program. The Food Stamp Program—the cornerstone of our country's domestic food assistance effort—currently serves 28 million Americans each month. This program has evolved over the decades to become one of the most efficient tools to combat hunger and reduce poverty. The Food Stamp Program now has one of the best track records among all Federal programs. The payment accuracy rate, which measures the correct level of benefit issuance to participating households, is at an all-time high. Trafficking, which long plagued the program, has been substantially reduced. Also, the certification process has a proven success rate with over 98 percent of food stamp participants properly eligible for benefits. American taxpayers can be assured that the resources dedicated to this program are effectively used for their intended purposes.

While administration of the Food Stamp Program has turned a corner, a stigma still exists that prevents some eligible people from seeking the help they need. Even though the implementation of Electronic Benefit Transfer, or EBT, has restored dignity to those who depend on food assistance while at the grocery store, the term ''food stamps'' conjures up negative images for many. Food stamps haven't been issued in years, and the Federal Government destroyed the remaining inventory of stamps in 2003. For these reasons, the Food Stamp Program is being renamed as the Supplemental Nutrition Assistance Program, or SNAP. The new name better reflects the mission of our country's premier domestic assistance program. Instead of referring to food stamps in the future, the term ''food SNAP'' should be used as we transition to the new name.

This farm bill invests $8 billion in food SNAP over the next 10 years. By increasing the standard deduction and minimum monthly benefit, food SNAP will provide improved benefit levels to help low-income families put nutritious food on the table. To make food SNAP more accessible to low-income Americans, this farm bill indexes the asset limitation for inflation, exempts IRS-approved retirement and education savings accounts from the asset test, and permits a full deduction for childcare expenses. Simplified reporting requirements are extended to low-income seniors to ease their ability to obtain benefits. The improvements made in this farm bill will ensure that food SNAP continues to improve the health and nutritional well-being of millions of people in need.

Rural development is also a vital part of this 2008 farm bill. Rural America is not composed of farmers and ranchers only, but other hard-working men and women reside in these areas with their families. It is essential our rural citizens have the same opportunity to participate in the global economy as our friends in urban areas.

This title helps deploy fundamental services, such as improving broadband Internet capability, funding for water and waste projects, and support for the value-added efforts. We promote economic development by reestablishing regional planning authorities and encouraging communities to collaborate in their efforts to attract quality jobs and promote local investment.

I say to my colleagues, this bill before you today is a significant and worthwhile investment, not only for American agriculture but for millions of needy Americans. I am disheartened that the President doesn't find these investments worthy of his signature, but I must represent my constituents who do understand the need for a strong safety net for our farmers and ranchers. Rural America is certainly enjoying a period of economic prosperity. But history tells us this prosperity will not last forever and that it is our moral obligation to be there to lend a helping hand when the downturn comes. We have the opportunity today to display our unwavering commitment to the Nation's farmers and ranchers who supply us with the safest, most affordable and most nutritious food supply in the world. I hope my colleagues will join me in supporting this investment in America's future by voting for the bill.

In closing, before I turn to my good friend and colleague from New Hampshire, I again thank Chairman HARKIN for his leadership. I also see Senator CONRAD on the Senate floor. We have had a terrific working relationship through this process. Senator BAUCUS and Senator GRASSLEY have played such an integral role in making sure this farm bill has the resources with which to stay within the budget numbers we were given.

This has truly been a bipartisan effort in the Senate and is the reason, or an exhibition of the reason, I came to the Senate, which is to work together with colleagues on both sides of the aisle to pass positive legislation and improve the quality of life for men and women all across America.

I, too, will talk more about staff tomorrow. I would be remiss, though, if I didn't recognize Mark Halverson, who has been such a great asset in working on this bill and working with my staff. He traveled around the country with us 2 years ago, and we tried to feed him a good Nebraska steak a couple of times and made sure he was healthy while he was on the road with us. We had a great time in listening to the farmers and ranchers. Martha Scott Poindexter, on my side, has been the minority director and has done such a terrific job, No. 1, of not just shepherding this bill from our perspective and working with the majority side, but also in putting together, without question, in my opinion, the best staff we have ever had on our side of the aisle from an Agriculture Committee perspective.

Mr. President, I look forward to further discussion of this bill tomorrow, as we move ahead. I know a number of our colleagues will be coming on the Senate floor tonight to talk about this bill. I encourage folks on our side of the aisle, if you want to come tonight and speak, it is a good time to do it because you can have all the time you want. Tomorrow it will get cramped. I encourage colleagues from the minority side to come out tonight and make their word heard.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I will just be a brief minute. I wanted to advise the Senate what we have in store the rest of this week.

Because of the cooperation on both sides, we have 90 minutes of debate on the farm conference report tomorrow. There could be two or three points of order offered on that, or whatever Senators want to offer. We will vote on those points of order after 90 minutes of debate prior to voting on the conference report.

Following that, we received the papers from the House on the budget. They have appointed conferees, and we also are going to appoint conferees tomorrow. Statutorily, there are 10 hours for the ability of any Senator to offer amendments to instruct conferees. We don't know how many amendments there will be. Senators CONRAD and GREGG have been working on a number of issues they want to have resolved by votes in the Senate. That will be done. We look forward to that.

We would like to finish, and we are going to finish, the budget tomorrow. It may go into the evening, but that is fine. We have now scheduled a cloture vote for Friday morning. I hope during all day tomorrow Senators GREGG, ENZI, KENNEDY, and others can see if there is a way of moving forward on the collective bargaining bill. If there is, then there would not be a need for a cloture vote. At least we need to spend tomorrow making that decision whether that can be done.

The other thing we have to finish before we leave this week—either tomorrow night or Friday—is the Dorgan cross-ownership issue that he indicated would only take a very short period of time. We have to do that. We have to complete that because it is statute, by June 3. We have 10 hours of debate allowed on that matter. It is also a privileged piece of legislation. Senator DORGAN said he thought, in my last conversation with him, he would only want 1 hour out of the 10 hours. Others will want to speak on that.

So that Senators know, that is what we have ahead of us this week. We have a situation where there are no votes on Monday, but Tuesday we enter into a critical stage of what needs to be done.

We have coming from the House tomorrow, we are told, a $180 billion supplemental appropriations bill. We are going to have to work hard on that. It will take work. We will be getting a message from the House. As I understand it, there will be three trees in that message they will give us. So we will have to have at least three separate votes on what they send us.

I look forward to working with Senators on both sides next week to complete that. In order to do that, we have to complete all of the work outlined a few minutes ago this week.

The PRESIDING OFFICER (Mr. CASEY). The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, first, I appreciate my colleague for allowing me to proceed at this time. I recognize that we are debating a bill the conclusion of which is already foregone. The cards are dealt and turned over, and this bill will pass. That doesn't mean it should not be discussed and some of the weaknesses should not be pointed out.

I have severe reservations about the way we approached the commodity side of the bill, which is, as it has been adequately represented, not the majority of the spending bill, but it is a very significant amount of spending, $190 billion, or somewhere in that vicinity.

Some may ask—and I guess I may have wondered from time to time—what happened to all of those economists who worked for the Soviet Union when it failed, who were sitting around their desks and they didn't have a job anymore—the folks who believed in a command economy, in top-down management, and believed in 5-year plans and believed that supply and demand had no relationship to the market. Where did all those people go? We now know. They went into the development of American farm policy. It is sort of like, after World War II, you took all of the scientists out of Germany and put them in Huntsville. At the end of the Cold War, we took the economists out of the Soviet Union and put them in the Midwest or maybe in the South because this bill is structured in a world that has no relationship to the market. It actually fundamentally undermines the concept of market and relating productivity to demand and supply to the market.

It is also a bill that does serious damage to budgeting because it uses $18 billion in gimmicks in order to avoid and get around pay-go rules and other budget enforcement mechanisms. It even brings back—amazingly enough—the Customs fees. How many times can we bring back Customs fees? But it brings them back and claims a savings and uses that money and spends it—$10 billion, I believe.

So at a time when the farm community in this country is doing pretty darn well—in fact, the average farm income today is about 51 percent higher than it has been, on average, over the last 10 years—$92 billion—real farm income is up $200 billion just in the last couple of years. Farmers are experiencing record income. We are setting up a subsidy structure, the purpose of which is to basically make payments to farmers who are making a lot of money on products that are doing very well.

Wheat is selling at $6 or $8 a bushel, and the average price has been around $3.50. It is almost twice the average price. The same can be said for corn—corn is higher even—barley, soybeans, and rice, which is at three times the average price. We have commodities that are able to compete in the market, so why do we need this massive new subsidy structure which essentially creates this command and control attempt to manage the markets? We don't, obviously. We don't in the context of this time.

In addition, the bill sets up some new mechanisms that are rather poor. It creates this new floor for emergencies. It says there will be a $3.8 billion kitty for emergencies. We have never handled emergencies that way. The reason is because we don't know what the emergencies are going to be. We have always taken care of emergencies, whether it was Katrina—which cost will be over $150 billion—or whether it was smaller events, such as a flood somewhere or hurricanes or tornadoes. We take care of them when we know what the cost is. We don't set up basically a slush fund for emergencies so that the next time a post office box blows over in some community, it is declared an emergency and they can go get this money. This is going to incentivize an aggressive attempt to declare everything an emergency to get at the money that exists.

The irony is—to show how totally inconsistent this language is—they don't even use the emergency money they have set aside in this bill for an emergency they identify in the bill, which is the Kansas tornadoes, which they funded in the amount of $60 million, I believe it is. It shows this money is just going to be used for something else. If they are going to fund a $60 million emergency in the bill, they ought to at least have the credibility to take it out of the new slush fund. I mean, how absurd is that? This is walking around money. That is what it amounts to—$3.8 billion, which is real money, by the way. It would run the State of New Hampshire for 2 years.

There is a representation that there is a major reform effort in the area of payment to wealthy farmers. They reduce the payment level so you don't get any payments if you have more than $750,000 of farm income. What isn't discussed today is the $2.5 million. The fact is, you can also have $500,000 of outside income, plus the $750,000, so that gets you up to $1.2 million. Then, if you are married, you can couple that up with your spouse so that she or he can have the same amount. If it is a married farmer, and they are making $2.5 million of income, they still qualify under this bill. So it is sort of a sleight of hand exercise to claim there is significant reform.

In fact, this reform is insignificant compared to what is suggested. The President's reform would have saved $1.6 billion. He suggested that people with an adjusted gross income of over $200,000 not get these payments.

How much does this bill save in that area, because it allows the spouse to qualify also and it allows the extra income outside farming to qualify? Mr. President, $286 million. That is not a lot of money when you spread it—that is a lot of money, but when you put it over the period of this bill, it is not a significant amount of money, and it reflects the fact that it is not a significant reform. It simply is not.

The bill also does nothing to limit the practice of farmers locking in subsidy payment rates at the lowest market prices, yet retaining their crops to sell later when the prices are much higher. As a result, farmers are paid subsidies for losses they never had. This is what is known as commissar politics. This is where the guys from Russia and the Soviet Union gather and say: This worked in the Soviet Union, let's do it here.

The concept that you pay people for losses that don't exist for a product that is being sold that the guy gets to keep and gets to sell—let's be reasonable about this. This is not logical, and it certainly is not market politics. It has very little relationship to ADAM SMITH.

It also, ironically, at a time when we should be encouraging people to use ethanol, continues a major discouragement for those of us who live in the Northeast from using ethanol by extending the tariff for 2 more years, to 2010. This tariff makes no sense at all because you cannot ship to the Northeast the ethanol that is being produced in the Midwest, and we don't have the production capabilities in the Northeast. We don't have the product, although the switchgrass initiative, which I respect and say is a good initiative, hopefully can give us that option.

The simple fact is, to maintain this tariff is to penalize uniquely the Northeast—Pennsylvania, New England, New York, New Jersey, everything basically in the East, not even the Northeast—in order to protect the subsidies of product corn in the Midwest. Corn is doing pretty darn well. It does not need the protection. In fact, if anything, we need to figure out a way to produce other products to make ethanol. The folks in Brazil have figured it out, so why not let us b uy that ethanol? Why penalize us in a way that is really punitive—punitive—for the purposes of basically protecting production which is already at a record price? It makes no sense at all.

And then the one that really is the worst or, in my humble opinion, the most egregious. The most egregious is the Sugar Program. The Sugar Program was pretty bad before this bill. In

an act of avarice that can only be called a sugar high, they managed to make it significantly worse. I mean, how can they do that? It is very hard to do, but they essentially locked in a price for sugar in the United States that is double the world price. On top of that, they are making the Federal Government buy sugar at that inflated price and then resell it for the production of ethanol at a significant loss.

The Sugar Program makes no sense to begin with. It never made any sense other than the fact this was a commodity that had influence in the process of developing this bill; obviously, a disproportionate amount of influence. To take this program, which was bad to begin with, and make it so egregious by forcing the Federal Government and Federal taxpayers first to have to pay twice what the world market price is for sugar and then to have to resell it to ethanol producers at a huge loss—how many times can you hit the taxpayers for the purpose of the sugar production industry? It is not right.

Then, of course, there are the new programs, the asparagus payments. I like asparagus. When we did the farm bill, I talked about the fact that I used to grow asparagus. I love it. I did rototill my asparagus bed, I admit to that. I destroyed our asparagus crop. I didn't get a subsidy payment. I didn't get a disaster payment. Under this bill, I might because there is a new asparagus program.

There is a new large chickpea program and a camelina program. I don't even know what that is. That is, obviously, some product made somewhere for which somebody wanted to get a subsidy.

There is the National Sheep and Goat Industry Improvement Center for $1 million.

There is the Desert Terminal Lakes Program, which is $175 million to lease or purchase water rights.

There is a variety of earmarks, and one I find to be most representative of the failure of this bill as being outrageous is one that sets up a program for farm and ranch stress assistance networks. Do we have a stress assistance network for the family who is running a gas station or maybe the family who opened a restaurant and they are not doing so well or the folks who start a small shoe store somewhere? Do we have a stress program, a farm and ranch stress program? What qualifies farmers and ranchers for a special program dealing with stress? The only thing that qualifies is somebody somewhere came up with this program, got somebody's ear, and decided to stick it in this bill because this bill was leaving the station. It does not make sense, and it is certainly something on which tax dollars should not be spent.

We have items that arrived out of nowhere in this bill: fisheries disaster assistance of $170 million for California, Washington, and Oregon; forest conservation bonds. As I mentioned, I find it reasonable that there should be relief for the tornado in Kansas, but why wouldn't it come out of the money we just set aside in this bill for disasters, $3.8 billion? Why wouldn't the fishery assistance, if that is an emergency, come out of that money?

The budget gimmicks. This bill is just replete with gamesmanship to try to get around pay-go. I refer to pay-go as ''swiss cheese-go,'' which is very appropriate in a farm bill. I assume it is subsidized.

The fact is, there is $18 billion of gimmicks in this bill. There are sunsets of programs after 5 years that they know are not going to sunset, so they won't be scored. There is the nonscoring still of the milk income loss compensation issue. There is the classic shift of the corporate tax one day so that you collect it a day earlier or a day later, and that gives you a different score, which allows you to avoid the pay-go rules.

If you look at this budget, it had to have pay-go waived in the House, with $7.4 billion out of whack for pay-go in the House.

Equally ironic, tomorrow we are going to take up the conference report on our budget, on the unified budget. If the budget that passed the Senate earlier this year were in place now, a pay-go point of order would lie against this bill because it violates the very budget that was produced by the majority party and passed with some fanfare earlier this year. The only reason we cannot make the pay-go point of order is because the budget has not fully passed and therefore is not in effect. But I think it is very hard to, with a straight face, say this bill does not violate pay-go when you know that right around the corner is a budget which was passed by the majority which, if it were in place and which I presume it will be in place fairly soon, a pay-go point of order would lie against this bill.

I think we can stop talking about pay-go around here as an enforcement mechanism because it clearly does not exist, and this bill is just another example of where it has been gamed and manipulated. We count 15 to 20 different examples, adding up to something around $143 billion of instances where pay-go has been gamed around here. And this bill just takes that total up a little further—not a little further, a lot further, $18 billion further. So as a result, enforcing pay-go becomes very—well, it is just a very fraudulent exercise. It is only used on very rare occasions when it is politically acceptable for the majority to use it. On other occasions, where it might lie, it is gamed.

This bill is one of the extraordinary examples of that gamesmanship.

And, of course, I mentioned customs fees. I believe the last count is we have used customs fees to fund 55 different programs around here in 55 different instances. The same fees. No, they are not different fees. They are the exact same fees that have been used, I believe, 55 times to fund different programs so the programs can claim they met the budget rules, and this bill—maybe it is 56 or 54, but it is $10 billion of gamesmanship.

The bill has, in my opinion, decoupled economic common sense from the farm production and especially from farm payments. If we want a farm system that works, why don't we go to the market? A lot of these commodities today are doing pretty doggone well, extremely well. It is good times in farm country for most people. Why don't we let the market continue to work? Why do we have to set up these massive subsidy programs? Why do we have to have a sugar program that charges American consumers twice the world rate for sugar? It makes no sense. Why do we have to have a slush fund for emergencies when nobody else has that sort of slush fund? Why do we have to have a new program for asparagus? I think asparagus growers are probably pretty competitive. I don't know who their competition is. Maybe the Chinese grow asparagus. I suspect most asparagus growers can compete with the Chinese. I prefer American asparagus, by the way.

Let's let the markets do this rather than create this bill which is such a mutation of every idea that Adam Smith put forward which has made, quite honestly, our country strong, the basis of which basically won the Cold War, which was that free markets work, capitalism works, competition works, the rules of supply and demand work, that you let people produce the product that has a comparative advantage, and they produce it better and more efficiently, especially Americans, and you get it at a better price for the consumer, and the taxpayers don't end up with the bill.

I know I am not going to win this battle. The way this bill is structured, it is the classic log-rolling exercise. You pick this group that has this interest and you give them a subsidy and they give you a vote. Then you go over here, pick this group, they have an interest, they get a subsidy, and you get their vote. You pick this group that has an interest, give them a dramatic increase in their program—it all adds up to 80 votes around here. The only problem is, the people who pay are our kids and our consumers. This is taking a lamb chop to the head of the American consumer and just pounding him with it. I just thought of that.

In any event, I have a point of order which lies against this bill which I wish to make at this time because this bill violates innumerable points of order in spirit, and were the budget the Senator from North Dakota brought to the floor in law at this time, passed as a resolution at this time, it would violate them in reality also. But there is at least one budget point of order which is a holdover from a prior chairman which makes considerable sense, which is that you should not run up the

debt on the next generation by adding spending in outyears without paying for it that this bill still violates.

Mr. President, section 203 of the 2008 budget resolution makes it out of order to consider legislation that increases the deficit by more than $5 billion in the Senate for any of the four 10-year periods, starting in fiscal year 2018. The pending bill would increase the long-term net deficit in excess of $5 billion. Therefore, I raise a point of order under section 203 of S. Con. Res. 21 against the pending bill.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, pursuant to section 203 of the Concurrent Resolution 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, I move to waive section 203 of that concurrent resolution for purposes of the pending conference report, and I ask for the yeas and nays at the appropriate time.

Mr. GREGG. I thank the leaders on this bill for their courtesy on the floor, the chairman and the ranking member. They have given me more than a reasonable amount of time to express my thoughts. I understand I have totally swayed them to my view and they will be joining me in my position. I also very much appreciate the courtesy.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I have enjoyed immensely listening to the description of this bill of the Senator from New Hampshire who is the ranking member of the Budget Committee, which I chair. I have great respect for Senator GREGG and affection for him.

The description he has given of this bill has almost no relationship to the legislation that is before us. It is enormously entertaining but it is largely a fiction. It is a fiction that is interesting to listen to, but again it bears almost no relationship to the legislation before us.

The Senator made reference to Soviet economists. Let's make clear, the American system of food production is the most efficient, the cheapest, the most plentiful, the most stable, the safest in the world. Americans have less of their disposable income going for food at this time than consumers at any time in the history of the world.

Let me repeat that. The American consumer today enjoys the lowest cost of food in relationship to our income of any consumer in the history of the world. That is a fact.

In fact, the Wall Street Journal published, last year, an article in which they said—and I want to read this. I hope people will pay attention. People need to understand how remarkable the American agriculture system has been and is. This is what they said:

The prospect for a long boom is riveting economists because the declining real price of grain has long been one of the unsung forces behind the development of the global economy. Thanks to steadily improving seeds, synthetic fertilizers and more powerful farm equipment, the productivity of farmers in the West and Asia has stayed so far ahead of population growth that prices of corn and wheat, adjusted for inflation, have dropped 75 percent and 69 percent, respectively, since 1974. Among other things, falling grain prices made food more affordable for the world's poor, helping shrink the percentage of the world's population that is malnourished.

That is a result of the genius of American farm policy and the extraordinary productivity of American farmers and ranchers working within that system.

When the Senator says this counters market economics and leads to payments when prices are high, he obviously does not know how the farm program works. It is the opposite of what the Senator suggested. The way the system works is there is support from the Government when prices are low to prevent a collapse of the productive system. When prices are high, the support fades away. That is the way the system works. It does not increase support at times of high prices. It is precisely the opposite.

The Senator said the reform provisions in this bill only save less than $300 million. Wrong. The reform provisions in this bill save close to $3 billion, and I will specify that momentarily.

The Senator says the disaster program is a slush fund. Really? A slush fund? Let's review the facts. In the last 3 years, every State in the Nation has received disaster payments—none of it budgeted for, none of it paid for. In this bill disaster assistance is budgeted for and paid for. That is a reform and that is a fact.

One of the things I am most interested in is the Senator suggested millionaires could still get farm program support under this bill. Yes, and lightning strikes once in a while, too. Because that is what it would take for a millionaire to get support under this program. I have just gotten results from the IRS moments ago because I wanted to know, with the new limits put in place—which, by the way, are very dramatic reform. It used to be, under current law on nonfarmers, they had a limit of $2.5 million of adjusted gross income before they would start to lose farm program payments. We have reduced that for nonfarm income to $500,000.

There is another limit for farm income. Farm income, that had no limit in the past, now begins a limit at $750,000, at which, of that adjusted gross income, farm income of that amount, you lose all of your direct payments. But the two could go together. In other words, you could have somebody with $750,000 of farm income and $500,000 of nonfarm income, and still be under the limits. So I thought, wouldn't it be interesting to find out how many farmers in the country would be in that category—$750,000 of farm income and $500,000 of nonfarm income—because that is what the press is all talking about. They add the two together and then they double it because of a spouse. Do you know how many are in that category in the whole United States? How many would have $500,000 of nonfarm income and $750,000 of farm income?

Do you know how many the IRS has reported to me there are in the entire United States? Zero. None. So much for the argument from the Senator from New Hampshire. Facts are stubborn things.

Let's go to the essence of this bill. Why do we need support for farmers at all? It is a legitimate question. The Senator asked why don't we do it for the guy who has a shoe store? Why don't we do it for the guy who has some other small business? Here is the reason. Because we are in a world economy in which our major competitors have made a decision to strongly support their producers—far more strongly than we support ours.

Our major competitors in world agriculture are the Europeans. This is how much they spend to support their producers: $134 billion. This is after the so-called cap reform in Europe that dramatically reduced what they do. This is where they wound up: $134 billion.

Here is where we are: $43 billion. So they are outgunning us over 3 to 1 on support to their producers over what we do for ours.

OK, I had an interviewer say to me: That is wrong. Maybe it is wrong but it is reality. What would happen if we yanked this support out from under our producers when our major competitors are providing three times as much support to theirs? We did an analysis. Do you know what we found? Here would be the result. Two words: Mass bankruptcy. Because if your major competitors are providing three times as much support to their producers as we provide to ours and we yank the rug out from under ours, guess what happens: The Europeans take over world agriculture.

Wouldn't that be great, if we became dependent on foreign food the way we are dependent on foreign oil? That is what the critics of this agriculture policy apparently would prefer. But those of us who have studied it and those of us who have fought to ensure that we retain a strong agriculture component in this country have concluded that would be a disaster for the American economy, for American consumers, and that would be a disaster for our farmers and ranchers.

Where does the money go in this bill? We have looked at, and just received, a final analysis. Two-thirds of the spending in this bill goes for nutrition—two-thirds of the money in this bill. This is the absolute low-ball estimate of what goes for nutrition. You could do an analysis that would take it up to as much as 73 or 74 percent. It depends on what you include and exclude. We have

tried to do this based on CBO analysis of the final scoring of this bill.

Nine percent goes for conservation. Only 13.9 percent goes for commodities, that is the support for farmers and ranchers, and about 8 percent for crop insurance. That is where the money goes.

When the other side asserts that this increases the deficit and it is not paid for, they are making things up. They are making things up. Because this is the score by the Congressional Budget Office. Here it is. This is not KENT CONRAD's numbers. This is not the Agriculture Committee's numbers. These are the numbers of the Congressional Budget Office and the Joint Committee on Taxation. They are independent. They are professional. They are nonpartisan. They are responsible for the scoring of all legislation before the Congress of the United States, and here is their conclusion. Over 5 years, this bill saves $67 million. Over 10 years, it saves $110 million. So all the spending has been offset, has been paid for. In fact, we have done a little bit more. So the net result is to actually reduce the deficit over 5 years by a modest amount—$67 million; over 10 years by $110 million.

But these are facts. This is not make believe. This is not make things up. This isn't the administration saying there is $20 billion here above the baseline—that is all made up. We are dealing with facts. We are dealing with reality.

When I hear them make these claims that we did not address the administration's concerns—we spent hour after hour after hour in this conference committee, attempting to address administration concerns. I think we did a pretty good job. The reality is the administration changed their stated concerns so often it was hard to keep track of what their priority was. In fact, at the end they came to us and said they had no priority, that all of their demands were nonnegotiable, that all of them should be treated with equal importance.

I have never negotiated with any administration on anything that came in with a list of nonnegotiable demands and said everything had the highest priority, but here is what we tried to do. They said we had to limit any additional resources to $10 billion. We agreed to that. They said it had to be offset with spending cuts. We agreed to that. They said that the adjusted gross income limits for farmers and nonfarmers had to be reduced significantly. We did that. They said there had to be beneficial interest reform to avoid the kind of scandal you saw in Katrina. We did that.

The Senator from New Hampshire said we did not, that a farmer could simply pick the right time to market his crop and avoid the consequences of any kind of reasonable restraint. That is not—they have not read the bill. In the bill we give the administration special authority in a disaster to prevent the Katrina abuse we all saw. In addition, we added an additional reform requiring a 30-day moving average for prices before somebody could fix their marketing loan. That is a very significant reform. Yet it is very clear, the critics have never bothered to read the bill.

We also were asked by the administration to provide a revenue countercyclical program, and we did.

They asked us to provide planting flexibility. And we did. They asked us to provide food aid flexibility. And we did. They have a series of miscellaneous provisions we tried to honor, including limitations on privatizing food stamps; Cuba trade provisions; out-of-lease fees. We answered each one of those objections.

It does not stop there. Because we have heard the critics say there is no reform, no reform in this bill. I will tell you, that is the biggest fiction of all. That is the biggest fiction of all. Let's talk about the reform that is in this bill.

First, significant adjusted gross income limit adjustments to prohibit payments to Manhattan millionaires. That is in this bill. We required payments to be attributed to living, breathing human beings instead of paper entities. We eliminated the three-entity rule that allowed paper entities to evade payment limits.

We cut direct payments by $300 million. We produced schedule F reform that will save $479 million. We reformed crop insurance, saving $5.6 billion. We decreased support for corn-based ethanol, saving $1.2 billion. We prohibited payments to cowboy starter kits and ranchettes.

We reformed disaster assistance so that it is budgeted and paid for. I might also add, we reformed disaster assistance so we would prevent what happened in the bad old days where somebody could have a loss on one part of their operation and gains on another part and still get a disaster payment. That is all over. If you do not have, on your whole farm, disaster losses, you will not get a disaster payment in the future. That is reform.

Facts are stubborn things. In short, we have gone the extra mile to address the administration's legitimate requests and provided reform in this bill.

I wish to take a few minutes to address three other claims the administration has made, because they are especially egregious and false.

The administration's spokesman said:

> At a time of record farm income, Congress decides to further increase farm subsidy rates.

More fiction. Here is the fact. The conference proposal does not increase subsidies at times of record farm income. To the contrary, the conference proposal: cuts direct payments by $300 million, reduces commodity spending by $3.5 billion, reduces the ethanol tax credit by $1.2 billion.

The conference proposal only pays producers if prices collapse or when there is a loss of production. I am talking now about marketing loans. I am talking about the countercyclical program. Let me give you an example of what they are talking about.

They say we have increased farm subsidy rates at a time of record farm income. Let me give this example to show you how truly absurd that statement is. Wheat prices now average about $8 a bushel. Okay. That is what you get when you go to market. You go to sell, you get about $8 a bushel for wheat. We increased the loan rate from $2.75 to $2.94. We increased the loan rate from $2.75 to $2.94. We increased the target price from $3.92 to $4.17.

Obviously, neither one of those has any application when prices are high. The only way you would get the benefit of these safety net proposals is if prices were to collapse. We have not increased the support when prices are high; we have strengthened the safety net in case prices collapse. Facts are stubborn things.

In fact, the only one—the only one—who is a party to these negotiations who talked about increasing support when prices are high was the administration. They proposed increasing direct payments by $5.5 billion. Those are payments that would go out to farmers at a time of high prices. Facts are stubborn things.

When they say there has been no reform in this bill, here is the total spending under the farm bill compared to total Federal spending: less than 2 percent of Federal spending, and the support for commodity programs is one-quarter of 1 percent of the entire Federal budget; one-quarter of 1 percent.

When we wrote the farm bill in 2002, the estimates were that commodity programs would take three-quarters of 1 percent of all Federal spending. So support for commodity programs has been cut by two-thirds. That is a dramatic reform. Where did the money go? All of the new money, the $10 billion we are above baseline here, has been paid for by other spending cuts. All of it went to nutrition.

Now, on the disaster program—I want to end on this note—here are the States that got disaster payments over the last 3 years. Texas qualifies too, because it got payments. So every single State, and Guam, plus Puerto Rico, got support under the disaster program. None of it budgeted for, none of it paid for. In this disaster proposal, we budget for it and we pay for it. And to have the former chairman of the Budget Committee suggest this is a slush fund—no, no, no. What this is is being responsible. That is what this is called, because we know there are going to be disasters. We do not know what they are, we do not know where they are going to occur, but we know they will occur. Instead of leaving it out, putting it on the charge card, we budgeted for it and paid for it. This disaster program is not only budgeted for and paid for, it also will only go to people who

actually have disaster losses. It also requires them to have crop insurance.

The CBO scoring proves this will increase the use of crop insurance, which is good for taxpayers as well as farmers.

One other thing that is very important to understand. This will protect against cuts in conservation. Because the one time they did pay for disaster programs, where did they take the money? They took it out of conservation. What a shortsighted approach that was. We have hopefully prevented that from happening again.

I am extremely proud of the product that has been produced by this group of Senators and Congressmen on a bipartisan basis. I thank our chairman, Chairman HARKIN, for bringing a vision of change to this farm bill. Without that vision, without his passion for it, without his pushing for it, moving in the direction of a greater emphasis on conservation, it would never have happened; and to our ranking member, Senator CHAMBLISS, who has been a strong guiding voice throughout these deliberations. He is somebody I formed a very close working relationship with as we wrote this bill. He has had the best interests not only of farmers and ranchers, he has had the best interests of this country foremost in his mind every step of the way. This country and certainly his State owes him an enormous debt of gratitude. We thank Senator CHAMBLISS for the extraordinary time and effort he has put into this bill.

To Chairman BAUCUS, the chairman of the Finance Committee, who has been such a rock throughout this process, who provided strong leadership at every step of the way, and helped provide the financing, along with the ranking member of the Finance Committee, Senator GRASSLEY, who also participated in hour after hour, day after day, week after week, of deliberations to form a bill that was responsible, and who provided much of the push to get these reforms adopted.

Now, I recognize this does not have all of the reforms certainly the Senator from Iowa would have liked, but we would never have gotten this much without his pushing. Chairman PETERSON, on the House side, no one worked harder to get this result. I applaud him for the remarkable vote in the House today. The legislation passed there 318 to 106. That is in the face of a Presidential veto threat.

The ranking member, Congressman GOODLATTE, whom I came to have great respect for in these discussions; thoughtful, responsible, rational. Chairman RANGEL, who helped us with the funding so we could pay for this bill without any tax increase.

Congressman POMEROY, the only Member of the House to serve on both Ways and Means and the House Agriculture Committee, who played such an important role.

In the Senate we cannot forget those other Members who played such key roles: Senator LEAHY with the dairy provisions, former chairman of the committee; Senator STABENOW, who is, in large part, responsible for the dramatic improvement in the treatment of specialty crops that are such an important and growing part of American agriculture; and Senator LINCOLN, BLANCHE LAMBERT LINCOLN. I tell you, her constituents have got a fighter in their corner every day. Nobody is a more aggressive fighter for her folks than the Senator from Arkansas.

Before I end, I wanted to say a few thanks to staff as well, because this has been an effort that has gone on well more than a year. I want to thank my own legislative director, Tom Mahr, who played such an important role in making this all work financially. Jim Miller, my lead negotiator. Jim Miller has given body and soul to this effort. I am so proud of him. He is an encyclopedia on agriculture. He is also extremely adept with the numbers. I estimate Jim Miller has spent 3,000 hours on this effort.

I also want to recognize Scott Stofferahn, who is my other lead negotiator, who is the father of these disaster provisions, worked with the agriculture commissioners around the country to come up with the provisions for this reform.

John Fuher of my staff who is a young man who came on this team and brought his ''A'' game. Joe McGarvey, who does the energy work on my staff. Miles Patrie, who worked on the nutrition provisions. My deepest appreciation for their extraordinary effort. Day after day, night after night, weekend after weekend sacrificed.

To the chairman's staff, Mark Halverson and Susan Keith, who have spent—I would not even know how to calculate the time and effort. I do know Mark Halverson has gone gray in the effort.

The Finance Committee staff, as well. Before I mention them, I wish to single out the extraordinary staff of Senator CHAMBLISS: Martha Scott Poindexter, Vernie Hubert, Hayden Milberg. What first-class people. These are the kinds of public servants who deserve everyone's respect.

On the Finance Committee staff, Russ Sullivan, Cathy Koch, Rebecca Baxter, Jon Selib, Senator BAUCUS's legislative director.

Senator GRASSLEY's staff, who are outstanding as well, absolutely outstanding: Elizabeth Paris, Kolan Davis, Mark Prater, first-rate people who did their level best for the American people.

I can tell you, I have never been more proud to be part of an effort than I was to be involved in this one.

I see somebody else on the floor, the former chairman of the House Agriculture Committee, the Senator from Texas—the Senator from Kansas; I was seeing if I could get a rise out of him—Mr. ROBERTS, who has been of so much importance to this conference effort and to the effort in the Senate Agriculture Committee as well.

I tell you, I am proud of this product. This is a bipartisan product. This is a bipartisan effort. It is good policy and it deserves our colleagues' support.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, this farm bill has been a very long process. Last fall the Senate Agriculture Committee asked the Senate Finance Committee to help make up a budget shortfall we faced, and the Finance Committee on which I serve stepped up to the plate. With eight members of the Finance Committee also being members of the Agriculture Committee, we had a real desire to make sure rural America had the best farm bill possible. So following on what Senator CONRAD said about fellow Senators deserving compliments for their hard work, I am only going to single out my colleague from Iowa Senator HARKIN and my colleague from Georgia Senator CHAMBLISS, the top two members of the committee, thanking them for the countless hours and weekends they put into this bill for a long period of time; for some, over a period of a year.

This was as difficult a farm bill to write and conference as I have ever seen. My colleagues so far have given a good overview of what this bill contains and what it does for those who are hungry, those who are living in rural America, and those who are still involved in family farm operations. But I wanted to take a minute to highlight a few of the items that were most important to me and, obviously, to my home State of Iowa. I think I have some experience to talk about because I still sharecrop with my son Robin.

This isn't a blanket approval of the bill. I did have some reservations about the bill because I didn't think it went far enough in two true farm bill areas—payment limits and competition reform.

First, the ban on packer ownership that had been a part of the Senate bill when it passed the Senate failed in an amendment I offered in conference committee. This is unfortunate because the livestock industry continues to become more vertically integrated and consolidated. I think that is bad for the independent producer. The recent announcement, for instance, that JBS Swift plans to acquire Smithfield Beef Group, National Beef, and Five Rivers Feedlot should be alarming to us as legislators. I continually have to wonder if when we get down to just one single slaughterhouse, one single packinghouse, will the Department of Justice and Congress begin to raise questions about the trend we have had for consolidation? This is a trend that continues to make it more difficult for independent producers to have choice in to whom they sell their livestock and making it more difficult to get a fair price for their livestock as the cash market continues to shrink. We were able to include some reforms in the livestock title, regardless of not

doing what I think should have been done.

The Senate version of the farm bill included my language which banned mandatory arbitration clauses in production contracts. I drafted this bill after hearing about problems where producers were being forced to enter into expensive arbitration proceedings, thus giving up all their rights to have disputes finally resolved through the independent judiciary. While we weren't able to have the arbitration language from my bill included, we did reform production contracts to give growers a true choice in selecting dispute resolution, ending the practice of forced mandatory arbitration in binding contracts. The farm bill conference report requires that contracts provide a clear statement of choice to producers upfront as to which track of dispute resolution they might want to use—arbitration or the court process. It also prohibits the integrators from pressuring growers to make one choice or the other. Any interference with the choice would constitute a violation of the Packers and Stockyards Act. Further, the language states that if a grower declines arbitration upfront, that grower can still choose arbitration at the time the dispute arises, if both parties consent to the use of arbitration. Together these provisions constitute significant reforms and will help level the playing field for our growers.

Secondly, I don't think the payment limitation reform goes far enough, and Senator CONRAD recognized that in the final part of his remarks, that that is a concern I had. He did give me credit for pushing and pushing and pushing and bringing it to the point where it is. I believe it doesn't go far enough. Because on this Senate floor, we had 57 votes to reduce the cap on all three forms of commodity payments—direct payments, countercyclical and market loan benefits, and loan deficiency payments. But we ended up having a fight in conference just to keep those levels of current law. That is the good news. The bad news is we didn't go as far as what those 57 votes on the floor of the Senate thought we should do, a hard cap of $250,000.

So what did we do in its place? Senator CONRAD explained some of this, but I wish to emphasize it because it is a lot better than if we did what the President asked us to do today, that we not pass this bill. There is indication it will be vetoed and that we ought to extend the existing farm bill for 1 year or 2 years. Well, when it comes to limitations on farm income and who can participate in the farm program and who cannot, those limitations in present law at $2.5 million are laughable and, quite frankly, aren't even being enforced at that level presently. So I come to the conclusion that what we have is better than present law, not as good as what I want but, for the first time, having something that is fairly meaningful toward reform and limits on high-income people benefiting from the farm program.

The adjusted gross income limit did come down substantially, so that is a step in the right direction. For the first time, we have a cap on farm income of $750,000. Previously, there was no cap on farm income. It will bring a $2.5 million adjusted gross income cap on nonfarm income down from that $2.5 million that I said is laughable and probably not enforced, down to a $500,000 cap on nonfarm income. But these adjusted gross income limits are still too high, frankly, as far as I am concerned. In some parts of the country, they may not be. I have to admit that even though I am a farmer, I may not understand agriculture in California, Texas, and the Southeast. But I sure understand agriculture in the States of the Plains and the Midwest. You go to almost any farmer and tell them that we put this limit of $500,000 in for nonfarm income or that we put in a $750,000 cap on farm income, they are going to kind of laugh at us and wonder if we haven't been in Washington too long.

On the other hand, negotiation around here is the art of compromise, and so I am going to vote for this bill with these caps in it. I am going to thank my colleagues who negotiated for going a lot further the last few days than I ever thought they would go. Hopefully, this keeps some people who have the ability to withstand natural disaster, to withstand sometimes politics affecting farm income, sometimes war, sometimes international trade issues affecting farm income, people at this level have the ability to withstand that. Smaller and medium-size farmers don't have that ability. That is why we have a farm program. So there is some level of income where people ought to be able to withstand things that are beyond their control and still be in the business of farming.

I am asking the people in the State of Iowa to look at these caps as being a step in the right direction, not satisfying me but still better than present law. That is why I think it is very necessary that we get this into law. Hopefully, down the road we can make things even better.

I happened to have the Government Accountability Office pull data for me on how many folks are actually getting payments over these new income limits. Honestly, there aren't a lot. The conference committee took steps, though, in other areas of reform; for instance, in the right direction by eliminating the three-entity rule and going to a system of direct attribution. In this particular instance, we do away with the legal subterfuge of where there are limits in existing law, that people could split up into three different units and each unit get the limits that are presently allowed. So that legal subterfuge is done away with. Also, in the commodity title, the administration, the House, and the Senate all recognize the importance of including revenue protection programs for farmers. All three groups, however, took different approaches. I am pleased that an average crop revenue program was included in the final bill as an option for farmers and particularly because the hard work from this comes from a lot of corn producers in my State.

Not only that, we were able to make the program a more viable option for producers and make it available to them in the next crop year, 2009. I am excited to see what type of participation we get in the program and the outcome of it, so that in the next farm bill debate, we can decide whether revenue protection works. The people who thought this up, those of us on the committee who went with the recommendations, have confidence in the people who thought it up. But there is nothing like the real world of seeing whether it works. So we have a few years to make that determination. I hope it does work.

In addition, the White House has continued to say Congress can't use timing shifts to save money and somehow they didn't count. Well, they do count because farmers are going to have to make a judgment in the way they do things to accommodate. Farm program payments will come later in the year, but they will be expected to make crop insurance payments earlier. So in fact, these do count and will pinch the cashflow of a lot of independent producers, whether the White House wants to believe it or not.

All that being said, I am pleased this farm bill is making significant investments in rural America. I would like to point out a program that I have named the Value-Added Producer Grant Program as one of those. It has had a bit of a facelift since I first worked on this. I bet it has been 6 or 7 years ago. But it is targeting funds directly to beginning farmers and to ranchers, which is critical to getting young farmers into business. I continue to hear good things about these dollars being invested right into rural communities, and so I am pleased we could get some mandatory money into the program, even though the farm bill dollars were very tight.

I have also worked to give Black farmers, African-American farmers, applying for Farm Service Agency loans who were involved in the Pigford v. USDA discrimination lawsuit a chance to have their claims heard. That is why I introduced earlier in 2007 the Pigford Claims Remedy Act. There were circumstances out of these farmers' control, and they weren't able to get their claims filed timely. The conference report provides that these claimants who have not had their cases determined on the merits may, in civil action, obtain that determination. In other words, they are going to have their day in court that they feel they did not get with the administrative process. It is time justice was done for these African-American farmers. Civil rights at

the U.S. Department of Agriculture has management problems that still need to be addressed, so I want that department to know I will be watching over the administration of this Pigford program very carefully.

Last year, I called for a Government Accountability Office report on farm payments going to farmers who had already died. We even held a hearing on this issue before the Senate Finance Committee. The Farm Service Agency paying dead farmers was a classic example of waste, fraud, and abuse. It is a classic example of a department not doing its job.

Now, I am not saying there might not be legitimate reasons to keep estates of dead people open for a few years. But there was something wrong with people who did not report that the structure of the farming operation had changed, that somebody had died, and continued to get farm program payments in a dead person's name.

So the farm bill is proactive in requiring the U.S. Department of Agriculture to check payments against taxpayers' ID numbers at the Internal Revenue Service. I am cautiously optimistic, however. I requested a new Government Accountability Office report, and in preliminary briefings I have learned that the U.S. Department of Agriculture does not even enforce the current $2.5 million AGI limits. It makes me wonder how they are ever going to enforce the more complicated AGI limits we have put in place.

I should also add that based on the two Government Accountability Office reports already released, we closed a fraudulent farm loss loophole that allows operations to evade payment limits. We also were able to shut down the generic certificate abuse with new Commodity Credit Corporation 1099 reporting that I had asked the Treasury Department to do something about way back in 2001, and, quite frankly, they have done nothing.

Another issue I often hear from constituents about is the abuse of the rural broadband loans going into areas where service is either already provided by other capable entities or a high percentage of households already have service. I do not believe the Government should be in the business of subsidizing competition. We ought to be in the business of helping people who do not even have the service.

Thus, we were able to include in the new farm bill a requirement that in order to be eligible for a loan, the provider needs to be applying for an area where 25 percent of the people do not have service and where not more than three incumbent service providers are already located.

I want to shift gears a bit now from the Agriculture Committee's role to my role as a member of the Senate Finance Committee. Through that role, I was able to secure even more reforms to agricultural policy while protecting the interests of farmers and ranchers.

When the House passed this bill with a revenue offset for the extra agricultural spending, I raised a concern to the tax-writing committees. By yielding several billion dollars in new revenue for new spending, the Ways and Means Committee established, in my judgment, a very dangerous precedent.

There is always great temptation for any committees in the Congress that have a veracious appetite for new spending to view the Ways and Means Committee on the other side of the Hill or the Finance Committee in the Senate—the tax-writing committees, in other words—as some sort of a cash register. From a fiscal disciplinary standpoint, this pressure, if unchecked, will lead to larger and larger government and higher and higher taxes.

The hard-working American taxpayer is the loser because revenue offsets are diverted from the highest and best uses: tax policy and deficit reduction. The proliferation of reserve funds in budget resolutions under both parties—I want to say both parties; so my party is guilty of this as well—is very clear evidence of this pressure as well. Those reserve funds might as well be labeled as tax-and-spend funds because the committees that request them are not likely to cut any spending.

So I raised concerns early in the farm bill deliberation about a very dangerous slippery slope that Congress or the tax-writing committees might be heading for.

So I am pleased to say in the Senate process, Chairman BAUCUS listened to my concerns and agreed. We made it clear that we would hold the line, and we did hold the line. The Finance Committee marked up a bill that took care of agricultural priorities. But where we use Finance Committee resources, we kept the benefits and authority within the Finance Committee.

Everyone knows the Finance Committee action made it possible for the Agriculture Committee to move forward to spend more money than was in the baseline. We took some of the policy pressure, then, off of the Agriculture Committee.

The schedule and press stories bear out that basic point. We held the line between agricultural policy in the Agriculture Committee and agricultural policy in the Finance Committee when the farm bill was processed on the Senate floor. Remember, that passed, I think, with 77 votes.

Now, the conference was quite a different matter. In the end, we kept a decent but much smaller package of agricultural tax relief offsets with agricultural tax reforms. We also split the baby, from the jurisdictional point of view.

An extension of the Customs user fees, which is a tax-writing committee offset, was used to offset the $10 billion in new agricultural spending; in other words, meaning the $10 billion above baseline. About half of that, the part dealing with the new agricultural disaster relief trust fund, is in Finance Committee jurisdiction. The balance is going to pay for new agricultural spending above the budget baseline.

In my view, this was an unfortunate and troubling compromise for the tax-writing committees. We mitigated some of the damage to the institutional structure of the tax-writing committees, but we also at the same time opened the door. It is a door I was glad to keep slammed shut during the years I chaired the Finance Committee. I worry greatly about the precedent that has been set here. Pressure will be brought to bear in the future for more nontax-writing committee spending to be offset with Finance Committee resources.

I sincerely worry about the effect of this precedent on the power and resources of the two chairmen, my friends, Mr. RANGEL, the chairman of the House Ways and Means Committee, and Senator BAUCUS, the chairman of the Senate Finance Committee. Other committees are loathe to cut their spending and to reform large programs in their jurisdictions.

So the easy street for other committees is to assign their funding problems to the tax-writing committees and to blame the tax-writing committees for any funding problems. As my friends, the two chairmen, know better than anyone else, the demands within the tax-writing committees for offsets are a big challenge just to do the work the tax-writing committees have to do.

I hope we all have learned a lesson. We should not use the tax-writing committees' resources as an easy way out for other committees that are reluctant to make the tough choices in the oversight and development of programs in their jurisdiction.

There have been also some significant benefits, though, from the Senate Finance Committee's involvement in this bill.

The farm bill also includes some customs and trade provisions that I want to address. First, it includes a compromise on expanding our existing trade preference program for Haiti.

This was a priority for the chairman of the House Ways and Means Committee. In addition to expanding Haiti's trade preferences, the compromise calls upon the President to identify any textile or apparel producers in Haiti that fail to comply with core labor standards, as defined in the legislation, or the labor laws of Haiti that relate to the core labor standards.

The statement of managers accompanying the conference report states very clearly that the Conferees recognize that the core labor standards defined in the legislation refer to the rights as listed in the 1998 International Labor Organization Declaration on Fundamental Principles and Rights at Work and its Follow Up.

We voted for the 1998 ILO Declaration. We respect, promote, and realize the labor standards stated in the 1998 ILO Declaration. Moreover, the legislation applies only with respect to labor practices in Haiti. It does not address and cannot impact our domestic labor practices in any way.

Now, the legislation further calls upon the International Labor Organization to report periodically on the compliance of individual producers in Haiti with the core labor standards and the labor laws of Haiti.

And the legislation directs that in identifying producers that fail to comply with core labor standards, the President shall consider these ILO reports. The President is free to consider any other information, and the final decision rests entirely with the President.

Nothing in the legislation forces the President to make any particular determination. It just says that the President shall consider these reports.

And if the President determines that a producer in Haiti is not in compliance and refuses to comply, the legislation directs the President to withdraw, suspend, or limit benefits to that producer under the trade preference program until the producer comes into compliance.

As I said at the outset of my remarks, I am not making a blanket endorsement of the farm bill. I have my reservations. Had I written the Haiti provisions from scratch, they would have looked very different. But this issue was part of a broader negotiation, and compromises were necessary if we were going to produce a final product.

The proponents compromised too. Originally they proposed requiring the President to withdraw trade benefits solely as a consequence of the ILO reports. That was never something I could accept. Ultimately, they dropped that demand and agreed to defer to the President's discretion.

The compromise language that is in the bill is specific to Haiti and responds to the unique economic and political situation in that country. I accepted it based on that narrow context as part of an overall compromise to conclude these negotiations.

Another issue that we addressed in the farm bill is a recent proposal by the Customs and Border Protection agency to change the way certain imports are valued for purposes of assessing duties.

The agency proposed eliminating its current practice of allowing importers to base customs value on the first price paid in a series of transactions that culminate in the importation of a product into the United States. Customs has instead proposed a mandate that importers must use the last transaction price.

This proposal has drawn significant concern from the business community and in Congress, for a number of reasons. First, it appears to counter an established practice that has been around since at least 1988. And some argue that it would lead to tariff increases of 8 to 15 percent.

Moreover, Customs doesn't collect data on the extent to which the so-called first-sale option is used. Nor does the agency have a clear sense of the economic impact of the proposed change. Yet the agency did not consult Congress or the business community before proposing this change in administrative practice.

Consequently, we included a provision that directs Customs to collect additional data for 1 year on the usage of the first-sale option. We further directed the International Trade Commission to submit a report to Congress analyzing the data to be collected by Customs.

Finally, we included a sense of Congress that Customs shall not implement any change to disallow the first-sale option prior to January 1, 2011. After that date, Customs can implement a change but only if the agency consults with the committees of jurisdiction in Congress and the business community, and also receives approval for such a change from the Treasury Department.

That is because the Treasury Department retains rulemaking authority over Customs regulations, though a portion of that authority has been delegated to the Department of Homeland Security.

I do want to say some other things the Senate Finance Committee has done. We create a new, temporary cellulosic biofuels production tax credit. This provision will encourage the development of a new cutting edge alternative biofuel industry.

Cellulosic biofuels can be produced from agricultural waste, wood chips, switchgrass, and other nonfood feedstocks. With an abundant and diverse source of feedstocks available, cellulosic biofuels hold tremendous promise as a home-grown alternative to fossil-based fuels.

With cellulosic ethanol, and with the additional feedstocks from corn stover, from wood chips, from switchgrass, and other things that have cellulose in them, we are going to be able to move beyond just grain being used to make ethanol.

Now, that is going to solve some problems. But one of the problems that it is going to solve, if people will be patient, are these demagogic statements that are going on now about the production of ethanol bringing up the high price of food.

Ethanol is being blamed for everything right now. Ethanol is being blamed for rice going up. We do not make ethanol out of rice. Bread goes up. They have riots in Cairo, and corn ethanol is being blamed for it. There is a whole conspiracy on the part of the grocery manufacturers of America, hiring a public relations firm to put on a 6-month crusade against ethanol. It is a scapegoat. It is intellectually dishonest.

In 1980, the people of this country asked Congress to put some incentives in because we ought to have renewable fuels, and ethanol was the direction to go. The farmers of America responded by growing more corn. Farmers invested, setting up ethanol plants. For 25 years, there have been incentives for ethanol production. Ethanol is becoming a major component now through renewable fuels and less dependence upon foreign sources of oil. For 25 years, everything about ethanol has been good, good, good, good—whether it was good for the farmers, good for the environment, good for jobs in rural America, or good for less dependence on foreign sources of energy.

Then, all of a sudden, corn goes up to $4 a bushel a year ago, and then everybody gets on ethanol. It is an intellectually dishonest attack that irritates the heck out of me, and I think we ought to band together as we always have done. The farmers of this country responded when the country wanted renewable fuels, and for 25 years nothing bad was said about ethanol. Then, all of a sudden, the price of food goes up, and ethanol gets blamed for it.

Ninety-five percent of the grain in the world is eaten; 95 percent of the grain is eaten. Last year the farmers of America planted more acres to corn than any year since 1944. The farmers of America produced 2.3 billion more bushels of corn last year. Only 600 million bushels of that 2.3 billion bushels of corn went into ethanol.

The other 1.7 billion bushels are available for everything else anybody wants to use them for, including if they want to eat the same corn animals eat. Yet I am hearing people complain about ethanol being the reason that rice and wheat are high priced and somehow scarce. We have to wake up the people of this country to the fact that the farmers of America responded when they wanted alternative energy, and that alternative energy is not at fault.

In fact, Iowa State University has studies showing that the price of gasoline would be 30 or 40 cents higher today if it had not been for what ethanol is producing. We have to get over it. Maybe this new program on biofuels from things other than grain will help calm that, I hope, because cellulosic biofuels is still science in the making, and scientists are telling us in 3 to 5 years it is going to be commercially viable.

This bill, then, includes a new, temporary cellulosic biofuels production tax credit for up to $1 per gallon, available through December 31, 2012, as an incentive toward cellulosic ethanol, the same way we have since 1980 on a tax incentive for ethanol from grain.

This provision is estimated to cost about $403 million over a 10-year period of years that the tax credit is available to American investors who are willing to take the risk of producing cellulosic ethanol.

The new cellulosic biofuels production tax credit will be funded in part by a 2-year extension of the tariff on ethanol and reform in the current ethanol blenders' credit, which will be reduced from 51 cents per gallon to 45 cents per gallon on January 1, 2009, the first day the cellulosic producers' credit will be available. One other thought that came

to my mind just now about an attack on ethanol. We have people who have voted for ethanol in this Senate. Twenty-two of them have sent a letter to the EPA saying that the mandate on ethanol ought to be lifted—the very same Senators who have complained because we aren't doing enough for renewable energy.

The last tax title I wish to refer to—and then, for my colleagues, I am just about done—is the Conservation Reserve Program payments. We have had this situation where the IRS has been taxing cash payments that farmers receive from Conservation Reserve Program payments—CRP payments—with the Social Security tax, the payroll tax. If you are a farmer receiving cash payments, if you rent your land and you receive cash payments, you obviously don't pay Social Security tax on that money. But the IRS ruled that if you were getting cash payments on CRP, you had to pay Social Security on it. So we take care of that problem in this bill as well. That is something we have been working on since 1999, and I am glad to have the opportunity to correct something the IRS has done that is an injustice to landowners who receive cash payments.

I understand that some of my colleagues have concerns over the extension of the ethanol tariff in the farm bill.

I would like to point out that the United States already provides significant opportunities for countries to ship ethanol into our market duty-free.

Numerous countries don't pay the U.S. ethanol tariff at all. Through our free trade agreements and trade preference programs, some 73 countries currently have duty-free access to the U.S. market for ethanol fully produced in those countries.

For all other countries, including Brazil—the world's major exporter of ethanol—the United States provides duty-free access through a carve-out in the Caribbean Basin Initiative.

So Brazilian ethanol exporters currently don't have to pay the U.S. tariff.

Under the Caribbean Basin Initiative, ethanol produced in Brazil and other countries that is merely dehydrated in a Caribbean country can enter the United States duty-free up to 7 percent of the U.S. ethanol market. That is very generous access.

Moreover, this duty-free access—as it captures 7 percent of U.S. ethanol consumption—grows every year.

Yet Brazil and other countries have never come close to hitting this 7 percent cap. In fact, as of Monday, the 7 percent cap was filled only 23 percent for the year. So we are almost halfway into 2008, and foreign ethanol exporters haven't even filled by one-quarter the generous duty-free access that we give them.

And it isn't that the Caribbean Basin Initiative countries don't have the capacity to dehydrate more Brazilian ethanol. They do. Current dehydration capacity in the Caribbean Basin Initiative countries is 580 million gallons, well above the over 452 million gallon duty-free allotment for 2008.

Brazil isn't taking full advantage of the duty-free treatment currently available to it. I don't know why we should bend over backwards to provide yet more duty-free access for Brazil.

This is especially the case given Brazil's stance in the Doha Round negotiations of the World Trade Organization. Brazil is resisting efforts to further open its market to imports of U.S. industrial goods and services.

We shouldn't even discuss reducing or lifting the tariff until Brazil takes full advantage of its current ability to ship ethanol duty-free to the U.S. market.

Finally, the ethanol tariff is a revenue-raiser for the farm bill. The cost of the new cellulosic biofuels production tax credit will be offset, in part, by an extension of this tariff. In this way, the ethanol tariff will help us move toward the development of a new cutting edge alternative biofuel industry that will produce fuels from agricultural waste, woodchips, switchgrass, and other nonfood feedstocks.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I rise today to add my support as well to the Food, Conservation, and Energy Act of 2008. It has been a very long and arduous process, but I think those of us who have been extremely engaged in this process are proud. We are proud of the hard, bipartisan work that has gone into this bill, and we are proud of the product. Although many of us know that none of us could get everything we wanted in this bill, we worked hard in a bipartisan way and in a way that was respectful to the diversity of this country to come up with a product we could all rally around and be supportive of on behalf of this country and the hard-working farmers out there who support this country as well as those of us who enjoy their bounty, not to mention the many other good components of this bill we worked hard together on, again, in a bipartisan way to come up with a good result.

However, the finish line being in sight, it is still not quite over yet. That is why I wish to first of all encourage my colleagues to send a strong message to President Bush to sign this bill that supports rural America and sets a long-term strategy for investing in those communities across this land that provide us with the unbelievable bounty this great Nation affords us.

This is only my third farm bill, so I have not been engaged in this process quite as long as many of my colleagues who have already spoken. But I have to tell my colleagues, as Senator CONRAD mentioned, I feel quite passionate about this bill because I feel quite passionate about the farm families in this country.

I myself come from a seventh-generation Arkansas farm family, and I have watched, as I have grown up—not just in my own family but in families across our State—the hard-working communities that take such a sense of pride in being Americans but, more importantly, providing for this country and the world the safest, most abundant and affordable supply of food and fiber anybody could.

Yes, I am sure my colleagues will be delighted when I sit down and quiet up because I have been extremely passionate about this bill because I believe in those people of my State. I believe in the passion and the pride they have in who they are as Arkansans and, more importantly, who they are as Americans.

I am proud of the work we have done, and I am proud to have fought hard for their needs and their concerns, for the diversity they represent in the infinite number of business operations and farm operations that exist in this great country, enabling us as a nation to be able to say that we can provide the most efficient and effective production of food and fiber for the world, particularly at a time when, as my colleague from Iowa mentioned, in places across the globe people are fighting over food and the need for food. We have the hard-working farm families of this country to thank for the incredible effort of making sure we don't go through that, that we don't experience those things.

I wish to first start by thanking the chairman of our Agriculture Committee, Chairman HARKIN, and his hard-working staff. I wish to thank the chairman for his leadership throughout this process and, again, although none of us got everything we wanted in this bill, his willingness and the willingness of his staff to be consistently there for us and to listen to the concerns we have expressed. I appreciate all of the hard work and the many hours they have put into this.

I wish to thank not just his staff but the staff of all of the other Members who have worked so diligently with me and my staff through this process. We do have many perspectives in this bill from many different regions of this country, but we do know at the end of the day how to be respectful of one another.

I especially wish to thank the ranking member, Senator CHAMBLISS, and without a doubt his incredible staff, Martha Scott Poindexter and Vernie Hubert, who have been tremendous and have put incredibly hard work into this bill. They have been not only a great asset in the putting together of this bill, but they have been good friends, and I am enormously grateful.

I wish to thank Chairman BAUCUS for his work and the excellent work of his staff on this very important tax title, along with his ranking member Senator GRASSLEY and his staff. Their efforts to secure funding for this bill have been tremendous.

I also wish to say a special thanks to Senator CONRAD and his staff. They

have sought to find the common ground and to bring people to the table. They have been thoughtful. They have been understanding. They have been tireless at making sure there was a reasonableness about our discussions and that the facts and the figures were clear as we debated all of these issues.

So many of the other members of the committee as well as Members of the body who have engaged in all of these discussions have done a tremendous job in bringing this all together.

Of course, on the House side, Chairman PETERSON and Ranking Member GOODLATTE as well as Chairman RANGEL have done an incredible job in working with us, and we appreciate so much their hard work.

I would also like to add my special thanks to my own staff, Ted Serafini and Anna Taylor, who have been an incredible support for me and made a tremendous effort in making sure our voice from Arkansas and the voices of the people we represent were so passionately heard with such great expertise, as well as my former staffer Robert Holifield, who worked very hard on this bill before he left our staff.

Those of us on the conference committee have worked hard to come up with this bill, and we wanted it to be practical. We wanted it to be realistic and exhibit the reforms that so many people have been asking for. A lot of time and energy was put into the final bill, and it is a good compromise. While it doesn't contain everything, as I said, that I want to see or anybody else on the committee wanted to see, it does ensure that we maintain the blessings we have here in this great country of American agriculture.

I often say to people at home that what we should be doing up here is not looking for legislation to be a work of art but to be a work in progress. As many of us who have worked on many farm bills know, it is a work in progress and continues to be—not just in what we do with this farm bill, but, as the Senator from Iowa mentioned, we look for making sure that the actions we have taken do not have unintended consequences and that we pay close attention to ensure that the things we have done do not disproportionately harm our great efforts of production agriculture.

From day one, there was a lot of give-and-take. In the end, I think Members and their staffs have produced a good compromise and a compromise that respects and appreciates the diversity of our country and certainly the great wealth and bounty of what our Nation has.

There are so many good things in this bill to be proud of, and I am. Several of my colleagues have already touched on the increased investment in nutrition, renewable energy, conservation, and rural development. All of these will benefit our country greatly.

As one of the cochairs and cofounders of the Senate Hunger Caucus, I am very proud that nutrition was a priority in this bill. This bill commits $10.36 billion—nearly 73 percent of the bill—for nutrition to continue the fight against hunger. Hunger is a disease we can cure. We know how to cure it. We simply have to set it as a priority, and this bill does.

It represents the largest amount of funding for nutrition programs in our Nation's history. At a time when 20 million Americans are living in poverty, it should represent certainly no less. One billion of that is allocated for the Fresh Fruit and Vegetable Program which provides free fresh fruits and vegetables to low-income children in our schools nationwide. It also expands the Senior Farmers Market Program by $50 million to help them purchase fresh fruits at places like farmers markets and roadside stands throughout the country. I am proud that the bill aims to reduce food insecurity among our children and our elderly, among our low income and those who are in need. This is a good part of our bill.

This bill also provides farm families, ranchers, and small businesses throughout the greater part of rural America with the opportunities and the incentives to develop renewable energy sources and continue the drive toward greater energy efficiency in this country. As we have seen with the huge rise in gas prices this year, reducing our dependence on foreign oil is an absolute necessity for our Nation's future security. I see the passion in my Arkansas farmers and entrepreneurs in rural Arkansas and across this great country for producing alternative and renewable energy sources. They stand ready. They stand ready to take advantage of the incentives and the call we have in this bill to lessen our dependence on foreign oil and empower our own selves, our own country with renewable fuels that will not only create jobs but provide a better environment for future generations. In this bill, we have the beginnings particularly of making sure we not only lessen our dependence on foreign oil but we do so in a way that is good for our environment.

I am also grateful that an important provision in this bill that I supported will bring tax parity to the timber industry which is so important to my State. This change will help our timber farmers and millers remain competitive globally during tough economic times. Last year, the downturn in the forestry industry resulted in the loss of more than 3,000 jobs and nearly $14 million in State and local revenues in my State of Arkansas.

Conservation is also a big part of this package. It does a tremendous amount. As a farmer's daughter, I saw no greater conservationist than my own father, as a farmer who took great pride in not only the land of our farm and the future generations who would get to use that land but also in the conservation that surrounded our farm and in our county, because not only was it important to his livelihood and for future generations of our family, for the expertise and his productivity on our farm, but it also was an enhancement and an unbelievable endowment to future generations for the wonderful pastime that so many Arkansans enjoy. Whether it is fishing in our rivers and streams, whether it is hunting in our forests, all of the many things we see in our State that my children and other Arkansans enjoy, it is a true blessing to see that conservation, and certainly it is important to our agriculture producers and others.

The chairman, Chairman HARKIN, has been a tireless advocate for conservation programs, and we appreciate that. I am pleased that once again he has produced a bill that is progressive in this area.

It includes a $4 billion increase in conservation programs, including a $1.3 billion investment in the Wetlands Reserve Program, which is very popular and productive in my State. We have the largest timber wetlands in North America, with the White River Waterfowl Refuge, along with the incredible lands—mostly nonproductive farmlands—that have been put into the wetlands reserve and the wetlands program and have contributed greatly to the environment. We have not only spotted the ivory-billed woodpecker, but we have tremendous migratory birds—not only the waterfowl but some of the largest areas for neotropical migratory birds, songbirds. It is a wonderful asset for this country and for future generations.

It ensures we are the best stewards of the land that we possibly can be and, above all, it helps us to leave our children with the environment they deserve.

It also includes a tax deduction to reduce the costs of implementing recovery plans under the Endangered Species Act. I see Senator CRAPO, whom I have worked a lot with on this issue.

The current Endangered Species Act plays a crucial role in protecting threatened endangered species and habitats and in promoting species recovery. However, on private lands, which are relied upon by the majority of threatened species for their survival and recovery, the current law doesn't provide all the necessary tools we need.

This provision in the farm bill ensures that our private landowners are given the incentives they need to protect our endangered and threatened species and engage with State governments and the Federal Government to protect them by making sure they can work on their land and give the needed protections that are needed in order to protect the habitats so we never even see these species going on the endangered species list to begin with.

This bill also provides an additional $150 million to promote economic growth, improve infrastructure, and create jobs in rural America through the rural development title.

This investment will help improve access to broadband in rural America,

as well as provide loans for rural hospitals, so they can provide the best care for patients living in those rural areas.

Oftentimes, I think many of us who grow up in rural America, and who go home regularly to rural America, wonder if inside the beltway there are enough people still here who understand the importance of infrastructure needs and investing in rural America—whether it is broadband and making sure folks in rural America have an on-ramp to the information highway that exists or whether it is just that they have clean drinking water in those communities. It is something we can never forget because those precious rural areas of this country will remain out there and those people will remain out there and we have to stand up for them.

The bill also provides serious reform while maintaining the safety net for our family farmers so they can compete in the global marketplace.

Throughout this process, we have heard time and time again that there must be reform. So many of us started early in this process to see where we could bring about the kind of reforms that were being demanded. We have provided in this bill the most significant reform in our Nation's history in this farm bill. The bill lowers the overall cap on program payments from $360,000 to $105,000.

We have seen the need to address the loopholes that allow producers to avoid the caps. So we have eliminated those loopholes most frequently—the three-entity rule and generic certificates.

I also heard of the need for transparency, so the committee bill added direct attribution, which will track payments directly to a living, breathing individual producer, a farmer out there who is putting their hard-earned time, energy, blood, sweat, and tears into producing these agricultural products.

I advocated for reform and transparency from the very beginning because I knew it was something people wanted to see. But I also think we must be careful that we understand what the possible consequences of these reforms might be.

The 2002 farm bill established a solid safety net program when yields and prices were low.

While we have maintained the integrity of that program, the $2.5 million means testing on income limits established in that bill in 2002 were never fully enforced by this administration. The Senator from Iowa brought up that point. It is hard to know where to go from those caps in the 2002 bill and today's bill to increase that transparency and increase those reforms, if we don't even know what the first limit actually did.

That is why it does create some concern in me to hear that the administration is saying this bill doesn't go far enough in regard to these reforms. How do we know if it doesn't go far enough if we have never enforced what has been on the books to begin with?

Prior to the 2002 farm bill, no means test existed for farm programs. Now, I have to say I have concerns that all of a sudden we are going to begin means testing farmers and producers across this country, but we shy away and shiver in this body when means testing is talked about for anything else.

We knew it was important to eliminate loopholes that nonfarmers used to receive program payments, and during the 2002 farm debate, we instituted the $2.5 million test.

In the bill that passed the Senate in December, we lowered the means-testing cap to $750,000, which respected our regional differences and avoided the unintended consequences that might arise in this compromise.

Let's not forget that we also significantly reformed individual program pay limits on top of that, which should sharply reduce benefits to producers who remain eligible, as long as they are below that means-testing level we have imposed. I thought the Senate bill did a good job on that compromise and have remained hopeful that those limits, and certainly something close to those limits, is where we can be.

During conference, we agreed to add an additional component that factors in nonfarm income.

However, it is not enough for this administration, and they continue to threaten a veto of this incredibly hard-fought, bipartisan compromise. As I mentioned, I do have some concerns about means testing because we are means testing the most efficient and effective producers of agricultural products in the world, at a time when we are experiencing a world food crisis, and we want to ensure that not only will we maintain the kind of production that we have consistently but also that we do it by setting an example in respect to clean water and clean air and, certainly, in respect to all the other unbelievable demands and restrictions that are placed on our farmers with respect to the environment.

We don't know what those consequences might be, and I hope we will keep in mind—as the Senator from Iowa mentioned—that as we move forward in looking at this bill, thinking about how those effects may have unbelievably unintended consequences. Again, there have been an awful lot of fights for the means testing on our agricultural producers, while there are so many other benefits in this country that are not means tested. I noticed my colleagues earlier mentioning the fact that farm income is up. But I also noticed that nobody hardly mentioned the fact that reflects the reality of what farmers in this country are going through in terms of the environment of skyrocketing production costs and restrictive trade laws, which in our region of the country are much more restrictive. Trade laws are much more restrictive to the commodities we grow, and certainly production costs that are much higher for capital-intensive crops.

I hope the unintended consequences of establishing payment limits and means testing would not shift the landlord-tenant relations to cash rent and place producers, who are working hard each day to shoulder that risk solely of restrictive trade rules, bad weather, and unbelievably skyrocketing input costs—I hope that is not one of the unintended consequences that we see.

In the end, this bill is about ensuring that our family farmers can continue to produce the world's safest, most abundant supply of food and fiber.

Our farmers also produce their commodities the most efficiently and effectively in the world, and they do it by keeping the cost of our food and fiber per capita the lowest of any developed country, as Senator CONRAD mentioned.

Moreover, they do it with respect to our environment, so our children and future generations can enjoy this unbelievable country of bounty and beauty. They do it by following the Clean Water Act, Clean Air Act, and so many other restrictions that we place on them in order to ensure they are setting the example and doing the best job possible regarding our environment.

They are excellent conservationists and stewards of the land because they understand that if they care for the land, it will take care of them. It is something we should never lose sight of.

I am proud of the work we have done on this bill, and I encourage my colleagues to support the final version. No bill is ever perfect. This one gives our family farmers the certainty they need to continue to compete effectively in the global marketplace. It focuses on the unbelievable needs throughout this country in nutrition, energy, conservation, and rural development.

Again, I am proud to have worked in a bipartisan way with so many colleagues on the Senate Ag Committee, as well as others in this body and in the other body across the Capitol dome.

My last plea before I yield the floor is to my colleagues. It is that we will never allow ourselves or the people of this country to take for granted what we have been blessed with in this country. This is a great country, and we have a lot of incredibly hard-working people. Many of them are spread out over the rural areas. I hope we will never allow the American people to take for granted what this bounty means to them and, more importantly, that we in this body will never take for granted the hard work that goes on beyond this beltway to make us the richest country in the whole world. I hope we can continue in that same bipartisan fashion, recognizing and respecting the incredible diversity across this country that has blessed us for so many years.

I encourage my colleagues to support the great bipartisan product we brought to the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAPO. Mr. President, I also rise today in support of the farm bill conference report. Before my colleague, Senator LINCOLN, leaves the floor, I wish to take a few minutes to thank her for the tremendous work she has been willing to do with me. She and I were both elected to the House of Representatives in the same year, and we were elected to the Senate in the same year. We have served on a lot of the same committees, not the least of which has been the Agriculture Committee and the Finance Committee, both of which have important parts of this legislation.

We have had a tremendously good relationship over the years. We come from different sides of the aisle, but we work closely together in a bipartisan way on issue after issue. One of those very important issues, which Senator LINCOLN already mentioned, is the Endangered Species Reform Act. I will talk about that later in my remarks.

Before she left the floor, I wished to thank her for being the lead cosponsor on that legislation that we have worked on literally for 6 or 7 years, to make sure we build a consensus-based solution to issues in this country that will make a difference. Again, I thank the Senator for that. I truly appreciate the working relationship we have, and I could not agree more with the comments she has made overall about the farm bill and the tremendous blessing we have in this Nation to have literally the lowest per capita cost in the world in our budgets for the American families with regard to the dollars they must put forward for food and fiber. At a time when people around the world are struggling to deal with recent natural disasters and to ensure that their families have the food they need, we need swift enactment of this farm bill that will provide long-term certainty for farm families as they continue to feed the world's hungry.

This is the third farm bill that I have worked on since I have been elected to Congress. I have to say that although each bill, as we moved through the issues of the day, presented their unique problems, this has been the most difficult to bring together in a conference where we could literally come together—House and Senate, Republicans and Democrats—and propose good, solid policy for our Nation's food and fiber. I think we have to give credit to those who have been leaders in the Senate in making that happen: our chairman, Senator HARKIN; our ranking member, Senator CHAMBLISS; and on the Finance Committee, which, as I said, also has a significant piece of this legislation, our chairman, MAX BAUCUS; and the ranking member, CHARLES GRASSLEY. There are many others.

Now that I started mentioning Senators, I could literally go through the members of the Agriculture Committee, both sides of the aisle, the members of the Finance Committee, both sides of the aisle, and list Member after Member who has worked tirelessly to make sure this policy comes together in a farm bill we can be proud of and which will strengthen America globally.

It is not limited to just the members of the Agriculture or Finance Committees. This Senate is committed to making sure we develop the kinds of policies that will keep our Nation strong and globally competitive, and many of those policies are included in this legislation.

In preparation for this farm bill, I held 23 farm bill listening sessions in my State, all across Idaho, to get input from Idahoans about what they need and what they saw important in a new farm bill. I appreciated the input I got from my constituents and, frankly, utilized that input in working with my fellow members on the Agriculture Committee and Finance Committee as we crafted this legislation.

There are a number of provisions I wish to highlight tonight.

The first, which I have already mentioned, is a part of the bill that comes in the conservation piece the Finance Committee worked so hard to bring forward. As I think most people who followed the debate in the battles over the farm bill over the last few months have realized, one of the battlegrounds—in fact, the major battleground—was the effort by the Finance Committee in the Senate to bring forward a significant new addition to the conservation efforts in our country as we deal with conservation policy.

One of the more important pieces of that battleground, if you will, was the Endangered Species Reform Act. The battle was not really over the policies; it was over the dollars because we wanted to make sure we paid for the increased costs of what we were doing. But it was nevertheless a very difficult time as we tried to find a path forward.

Most people who are involved in land management issues, whether they be farmers, consumers, or people who are involved in development or simply homeowners, realize that we have had a significant area of conflict in this country for decades over the implementation of the Endangered Species Act.

There is very little disagreement that we want to protect and preserve the beautiful environmental heritage we have and the species we have that are so rich and abundant in our country. At the same time, we wanted to try to find a way to avoid conflict with private property owners and with the economic activities of people in our country who are trying to develop jobs and opportunities in the economy to provide for themselves and their families. It is that conflict which we have worked on in the context of the Endangered Species Act now for about, as I say, 6 or 7 years, to try to build a solution that could be broadly supported but which would help both species and people, the economy, and help private property owners and those who are interested in protecting and preserving our rich environmental heritage.

We have succeeded in the Endangered Species Reform Act. This act is broadly supported by the environmental community because over 80 percent of the threatened or endangered species in our Nation is located on private property. The act does not give us the ability to reach into the private property as effectively as we need to help implement recovery plans for species that are threatened or endangered. This legislation does so.

At the same time, as I indicated earlier, our private property owners have been concerned about the reach of the Endangered Species Act and what it would do to them if an endangered species were found on their property. This act makes it so they can actually find economic compensation if that happens.

The core of the act is that it focuses on helping landowners on a voluntary basis have a tax deduction for actions they undertake on their property to help implement recovery plans, to help facilitate and strengthen species.

This is a tremendous incentive, with the backing of the Federal Government, for these tax deductions to encourage private property owners to undertake activities that will tremendously benefit species on their property. The private property owners are compensated for the impacts on their property, the species are benefited, and everyone in the country is a winner in terms of the improvement of the opportunities to strengthen our endangered species protection.

This has the broad support of sportsmen organizations across this country, of environmental organizations across the country, and of private property groups across the country.

I am glad we were able to work our way through literally the battlegrounds we faced in order to make sure we got this legislation included in the final piece of the farm bill.

There is more to do. We had to work it through and adjust pieces of it that we would rather have kept in, but we got the core of the bill in place. And now we look forward to strengthening and improving this important protection of the Endangered Species Act.

While she is on the floor, I thank Senator STABENOW for her tremendous efforts in the conference to make sure we were successful in getting this critical legislation for the endangered species and private property owners included in the final conference report.

Specialty crop producers were also very significantly benefited by this legislation. Speciality crop producers in Idaho and nationwide will receive more than a $2 billion investment in programs important to them, including $456 million for speciality crop block grants that assist with marketing, research promotion, and other efforts to increase the competitiveness of speciality crops.

Again, Senator STABENOW should be given great credit for fighting to work with me and many others to make sure this happened.

The legislation also contains significant assistance for producers impacted by disaster, including new assistance for aquaculture producers who are impacted by drought or assistance for ranchers utilizing the Federal grazing permits who are impacted by a loss of grazing due to fire.

In addition, more than $4 billion in new spending is going to be provided for conservation programs which enable landowners to meet the environmental needs and goals and, frankly, in many cases mandates that we put on them to make sure our environment is protected and preserve.

I have often said, as we talked about different farm bills, and this one is no different—in fact, this one is probably a better example than any we have done so far—that one of the most, I will say the most important pieces of legislation this Congress ever works on with regard to truly making a difference in protecting, preserving, and strengthening our incredible environmental heritage in this country is the farm bill because of the powerful provisions we have in the conservation title.

This farm bill moves forward with significant strides to strengthen and enhance the environmental and conservation goals of our country through farm policy and private property policies.

This investment is an important step we must not forget. Farm bill conservation programs are an example of the Federal Government assisting with the environment in the right way with a carrot rather than a stick. Our conservation programs have contributed significantly to improving water and air quality and preserving and enhancing habitat for species.

An estimated 95 percent of the world's consumers live beyond our borders. The bill also will assist in reaching those consumers by expanding market opportunities through the inclusion of $200 million annually for the Market Access Program.

In addition, the bill seeks to better ensure adherence to the softwood lumber trade commitments through inclusion of a softwood lumber importer declaration program. I appreciate the tremendous work that was done to include this important provision.

The legislation also continues and expands support for the Idaho commodity producers, including our barley, dairy, pulse crop, sugar, wheat, and wool producers. Idaho's agricultural industry is more than a $5 billion industry and is a critical part of Idaho's economy.

The commodity title in this bill will continue to allow those farmers to be protected and strengthened as they face incredible global pressures and, frankly, what I consider to be anticompetitive actions by other nations as we deal in a global agriculture market.

The legislation benefits rural America in a number of important ways. Across the United States, rural communities struggle to access funds necessary to comply with Federal, State, and local environmental regulations. Through changes to SEARCH grants, small rural communities with populations of 2,500 or less will have greater and more streamlined access to funding to assist with water and wastewater infrastructure projects. Let me explain what this means.

Across this country, we have requirements that our wastewater and our drinking water be protected. In fact, often in America we talk about the fact that we have the safest, cleanest water in the world. When you come to America to visit, you don't have to worry about drinking the water. When you live here, you don't have to worry about drinking the water. The reason is because of our very strong environmental standards.

We are proud of that, and we need to protect our water quality. But the protection comes at a price, and often the mandates we put on communities to assure that water quality are not able to be met by the smaller communities because they simply don't have the economies of scale to be able to implement the wastewater and other treatment facilities that are necessary to enable them to comply with the environmental mandates and keep the water quality so clear and clean.

We need to provide ways to assist these strapped rural communities as they try to do what we all want to do, and that is make sure America has clean, safe water. That is what these projects will do in the SEARCH legislation.

The bill also provides $120 million in mandatory spending to be directed at pending applications for water and wastewater disposal grants and loans—Again, to help with the same problem.

As well in the rural areas, broadband access is a key to growth and economic development. This farm bill simplifies the application process for broadband assistance and ensures that broadband assistance is targeted at communities with the least amount of access.

Improving the economic position of rural areas by stimulating the growth of rural businesses is accomplished through reauthorization of important programs such as the rural business opportunity grants and the rural cooperative development grants, which will ensure the continuation and technical assistance and training to our Nation's rural businesses and cooperatives.

In addition, value-added producer grants are going to continue to provide producers with the means to improve on the value of their products through planning activities and marketing and the reauthorization of the national rural development partnerships which will enable individual State partnerships, such as the Idaho Rural Partnership, to continue working to strengthen and improve life in rural America.

The farm bill also incorporates language from the Biodiesel Education and Expansion Act of 2007. That is S. 1791 which I introduced with Senator KLOBUCHAR to reauthorize the Biodiesel Education Program. This program has been very important to the biodiesel effort in Idaho. The University of Idaho has received about 20 percent of those funds through a competitive grants process to help educate Government and private owners of vehicle fleets about the benefits and technical aspects of biodiesel fuel.

In addition, the bill includes a new temporary cellulosic biofuels production tax credit for up to $1.01 per gallon available through December 31, 2012.

The conference report also provides $300 million for the Bioenergy Program which provides incentives for expanding production of advanced biofuels made from agricultural and forestry crops and associated waste materials, including animal manure and livestock food processing waste.

The importance of this is that we in the United States have a serious problem in our energy policy. We can debate the many aspects of it in other contexts. The bottom line is we are far too dependent on petroleum in this country as a source of energy. And in the context of petroleum, we are far too dependent on foreign sources of petroleum.

I often analogize our core need in terms of energy policy of being one of trying to diversify our energy portfolio. We need to move into alternative and renewable fuels, and we need to provide the support to enable us to do the research and development to expand energy opportunities.

One of the things this bill does in areas I already mentioned, such as cellulosic biofuels and other efforts in that context, is to help us do the research and to do then the thinking that goes into making sure we move into these other types of alternative and renewable fuels.

Another important part of this legislation in that context is that we establish a sugar-to-ethanol program which will better enable the sugar industry to contribute to our energy independence.

There are many things we could be doing and we ought to be doing—all of them to find the ones that will best work and will best help us to diversify our energy economy.

The legislation also provides expanded fresh fruit and vegetable programs, which provides domestically grown fresh fruit and vegetables to students as healthy snacks and educates our students in every State on the importance of eating healthy foods.

This program has already been well received as a pilot program in a number of States, including Idaho. I am proud to continue this program not only in Idaho but to help expand it to all States across the country.

The bill strengthens assistance for America's food banks by providing more than $1 billion for the next 10

years for commodity purchasing, nearly doubling the current funding level. Access to food banks is particularly important given the economic hard times that we are facing with regard to high gas prices.

Also, I would like to talk a little bit more about the global competition we face. As I indicated earlier, one of the pressures that our producers face is anticompetitive conduct from other nations. These are subsidies, tariffs, or nontariff barriers which are erected against our producers.

Yes, we support our agricultural producers and, yes, we have tariffs. I am not sure what the numbers are today, but within the last couple of years the imbalance in those tariffs shows what I am talking about. The average I am recalling that we have discussed over the last few years is that the average tariff against our producers as we try to export into other countries is around 60 percent, whereas the average that we impose on those bringing their products into our country is more in the neighborhood of 10 or 12 percent.

Those kinds of disparities create tremendous trade barriers to our producers. The same is true with the level of subsidies provided to producers in other countries that compete with our producers. One of the critical parts of this bill is to provide that safety net or that protection to our producers in the international contest as we seek to make sure the trade arena globally is balanced fairly.

I know some have criticized this bill by saying it spends too much limited Federal funding on agriculture. Let me make an important note there. This bill has a number of titles. Agriculture commodity programs are one of those titles. About 70 percent of the spending in this bill goes to our nutrition programs, such as the Food Stamp Program.

Most people in America don't realize that because we often call this the farm bill. Yet 70 percent of it goes into our nutrition programs. What percent goes to the commodity programs? A little less than 14 percent. And those important conservation programs I talked about? They get around 7 percent of the funding in the bill. The rest, the 8 or 9 percent that is left over, goes into the rural development part, the titles—the energy titles and other portions of the bill that are critically important to our national concerns, such as rural development and energy.

When you look at this bill, it is not an ag bill or a farm bill. It is a food and fiber bill. It is much more than that. It is a bill that is very important, as I have said, to everything from energy policy to rural development to our conservation efforts in this country to our agriculture commodity programs and to our nutrition programs for those who face hunger in this Nation. It is important to recognize that.

Also, I think it is important for us to note that some criticize this bill for not being reform minded enough and not being strict enough on payment limitations for the extremely wealthy who, it is claimed, get all of the resources of the bill in that 14-percent commodity title. However, the conference report has taken major steps forward in terms of reform. I think those steps need to be recognized and noted.

The conference report would eliminate the triple entity rule, which has already been talked about extensively on the Senate floor tonight, and changes the current adjusted gross income limit from $2.5 million to $500,000 for nonfarm and $750,000 for farm income. These are considerable reforms that should be acknowledged and recognized.

This is a broad and diverse country, and no bill is a perfect bill from the perspective of any individual Senator, I am sure. We have 50 States and 435 Congressional Districts and we have tremendous debates about how we should implement policy. But this bill worked its way through that process to develop policy and reforms that are meaningful and significant and should not be undermined.

In conclusion, this legislation with its 15 titles covers a wide range of important policy matters that go far beyond our traditional farm support, as I have said. These titles include things, as I have indicated, such as conservation, trade and food aid, nutrition, farm credit, research, energy opportunities, crop insurance, and disaster assistance and many more. The breadth and depth of this legislation reaches into so many people's lives—everyone in America, not just those in farm country—everyone in America should be paying attention to this legislation and should be glad that we have been able to find that agreement that has enabled us to get a conference report between the House and Senate.

Again, I thank all my colleagues for their tremendous work in this very difficult and lengthy process we have been going through, to make sure we develop the right policies for our food and fiber in this Nation, and we continue to keep America strong and on the competitive edge in the production of food and fiber for the world.

Mr. LUGAR. Mr. President, I rise today to express my opposition to the Food, Conservation, and Energy Act of 2008, referred to as the 2008 farm bill. The 2008 farm bill contains many worthwhile polices, including valuable investments in conservation and nutrition programs. However, it fails to provide meaningful crop subsidy program reforms that most Americans would support.

This farm bill continues a set of antiquated programs that send a majority of payments only to farmers earning over $200,000 a year. It exceeds the budget allocation by $10–$20 billion through the use of tax policies and budgetary sleights of hand. The perception of being within the budget limit is not reality.

While it is true that subsidies are only part of the overall bill, Congress should not accept these outmoded policies in order to move along other priorities. The fiscal, food and trade policy costs are too great and too damaging.

This farm bill continues the ''three-legged stool'' of a ''farm safety net'' that targets mostly corn, soybean, wheat, rice, and cotton farmers. The first leg is the practice of sending $20 billion in direct payments to only 43 percent of U.S. farms. Of those, only 8 percent receive 58 percent of the payments. These payments have nothing to do with markets, disasters, or need, and they have been ruled to violate trade agreements. This farm bill reduces these payments by a miniscule 2 percent. Farmers, who had received an average $94 per acre for a history of growing rice, would still receive $92.40 under this farm bill.

Second, the farm bill continues counter-cyclical payments that are made when prices go down. Third, these targeted farmers may also receive unlimited marketing loan payments—farmers do not need to repay government loans if prices fall below a targeted rate. Additionally, this farm bill retains a government administered supply and demand program that keeps sugar prices for consumers well above world market prices.

Farm bill conferees added yet a fourth leg to the farm subsidy stool by creating a new $4 billion standing disaster program to cover losses due to droughts and floods. The idea of a permanent disaster program may have merit, especially when you consider that Congress has passed legislation to fund ad hoc disaster payment assistance nearly every year for the last 20 years. But we should ask ourselves, if the current expensive farm bill is failing to provide a safety net to farmers when these devastating events do happen, then what is the purpose of the farm bill? Why do we need a new program administered by a separate Federal agency to fulfill what most Americans believe is the core purpose of the legislation before us? We should fix the root problem, namely that the current subsidy system does not work and wastes taxpayer dollars.

Trade distortion is yet another major problem with the bill. In 2004, Brazil won a World Trade Organization, WTO, case against U.S. cotton programs based on the trade distorting nature of direct payments, countercyclical payments, and marketing loan payments. Similar cases against other commodities are now being deliberated. Surprisingly, instead of fixing the programs to shield U.S. farmers from these challenges, this farm bill continues these programs and provocatively increases the subsidy rates.

How, in good faith, can we ask other governments to join us in trading partnerships, or to abide by fair trade agreements, when this Congress blatantly ignores our own commitments? Some Senators may wonder why we

should be concerned about violating WTO commitments. They might think that this is simply limited to agriculture or specific crops with little impact on our overall economy. Others might even suggest that we are better off building up more barriers to trade; that this farm bill is about American farmers not farmers in Brazil or elsewhere. However, if Senators look further down the line they will see that our WTO violations could cost the United States billions in revenue, intellectual property, and lost trade opportunities. Failure to move toward compliance will invite retaliatory tariffs that legally can be directed at any U.S. industry.

It could be argued that flaunting these commitments would be justified in order to save the U.S. farming sector from sure ruin. However, that would ignore the realities of our current farm economy and the actual structure of these farm programs. Thanks to strong foreign and domestic demand, net farm income for 2007 was nearly $89 billion, up $30 billion from 2006 and $30 billion above the average for the previous 10 years, setting a new farm income record. Estimates for 2008 project net farm income to top $92 billion. As a result, average farm household income is projected to be almost $89,000 in 2008, up 9 percent from 2006, and well above average U.S. household income of $67,000.

We need a new farm bill that ensures a stable farm economy and a healthy food supply. I do not believe our Nation is best served by this farm bill that continues to make payments that defy common sense, snubs our trading partners, and balloons taxpayer spending. Last year I joined Senator FRANK LAUTENBERG and others in offering a farm bill alternative that received 37 votes on the Senate floor. It would have provided all farmers with a more equitable ''safety net,'' as well as greater investment in conservation, rural energy projects, and nutrition.

Under the proposal, farmers, for the first time, would receive—at no cost to them—either expanded county-based crop insurance policies that would cover 85 percent of expected crop revenue, or 80 percent of a farm's five year average adjusted gross revenue. These subsidized insurance tools already exist, but our reforms would have made them more effective and universally used, while controlling administrative costs. Farmers would also be able to purchase insurance to cover the remainder of their revenue and yields. In addition, the amendment would have created optional risk management accounts that would be available to every farmer and rancher and provide incentives for them to put away money in good years to cover lean years. Our program would be available to all farmers in the country—regardless of products—and not just a select few corn, soybean, wheat, rice, and cotton farmers.

Using the savings from this approach could fund important expansion in conservation, nutrition, energy, and research programs. In fact, the approach made more significant investments within the Federal budget in these areas than the farm bill before us and even found savings to help pay down our Nation's budget deficit, which this year is approaching $400 billion.

I will vote against the farm bill conference report and support a presidential veto of the bill. I further suggest that the Lugar-Lautenberg FRESH Act remains a reform option, a constructive alternative that will save taxpayers billions, provide a generous safety net, and allow for funding of farm, nutrition, bioenergy, conservation, and rural development programs without budget-breaking gimmicks.

Mr. DOMENICI. Mr. President, every morning thousands of Americans wake up to a bowl of Wheaties, the vast majority of whom have never asked where their Wheaties come from. I submit to you that the farm bill is the primary factor responsible for providing America with safe, healthy, and affordable food and fiber, including Wheaties. What we are debating today is of paramount importance to each and every American.

If you look at the title of this bill, the Food, Conservation, and Energy Act of 2008, you will not see the word agriculture. This begs the question, What does this bill really mean to agriculture and the American farmer and rancher?

By way of example, I have been contacted by the Dairy Producers of New Mexico which told me that the farm bill does not, on the whole, help rural New Mexico. Rather its policies have short-term and long-term implications that can harm my State. The primary source of economic activity in rural New Mexico today is dairy farming. There are approximately 172 dairy farms with approximately 4,221 direct employees and 17,150 indirect employees. These local operations contribute $1.02 billion direct dollars to the economy and $2.6 billion indirect dollars to the economy. The farm bill undermines the economic stability that the dairy industry plays a large role in creating.

The dairy title subsidizes dairy farmers who compete with New Mexico dairymen. Under the farm bill, the ''MILC'' program not only funds milk produced in other regions of the country, at rates higher than New Mexico, it increases those payments. The new bill ensures that the amount of those payments will rise when feed prices go up. This is despite the fact that virtually all of the grain used by producers outside New Mexico is raised by them and they are insulated from much of that price inflation. New Mexico's farmers purchase their feed but receive only partial payments. In short, the Dairy Price Support Program provides no support at all.

I applaud the efforts that were made in this bill to address nutrition concerns, provide for broader flexibility for specialty crop growers, and assist rural communities. However, it does not appear to me that enough progress has been made toward conservation programs and other reform initiatives. Moreover, while the bill does continue the peanut handling benefits it does not continue the peanut storage provisions contained in the 2002 farm bill. This alone will cost New Mexico peanut growers up to an additional $50 to $60 per ton, which represents at least $74 million to peanut producers in my State. I am not convinced that this is the best we can do for the people who feed our Nation and I am left wondering if this farm bill is already out of date before it is even law.

The Congressional Budget Office tells us that this bill will cost $307 billion over the next 5 years and almost double that figure over 10 years, which is cause for concern in and of itself.

Ultimately, I am unwilling to support a measure that is counterproductive to the most important agriculture component in New Mexico, our dairy industry. Instead of enacting policies that will encourage stability and continued growth of dairies in States like New Mexico, the conference report before us today says our farm policy should be to erect unreasonable hurdles and obstacles for many dairies. I intend to vote against this bill and I urge my colleagues to do the same.

Mr. HARKIN. Mr. President, I certify that the information required by Senate rule XLIV, related to congressionally directed spending, has been identified in the conference report to accompany the Food Conservation and Energy Act of 2008, numbered H.R. 2419, filed on May 12, 2008, and that the required information has been available on a publicly accessible congressional Web site at least 48 hours before a vote on the pending conference report.

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 307 of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation, including one or more bills and amendments, that reauthorizes the 2002 farm bill or similar or related programs, provides for revenue changes, or any combination thereof. Section 307 authorizes the revisions provided that certain conditions are met, including that amounts provided in the legislation for the above purposes not exceed $20 billion over the period of fiscal years 2007 through 2012 and that the legislation not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

On November 5, 2007, I filed a reserve fund adjustment pursuant to section 307 for an amendment in the nature of a substitute to H.R. 2419. That legislation passed the Senate on December 14, 2007. The Senate is considering the conference report to accompany H.R. 2419,

the Food, Conservation, and Energy Act of 2008. I find that the conference report also satisfies the conditions of the deficit-neutral reserve fund for the farm bill, including being fully paid for over both the five and 10-year time periods. Therefore, pursuant to section 307, I am amending the reserve fund adjustment made on November 5, 2007, and further revising the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Committee on Agriculture, Nutrition, and Forestry, to reflect the final estimate for the completed farm bill.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 307 DEFICIT-NEUTRAL RESERVE FUND FOR THE FARM BILL

(In billions of dollars)

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,016.793
FY 2009	2,114.754
FY 2010	2,170.343
FY 2011	2,351.046
FY 2012	2,493.878
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−34.003
FY 2009	7.828
FY 2010	6.622
FY 2011	−43.504
FY 2012	−103.218
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,501.726
FY 2009	2.520.890
FY 2010	2,573.040
FY 2011	2,688.764
FY 2012	2,720.897
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,473.063
FY 2009	2,569.024
FY 2010	2,601.423
FY 2011	2,695.166
FY 2012	2.702.695

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 307 DEFICIT-NEUTRAL RESERVE FUND FOR THE FARM BILL

(In millions of dollars)

Current Allocation to Senate Agriculture, Nutrition, and Forestry Committee	
FY 2007 Budget Authority	14,284
FY 2007 Outlays	14,056
FY 2008 Budget Authority	17,088
FY 2008 Outlays	14,629
FY 2008–2012 Budget Authority	76,881
FY 2008–2012 Outlays	71,049
Adjustments	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	−1,500
FY 2008 Outlays	−976
FY 2008–2012 Budget Authority	401
FY 2008–2012 Outlays	−483
Revised Allocation to Senate Agriculture, Nutrition, and Forestry Committee	
FY 2007 Budget Authority	14,284
FY 2007 Outlays	14,056
FY 2008 Budget Authority	15,588
FY 2008 Outlays	13,653
FY 2008–2012 Budget Authority	77,282
FY 2008–2012 Outlays	70,566

MORNING BUSINESS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business.

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

60TH ANNIVERSARY OF THE FOUNDING OF ISRAEL

Ms. SNOWE. Mr. President, over the past week, the Jewish people and their friends around the world have celebrated the historic and proud occasion of the 60th anniversary of the founding of the modern State of Israel. I rise to join my colleagues in again congratulating and honoring the Israeli people in reaching this monumental milestone, and to recognize the enduring and unwavering relationship between our two countries.

During my tenure in public service, it has truly been an honor to consistently stand with Israel. Throughout my 29 years in Congress—begun the same year, 1979, when I attended the signing of the Israeli-Egyptian peace treaty at the White House—I have fought for Israel's absolute right to exist in peace, and I have understood Israel's enduring value as a strategic ally to America. And for twice as long as I have been privileged to help enhance this relationship in Congress, Israel has proven itself time and again not only to be a true ally of the United States in terms of our shared security interests, but also in terms of upholding democratic ideals.

In its first 60 years, the modern State of Israel has proven itself to be a bastion of democracy in a region rife with authoritarianism. Israel is the only country in the Middle East whose citizens enjoy the right to vote, speak, and pray freely. As notable as it is that Israel has successfully brought these critical elements of western-style democracy to the region, it is even more remarkable that it has been able to guarantee these freedoms while under constant threat from terrorists and countries along its borders. In this way, Israel has proven itself to be a true democracy—a paragon of political openness and liberty.

As the first woman to serve in both houses of a State legislature and both Houses of the U.S. Congress, I regard Israel's inclusion and empowerment of women in politics as an especially inspiring feature of its democratic triumph. Highlighted by the election of Golda Meir as Prime Minister in 1969, Israeli women played as central a role in the founding and flourishing of the State of Israel as their male counterparts. Meir's legacy is proudly continued today by countless Israeli women in top government positions in Israel, including Foreign Minister Tzipi Livni, Speaker of the Knesset Dalia Itzik, and Justice Dorit Beinish, who serves as the President, or Chief Justice, of the Supreme Court.

Again, Israel's proud record of outstanding participation by women in the governance of their country stands in stark contrast to the disenfranchising of women from public life elsewhere in the Middle East. And while many of its neighbors suffer from a high illiteracy rate among women, Israel has achieved educational parity for men and women, with 57 percent of all academic degrees in the country being earned by women.

By advancing the causes of political inclusiveness and freedom, the State of Israel has done more than provide a vibrant homeland for the Jewish people, it has emerged a beacon of modernity and hope in an ancient and still troubled region. And there should be no doubt that the people and Government of United States continue to stand alongside Israel as it seeks peace even as it endures daily rocket attacks against its citizens and vile, hate-filled rhetoric from radical and dangerous strongmen who speak of its destruction. In supporting Israel against these threats, we support the dignity of all peoples against those who would prefer the oppressions of humanity's past to the promise of its future.

And so, on the occasion of its 60th anniversary, I rise not only to commend the State of Israel and its people, but also to thank them, for their friendship, for their bravery, and for their defense of that which is righteous in the world.

Mr. SPECTER. Mr. President, I have sought recognition to commemorate the 60th anniversary of Israel's founding.

On May 14, 1948, members of the Jewish People's Council gathered at the Tel Aviv Museum to approve the Declaration of the Establishment of the State of Israel. The declaration stated, in part, ''The State of Israel will be open for Jewish immigration and for the Ingathering of the Exiles; it will foster the development of the country for the benefit of all its inhabitants; it will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations.'' These were the principles Israel was founded on, and these same principles guide it today.

I have visited Israel 25 times since taking office in 1981. Under the able leadership of the numerous Israeli leaders whom I have come to know over that period, Israel has remained a bastion of democracy in the Middle East.

According to the Freedom House's ''Freedom in the World 2008'' report, Israel is the only free country in the Middle East. Evidence of Israel's strong democratic traditions is seen in the inquisitiveness of its press: the Freedom

House considers the Israeli press to be the only free press in the region.

Israel's economy has also prospered under democratic rule. According to the Economist Intelligence Unit, ''Israel's economy is far more diversified and sophisticated than its neighbors.'' ''Israel has the highest proportion of engineers in the workforce [worldwide], and nearly double the share of second-place US and Japan.'' Its well-educated populace has enabled its high-tech industry to make advances in research and development, enabling Israeli firms ''to achieve global leadership in a number of fields, including various segments of the software industry, anti-virus protection and computer security systems, as well as in the areas of fiber optics and electro-optics, medical instruments and medical imaging systems.''

During my time in the Senate, I have worked to ensure Israel's security. One aspect of this has been securing economic and military assistance for Israel. During my most recent trip to Israel, in December 2007, I met with President Shimon Peres and Prime Minister Ehud Olmert. We discussed, among other things, the Israeli-Palestinian peace process, Iran's role in the region, and the U.S.-Israeli bilateral relationship. In each instance, it was clear to me that both the United States and Israel benefit greatly from our strong ties and shared ideals.

At the core of the United States-Israeli relationship is the Middle East peace process. There have been so many developments since Israel emerged as a state. The enmity which has existed for decades has meant senseless killing, terrorism in Israel, and Hezbollah and Hamas firing rockets into Israel, prompting the justified retaliation by Israel as a matter of self defense.

It is crucial that Israel's neighbors understand the importance of words and perceptions in the peace process, bringing the region closer to the goals set forth in the November 27, 2007 Joint Israeli-Palestinian Declaration at Annapolis: ''We express our determination to bring an end to bloodshed, suffering and decades of conflict between our peoples; to usher in a new era of peace, based on freedom, security, justice, dignity, respect and mutual recognition; to propagate a culture of peace and nonviolence; to confront terrorism and incitement, whether committed by Palestinians or Israelis.''

The democratic principles set forth in the Declaration of the Establishment of the State of Israel have enabled Israel to thrive for the past 60 years and will continue to guide it into the future.

Mr. BARRASSO. Mr. President, I rise today to acknowledge the 60th anniversary of the founding of the modern State of Israel.

On May 14, 1948, the people of Israel proclaimed the establishment of the sovereign and independent State of Israel, and the Government established full diplomatic relations.

The United States and Israel share a deep friendship and alliance. Our alliance is based on the belief of the United States in Israel's right to exist and our countries' shared values of democracy.

Both Israel and the United States understand the values of life, liberty, opportunity, security, and freedom. Additionally, we both seek to address the common threat of terrorism. We recognize that terrorist organizations have denounced the values of freedom, and we are dedicated to ensuring that terrorism does not prevail.

Throughout Israel's history, the country has strived to build a democratic nation despite severe obstacles. Yet the people of Israel continue to show great strength and perseverance as they seek peace with their neighbors.

I extend my congratulations to our friends, the people of Israel, and I join them in celebrating this occasion.

THE MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would strengthen and add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

In the early morning hours of Saturday, May 10, 2008, in Muncie, IN, Kyle Flood was attacked for being gay in what he believes was a hate crime. Flood, a 21-year-old college student at Ball State University, says he was leaving a bar at about 3 a.m. when two college-aged men approached him and his friends using anti-gay epithets. When the two groups crossed paths, a fight erupted. Flood was shoved to the ground and punched in the face. He was later treated at the local hospital for a scratched cornea, swollen eye, cuts and bruises. The Ball State community has reacted to the beating, and students have been informed to stay calm and try to travel to and from social events in groups. Police Chief Gene Burton has said that bias-motivated attacks are rare among students, but that they have happened before. No arrests have been made in connection with the assault.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. Federal laws intended to protect individuals from heinous and violent crimes motivated by hate are woefully inadequate. This legislation would better equip the Government to fulfill its most important obligation by protecting new groups of people as well as better protecting citizens already covered under deficient laws. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

NATIONAL FOSTER CARE MONTH

Mrs. BOXER. Mr. President, today I wish to recognize National Foster Care Month, an effort to raise awareness about our responsibility to support the more than half a million children across the Nation who are living in foster care. I would also like to take this opportunity to pay tribute to the dedicated adoptive parents who provide these vulnerable youth with the permanent families they deserve.

Having a family is vitally important to foster youth like JoJo Carbonell, from my home State of California. When she was in school, JoJo had to ask her teacher to excuse her from the assignment to make a family tree because she didn't know any of her relatives except her birth mother and her sisters. For JoJo, one of the most important reasons that she is now successful and stable is her foster parent, Sue Crowley. From Sue, JoJo learned the importance of family and began to develop heartfelt traditions she will carry with her forever. As JoJo grew older, she and Sue decided to become a permanent family through adoption.

I am proud of California's success in finalizing more than 66,500 adoptions of children from foster care between 2000 and 2006, but sadly many foster youth are never united with a permanent, stable family.

For Priscilla Davis, who ''aged out'' after spending 3 years at nine different placements in California's foster care system, having a family would mean having someone she could call if she is having a problem; having a family would mean there is someone to catch her if she makes a mistake; having a family would mean someone to call if something wonderful happens.

Unfortunately, Priscilla is one of about 4,000 foster youth in California, and more than 20,000 youth nationwide who emancipate, or ''age out'' of foster care every year without ever finding a permanent family or establishing a relationship with an adult who will love, support, and guide them.

A recent report by Kids Are Waiting and the Jim Casey Youth Opportunities Initiative found that while the total number of children in foster care has declined, the number of young people aging out of foster care has increased 41 percent since 1998.

Last year, I introduced the Foster Care Continuing Opportunities Act, S. 1512, which would extend Federal funding to those States that try to provide services that help foster youth transition to adulthood. Right now, the future for foster youth when they are emancipated is often bleak. In California, about 65 percent of emancipated youth face homelessness, less than 3 percent go to college, and 51 percent are unemployed.

While extending support for these services at a Federal level could make

an extraordinary difference in the success of these youth in transitioning to adulthood, the best way for us to ensure these youth find the families they deserve is to reauthorize the Federal Adoption Incentive Program.

The Adoption Incentive Program encourages States to find foster children like JoJo and Priscilla permanent homes through adoption, with an emphasis on finding adoptive homes for special needs children and foster children over the age of 9. This important program must be renewed before it expires on September 30 this year.

I urge my colleagues to celebrate National Foster Care Month by supporting these important efforts to ensure that the Federal Government meets its responsibility to care for these youth—not just their future, but the future of our Nation depends on it.

Ms. CANTWELL. Mr. President, in recognition of May as National Foster Care Month, I want to extend my personal thanks to all of the families in Washington State and throughout our country who have adopted children from the Nation's foster care system. Foster children, through no fault of their own, face unique challenges in attaining permanent, loving homes. We can all agree that, regardless of background, all children in our country deserve to have a safe, loving home and the opportunity to pursue their dreams.

In 2005, almost 1,200 of Washington's children left foster care to join adoptive families—but that same year more than 2000 foster children in Washington were still waiting to be adopted. They had to wait an average of over 3 years to find adoptive families. Vulnerable children should not have to wait so long for the safe, permanent families that all children need.

The Federal Adoption Incentive Program, a program first enacted by Congress in 1997, plays an important role in encouraging adoption. The program provides States like Washington with incentive payments for adoptions that exceed an established baseline and includes additional incentives for adoptions of older foster children and children with special needs. Between 2000 and 2006, the Adoption Incentive Program helped 5,700 children in Washington's foster care system join adoptive families.

I am also pleased to support the Kinship Caregiver Act, introduced by Senator CLINTON in February 2007. The Kinship Caregiver Support Act is intended to assist the millions of children who are being raised by their grandparents and other relatives because their parents are not able to care for them. Among other things, this important legislation would establish a Kinship Navigator Program to help link relative caregivers to a broad range of services and supports that they need for their children and themselves.

I join my colleagues in the Senate in paying tribute to the many prospective and veteran adoptive families, and I look forward to pursuing reforms that support children in foster care.

NEW ENGLAND PATRIOTS VIDEOTAPING

Mr. SPECTER. Mr. President, the Patriots engaged in extensive videotaping of opponents' offensive and defensive signals starting on August 20, 2000, and extending to September 9, 2007, when they were publicly caught videotaping the Jets.

The extent of the taping was not disclosed until the NFL was pressured to do so. Originally, Commissioner Goodell said the taping was limited to late in the 2006 season and early in the 2007 season. In his meeting with me on February 13, 2008, Goodell admitted the taping went back to 2000. Until my meeting with Matt Walsh on May 13, 2008, the only taping we knew about took place from 2000 until 2002 and during the 2006 and 2007 seasons.

That left an obvious gap between 2003 and 2005. In response to my questions, Matt Walsh stated he had season tickets in 2003, 2004 and 2005 and saw Steve Scarnecchia, his successor, videotape games during those seasons including:

The Patriots' September 9, 2002, game against the Steelers.

The Patriots' November 16, 2003, game against the Cowboys.

The Patriots' September 25, 2005, game against the Steelers, which the Steelers resoundingly won 34–20.

Walsh stated he observed Scarnecchia filming additional Patriots home games, though he could not recall the specific games.

Walsh said he did not tell Goodell about the taping during 2003, 2004 and 2005 because he was not asked.

The NFL confiscated the Jets tape on September 9, 2007; imposed the penalties on September 13, 2007; on September 17, 2007, viewed the tapes for the first time; and then announced they had destroyed those tapes on September 20, 2007. Commissioner Goodell made his judgment on the punishment to be levied before he had viewed the key evidence.

Matt Walsh and other Patriots employees, Steve Scarnecchia, Jimmy Dee, Fernando Neto and possibly Ed Bailey were present to observe most if not all of the St. Louis Rams walkthrough practice in advance of the 2002 Super Bowl, including Marshall Faulk's unusual positioning as a punt returner.

David Halberstam's book, ''The Education of a Coach,'' documents the way Belichick spent the week before the Super Bowl obsessing about where the Rams would line up Faulk.

Walsh was asked and told Assistant Coach, Brian Daboll, about the walkthrough. Walsh said Daboll asked him specific questions about the Rams offense and Walsh told Daboll about Faulk's lining up as a kick returner. Walsh also told Daboll about Rams running backs ''lining up in the flat.'' Walsh said Daboll then drew diagrams of the formations Walsh had described. According to media reports, Daboll denied talking to Walsh about Faulk. We do not know what Scarnecchia, Dee, Neto or Bailey did or even if they were interviewed.

The Patriots took elaborate steps to conceal their filming of opponents' signals. Patriots personnel instructed Walsh to use a ''cover story'' if anyone questioned him about the filming.

For example, if asked why the Patriots had an extra camera filming, he was instructed to say that he was filming ''tight shots'' of a particular player or players or that he was filming highlights. If asked why he was not filming the play on the field, he was instructed to say that he was filming the down marker.

The red light indicating when his camera was rolling was broken.

During at least one game, the January 27, 2002, AFC Championship game, Walsh was specifically instructed not to wear anything displaying a Patriots logo. Walsh indicated he turned the Patriots sweatshirt he was wearing at the time inside-out. Walsh was also given a generic credential instead of one that identified him as team personnel.

These efforts to conceal the filming demonstrate the Patriots knew they were violating NFL rules.

The filming enabled the Patriots coaching staff to anticipate the defensive plays called by the opposing team. According to Walsh, he first filmed an opponents' signals during the August 20, 2000, preseason game against the Tampa Bay Buccaneers. After Walsh filmed a game, he would provide the tape for Ernie Adams, a coaching assistant for the Patriots, who would match the signals with the plays.

Walsh was told by a former offensive player that a few days before the September 3, 2000, regular season game against Tampa Bay, he—the offensive player—was called into a meeting with Adams, Bill Belichick and Charlie Weis, then the offensive coordinator for the Patriots, during which it was explained how the Patriots would make use of the tapes. The offensive player would memorize the signals and then watch for Tampa Bay's defensive calls during the game. He would then pass the plays along to Weis, who would give instructions to the quarterback on the field. This process enabled the Patriots to go to a ''no-huddle'' offensive, which would lock in the defense the opposing team had called from the sideline, preventing the defense from making any adjustments. When Walsh asked whether the tape he had filmed was helpful, the offensive player said it had enabled the team to anticipate 75 percent of the plays being called by the opposing team.

Among the tapes Walsh turned over to the NFL is one of the AFC Championship game on January 27, 2002, in which the Patriots defeated the Steelers by a score of 24–17. When the Patriots played the Steelers again during

their season-opener on September 9, 2002, the Patriots again won, this time by a score of 30–14.

On October 31, 2004, the Steelers beat the Patriots 34–20, forced four turnovers, including two interceptions, and sacked the quarterback four times. In the AFC Championship game on January 23, 2005, the Patriots won 41–27 and intercepted Ben Roethlisberger three times. The Steelers had no sacks that game.

With respect to the 2002 AFC Championship game, it was reported in February of this year that Hines Ward, Steelers wide receiver, said: ''Oh, they know. They were calling our stuff out. They knew, especially that first championship game here at Heinz Field. They knew a lot of our calls. There's no question some of their players were calling out some of our stuff.''

In addition, Eagles cornerback, Sheldon Brown, reportedly said earlier this year that he noticed a difference in New England's play calling in the second quarter of the February 6, 2005, Super Bowl game.

Tampa Bay won the August 20, 2000, preseason game by a score of 31–21. According to the information provided by Matt Walsh, the Patriots used the film to their advantage when they played Tampa Bay in their first regular season game on September 3, 2000. The Patriots narrowed the spread, losing by a score of 21–16. After the game, Charlie Weis, the Patriots' offensive coordinator, was reportedly overheard telling Tampa Bay's defensive coordinator, Monte Kiffin, ''We knew all your calls, and you still stopped us.'' The tapes Walsh turned over to the NFL indicate the Patriots filmed the Dolphins during their game on September 24, 2000, a game the Patriots lost by 10–3.

According to Walsh, when the Patriots first began filming opponents, they filmed opponents they would play again during that same season. The Patriots played the Dolphins again that season on December 24, 2000; they again narrowed the spread, losing by a score of 27–24.

According to Walsh, he filmed the Patriots' game against Buffalo on November 5, 2000, a game the Patriots lost 16–13. When the Patriots played the Bills again that season on December 17, 2000, the Patriots won by a score of 13–10.

During the following season, Walsh filmed the Patriots' game against the Jets on September 23, 2001, a game the Patriots lost by a score of 10–3. When the Patriots played the Jets again that season on December 2, 2001, the Patriots won by a score of 17–16.

The tapes Walsh turned over to the NFL indicate the Patriots filmed the Dolphins during their game on October 7, 2001, a game the Patriots lost by 30–10. When the Patriots played the Dolphins again that season on December 22, 2001, the Patriots won by a score of 20–13.

The Patriots filmed opponents offensive signals in addition to defensive signals. On April 23, 2008, the NFL issued a statement indicating that ''Commissioner Goodell determined last September that the Patriots had violated league rules by videotaping opposing coaches' defensive signals during Patriots games throughout Bill Belichick's tenure as head coach.'' However, the tapes turned over by Matt Walsh contain footage of offensive signals. The tapes turned over to the NFL and the information provided by Walsh proves that the Patriots also routinely filmed opponents' offensive signals.

Why the Patriots videotaped signals during games when they were not scheduled to play that opponent during the balance of the season unless they were able to utilize the videotape during the latter portion of the same game. The NFL has not addressed the question as to whether the Patriots decoded signals during the game for later use in that game.

Mark Schlereth, a former NFL offensive lineman and an ESPN football analyst, is quoted in the New York Time on May 14:

> Then why are you doing it against teams you aren't going to play again that season?''

Schlereth said that ''the breadth of information on the tapes mainly, the coaches' signals and the subsequent play would be simple for someone to analyze during a game. There are enough plays in the first quarter, he said, to glean any team's ''staples,'' and a quick review of them could prove immediately helpful. I don't see them wasting time if they weren't using it in that game.

Walsh said that Dan Goldberg, an attorney for the Patriots, was present at his interview and asked questions. With some experience in investigations, I have never heard of a situation where the subject of an investigation or his/her/its representative was permitted to be present during the investigation. It strains credulity that any objective investigator would countenance such a practice. During a hearing or trial, parties will be present with the right of cross-examination and confrontation but certainly not in the investigative stage.

Commissioner Goodell misrepresented the extent of the taping when he said at the Super Bowl press conference on February 1, 2008:

> I believe there were six tapes, and I believe some were from the pre-season in 2007, and the rest were primarily in the late 2006 season. In addition, there were notes that had been collected, that I would imagine many teams have from when they scout a team in advance, that we took, that may have been collected by using an illegal activity, according to our rules. Later, Goodell said of the taping [W]e think it was quite limited. It was not something that was done on a widespread basis.

Commissioner Goodell materially changed his story in his meeting with me on February 13, 2008, when he said there has been taping since 2000.

There has been no plausible explanation as to why Commissioner Goodell imposed the penalty on September 13, 2007, before the NFL examined the tapes on September 17, 2007.

There has been no plausible explanation as to why the NFL destroyed the tapes. Commissioner Goodell sought to explain his reason by saying during his February 1, 2008 press conference that:

> We didn't want there to be any question about whether this existed. If it shows up again, it would have to be something that came outside of our investigation and what I was told existed.

On April 23, 2008, the NFL issued a statement that the penalties imposed on the Patriots last fall were solely for filming defensive signals. ''Commissioner Goodell determined last September that the Patriots had violated league rules by videotaping opposing coaches' defensive signals during Patriots games throughout Bill Belichick's tenure as head coach.'' The tapes turned over by Matt Walsh also contain footage of offensive signals.

The overwhelming evidence flatly contradicts Commissioner Goodell's assertion that there was little or no effect on the outcome of the game: during his February 1, 2008, press conference, Commissioner Goodell stated ''I think it probably had a limited effect, if any effect, on the outcome on any game.'' Later during the press conference, Goodell stated again ''I don't believe it affected the outcome of any games.'' Commissioner Goodell's effort to minimize the effect of the videotaping is categorically refuted by the persistent use of the sophisticated scheme which required a great deal of effort and produced remarkable results.

In the absence of the notes, which the NFL destroyed, of the Steelers' three regular season games and two postseason games, including the championship game on January 23, 2005, we do not know what effect the videotaping of the earlier games, especially the October 31, 2004, game, had on enabling the Patriots to win the AFC Championship. It is especially critical that key witnesses—coaches, players—be questioned to determine those issues.

Failure to question—or at least publicly disclose the results of—key witnesses to other matters identified herein on what we do not know.

On the totality of the available evidence and the potential unknown evidence, the Commissioner's investigation has been fatally flawed. The lack of candor, the piecemeal disclosures, the changes in position on material matters, the failure to be proactive in seeking out other key witnesses, and responding only when unavoidable when evidence is thrust upon the NFL leads to the judgment that an impartial investigation is mandatory.

There is an unmistakable atmosphere of conflict of interest or potential conflict of interest between what is in the public's interest and what is in the NFL's interest. The NFL has good reason to disclose as little as possible in its effort to convince the public that what was done wasn't so bad, had no significant effect on the games and, in

any event, has all been cleaned up. Enormous financial interests are involved and the owners have a mutual self-interest in sticking together. Evidence of winning by cheating would have the inevitable effect of undercutting public confidence in the game and reducing, perhaps drastically, attendance and TV revenues.

The public interest is enormous. Sports personalities are role models for all of us, especially youngsters. If the Patriots can cheat, so can the college teams, so can the high school teams, so can the 6th grader taking a math examination. The Congress has granted the NFL a most significant business advantage, an antitrust exemption, highly unusual in the commercial world. That largesse can continue only if the NFL can prove itself worthy. Beyond the issues of role models and antitrust, America has a love affair with sports. Professional football has topped all other sporting events in fan interest. Americans have a right to be guaranteed that their favorite sport is honestly competitive.

In an extraordinary time, baseball took extraordinary action in turning to a man of unimpeachable integrity—Federal Judge Kenesaw Mountain Landis—to act forcefully and decisively to save professional baseball from the Black Sox scandal in 1919.

On this state of the record, an objective, thorough, transparent investigation is necessary. If the NFL does not initiate an inquiry like the investigation conducted by former Senator George Mitchell for baseball, it will be up to Congress to get the facts and take corrective action.

ADDITIONAL STATEMENTS

HONORING MILDRED AND RICHARD LOVING

• Mr. CARDIN. For many young Americans, it is hard to believe that only 40 years ago, citizens of the United States were subject to prosecution and imprisonment for marrying someone of a different race. But in 1967 that was indeed the situation in 16 States where interracial marriage was illegal.

In 1958, Mildred Jeter, a black Native American, traveled with Richard Loving, a Caucasian, from Virginia's Caroline County to the District of Columbia to be married. They came here because their home State of Virginia's anti-miscegenation laws prohibited interracial marriage. Shortly after returning to Virginia, Mr. and Mrs. Loving were arrested in their home. They pled guilty to violating section 20–58 of the Virginia Code: ''Leaving State to evade law—If any white person and colored person shall go out of this State, for the purpose of being married, and with the intention of returning, and be married out of it, and afterwards return and reside in it, cohabiting as man and wife, they shall be punished as provided in Section 20–59, and the marriage shall be governed by the same law as if it had been solemnized in this State. The fact of their cohabitation here as man and wife shall be evidence of their marriage.'' Section 20–59 of the code provided for confinement for between 1 and 5 years. The Lovings were sentenced to 1 year in jail, but the trial judge suspended the sentence for a period of 25 years on the condition that the couple leave the State and agree not to return simultaneously for the next 25 years.

But after some time away, the couple began to miss Virginia and decided to pursue justice. They hired lawyers and challenged the Virginia law through years of court cases leading up to the United States Supreme Court. The Supreme Court heard the case of Richard Perry Loving et ux, v. Virginia on April 10 and decided the case unanimously on June 12, 1967, noting that ''the clear and central purpose of the Fourteenth Amendment was to eliminate all official sources of invidious racial discrimination in the States. . . . We have consistently denied the constitutionality of measures which restrict the rights of citizens on account of race. There can be no doubt that restricting the freedom to marry violates the central meaning of the Equal Protection Clause . . . Under our Constitution, the freedom to marry, or not marry, a person of another race resides with the individual and cannot be infringed by the State. These convictions must be reversed. It is so ordered.''

Due to their unyielding belief in equality and the work of dedicated attorneys, the Lovings prevailed. They made their home in Virginia and raised three children. According to published accounts of their life together, times were hard for the family. Hit by a drunk driver in 1975, Richard Loving died and Mildred Loving was injured. Mrs. Loving lived her remaining years in Virginia until Friday, May 2, 2008, when she died at age 68.

Mildred Loving's name lacks the prominence shared by other heroes of the civil rights movement. In fact, she eschewed the limelight and viewed her case differently than what many might expect.

On the 40th anniversary of the decision, Mildred Loving stated:

> (W)hen my late husband, Richard, and I got married in Washington, DC in 1958, it wasn't to make a political statement or start a fight. We were in love, and we wanted to be married. . . . We didn't get married in Washington because we wanted to marry there. We did it there because the government wouldn't allow us to marry back home in Virginia where we grew up, where we met, where we fell in love, and where we wanted to be together and build our family. You see, I am a woman of color and Richard was white, and at that time people believed it was okay to keep us from marrying because of their ideas of who should marry whom . . . Not long after our wedding, we were awakened in the middle of the night in our own bedroom by deputy sheriffs and actually arrested for the ''crime'' of marrying the wrong kind of person. Our marriage certificate was hanging on the wall above the bed. The state prosecuted Richard and me, and after we were found guilty, the judge declared: ''Almighty God created the races white, black, yellow, malay and red, and he placed them on separate continents. And but for the interference with his arrangement there would be no cause for such marriages. The fact that he separated the races shows that he did not intend for the races to mix.'' He sentenced us to a year in prison, but offered to suspend the sentence if we left our home in Virginia for 25 years exile. We left, and got a lawyer. Richard and I had to fight, but still were not fighting for a cause. We were fighting for our love. Though it turned out we had to fight, happily Richard and I didn't have to fight alone. Thanks to groups like the ACLU and the NAACP Legal Defense & Education Fund, and so many good people around the country willing to speak up, we took our case for the freedom to marry all the way to the U.S. Supreme Court. And on June 12, 1967, the Supreme Court ruled unanimously that, ''The freedom to marry has long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness by free men,'' a basic civil right.

Mrs. Loving's words express more poignantly than any others the importance of this case. Although she did not embrace the role of a civil rights hero, because of her forthright bravery, history will remember her as such. Last June, the House of Representatives passed unanimously H. Res 431, commemorating the 40th anniversary of the landmark Supreme Court decision legalizing interracial marriage within the United States. In addition, June 12 has informally come to be known as ''Loving Day'' in the United States in their honor.

Next month, when we acknowledge the 41st anniversary of that historic decision, Mrs. Loving will not be with us, but her spirit will remain. Today, I pay tribute to Mildred and Richard Loving and to their remarkable courage. I offer my sincere condolences to their children and grandchildren, and I ask my colleagues to join me in remembering them.•

IN MEMORY OF LOUISE SHADDUCK

• Mr. CRAPO. Mr. President, on May 4, Idaho lost a pioneer and one of her strongest champions. The legacy of Louise Shadduck will live in the hearts of many Idahoans, particularly for Idaho women now involved in politics or journalism. She blazed trails and inspired action and involvement in the governance of and commentary on our society.

Louise lived an incredible and full life, working as a journalist in the 1930s and 1940s and then shifting to politics where she served on the staffs of historical figures such as Governors Len Jordan and Charles Robins, Senator Henry Dworshak and U.S. Representative Orval Hansen. She was a staunch supporter of Idaho Republicans over the years, but did so with discernment, always making sure to remind those in office in her own way that it was Idahoans who they served, not themselves.

Louise enjoyed people, and they enjoyed her in return. In high school in

Coeur d'Alene in the early 1930s, Louise wrote an article for a journalism contest to win a trip to Alaska. According to an old friend, the entire school got together and voted for her article; she won the trip. Louise was a hard worker. Also in high school, Louise and her six brothers took turns driving the Shadduck family dairy milk truck on its route in the mornings before school started. Some afternoons, Louise would invite her friends to pile on to the empty milk crates on the bed of the truck to go to Spokane to catch a movie. She was a pioneer in women's rights, serving as Idaho State Secretary of Commerce and Development in 1958 the first woman in the country in that position. Louise also ran unsuccessfully against Gracie Pfost for Congress in 1956. It was an historic campaign, not only because it was the first time two Idaho women ran against each other in a general election for a national legislative office, but Pfost, the Democrat incumbent, was the first woman to represent Idaho in Congress.

Louise served as executive director of the Idaho Forest Industry Council and received an honorary law degree from the University of Idaho in 1969. She was president of Idaho Press Women in 1966 and was president of the National Federation of Press Women from 1971 to 1973. Louise was an avid consumer of history, news and the world, traveling often and writing. She authored four books about Idaho and was working on a fifth when she became ill. Her mind was always sharp, as was her wit. People could count on her to be honest, forthright and inclusive, even of strangers. Many felt as if they had a second mom in Louise. She was a lover of knowledge and history, arranging family trips to show younger generations where their Shadduck pioneer roots lay. She remembered your name after the first introduction. People were vitally important to Louise, and her thirst for knowledge made her the go-to person for many people when they were researching information about Idaho. She was artistically gifted, and was known for her impromptu illustrations, sometimes hastily sketched in the front of a copy of one of her books and given to a friend.

Much of Idaho is rural. Louise internalized the importance of small-town life and the intrinsic value of people. In a small-town, you get to know just about everyone. You learn to appreciate the fact that people are much more than just faces in a crowd. In today's hurried, populated world, Louise reminded many of us what was truly important—morals, faith, mutual respect, honesty, individuality, and trustworthiness. Louise once told a reporter that people who leave this world without writing their story down means that we have lost a story. While Louise wrote many stories, we have lost an epic with her passing.

I offer my condolences to Louise's family and friends at this sad time.●

HONORING JOHN H. McCONNELL

● Mr. VOINOVICH. Mr. President, I wish to honor John H. McConnell. On April 25, Ohio lost a dear friend and true statesman. Very few people cared as much about Ohio as John did, and his legacy will live on through his tremendous contributions in the state.

Though he found great professional success in his life, John never swayed from his deep-rooted commitment to honesty and integrity in every facet of his life. With just a single load of steel, John founded Worthington Industries in 1955 out of his basement home in Columbus, OH. Since then, Worthington Industries has reached 10 countries, with 63 locations and 8,000 employees. With its main divisions in steel processing, metal framing and pressure cylinders, it generates approximately $3 billion of sales annually.

Above all else, the Worthington philosophy has always been about practicing the Golden Rule. The commitment to good citizenship, civic involvement, and philanthropy is nowhere better represented within the Worthington organization than at the very top level—and that commitment lives on with John's legacy.

Worthington Industries has also been recognized for its unfailing dedication to its employees and their families. In fact, it has been named one of the top 100 best places to work in America. John truly cared about his employees, and that attitude was reflected throughout the entire company.

I worked closely with John when Worthington Industries opened a steel plant in Delta, OH. Honestly, I never worked with anyone more candid and fair than John. When he made a commitment, it was sure—you didn't need a contract with him. He championed public and private partnerships, and as former Governor of Ohio and now U.S. Senator, I found great comfort knowing John was at the head of one of the largest companies in Ohio.

In 2000, Columbus got its first professional athletic team—the Columbus Blue Jackets hockey team. John led the group of investors that brought the team to Columbus, where he served as the team's majority owner. He also established the Columbus Blue Jackets Foundation, which uses the resources of its professional athletes, coaches, and staff to improve the quality of life throughout central Ohio.

John and his wife Peggy were also committed to advancing the care and prevention of heart disease, contributing $7.5 million to develop the McConnell Heart Hospital at Riverside Hospital in Columbus. The hospital still provides exceptional care to those in need and is the leading heart care provider in the Midwest.

John's outstanding leadership has certainly not gone unnoticed. He has been honored with Financial World Magazine's Outstanding Chief Executive Officer of the Year Award, the Horatio Alger Award, the Ohio Governor's Award, the National Football Foundation Gold Medal, the Industry Week award for Excellence in Management, and with a place in the National Junior Achievement Business Hall of Fame.

John was married to his wife Peggy for 59 years, and sadly, they were separated when she passed away in 2005. Perhaps the greatest comfort John's loved ones can take is in knowing that John has been reunited in heaven with his beloved wife. Their enduring love is a model for us all. John will be missed. His family, including his son, John P., daughter, Margaret, and five grandchildren, are in our prayers.●

MESSAGES FROM THE HOUSE

At 9:33 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6022. An act to suspend the acquisition of petroleum for the Strategic Petroleum Reserve, and for other purposes.

At 4:43 p.m. a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

At 5:13 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4008. An act to amend the Fair Credit Reporting Act to make technical corrections to the definition of willful noncompliance with respect to violations involving the printing of an expiration date on certain credit and debit card receipts before the date of the enactment of this act.

H.R. 6051. An act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 16, 2008.

At 6:50 p.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the House insists upon its amendment to the concurrent resolution (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and 2010 through 2013, and asks for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, that Mr. SPRATT, Ms. DELAURO, Mr. EDWARDS, Mr. RYAN of Wisconsin, and Mr. BARRETT of South Carolina, be the managers of the conference on the part of the House.

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the second time, and placed on the calendar:

S.J. Res. 32. Joint resolution limiting the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Saudi Arabia.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6194. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, notification of the Department's intent to close its commissary stores at Darmstadt, Wuerzburg, and Hanau, Germany; to the Committee on Armed Services.

EC–6195. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the annual reports that appeared in the March 2008 edition of the Treasury Bulletin; to the Committee on Banking, Housing, and Urban Affairs.

EC–6196. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 12170 of November 14, 1979, with respect to Iran; to the Committee on Banking, Housing, and Urban Affairs.

EC–6197. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (145)'' ((RIN2120–AA65)(Amdt. No. 3267)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6198. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (21)'' ((RIN2120–AA65)(Amdt. No. 3235)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6199. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Using Agencies for Restricted Areas R–5303A, B, C; R–5304A, B, C; and R–5306A, C, D, E; NC'' ((RIN2120–AA65)(Docket No. 07–ASO–28)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6200. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Lexington, OK'' ((RIN2120–AA66)(Docket No. 08–ASW–11)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6201. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Rumford, ME'' ((RIN2120–AA66)(Docket No. 08–ANE–94)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6202. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Tucson, AZ'' ((RIN2120–AA66)(Docket No. 07–ANM–12)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6203. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Farmington, ME'' ((RIN2120–AA66)(Docket No. 07–ANE–93)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6204. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Oil City, PA'' ((RIN2120–AA66)(Docket No. 07–AEA–10)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6205. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Przedsiebiorstwo Doswiadczalno-Produkcyjne Szybownictwa 'PZL-Bielsko' Model SZD–50–3 'Puchacz' Gliders'' ((RIN2120–AA64)(Docket No. 2007–CE–100)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6206. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter Model AS 332 L2 Helicopters'' ((RIN2120–AA64)(Docket No. 2007–SW–41)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6207. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC–8–55; DC–8F–54, and DC–8F–55 Airplanes; and Model DC–8–60, DC–8–70, DC–8–60F, and DC–8–70F Series Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–122)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6208. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–300, –400, and –500 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–202)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6209. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–200, A330–300, A340–200, and A340–300 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–282)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6210. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 Series Airplanes and Airbus Model A300–600 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–239)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6211. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC–10–10 and DC–10–10F Airplanes, Model DC–10–15 Airplanes, Model DC–10–30 and DC–10–30F Airplanes, Model DC–10–40 and DC–10–40F Airplanes, MD–10–10F and MD–10–30F Airplanes, and Model MD–11 and MD–11F Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–163)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6212. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pacific Aerospace Corporation, Ltd Model 750XL Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–097)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6213. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–300, –400, and –500 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2008–NM–047)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6214. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model EC130 B4 Helicopters'' ((RIN2120–AA64)(Docket No. 2006–SW–23)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6215. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Goodrich Evacuation Systems Approved Under Technical Standard Orders TSO–C69, TSO–C69a, TSO–C69b, and TSO–C69c, Installed on Various Boeing, McDonnell Douglas, and Airbus Transport Category Airplanes'' ((RIN2120–AA64)(Docket No. 2003–NM–239)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6216. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; APEX Aircraft Model CAP 10 B Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–102)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6217. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Philipsburg, PA'' ((RIN2120–AA66)(Docket No. 05–AEA–21)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6218. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; State College, PA'' ((RIN2120–AA66)(Docket No. 07–AEA–06)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6219. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled ''Amendment of Class E Airspace; Tappahannock, PA'' ((RIN2120–AA66)(Docket No. 07–AEA–04)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6220. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Du Bois, PA'' ((RIN2120–AA66)(Docket No. 05–AEA–17)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6221. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Muncy, PA'' ((RIN2120–AA66)(Docket No. 07–AEA–08)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6222. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Montrose, PA'' ((RIN2120–AA66)(Docket No. 07–AEA–11)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6223. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Pottsville, PA'' ((RIN2120–AA66)(Docket No. 05–AEA–18)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6224. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Lewiston, ME'' ((RIN2120–AA66)(Docket No. 07–ANE–95)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6225. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; St. Mary's, PA'' ((RIN2120-AA66)(Docket No. 05-AEA-20)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6226. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Black River Falls, WI'' ((RIN2120-AA66)(Docket No. 08-AGL-4)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6227. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Springfield, CO'' ((RIN2120-AA66)(Docket No. 07-ANM-04)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6228. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Wheatland, WY'' ((RIN2120-AA66)(Docket No. 07-ANM-10)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6229. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Hollister, CA'' ((RIN2120-AA66)(Docket No. 07-AWP-5)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6230. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Huntsville, AR'' ((RIN2120-AA66)(Docket No. 08-ASW-2)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6231. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Honesdale, PA'' ((RIN2120-AA66)(Docket No. 07-AEA-12)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6232. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Wheatland, WY'' ((RIN2120-AA66)(Docket No. 07-ANM-10)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6233. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Lewisburg, PA'' ((RIN2120-AA66)(Docket No. 07-AEA-16)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6234. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Emporium, PA'' ((RIN2120-AA66)(Docket No. 07-AEA-15)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6235. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Marienville, PA'' ((RIN2120-AA66)(Docket No. 07-AEA-13)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6236. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E5 Airspace; Eagle Pass, TX'' ((RIN2120-AA66)(Docket No. 08-ASW-3)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6237. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; La Pointe, WI'' ((RIN2120-AA66)(Docket No. 08-AGL-3)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6238. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B4–600, A300 B4–600R, A300 C4–600R, and A300 F4–600R Series Airplanes'' ((RIN2120-AA64)(Docket No. 2007-NM-225)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6239. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Viking Air Limited Model DHC–6 Series Airplanes'' ((RIN2120-AA64)(Docket No. 2007-CE-008)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6240. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Honeywell International Inc. TFE731–2C, –3B, –3BR, –3C, –3CR, –3D, –3DR, –4R, –5AR, –5BR, –5R, –20R, –20AR, –20BR, –40, –40AR, –40R, and –60 Series Turbofan Engines'' ((RIN2120-AA64)(Docket No. 2007-NE-14)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6241. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB–135 Airplanes; and Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP Airplanes'' ((RIN2120-AA64)(Docket No. 2008-NM-001)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6242. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model AS 355 F2 and AS 355 N Helicopters'' ((RIN2120-AA64)(Docket No. 2007-SW-31)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6243. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Learjet Model 45 Airplanes'' ((RIN2120-AA64)(Docket No. 2005-NM-007)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6244. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes'' ((RIN2120-AA64)(Docket No. 2007-NM-146)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6245. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 757–200, –200PF, and –200CB Series Airplanes'' ((RIN2120-AA64)(Docket No. 2008-NM-016)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6246. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 727 Airplanes'' ((RIN2120–AA64) (Docket No. 2006–NM–179)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6247. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Airplanes'' ((RIN2120–AA64) (Docket No. 2007–NM–236)) received on May 12, 2008; to the

Committee on Commerce, Science, and Transportation.

EC–6248. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 707 Airplanes and Model 720 and 720B Series Airplanes'' ((RIN2120–AA64) (Docket No. 2007–NM–212)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6249. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model CL–600–2B19 Airplanes'' ((RIN2120–AA64) (Docket No. 2007–NM–292)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6250. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Taylorcraft A, B, and F Series Airplanes'' ((RIN2120–AA64) (Docket No. 2007–CE–086)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6251. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 707 Airplanes, and Model 720 and 720B Series Airplanes'' ((RIN2120–AA64) (Docket No. 2006–NM–164)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6252. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 767–200, –300, –300F, and –400ER Series Airplanes'' ((RIN2120–AA64) (Docket No. 2007–NM–105)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6253. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; ATR Model ATR42 and ATR72 Airplanes'' ((RIN2120–AA64) (Docket No. 2007–NM–206)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6254. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dassault Model Falcon 2000, Falcon 2000EX, Mystere-Falcon 900, Falcon 900EX, Fan Jet Falcon, Mystere-Falcon 50, Mystere-Falcon 20, Mystere-Falcon 200, and Falcon 10 Airplanes'' ((RIN2120–AA64) (Docket No. 2006–NM–276)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6255. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 95 Instrument Flight Rules'' ((RIN2120–AA63) (Amdt. No. 473)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6256. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 95 Instrument Flight Rules'' ((RIN2120-AA63)(Amdt. No. 472)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6257. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures'' ((RIN2120-AA65)(Amdt. No. 3261)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6258. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures'' ((RIN2120-AA65)(Amdt. No. 3260)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6259. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures'' ((RIN2120-AA65)(Amdt. No. 3259)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6260. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures'' ((RIN2120-AA65)(Amdt. No. 3257)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6261. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures'' ((RIN2120-AA65)(Amdt. No. 3254)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6262. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures'' ((RIN2120-AA65)(Amdt. No. 3256)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6263. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures'' ((RIN2120-AA65)(Amdt. No. 3253)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6264. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures'' ((RIN2120-AA65)(Amdt. No. 3252)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6265. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures'' ((RIN2120-AA65)(Amdt. No. 3251)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6266. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes'' ((RIN2120-AA64)(Docket No. 2007-NM-112)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6267. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures'' ((RIN2120-AA65)(Amdt. No. 3258)) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6268. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Enhancing Rail Transportation Safety and Security for Hazardous Materials Shipments'' (RIN2137-AE02) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6269. A communication from the Chief Counsel, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Launch Barge Waiver Program'' (RIN2133-AB67) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6270. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's Annual Report for fiscal year 2007 relative to progress in conducting environmental remedial action at federally-owned or operated facilities; to the Committee on Commerce, Science, and Transportation.

EC–6271. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 565 Increase Number of Unique Available Vehicle Identification Numbers'' (RIN2127-AJ99) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6272. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Montana Regulatory Program'' (Docket No. MT–026) received on May 12, 2008; to the Committee on Energy and Natural Resources.

EC–6273. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Coordinated Issue: Distressed Asset Trust Transaction'' (Notice 2008–34) received on May 7, 2008; to the Committee on Finance.

EC–6274. A communication from the Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Jacob K. Javits Gifted and Talented Students Education Program'' (73 FR 21329) received on May 12, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–6275. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report for fiscal year 2007; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SMITH (for himself and Mr. WYDEN):

S. 3015. A bill to designate the facility of the United States Postal Service located at 18 S. G Street, Lakeview, Oregon, as the ''Dr. Bernard Daly Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KERRY (for himself, Ms. MURKOWSKI, Mr. WHITEHOUSE, Mr. COLEMAN, and Mr. LIEBERMAN):

S. 3016. A bill to direct the Attorney General to provide grants for Internet Crime prevention education programs; to the Committee on the Judiciary.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 3017. A bill to designate the Beaver Basin Wilderness at Pictured Rocks National Lakeshore in the State of Michigan; to the Committee on Energy and Natural Resources.

By Mr. SESSIONS:

S. 3018. A bill to establish a Commission on Federal Criminal and Juvenile Justice Assistance Programs; to the Committee on the Judiciary.

By Mr. SALAZAR:

S. 3019. A bill to amend the Energy Policy Act of 2005 to promote oil shale and tar sands leasing, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. SNOWE (for herself, Mr. THUNE, Mrs. HUTCHISON, Mr. NELSON of Florida, Mr. COLEMAN, Mr. STEVENS, and Mr. SMITH):

S. Res. 564. A resolution expressing the sense of the Senate regarding oversight of the Internet Corporation for Assigned Names and Numbers; to the Committee on Commerce, Science, and Transportation.

By Mr. ROBERTS (for himself, Mr. BAYH, Mr. ALLARD, Mr. BINGAMAN, Mr. BROWN, Mrs. CLINTON, Mr. COCHRAN, Mr. CRAIG, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. INHOFE, Mr. ISAKSON, Mr. KENNEDY, Mr. LEVIN, Mrs. MCCASKILL, Ms. MURKOWSKI, Mrs. MURRAY, Mr. SMITH, Ms. STABENOW, Mr. STEVENS, and Mr. SESSIONS):

S. Res. 565. A resolution designating May 15, 2008 as Military Kids Day; considered and agreed to.

By Mr. JOHNSON:

S. Res. 566. A resolution designating June 2008 as ''National Aphasia Awareness Month'' and supporting efforts to increase awareness of aphasia; considered and agreed to.

ADDITIONAL COSPONSORS

S. 881

At the request of Mr. SMITH, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 903

At the request of Mr. DURBIN, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Idaho (Mr. CRAIG), the Senator from New Hampshire (Mr. GREGG), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Oregon (Mr. SMITH), the Senator from South Carolina (Mr. GRAHAM), the Senator from Kansas (Mr. ROBERTS), the Senator from Utah (Mr. HATCH), the Senator from Indiana (Mr. LUGAR), the Senator from Idaho (Mr. CRAPO), the Senator from Texas (Mr. CORNYN), the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 903, a bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 940

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 940, a bill to amend the Internal Revenue Code of 1986 to permanently extend the subpart F exemption for active financing income.

S. 1382

At the request of Mr. REID, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1906

At the request of Mr. COLEMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1906, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 1907

At the request of Mr. COLEMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1907, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to understand and comprehensively address the inmate oral health problems associated with methamphetamine use, and for other purposes.

S. 2394

At the request of Mr. COLEMAN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2394, a bill to amend the Internal Revenue Code of 1986 to simplify, modernize, and improve public notice of and access to tax lien information by providing for a national, Internet accessible, filing system for Federal tax liens, and for other purposes.

S. 2495

At the request of Mr. BIDEN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2495, a bill to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures.

S. 2523

At the request of Mr. KERRY, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2523, a bill to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families.

S. 2666

At the request of Ms. CANTWELL, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2666, a bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing, and for other purposes.

S. 2668

At the request of Mr. KERRY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2699

At the request of Mr. LAUTENBERG, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2699, a bill to require new vessels for carrying oil fuel to have double hulls, and for other purposes.

S. 2748

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2748, a bill to direct the Secretary of Health and Human Services to publish physical activity guidelines for the general public, and for other purposes.

S. 2774

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2774, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 2793

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2793, a bill to direct the Federal Trade Commission to prescribe a rule prohibiting deceptive advertising of abortion services, and for other purposes.

S. 2828

At the request of Mr. BAUCUS, the names of the Senator from New York (Mrs. CLINTON), the Senator from Ohio (Mr. BROWN), the Senator from Massachusetts (Mr. KERRY), and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2828, a bill to require the Secretary of the Treasury to mint and issue coins commemorating the 100th anniversary of the establishment of Glacier National Park, and for other purposes.

S. 2874

At the request of Mrs. FEINSTEIN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2874, a bill to amend titles 5, 10, 37, and 38, United States Code, to ensure the fair treatment of a member of the Armed Forces who is discharged

from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, and for other purposes.

S. 2883

At the request of Mr. ROCKEFELLER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2883, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 2916

At the request of Mr. CARPER, his name was added as a cosponsor of S. 2916, a bill to ensure greater transparency in the Federal contracting process, and to help prevent contractors that violate criminal laws from obtaining Federal contracts.

S. 2932

At the request of Mrs. MURRAY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2932, a bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 2957

At the request of Mr. LIEBERMAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2957, a bill to modernize credit union net worth standards, advance credit union efforts to promote economic growth, and modify credit union regularity standards and reduce burdens, and for other purposes.

S. 2991

At the request of Mr. REID, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2991, a bill to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes.

S. 2997

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2997, a bill to reauthorize the Maritime Administration, and for other purposes.

S. CON. RES. 75

At the request of Mr. COLEMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Con. Res. 75, a concurrent resolution expressing the sense of Congress that the Secretary of Defense should take immediate steps to appoint doctors of chiropractic as commissioned officers in the Armed Forces.

S. RES. 550

At the request of Mr. BIDEN, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Pennsylvania (Mr. CASEY), the Senator from Oregon (Mr. SMITH), and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Res. 550, a resolution expressing the sense of the Senate regarding provocative and dangerous statements made by the Government of the Russian Federation that undermine the territorial integrity of the Republic of Georgia.

AMENDMENT NO. 4759

At the request of Mr. LEAHY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 4759 proposed to H.R. 980, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SMITH (for himself and Mr. WYDEN):

S. 3015. A bill to designate the facility of the United States Postal Service located at 18 S. G Street, Lakeview, Oregon, as the ''Dr. Bernard Daly Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

Mr. SMITH. Mr. President, I rise today to introduce a bill to rename the Lakeview Post Office after Dr. Bernard Daly. I am pleased to have my colleague Senator WYDEN join me in this effort by serving as original cosponsor of this bill.

Dr. Bernard Daly was an American country doctor, businessman, banker, rancher, state representative, state senator, county judge, and regent of Oregon State Agricultural College, today's Oregon State University. As early as 1888, Dr. Bernard Daly began actively encouraging young people to apply for college. When families could not afford the tuition, Daly quietly paid the bill.

During a Christmas Eve party in 1894, an oil lamp started a fire in a crowed community hall in the small town of Silver Lake, Oregon. Forty-three people were killed in the blaze, and many more were badly injured. Dr. Daly traveled by buggy from Lakeview to Silver Lake, a distance of 95 miles, over bad, snow covered roads to help victims of the tragedy. It took 24 hours of continuous travel for him to reach Silver Lake. Despite the long journey, he began treating burn victims as soon as he arrived, and continued without rest until everyone had been seen. Dr. Daly saved all but three of the badly burned persons, and his methods of healing were later published in detail in a medical journal. The fire was widely reported and written about in The Oregon Desert. Dr. Daly's efforts to reach and treat the victims earned state-wide recognition and many admirers.

When Dr. Daly died, he gave his fortune to the people of Lake County in the form of the Bernard Daly Educational Fund. Dr. Daly wrote in his will: ''It is my earnest desire to help, aid and assist worthy and ambitious young men and women of my beloved county of Lake, to acquire a good education, so that they may be better fitted and qualified to appreciate and help to preserve the laws and constitution of this free country, defend its flag, and by their conduct as good citizens reflect honor on Lake county and the state of Oregon.'' The fact that his will specifically directed that Daly scholarships be granted to women as well as men was very progressive for that era.

Each year, approximately 40 graduates of Lake County high schools receive Daly scholarships. To date, well over two thousand students from Lakeview and other Lake County communities have used Bernard Daly's generous scholarships to attend college. Dr. Daly's educational trust fund has financed college educations for generations of Lake County, Oregon students, a legacy that continues to this day.

I have received several messages from across the country and even one from Australia supporting the renaming of the Lakeview Post Office after Dr. Bernard Daly. Each one told a story of sincere appreciation for Dr. Daly's generosity.

We urge our colleagues to support this important piece of legislation.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 3017. A bill to designate the Beaver Basin Wilderness at Pictured Rocks National Lakeshore in the State of Michigan; to the Committee on Energy and Natural Resources.

Mr. LEVIN. Mr. President, today I am introducing with Senator STABENOW the Beaver Basin Wilderness Act, which would permanently protect 11,740 acres within the Pictured Rocks National Park located in Michigan's Upper Peninsula along the south shore of Lake Superior. Also known as the Beaver Basin area, this area comprises about 16 percent of the national lakeshore. The Wilderness designation would ensure that opportunities to appreciate and enjoy nature in a relatively undisturbed state at this national lakeshore are preserved for future generations.

The bill responds to many of the concerns expressed during the 5-year development of the General Management Plan for Pictured Rocks, which included a wilderness study, and involved extensive public involvement. Boats powered by electric motors would be allowed on Little Beaver and Beaver Lakes within the Wilderness area. All motor boats would be allowed to access the miles of the Lake Superior shoreline, as the wilderness area does not include the Lake Superior surface water.

Also, the access road to Beaver Lakes and Little Beaver campground is not included in the wilderness area, so vehicles would still have access to this popular area. Importantly, the Wilderness designation would not change the fundamental way this land has been managed since 1981, ensuring continued public access, use, and enjoyment of this land.

It is critical that the highly valued, pristine natural features of the Beaver Basin area remain the treasure they are today. This area provides a unique and distinct landscape that highlights one of the most beautiful backdrops of the Great Lakes, and it is vital that we do all we can to protect it. Significantly, several miles of the North Country National Scenic Trail, also known as the Lakeshore Trail, run through this wilderness area. This bill would help preserve the serene quality of this segment of the trail, and protect the outstanding scenery along the shoreline. The wilderness designation will benefit current and future generations by protecting this natural and undisturbed landscape for the enjoyment of thousands of people in Michigan and across the Nation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Beaver Basin Wilderness Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) since 1981, the National Park Service has managed the land designated as the Beaver Basin Wilderness by section 4(a) as a backcountry and wilderness area;

(2) the land designated by section 4(a) as the Wilderness comprises approximately 16 percent of the area of Pictured Rocks National Lakeshore;

(3) the decision to propose this portion of the National Lakeshore as wilderness was made after 5 years of planning, which involved extensive public involvement and culminated in the approval of a new general management plan in 2004; and

(4) the fundamental manner in which the land designated as Wilderness by section 4(a) is managed for purposes of access, public use, and enjoyment will not change as a result of this designation.

SEC. 3. DEFINITIONS.

In this Act:

(1) LINE OF DEMARCATION.—The term ''line of demarcation'' means the point on the bank or shore at which the surface waters of Lake Superior meet the land or sand beach, regardless of the level of Lake Superior.

(2) MAP.—The term ''map'' means the map entitled ''Pictured Rocks National Lakeshore Beaver Basin Wilderness Boundary'', numbered 625/80,051, and dated April 10, 2007.

(3) NATIONAL LAKESHORE.—The term ''National Lakeshore'' means the Pictured Rocks National Lakeshore.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) WILDERNESS.—The term ''Wilderness'' means the Beaver Basin Wilderness designated by section 4(a).

SEC. 4. DESIGNATION OF BEAVER BASIN WILDERNESS.

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the land described in subsection (b) is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Beaver Basin Wilderness''.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the land and inland water comprising approximately 11,740 acres within the National Lakeshore, as generally depicted on the map.

(c) BOUNDARY.—

(1) LINE OF DEMARCATION.—The line of demarcation shall be the boundary for any portion of the Wilderness that is bordered by Lake Superior.

(2) SURFACE WATER.—The surface water of Lake Superior, regardless of the fluctuating lake level, shall be considered to be outside the boundary of the Wilderness.

(d) MAP AND LEGAL DESCRIPTION.—

(1) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(2) LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a legal description of the boundary of the Wilderness.

(3) FORCE AND EFFECT.—The map and the legal description submitted under paragraph (2) shall have the same force and effect as if included in this Act, except that the Secretary may correct any clerical or typographical errors in the map and legal description.

SEC. 5. ADMINISTRATION.

(a) MANAGEMENT.—Subject to valid existing rights, the Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) with respect to land administered by the Secretary, any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(b) USE OF ELECTRIC MOTORS.—The use of boats powered by electric motors on Little Beaver and Big Beaver Lakes may continue, subject to any applicable laws (including regulations).

SEC. 6. EFFECT.

Nothing in this Act—

(1) modifies, alters, or affects any treaty rights;

(2) alters the management of the water of Lake Superior within the boundary of the Pictured Rocks National Lakeshore in existence on the date of enactment of this Act; and

(3) prohibits—

(A) the use of motors on the surface water of Lake Superior adjacent to the Wilderness; or

(B) the beaching of motorboats at the line of demarcation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 564—EXPRESSING THE SENSE OF THE SENATE REGARDING OVERSIGHT OF THE INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

Ms. SNOWE (for herself, Mr. THUNE, Mrs. HUTCHISON, Mr. NELSON of Florida, Mr. COLEMAN, Mr. STEVENS, and Mr. SMITH) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 564

Whereas, more than 35 years ago, the Federal Government began funding research necessary to develop packet-switching technology and communications networks, starting with the ''ARPANET'' network established by the Department of Defense's Advanced Research Projects Agency (DARPA) in the 1960s;

Whereas, during the 1970s, DARPA also funded the development of a ''network of networks'', which became known as the Internet;

Whereas the National Science Foundation (NSF) in 1987 awarded a contract to the International Business Machines Corporation (IBM), MCI Incorporated, and Merit Network, Incorporated, to develop ''NSFNET'', a national high-speed network based on Internet protocols, that provided a ''backbone'' to connect other networks serving more than 4,000 research and educational institutions throughout the country;

Whereas Congress knew of the vast impact the Internet could have and the requirement of private sector investment, development, technical management, and coordination to achieve that potential, so in 1992 Congress gave NSF statutory authority to allow commercial activity on the NSFNET;

Whereas today the industry, through private sector investment, management, and coordination, has become a global communications network of infinite value;

Whereas part of the ARPANET development process was to create and maintain a list of network host names and addresses, which was initially done by Dr. Jonathan Postel at the University of Southern California (USC), and eventually these functions became known as the Internet Assigned Numbers Authority (IANA);

Whereas Dr. Postel's performance of these functions was initially funded by the Federal Government under a contract between the DARPA and USC's Information Sciences Institute (ISI), however, responsibility for these functions was subsequently transferred to the Internet Corporation for Assigned Names and Numbers (ICANN);

Whereas ICANN performs the IANA functions, which include Internet Protocol (IP) address allocation, Domain Name System (DNS) root zone coordination, and the coordination of technical protocol parameters, through a contract with the Department of Commerce;

Whereas, since its inception, the performance of the IANA functions contract has been physically located in the United States;

Whereas the DNS root zone file contains records of the operators of more than 280 top-level domains (TLDs);

Whereas, as of December 31, 2007, more than 153,000,000 domain names have been registered worldwide across all of the Top Level Domain Names;

Whereas, since 2000, the Internet community has worked toward providing non-

English speakers a way to navigate the Internet in their own language through the use of Internationalized Domain Names (IDNs);

Whereas, according to ICANN, of the 905 ICANN-accredited domain name registrars, 571 of them (63 percent) are based in the United States;

Whereas ICANN intends to introduce approximately 900 new Top Level Domains over the next several years;

Whereas, in January 2007, approximately 51,000,000 domain names were registered, but only 3,000,000 were eventually paid for, and more than 48,000,000 were left to expire after the 5 day registration grace period;

Whereas the World Intellectual Property Organization reported in April 2007 that the number of Internet domain name cybersquatting disputes increased 25 percent in 2006;

Whereas a 2006 Zogby Interactive poll of small business owners found that 78 percent of those polled stated that a less reliable Internet would damage their business;

Whereas, understanding that the Internet was rapidly becoming an international medium for commerce, education, and communication, and that the initial means of organizing its technical functions needed to evolve, the United States issued the ''White Paper'' in 1998, stating its support for transitioning the management of Internet names and addresses to the private sector in a manner that allows for the development of robust competition and facilitate global participation in Internet management;

Whereas the Federal Government is committed to working with the international community to address its concerns, bearing in mind the need for stability and security of the Internet's domain name and addressing system;

Whereas the United States has been committed to the principles of freedom of expression and the free flow of information, as expressed in Article 19 of the Universal Declaration of Human Rights, done at Paris December 10, 1948, and reaffirmed in the Geneva Declaration of Principles adopted at the first phase of the World Summit on the Information Society, December 12, 2003;

Whereas the United States Principles on the Internet's Domain Name and Addressing System, issued on June 30, 2005, stated that the United States government intends to preserve the security and stability of the Internet's Domain Name and Addressing System (DNS), that governments have legitimate interest in the management of their country code top level domains (ccTLDs), and that ICANN is the appropriate manager of the Internet DNS;

Whereas all stakeholders from around the world, including governments, are encouraged to advise ICANN in its decision-making;

Whereas ICANN has made progress in its efforts to ensure that the views of governments and all Internet stakeholders are reflected in its activities;

Whereas the Organisation for Economic Co-operation and Development has issued consumer policy guidelines calling for online businesses to ''provide accurate, clear and easily accessible information about themselves sufficient to allow, at a minimum . . . prompt easy and effective consumer communication with the business'', and ''businesses that provide false contact information can undermine the online experience of a consumer that decides to conduct a WHOIS search about the business'';

Whereas the WHOIS databases provide a crucial tool for law enforcement to track down online fraud, identity theft, and other online illegal activity, but law enforcement is often hindered in the pursuit of perpetrators because the perpetrators are hiding behind the anonymity of proxy or false registration information: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) while the Internet Corporation for Assigned Names and Numbers (ICANN) has made progress in the areas of transparency and accountability as directed by the Joint Project Agreement (JPA), the unique role ICANN has in the coordination of the technical management functions related to the domain name and addressing system, and the direct effects of the decisions ICANN makes on thousands of businesses with an online presence and millions of Internet users, make it critical that more progress be made by ICANN in areas of transparency, accountability, and security for improved stability of the Domain Name and Addressing System (DNS) and the Internet;

(2) the private sector's ongoing success in investing, building, and developing the Internet is unparalleled and industry self-regulation must be assured through more effective contract compliance efforts by ICANN;

(3) WHOIS databases provide a vital tool for businesses, the Federal Trade Commission, and other law enforcement agencies to track down brand infringement, online fraud, identity theft, and other online illegal activity, as well as for consumers to determine the availability of domain names and to easily and effectively communicate with online businesses;

(4) increased involvement and participation in various ICANN processes by international private sector organizations should be encouraged;

(5) the United States and other countries should continue to allow the marketplace to work and allow private industries to lead in the management and coordination of the DNS;

(6) the performance of the Internet Assigned Numbers Authority (IANA) functions contract, including updates of the root zone file, should remain physically located within the United States, and the Secretary of Commerce should maintain oversight of this contract; and

(7) ICANN should continue to manage the day-to-day operation of the Internet's Domain Name and Addressing System well, to remain responsive to all Internet stakeholders worldwide, and to otherwise fulfill its core technical mission.

Ms. SNOWE. Mr. President, I rise today to introduce a resolution on the oversight of the Internet Corporation for Assigned Names and Numbers, ICANN. This resolution is the result of the National Telecommunications & Information Administration, NTIA, recently concluding the mid-term review of its Joint Project Agreement, JPA, with ICANN, which is a contract between them for the purpose of transitioning the Internet domain name and addressing system, or Domain Name System, DNS, to a private sector, multi-stakeholder model of leadership.

The JPA required NTIA to conduct this mid-term review to assess the transition and ICANN's progress towards becoming a more stable organization with greater transparency and accountability in its procedures and decision-making. While ICANN has made notable progress in meeting the responsibilities outlined in the JPA, additional improvement and enhancement in specific areas can and should be made.

As a result, it is necessary for Congress to voice the importance of continued U.S. oversight of ICANN. This oversight has provided a strong foundation for ICANN's development and is critical for greater progress in areas such as accountability, transparency, and contract compliance. At the same time, it is imperative that the U.S. as well as other governments maintain a ''hands off'' approach to ICANN so the private sector can continue to lead in the management and coordination of the DNS.

While ICANN, for the mid-term review, detailed the progress it has made in meeting its commitments under the JPA, it is somewhat premature for the organization to suggest the JPA is ''no longer necessary'' and it should become independent of U.S. oversight.

In addition, numerous organizations submitted comments to NTIA expressing serious concerns about risks that might develop if the JPA and U.S. oversight of ICANN were terminated. In particular, uncertainty could arise with resolving legal or contract disputes if ICANN relocated to an unknown legal jurisdiction. Also, ICANN could be unduly influenced by a country or group of countries that do not embrace innovation or freedom of expression—basically usurping the private sector's leadership, which would deter critical investment and jeopardize the openness of the Internet.

This resolution provides the required assurance to these concerned organizations and to all businesses around the world in regard to maintaining the security, integrity, and stability of the DNS through continued oversight of ICANN's responsibilities. Specifically, this resolution details key points about the formation of the Internet and domain names, ICANN's efforts, concerns about the growth of domain name abuses, and the United States' transitioning of the DNS to the international community. The resolution then calls for additional improvement to be made by ICANN in areas of transparency, accountability, and security for improved stability of the DNS, as well as more effective contract compliance to ensure the private sector's ongoing success with developing the Internet and industry self-regulation.

Additionally, the resolution voices how vital a tool WHOIS databases are for consumers, businesses, and law enforcement—these publicly accessible databases provide contact information and data on registered domain names, which can assist in establishing trust, resolving disputes, and pursuing online crimes. The resolution also calls for increased participation in ICANN processes by international private sector organizations, and states that all governments should apply a ''hands off'' approach to ICANN so the private sector's leadership with the DNS can continue unabated.

The resolution concludes by stating the Internet Assigned Numbers Authority, IANA, functions contract

should physically remain in the U.S. and that NTIA should maintain oversight of this contract. IANA is the entity responsible for coordinating the Internet's number resources, domain names, and protocol parameters—it is operated solely by ICANN. As well, the resolution states ICANN should continue to manage the operation of the DNS and remain responsive to all Internet stakeholders.

Without question, the Internet's vast impact on the world and this Nation is profoundly indelible and undeniable—there are currently more than 1.3 billion Internet users and more than 165 million websites worldwide. And the Internet is poised to have another remarkable chapter written about its future.

The private sector and ICANN have played an essential role in the development of the Internet and they will continue to do so. The private sector has and continues to make significant investments in the Internet infrastructure as well as with content and applications. Additionally, ICANN may introduce hundreds of new Top Level Domains, TLDs, over the next several years—TLDs are basically domain name suffixes such as .com, .net, .edu, .us, and .mobi that signify a particular class of organizations or country. These possible new TLDs coupled with the migration from Internet Protocol version 4 to version 6, IPv6, which supplies an exponentially larger address space, provides a large expanse for the Internet to grow and for the innovation that will follow.

While the potential of the Internet and the benefits it will provide are infinite, if the stability, integrity, and security of the DNS are compromised in any way, it could be detrimental to the future of the Internet and all its users. That is why it is paramount the U.S. continue to have a watchful eye with ICANN to ensure that those critical areas are not hampered. Therefore, I hope my colleagues will join Senators THUNE, HUTCHISON, BILL NELSON, COLEMAN, STEVENS, SMITH, and me in supporting the critical resolution.

SENATE RESOLUTION 565—DESIGNATING MAY 15, 2008 AS MILITARY KIDS DAY

Mr. ROBERTS (for himself, Mr. BAYH, Mr. ALLARD, Mr. BINGAMAN, Mr. BROWN, Mrs. CLINTON, Mr. COCHRAN, Mr. CRAIG, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. INHOFE, Mr. ISAKSON, Mr. KENNEDY, Mr. LEVIN, Mrs. MCCASKILL, Ms. MURKOWSKI, Mrs. MURRAY, Mr. SMITH, Ms. STABENOW, Mr. STEVENS, and Mr. SESSIONS) submitted the following resolution; which was considered and agreed to:

S. RES. 565

Whereas the members of the Armed Forces of the United States are the greatest soldiers, sailors, airmen, and Marines in the world;

Whereas as individuals and as a group, the members Armed Forces of the United States daily place their lives on the line for the United States, both here or abroad;

Whereas the children of these patriots, even the youngest of them, recognize the incredible service their parents provide, and daily face the challenges of military life, with frequent moves, separation from their loved ones, and uncertainty about the future;

Whereas the voices of these children are seldom heard and their own particular sacrifices seldom acknowledged;

Whereas the children of the members of the Armed Forces of the United States have an important creative outlet through the Annual Essay and Art Contest of the Armed Services YMCA;

Whereas the compelling essays and artwork by military children will be published in *My Hero: Military Kids Write about their Moms and Dads*; and

Whereas the strength of character, humor and honesty offered by these children are a hallmark for all of us to follow as we face the challenges of everyday life: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the significance of the sacrifices made every day by the thousands of families across the country and the world in support of the members of the Armed Forces of the United States;

(2) expresses gratitude for their fortitude, their strength, their compassion, and their expertise;

(3) supports the efforts of the Armed Services YMCA and the many other organizations that work to assist the military families of the United States;

(4) designates May 15, 2008, as ''Military Kids Day'' in the United States and at military installations throughout the world.

SENATE RESOLUTION 566—DESIGNATING JUNE 2008 AS ''NATIONAL APHASIA AWARENESS MONTH'' AND SUPPORTING EFFORTS TO INCREASE AWARENESS OF APHASIA

Mr. JOHNSON submitted the following resolution; which was considered and agreed to:

S. RES. 566

Whereas aphasia is a communication impairment caused by brain damage, typically resulting from a stroke;

Whereas, while aphasia is most often the result of stroke or brain injury, it can also occur with other neurological disorders, such as in the case of a brain tumor;

Whereas many people with aphasia also have weakness or paralysis in their right leg and right arm, usually due to damage to the left hemisphere of the brain, which controls language and movement on the right side of the body;

Whereas the effects of aphasia may include a loss or reduction in ability to speak, comprehend, read, and write, while intelligence remains intact;

Whereas stroke is the 3rd leading cause of death in the United States, ranking behind heart disease and cancer;

Whereas stroke is a leading cause of serious, long-term disability in the United States;

Whereas there are about 5,000,000 stroke survivors in the United States;

Whereas it is estimated that there are about 750,000 strokes per year in the United States, with approximately ⅓ of these resulting in aphasia;

Whereas aphasia affects at least 1,000,000 people in the United States;

Whereas more than 200,000 Americans acquire the disorder each year;

Whereas the National Aphasia Association is unique and provides communication strategies, support, and education for people with aphasia and their caregivers throughout the United States; and

Whereas as an advocacy organization for people with aphasia and their caregivers, the National Aphasia Association envisions a world that recognizes this ''silent'' disability and provides opportunity and fulfillment for those affected by aphasia: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of, and encourages all Americans to observe, National Aphasia Awareness Month in June 2008;

(2) recognizes that strokes, a primary cause of aphasia, are the third largest cause of death and disability in the United States;

(3) acknowledges that aphasia deserves more attention and study in order to find new solutions for serving individuals experiencing aphasia and their caregivers; and

(4) must make the voices of those with aphasia heard because they are often unable to communicate their condition to others.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4762. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table.

SA 4763. Mr. GRAHAM (for himself, Mr. BURR, and Mr. MCCAIN) proposed an amendment to the bill H.R. 980, supra.

SA 4764. Mr. MCCONNELL proposed an amendment to amendment SA 4763 proposed by Mr. GRAHAM (for himself, Mr. BURR, and Mr. MCCAIN) to the bill H.R. 980, supra.

SA 4765. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4766. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4767. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4768. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4769. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4770. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4771. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4772. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4773. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4774. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4775. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4776. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4762. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NO UNION DUES FROM ILLEGAL IMMIGRANTS.

(a) PROHIBITION FOR PRIVATE LABOR ORGANIZATIONS.—It shall be unlawful for a labor organization to collect dues or initiation fees from any individual who is physically present in the United States in violation of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(b) PROHIBITION FOR PUBLIC SAFETY LABOR ORGANIZATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, a State law shall be deemed to have failed to substantially provide for the rights and responsibilities described in section 4(b) unless the Authority determines that such law, in addition to meeting such rights and responsibilities, prohibits labor organizations from collecting dues or initiation fees from any individual who is physically present in the United States in violation of the Immigration and Nationality Act.

(2) ENFORCEMENT AUTHORITY.—The Authority may issue and enforce regulations to carry out paragraph (1) in the manner provided under section 5.

(c) DECERTIFICATION OF LABOR ORGANIZATIONS.—

(1) PUBLIC-SECTOR EMPLOYEES.—In addition to any enforcement measures authorized under subsection (b)(2), if the Authority determines that a labor organization has violated any provision under subsection (a) or (b), the Authority shall issue an order that decertifies the labor organization or otherwise notifies the labor organization that the organization will no longer be recognized by the Authority as the exclusive representative of employees for collective bargaining purposes.

(2) PRIVATE-SECTOR EMPLOYEES.—If the National Labor Relations Board determines that a labor organization has violated subsection (a), the Board shall issue an order that decertifies the labor organization or otherwise notifies the labor organization that the organization will no longer be recognized by the Board as the exclusive representative of employees for collective bargaining purposes.

(d) LABOR ORGANIZATION DEFINED.—In this section, the term ''labor organization'' has the meaning given such term in section 2 of the Labor Management Relations Act (29 U.S.C. 152)).

(e) REQUIRED PARTICIPATION BY LABOR ORGANIZATIONS.—Section 402(e) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (title IV of division C of Public Law 104–208; 8 U.S.C. 1324a note) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) LABOR ORGANIZATIONS.—

''(A) IN GENERAL.—All labor organizations (as defined in section 2 of the Labor Management Relations Act (29 U.S.C. 152)) shall elect to participate in the basic pilot program and shall comply with the terms and conditions of such election.

''(B) VERIFICATION OF ALL MEMBERS.—Notwithstanding any other provision in this title, each participating labor organization shall use the confirmation system to seek confirmation of the identity and employment eligibility of each member of such labor organization.

''(C) DEADLINE FOR COMPLIANCE.—The verifications required under subparagraph (B) shall be completed—

''(i) not later than 1 year after the date of the enactment of the Public Safety Employer-Employee Cooperation Act of 2007 for all members of the labor organization as of such date; and

''(ii) for individuals who become members of such labor organization after such date of enactment, not later than 14 days after the commencement of such membership.''.

SA 4763. Mr. GRAHAM (for himself, Mr. BURR, and Mr. MCCAIN) proposed an amendment to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; as follows:

Strike the last period in the bill and insert the following:

TITLE I—EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES AND VETERANS

SEC. 101. SHORT TITLE.

This title may be cited as the ''Enhancement of Recruitment, Retention, and Readjustment Through Education Act of 2008''.

SEC. 102. FINDINGS.

Congress makes the following findings:

(1) The World War II-era GI Bill assisted almost 8,000,000 members of the Armed Forces in readjusting to civilian life after completing their service to the nation. With the support and assistance of America's colleges and universities, the GI Bill provided incentives that transformed American society, making a college degree a realizable goal for millions of Americans.

(2) In the years following World War II, the GI Bill continued to provide educational benefits for members of the Armed Forces who had been drafted into or volunteered for service.

(3) The establishment of the All Volunteer Force in 1973, and its development since its inception, has produced highly professional Armed Forces that are recognized as the most effective fighting force the world has ever seen.

(4) The Sonny Montgomery GI Bill was enacted in 1984 to sustain the All Volunteer Force by providing educational benefits to aid in the recruitment and retention of highly qualified personnel for the Armed Forces and to assist veterans in readjusting to civilian life. Today, it remains a cornerstone of military recruiting and retention planning for the Armed Forces and continues to fulfill its original purposes.

(5) The All Volunteer Force depends for its effectiveness and vitality on successful recruiting of highly capable men and women, and retention for careers of soldiers, sailors, airmen, and marines, in both the active and reserve components of the Armed Forces, who, with the support of their families and loved ones, develop into professional, dedicated, and experienced officers, noncommissioned officers, and petty officers.

(6) The achievement of educational goals, including obtaining the means to a college degree, has traditionally been a key reason for volunteering for service in the Armed Forces. For members who serve a career in the Armed Forces, this goal extends to their spouses and children and has resulted in requests for the option to transfer educational benefits under the GI Bill to spouses and children.

(7) As in the aftermath of World War II, colleges and universities throughout the United States should demonstrate their and the Nation's appreciation to veterans by dedicated programs providing financial aid.

(8) It is in that national interest for the United States—

(A) to express the gratitude of the American people by assisting those who have honorably served in the Armed Forces and returned to civilian life to achieve their educational goals;

(B) to provide significant educational benefits to provide incentives for successful recruiting;

(C) to motivate continued service in the All Volunteer Force by those members with the potential for military careers and their spouses and children; and

(D) to assist those who serve and their families in achieving their personal goals, including higher education, while progressing in a military career.

SEC. 103. PLAN ON COORDINATION OF CURRENT EDUCATIONAL ASSISTANCE PROGRAMS AND DEVELOPMENT OF ADDITIONAL EDUCATIONAL ASSISTANCE PROGRAMS TO ENABLE CAREER-ORIENTED MEMBERS OF THE ARMED FORCES TO ATTAIN A BACHELOR'S DEGREE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the outstanding men and women who volunteer for service in the Armed Forces and demonstrate through their service the ability, motivation, and commitment to serve as career commissioned officers, noncommissioned officers, petty officers, and warrant officers should be given the opportunities and resources needed to obtain a bachelor's degree before they complete active duty and retire from the Armed Forces; and

(2) every effort should be made by the leaders of the Army, Navy, Marine Corps, Air Force, and Coast Guard to demonstrate to members of the Armed Forces who are willing to serve and study that the dual goals of attaining a bachelor's degree and a distinguished military career are achievable and not mutually exclusive.

(b) PLAN TO COORDINATE AND DEVELOP EDUCATIONAL ASSISTANCE PROGRAMS.—

(1) PLAN REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, develop a plan to make the attainment of a bachelor's degree an achievable goal for members of the Armed Forces who are motivated towards careers in the Armed Forces and who are able and willing to accept the challenges of military duty and pursuit of college level studies.

(2) ADVICE OF THE SERVICE CHIEFS.—The Secretary of Defense shall develop the plan required by paragraph (1) with the advice of the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps.

(3) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) Appropriate elements of current programs to assist members of the Armed Forces in obtaining college-level education, including tuition assistance programs, distance learning programs, and technical training and education provided by the military departments, including programs currently administered by the Secretary of Veterans Affairs.

(B) Appropriate elements of current programs to provide members of the Armed Forces with assistance in obtaining college-level credit for the technical training and experience they undergo during their military career.

(C) One or more additional education programs to assist members of the Armed Forces in obtaining a college-level education, including mechanisms for the provision by the military departments of guidance, mentoring, and resources to assist members in achieving their professional military and personal educational goals.

(D) Such additional programs or mechanisms, such as sabbaticals from the Armed Forces or college-level education provided or funded by the military departments, as the Secretary of Defense considers appropriate to assist members of the Armed Forces in making adequate progress towards a bachelor's degree from an accredited institution of higher education while continuing a successful military career.

(E) Such mechanisms for the application of the elements of the plan to members of the National Guard and Reserves as the Secretary of Defense considers appropriate to ensure that such members receive appropriate assistance in achieving their professional military and personal educational goals.

(F) Such elements of current programs of the military departments for in-service education of members of the Armed Forces as the Secretary of Defense considers appropriate to maintain and enhance the recruitment and retention by the Armed Forces of highly trained and experienced military leaders.

(4) SUBMITTAL TO CONGRESS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the plan required by paragraph (1) not later than August 1, 2009.

SEC. 104. INCREASE IN RATES OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) INCREASE IN GENERAL RATES AND AUGMENTED RATES FOR EXTENDED SERVICE.—

(1) RATES BASED ON THREE YEARS OF OBLIGATED SERVICE.—Subsection (a)(1) of section 3015 of title 38, United States Code, is amended by striking ''on a full-time basis, at the monthly rate of'' and all that follows and inserting ''on a full-time basis—

''(A) in the case of an individual who served on active duty in the Armed Forces for 12 or more years, at the monthly rate of—

''(i) for months occurring during fiscal year 2009, $1,650;

''(ii) for months occurring during fiscal year 2010, $1,800;

''(iii) for months occurring during fiscal year 2011, $2,000; and

''(iv) for months occurring during a subsequent fiscal year, the amount for months occurring during the preceding fiscal year increased under subsection (h); and

''(B) in the case of an individual who served on active duty in the Armed Forces for less than 12 years, at the monthly rate of—

''(i) for months occurring during fiscal year 2009, $1,500; and

''(ii) for months occurring during a subsequent fiscal year, the amount for months occurring during the preceding fiscal year increased under subsection (h); or''.

(2) RATES BASED ON TWO YEARS OF OBLIGATED SERVICE.—Subsection (b)(1) of such section is amended—

(A) by striking subparagraphs (A) through (C) and inserting the following new subparagraph (A):

''(A) for months occurring during fiscal year 2009, $950; and''; and

(B) by redesignating subparagraph (D) as subparagraph (B).

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to basic educational assistance payable for months beginning on or after that date.

(2) LIMITATION ON COST-OF-LIVING ADJUSTMENTS.—

(A) CERTAIN RATES BASED ON THREE YEARS OF OBLIGATED SERVICE.—No adjustment under subsection (h) of section 3015 of title 38, United States Code, shall be made in the rates of educational assistance payable under subsection (a)(1)(A) of such section (as amended by subsection (a)(1) of this section) for any of fiscal years 2009 through 2011.

(B) OTHER RATES.—No adjustment under subsection (h) of section 3015 of title 38, United States Code, shall be made in the rates of educational assistance payable under subsection (a)(1)(B) of such section (as so amended), or subsection (b) of such section, for fiscal year 2009.

SEC. 105. ANNUAL STIPEND FOR RECIPIENTS OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) ENTITLEMENT TO STIPEND.—

(1) IN GENERAL.—Subchapter II of chapter 30 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 3020A. Educational stipend

''(a) ENTITLEMENT.—Each individual receiving basic educational assistance under this subchapter who is pursuing a program of education at an institution of higher learning (as such term is defined in section 3452(f) of this title) is entitled to an educational stipend under this section.

''(b) AMOUNT OF STIPEND.—The educational stipend payable under this section to an individual entitled to such a stipend shall be paid—

''(1) in the case of an individual pursuing an approved program of education on at least a half-time basis, at the annual rate of $1,000; and

''(2) in the case of an individual pursuing an approved program of education on less than a half-time basis, at the annual rate of $500.

''(c) PAYMENT FREQUENCY AND METHOD.—The educational stipend payable under this subsection shall be paid with such frequency (including by lump sum), and by such mechanisms, as the Secretary shall prescribe for purposes of this section.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 30 of such title is amended by adding at the end of the items relating to subchapter II the following new item:

''3020A. Educational stipend.''.

(b) EFFECTIVE DATE.—Section 3020A of title 38, United States Code, as added by subsection (a), shall take effect on the date that is one year after the enactment of this Act.

SEC. 106. INCREASE IN RATES OF EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.

(a) INCREASE IN RATES.—Section 16131(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking ''$251'' and inserting ''$634'';

(2) in subparagraph (B), by striking ''$188'' and inserting ''$474''; and

(3) in subparagraph (C), by striking ''$125'' and inserting ''$314''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to educational assistance payable for months beginning on or after that date.

(2) NO COST-OF-LIVING ADJUSTMENT.—No adjustment under paragraph (2) of section 16131(b) of title 10, United States Code, shall be made in the rates of educational assistance payable under paragraph (1) of such section for fiscal year 2009.

SEC. 107. INCREASE IN RATES OF EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS WITH EXTENDED SERVICE IN THE SELECTED RESERVE.

(a) INCREASE IN RATES FOR EXTENDED SERVICE.—Paragraph (2) of section 16162(c) of title 10, United States Code, is amended to read as follows:

''(2) The educational assistance allowance provided under this chapter shall be the amount as follows (as adjusted under paragraphs (3) and (4)):

''(A) In the case of a member who serves an aggregate of 12 years or more in the Selected Reserve of the Ready Reserve, the amount provided under section 3015(a)(1)(A) of title 38 for the fiscal year concerned, except that if a member otherwise covered by this subparagraph ceases serving in the Selected Reserve the amount shall be the amount provided under subparagraph (B) of this paragraph.

''(B) In the case of any other member, the amount provided under section 3015(a)(1)(B) of title 38 for the fiscal year concerned.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to educational assistance payable for months beginning on or after that date.

SEC. 108. ENHANCEMENT OF TRANSFERABILITY OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE.

(a) MODIFICATION OF AUTHORITY TO TRANSFER ENTITLEMENT UNDER MONTGOMERY GI BILL.—

(1) IN GENERAL.—Subsection (a) of section 3020 of title 38, United States Code, is amended to read as follows:

''(a) IN GENERAL.—Subject to the provisions of this section, the Secretary of Defense shall authorize each Secretary concerned to permit an individual described in subsection (b) who is entitled to basic educational assistance under this subchapter to elect to transfer to one or more of the dependents specified in subsection (c) the unused portion of such individual's entitlement to such assistance, subject to the limitation under subsection (d).''.

(2) ELIGIBLE INDIVIDUALS.—Subsection (b) of such section is amended to read as follows:

''(b) ELIGIBLE INDIVIDUALS.—An individual referred to in subsection (a) is any member of the Armed Forces serving on active duty or as a member of the Selected Reserve who, at the time of the approval by the Secretary concerned of the member's request to transfer entitlement to basic educational assistance under this section—

''(1) has completed six years of service in the Armed Forces; and

''(2) meets such other requirements as the Secretary of Defense may prescribe for purposes of this section.''.

(3) LIMITATIONS ON MONTHS OF TRANSFER.—Subsection (d) of such section is amended to read as follows:

''(d) NUMBER OF MONTHS TRANSFERRABLE.—(1) Except as provided in paragraphs (2) and (3), an individual may transfer under this section any number of months of unused entitlement of the individual to basic educational assistance under this chapter.

''(2) In the case of an individual who has completed at least six but less than 12 years of service in the Armed Forces at the time of the approval by the Secretary concerned of the individual's request to transfer entitlement under this section, the number of months that may be transferred by the individual under this section may not exceed the lesser of—

''(A) the number of months transferrable by the individual under paragraph (1); or

''(B) 18 months.''.

(4) TIMING, REVOCATION, AND MODIFICATION OF TRANSFER.—Subsection (f) of such section is amended—

(A) in paragraph (1), by striking ''without regard'' and all that follows and inserting ''while the individual is a member of the Armed Forces.''; and

(B) in paragraph (2)(A), by inserting ''while the individual is serving as a member of the Armed Forces or in the Selected Reserve'' after ''at any time''.

(5) EXCLUSION FROM MARITAL PROPERTY.—Subsection (f) of such section is further amended by adding at the end the following new paragraph:

''(3) Entitlement transferred under this section may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.''.

(6) OVERPAYMENT.—Subsection (i) of such section is amended—

(A) by striking ''(1)'' before ''In the event''; and

(B) by striking paragraphs (2) and (3).

(7) REGULATIONS.—Subsection (k) of such section is amended to read as follows:

''(k) REGULATIONS.—The Secretary of Defense shall, in coordination with the Secretary of Veterans Affairs, prescribe regulations for purposes of this section. Such regulations shall specify the following:

''(1) The circumstances under which the Secretaries concerned may permit and approve transfers of entitlement under this section.

''(2) Such requirements for eligibility for transfer of entitlement under this section as the Secretary of Defense considers appropriate for purposes of subsection (b)(2).

''(3) The manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).''.

(8) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 3020. Transfer of entitlement to basic educational assistance''.

(9) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 30 of such title is amended by striking the item relating to section 3020 and inserting the following:

''3020. Transfer of entitlement to basic educational assistance.''.

(b) AUTHORITY FOR TRANSFER OF ENTITLEMENT UNDER RESERVE COMPONENTS EDUCATIONAL ASSISTANCE PROGRAMS.—

(1) SELECTED RESERVE PROGRAM.—

(A) IN GENERAL.—Chapter 1606 of title 10, United States Code, is amended by inserting after section 16131a the following new section:

''§ 16131b. Transfer of entitlement to educational assistance

''(a) IN GENERAL.—Subject to the provisions of this section, the Secretary concerned may permit a member of the Armed Forces described in subsection (b) who is entitled to educational assistance under this chapter to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such member's entitlement to such assistance, subject to the limitations under subsection (d).

''(b) ELIGIBLE MEMBERS.—A member described in this subsection is a member of the Selected Reserve of the Ready Reserve who, at the time of the approval of the member's request to transfer entitlement to educational assistance under this section—

''(1) has completed at least six years of service in the Selected Reserve; and

''(2) meets such other requirements as the Secretary of Defense may prescribe for purposes of this section.

''(c) ELIGIBLE DEPENDENTS.—A member approved to transfer an entitlement to educational assistance under this section may transfer the member's entitlement as follows:

''(1) To the member's spouse.

''(2) To one or more of the member's children.

''(3) To a combination of the individuals referred to in paragraphs (1) and (2).

''(d) NUMBER OF MONTHS TRANSFERRABLE.—(1) Except as provided in paragraph (2), a member may transfer under this section any number of months of unused entitlement of the member to educational assistance under this chapter.

''(2) In the case of a member who has completed at least six but less than 12 years of service in the Selected Reserve at the time of the approval by the Secretary concerned of the member's request to transfer entitlement under this section, the number of months that may be transferred by the member under this section may not exceed the lesser of—

''(A) the number of months transferrable by the individual under paragraph (1); or

''(B) 18 months.

''(e) DESIGNATION OF TRANSFEREE.—A member transferring an entitlement to educational assistance under this section shall—

''(1) designate the dependent or dependents to whom such entitlement is being transferred;

''(2) designate the number of months of such entitlement to be transferred to each such dependent; and

''(3) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

''(f) TIME FOR TRANSFER; REVOCATION AND MODIFICATION.—(1) Subject to the time limitation for use of entitlement under section 16133 of this title, a member approved to transfer entitlement to educational assistance under this section may transfer such entitlement at any time after the approval of the member's request to transfer such entitlement.

''(2)(A) A member transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred.

''(B) The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.

''(3) Entitlement transferred under this section may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.

''(g) COMMENCEMENT OF USE.—A dependent to whom entitlement to educational assistance is transferred under this section may not commence the use of the transferred entitlement until—

''(1) in the case of entitlement transferred to a spouse, the completion by the member making the transfer of six years of service in the Selected Reserve; or

''(2) in the case of entitlement transferred to a child, both—

''(A) the completion by the member making the transfer of six years of service in the Selected Reserve; and

''(B) either—

''(i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

''(ii) the attainment by the child of 18 years of age.

''(h) ADDITIONAL ADMINISTRATIVE MATTERS.—(1) The use of any entitlement to educational assistance transferred under this section shall be charged against the entitlement of the member making the transfer at the rate of one month for each month of transferred entitlement that is used.

''(2) Except as provided under subsection (e)(2) and subject to paragraphs (5) and (6), a dependent to whom entitlement is transferred under this section is entitled to educational assistance under this chapter in the same manner as the member from whom the entitlement was transferred.

''(3) The monthly rate of educational assistance payable to a dependent to whom entitlement is transferred under this section shall be the monthly amount payable to the member making the transfer under section 16131 or 16132a of this title, as applicable.

''(4)(A) The death of a member transferring entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.

''(B) The involuntary separation or retirement of a member transferring entitlement under this section because of a nondiscretionary provision of law for age or for years of service, as described in section 16133(b) of this title, or medical disqualification which is not the result of gross negligence or misconduct of the member shall not affect the use of entitlement by the dependent to whom the entitlement is transferred.

''(5) A child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

''(6) The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

''(7) The administrative provisions of this chapter shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible member for purposes of such provisions.

''(i) OVERPAYMENT.—(1) In the event of an overpayment of educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the member making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of title 38.

''(2)(A) Except as provided in subparagraph (B), in the case of a member transferring entitlement under this section whose eligibility is terminated under section 16134(2) of this title, the amount of any transferred entitlement under this section that is used by a dependent of the member as of the date of the failure of the member to participate satisfactorily in training as specified in section 16134(2) of this title shall be treated as an overpayment of educational assistance under paragraph (1).

''(B) Subparagraph (A) shall not apply in the case of a member who fails to complete service agreed to by the member—

''(i) by reason of the death of the member; or

''(ii) for a reason referred to in section 16133(b) of this title.

''(j) APPROVALS OF TRANSFER SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—The Secretary concerned may approve transfers of

entitlement to educational assistance under this section in a fiscal year only to the extent that appropriations for military personnel are available in that fiscal year for purposes of making deposits in the Department of Defense Education Benefits Fund under section 2006 of this title in that fiscal year to cover the present value of future benefits payable from the Fund for the Department of Defense portion of payments of educational assistance attributable to increased usage of benefits as a result of such transfers of entitlement in that fiscal year.

''(k) REGULATIONS.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, prescribe regulations for purposes of this section. Such regulations shall specify the following:

''(1) The circumstances under which the Secretaries concerned may permit and approve transfers of entitlement under this section.

''(2) Such requirements for eligibility for transfer of entitlement under this section as the Secretary of Defense considers appropriate for purposes of subsection (b)(2).

''(3) The manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1606 of such title is amended by inserting after the item relating to section 16131a the following new item:

''16131b. Transfer of entitlement to educational assistance.''.

(2) PROGRAM FOR RESERVE COMPONENTS SUPPORTING CONTINGENCY AND OTHER OPERATIONS.—

(A) IN GENERAL.—Chapter 1607 of title 10, United States Code, is amended by inserting after section 16162a the following new section:

''§ 16162b. Transfer of entitlement to educational assistance

''(a) IN GENERAL.—Subject to the provisions of this section, the Secretary concerned may permit a member of the Armed Forces described in subsection (b) who is entitled to educational assistance under this chapter to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such member's entitlement to such assistance, subject to the limitations under subsection (d).

''(b) ELIGIBLE MEMBERS.—A member referred to in subsection (a) is a member of the Armed Forces who, at the time of the approval of the member's request to transfer entitlement to educational assistance under this section—

''(1) has completed at least six years of service in the Armed Forces; and

''(2) meets such other requirements as the Secretary of Defense may prescribe for purposes of this section.

''(c) ELIGIBLE DEPENDENTS.—A member approved to transfer an entitlement to educational assistance under this section may transfer the member's entitlement as follows:

''(1) To the member's spouse.

''(2) To one or more of the member's children.

''(3) To a combination of the individuals referred to in paragraphs (1) and (2).

''(d) NUMBER OF MONTHS TRANSFERRABLE.—(1) Except as provided in paragraph (2), a member may transfer under this section any number of months of unused entitlement of the member to educational assistance under this chapter.

''(2) In the case of a member who has completed at least six but less than 12 years of service in the Armed Forces at the time of the approval by the Secretary concerned of the member's request to transfer entitlement under this section, the number of months that may be transferred by the member under this section may not exceed the lesser of—

''(A) the number of months transferrable by the individual under paragraph (1); or

''(B) 18 months.

''(e) DESIGNATION OF TRANSFEREE.—A member transferring an entitlement to educational assistance under this section shall—

''(1) designate the dependent or dependents to whom such entitlement is being transferred;

''(2) designate the number of months of such entitlement to be transferred to each such dependent; and

''(3) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

''(f) TIME FOR TRANSFER; REVOCATION AND MODIFICATION.—(1) Subject to the time limitation for use of entitlement under section 16164 of this title, a member approved to transfer entitlement to educational assistance under this section may transfer such entitlement only while serving as a member of the Armed Forces when the transfer is executed.

''(2)(A) A member transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred.

''(B) The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.

''(g) COMMENCEMENT OF USE.—A dependent to whom entitlement to educational assistance as transferred under this section may not commence the use of the transferred entitlement until—

''(1) in the case of entitlement transferred to a spouse, the completion by the member making the transfer of the years of service in the Armed Forces applicable to the member under subsection (b); or

''(2) in the case of entitlement transferred to a child, both—

''(A) the completion by the member making the transfer of the years of service in the Armed Forces applicable to the member under subsection; and

''(B) either—

''(i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

''(ii) the attainment by the child of 18 years of age.

''(h) ADDITIONAL ADMINISTRATIVE MATTERS.—(1) The use of any entitlement to educational assistance transferred under this section shall be charged against the entitlement of the member making the transfer at the rate of one month for each month of transferred entitlement that is used.

''(2) Except as provided under subsection (e)(2) and subject to paragraphs (5) and (6), a dependent to whom entitlement is transferred under this section is entitled to educational assistance under this chapter in the same manner as the member from whom the entitlement was transferred.

''(3) The monthly rate of educational assistance payable to a dependent to whom entitlement is transferred under this section shall be the monthly amount payable to the member making the transfer under section 16162 or 16162a of this title, as applicable.

''(4) The death of a member transferring an entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.

''(5) A child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

''(6) The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

''(7) The administrative provisions of this chapter shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible member for purposes of such provisions.

''(i) OVERPAYMENT.—In the event of an overpayment of educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the member making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of title 38.

''(j) APPROVALS OF TRANSFER SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—The Secretary concerned may approve transfers of entitlement to educational assistance under this section in a fiscal year only to the extent that appropriations for military personnel are available in that fiscal year for purposes of making deposits in the Department of Defense Education Benefits Fund under section 2006 of this title in that fiscal year to cover the present value of future benefits payable from the Fund for the Department of Defense portion of payments of educational assistance attributable to increased usage of benefits as result of such transfers of entitlement in that fiscal year.

''(k) REGULATIONS.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, prescribe regulations for purposes of this section. Such regulations shall specify the following:

''(1) The circumstances under which the Secretaries concerned may permit and approve transfers of entitlement under this section.

''(2) Such requirements for eligibility for transfer of entitlement under this section as the Secretary of Defense considers appropriate for purposes of subsection (b)(2).

''(3) The manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1607 of such title is amended by inserting after the item relating to section 16162a the following new item:

''16162b. Transfer of entitlement to educational assistance.''.

(3) FUNDING UNDER DEPARTMENT OF DEFENSE EDUCATION BENEFITS FUND.—Section 2006(b)(2)(D) of title 10, United States Code, is amended by inserting before the period at the end the following: '', including payments attributable to increased usage of benefits as a result of transfers of entitlement to educational assistance under sections 16131b and 16162b of this title''.

(c) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2009.

SEC. 109. USE OF EDUCATIONAL ASSISTANCE TO REPAY FEDERAL STUDENT LOANS.

(a) USE OF EDUCATIONAL ASSISTANCE TO REPAY FEDERAL STUDENT LOANS.—

(1) IN GENERAL.—Subchapter II of chapter 30 of title 38, United States Code, as amended by section 104(a) of this Act, is further amended by inserting after section 3020A the following new section:

''§ 3020B. Use of basic educational assistance benefits for repayment of Federal student loans

''(a) IN GENERAL.—An individual entitled to basic educational assistance under this subchapter who is serving on active duty in the Armed Forces may elect to apply

amounts of basic educational assistance otherwise available to the individual under this subchapter to repay all or a portion of the outstanding principal and interest on any Federal student loan owed by the individual for the individual's pursuit of a course of education.

''(b) DESIGNATION OF LOANS AND AMOUNTS PAYABLE.—An individual electing under this section to apply amounts of basic educational assistance to the payment of the outstanding principal and interest on Federal student loans shall designate (in such form and manner as the Secretary shall prescribe for purposes of this section) the following:

''(1) Each Federal student loan of the individual for which payment shall be made under this section.

''(2) For each Federal student loan designated under paragraph (1), the monthly amount to be paid under this section.

''(c) LIMITATION ON AMOUNT OF PAYMENTS.—(1) The monthly amount payable with respect to an individual under this section may not exceed the monthly rate of basic educational assistance to which the individual is otherwise entitled under this subchapter at the time of payment of such monthly amount.

''(2) The aggregate amount of basic educational assistance payable with respect to an individual under this section for any 12-month period may not exceed $6,000.

''(d) FREQUENCY OF PAYMENTS.—Payment of amounts of principal and interest on Federal student loans of an individual under this section shall be made on a monthly basis.

''(e) CESSATION OF PAYMENTS.—Payments made under this section with respect to an individual shall cease if the individual ceases serving on active duty in the Armed Forces, effective as of the first month that begins after the date on which the individual ceases serving on active duty in the Armed Forces.

''(f) CHARGE AGAINST ENTITLEMENT.—The period of entitlement to basic educational assistance under this subchapter of an individual for whom payments are made under this section shall be charged at the rate of one month for each payment or aggregate of payments under this section that are equivalent in amount to the monthly rate of basic educational assistance to which the individual is otherwise entitled under this subchapter.

''(g) REGULATIONS.—The Secretary shall prescribe such regulations as the Secretary considers appropriate for purposes of the administration of this section.

''(h) FEDERAL STUDENT LOAN DEFINED.—In this section, the term 'Federal student loan' means any loan made under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).''.

(2) CLERICAL AMENDMENT.—The table of sections of subchapter II of chapter 30 of such title, as so amended, is further amended by inserting after the item relating to section 3020A the following new item:

''3020B. Use of basic educational assistance benefits for repayment of Federal student loans.''.

(b) EFFECTIVE DATE.—Section 3020B of title 38, United States Code, as added by subsection (a), shall apply with respect to educational assistance payable for months that begin on or after the date that is one year after the date of the enactment of this Act.

SEC. 110. EDUCATIONAL ASSISTANCE FOR GRADUATES OF THE SERVICE ACADEMIES AND RESERVE OFFICERS' TRAINING CORPS PROGRAMS.

(a) ACTIVE DUTY PROGRAM.—

(1) IN GENERAL.—Subsection (a)(1) of section 3011 of title 38, United States Code, is amended—

(A) in subparagraph (B), by striking ''or'' at the end;

(B) in subparagraph (C), by adding ''or'' at the end; and

(C) by adding at the end the following new subparagraph:

''(D) after September 30, 2009—

''(i) receives or has received a commission as an officer in the Armed Forces—

''(I) upon graduation from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the Coast Guard Academy; or

''(II) upon completion of a Senior Reserve Officers' Training Corps program under chapter 103 of title 10; and

''(ii) completes at least five years of continuous active duty in the Armed Forces (excluding any period of obligated service in connection with receipt of a commission as an officer in the Armed Forces under clause (i) and excluding any other period of obligated service in connection with education, training, or instruction provided or funded, whether in whole or in part, by the United States);''.

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (b), by striking ''subsection (c)(1)'' and inserting ''subsection (c)'';

(B) in subsection (c)—

(i) by striking ''(1)'' after ''(c)''; and

(ii) by striking paragraphs (2) and (3); and

(C) in subsection (e)(1), by striking ''subsection (c)(1)'' and inserting ''subsection (c)''.

(b) SELECTED RESERVE PROGRAM.—

(1) IN GENERAL.—Subsection (a)(1) of section 3012 of such title is amended—

(A) in subparagraph (B), by striking ''or'' at the end;

(B) in subparagraph (C), by adding ''or'' at the end; and

(C) by adding at the end the following new subparagraph:

''(D) after September 30, 2009—

''(i) receives or has received a commission as an officer in the Armed Forces—

''(I) upon graduation from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the Coast Guard Academy; or

''(II) upon completion of a Senior Reserve Officers' Training Corps program under chapter 103 of title 10; and

''(ii) completes at least five years of continuous active duty in the Armed Forces (excluding any period of obligated service in connection with receipt of a commission as an officer in the Armed Forces under clause (i) and excluding any other period of obligated service in connection with education, training, or instruction provided or funded, whether in whole or in part, by the United States);''.

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (c), by striking ''subsection (d)(1)'' and inserting ''subsection (d)'';

(B) in subsection (d)—

(i) by striking ''(1)'' after ''(d)''; and

(ii) by striking paragraphs (2) and (3); and

(C) in subsection (f)(1), by striking ''subsection (d)(1)'' and inserting ''subsection (d)''.

(c) AMOUNT OF BASIC EDUCATIONAL ASSISTANCE.—Section 3015(c) of such title is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(2) by adding at the end the following new paragraph:

''(3) Paragraph (1) of this subsection also applies to the following:

''(A) An individual entitled to an educational assistance allowance under section 3011 of this title by reason of subsection (a)(1)(D) of such section.

''(B) An individual entitled to an educational assistance allowance under section 3012 of this title by reason of subsection (a)(1)(D) of such section.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009.

SEC. 111. OPPORTUNITY FOR CURRENT AND CERTAIN RETIRED VEAP-ERA PERSONNEL TO ENROLL IN BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) OPPORTUNITY FOR CURRENT AND CERTAIN RETIRED VEAP-ERA PERSONNEL TO ENROLL.—

(1) IN GENERAL.—Chapter 30 of title 38, United States Code, is amended by inserting after section 3018C the following new section:

''§ 3018D. Opportunity for current and certain retired VEAP-era personnel to enroll

''(a) IN GENERAL.—An individual described in subsection (b) who makes an election described in paragraph (5) of such subsection is entitled to basic educational assistance under this chapter, subject to the provisions of subsection (d).

''(b) COVERED INDIVIDUALS.—An individual described in this subsection is an individual who meets each of the following requirements:

''(1) The individual first became a member of the Armed Forces or first entered on active duty as a member of the Armed Forces on or after January 1, 1977, but before July 1, 1985.

''(2) The individual, as of the date of the individual's election under paragraph (5)—

''(A) is serving on active duty without a break in service (other than as described in section 3202(1)(C) of this title) since the date the individual first became such a member or first entered on active duty as such a member; or

''(B) is retired from the Armed Forces after serving at least 20 years on active duty in the Armed Forces, which service included service on active duty in the Armed Forces on or after September 11, 2001, and elected not to participate in the program of educational assistance under chapter 32 of this title.

''(3) The individual, before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree, but has not completed the requirements for nor been awarded a bachelor's degree.

''(4) The individual—

''(A) in the case of an individual described by paragraph (2)(A), is discharged with an honorable discharge or released with service characterized as honorable by the Secretary concerned; or

''(B) in the case of an individual described by paragraph (2)(B), was discharged with an honorable discharge or released with service characterized as honorable by the Secretary concerned.

''(5) During the one-year period beginning on October 1, 2009, the individual makes an irrevocable election to receive benefits under this section pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy.

''(c) REDUCTION OF PAY; COLLECTION AND PAYMENT OF AMOUNTS.—(1) In the case of an individual described by subsection (b) who

makes an election under this section to become entitled to basic educational assistance under this chapter—

''(A) the basic pay or retired or retainer pay, as applicable, of the individual shall be reduced (in a manner determined by the Secretary concerned) until the total amount by which such pay is reduced is $2,700; or

''(B) to the extent that the basic pay of the individual is not so reduced before the individual's discharge or release from active duty as described in subsection (d)(4)(A), the Secretary concerned shall collect from the individual an amount equal to the difference between $2,700 and the total amount of reductions with respect to the individual under subparagraph (A).

''(2) An individual covered by paragraph (1) may at any time pay the Secretary concerned an amount equal to the difference between the total of the reductions otherwise required with respect to the individual under that paragraph and the total amount of the reductions with respect to the individual under that paragraph at the time of the payment.

''(3) Any amounts collected under paragraph (1)(B) or paid under paragraph (2) shall be paid into the Treasury as miscellaneous receipts.

''(4) The total amount of reductions in pay, or of collections or payments, required with respect to an individual under paragraph (1) shall be achieved not later than 12 months after the date on which the individual makes an election under subsection (b)(5).

''(5) No amount of educational assistance allowance under this chapter shall be paid to an individual covered by paragraph (1) until the date on which the total amount of reductions in pay, or of collections or payments, required with respect to the individual under paragraph (1) is achieved.

''(d) LIMITATIONS ON BASIC EDUCATIONAL ASSISTANCE.—(1) The basic educational assistance allowance payable under this chapter to an individual entitled to such educational assistance allowance under this section shall be payable at the monthly rate of basic educational assistance payable under section 3015(a)(1)(B) of this title.

''(2) Basic educational assistance under this section shall be available only for pursuit of a non-degree vocational training program, an associate degree, or a bachelor's degree, but shall not be available for pursuit of a masters degree or other advanced college degree.

''(3) An individual entitled under this section to basic educational assistance under this chapter is entitled to the educational stipend provided under section 3020A of this title.

''(4)(A) Entitlement under this section to basic educational assistance under this chapter is not transferrable under the provisions of section 3020 of this title.

''(B) An individual entitled under this section to basic educational assistance under this chapter is not eligible for the following:

''(i) The use of basic educational assistance benefits under this chapter for the repayment of Federal student loans under section 3020B of this title.

''(ii) Supplemental educational assistance authorized by subchapter III of this chapter.

''(5)(A) Except as provided in subparagraph (B), the provisions of section 3031 of this title shall apply to the use of entitlement under this section to basic educational assistance under this chapter.

''(B) In the case of an individual entitled under this section to basic educational assistance under this chapter who is described by subsection (b)(2)(B), the period during which the individual may use such entitlement expires on October 1, 2019.

''(e) OUTREACH.—The Secretary shall, in coordination with the Secretary of Defense, provide for notice of the opportunity under this section to elect to become entitled to basic educational assistance under this chapter.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 30 of such title is amended by inserting after the item relating to section 3018C the following new item:

''3018D. Opportunity for current and certain retired VEAP-era personnel to enroll.''.

(b) CONFORMING AMENDMENTS.—Section 3017(b)(1) of such title is amended—

(1) in subparagraphs (A) and (C), by striking ''or 3018C(e)'' and inserting ''3018C(e), or 3018D(c)''; and

(2) in subparagraph (B), by striking ''or 3018C(e) of this title'' after ''section 3018C(e), or 3018D(c) of this title or paid by the individual under section 3018D(c) of this title''.

SEC. 112. COLLEGE PATRIOTS GRANT PROGRAM.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—Chapter 36 of title 38, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER IV—COLLEGE PATRIOTS GRANTS

''§ 3699A. College Patriots Grant Program

''(a) PURPOSE.—It is the purpose of this section to provide, through a partnership with the Department and institutions of higher education, supplemental educational grants to assist in making available the benefits of postsecondary education to qualified veterans by meeting such veterans' unmet financial need.

''(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall carry out a supplemental educational grant program under which—

''(1) an institution of higher education participating in the program voluntarily provides a covered individual enrolled in the institution with the non-Federal share of a percentage of the covered individual's unmet financial need determined in accordance with subsection (e); and

''(2) the Secretary provides the Federal share of a percentage of the covered individual's unmet financial need determined in accordance with subsection (e).

''(c) DESIGNATION OF PROGRAM.—The program under this section shall be known as the 'College Patriots Grant Program'.

''(d) INSTITUTIONAL ELIGIBILITY CRITERIA.—Assistance may be made available under this section only to an institution of higher education that satisfies any criteria specified by the Secretary. Such criteria shall include an agreement or other appropriate assurance from the institution of higher education that—

''(1) the non-Federal share of a covered individual's unmet financial need awarded under this section shall be provided from non-Federal resources, including—

''(A) institutional grants and scholarships;

''(B) tuition or fee waivers;

''(C) State scholarships; and

''(D) foundation or other charitable organization funds; and

''(2) funds made available under this section shall be provided to a covered individual for whom the institution of higher education has made a determination that the covered individual has an unmet financial need, which determination shall be made before including Federal student loans under title IV of the Higher Education Act of 1965 in the covered individual's financial aid package.

''(e) FEDERAL SHARE; NON-FEDERAL SHARE.—

''(1) IN GENERAL.—The Secretary shall not approve an institution of higher education for participation in the College Patriots Grant Program unless the institution of higher education has provided, in the manner required by the Secretary, the following:

''(A) An agreement or other assurance that the institution of higher education will provide the non-Federal share in accordance with this subsection.

''(B) Information on the specific methods by which the non-Federal share shall be paid.

''(C) An acknowledgment that the non-Federal share provided under this subsection shall supplement and not supplant other Federal and non-Federal funds.

''(2) FEDERAL AND NON-FEDERAL SHARES.—Each institution of higher education participating in the program under this section shall select one of the three contribution percentage tiers described in paragraph (3) for purposes of meeting a percentage of the unmet financial needs of covered individuals enrolled in the institution.

''(3) PERCENTAGE CONTRIBUTION TIERS.—

''(A) 25 PERCENT TIER.—In the case of a covered individual enrolled in the institution who has an unmet financial need that is—

''(i) less than $8,000, the non-Federal share shall be 12.5 percent of the unmet financial need and the Federal share shall be 12.5 percent of the unmet financial need, except that the Federal share shall not exceed $1,000; and

''(ii) equal to or greater than $8,000, the Federal share shall be $1,000 and the non-Federal share shall be 25 percent of the covered individual's unmet financial need minus $1,000.

''(B) 50 PERCENT TIER.—In the case of a covered individual enrolled in the institution who has an unmet financial need that is—

''(i) less than $8,000, the non-Federal share shall be 25 percent of the unmet financial need and the Federal share shall be 25 percent of the unmet financial need, except that the Federal share shall not exceed $2,000; and

''(ii) equal to or greater than $8,000, the Federal share shall be $2,000 and the non-Federal share shall be 50 percent of the covered individual's unmet financial need minus $2,000.

''(C) 100 PERCENT TIER.—In the case of a covered individual enrolled in the institution who has an unmet financial need that is—

''(i) less than $6,000, the non-Federal share shall be 50 percent of the unmet financial need and the Federal share shall be 50 percent of the unmet financial need, except that the Federal share shall not exceed $3,000; and

''(ii) equal to or greater than $6,000, the Federal share shall be $3,000 and the non-Federal share shall be 100 percent of the covered individual's unmet financial need minus $3,000.

''(f) REGULATIONS.—The Secretary shall prescribe regulations necessary to implement and administer the College Patriots Grant Program, including regulations establishing the procedures for determining eligibility for the program, applying for supplemental educational grants under the program, and distributing the Federal share provided by the Secretary under the program.

''(g) OUTREACH.—The Secretary of Veterans Affairs, in coordination with the Secretary of Defense and the Secretary of Education, shall—

''(1) make available to the public on the Internet website of the Department—

''(A) a current list of institutions of higher education participating in the College Patriots Grant Program; and

''(B) information on the extent of participation of each institution of higher education participating in the College Patriots Grant Program;

''(2) make available to the public on the Internet website of the Department information about all Federal and State education benefits that members of the regular components of the Armed Forces, members of the

reserve components of the Armed Forces, veterans, and their dependents may be eligible to receive; and

''(3) make available to institutions of higher education information about the College Patriots Grant Program and take appropriate actions to encourage broad participation of institutions of higher education in the program.

''(h) AWARDS FOR INSTITUTIONAL RECOGNITION.—The Secretary may establish and administer an awards program to recognize the extent of an institution of higher education's participation in the College Patriots Grant Program.

''(i) DEFINITIONS.—In this section:

''(1) COST OF ATTENDANCE.—The term 'cost of attendance' has the meaning given the term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll).

''(2) COVERED INDIVIDUAL.—The term 'covered individual' means an individual who—

''(A) is enrolled in an institution of higher education that is participating in the College Patriots Grant Program;

''(B) has such amount of remaining entitlement to educational assistance under chapter 30 or 32 of this title, or under chapter 1606 or 1607 of title 10, as the Secretary may require for purposes of this section; and

''(C) after receipt of any of the educational assistance described in subparagraph (B), has an unmet financial need to attend the institution of higher education for which a supplemental educational grant is sought.

''(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

''(4) UNMET FINANCIAL NEED.—The term 'unmet financial need' means, with respect to a covered individual, the cost of attendance for the covered individual to attend an institution of higher education participating in the College Patriots Grant Program, minus the sum of—

''(A) grant and work assistance received by the covered individual under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

''(B) any educational assistance payments received by the covered individual through any programs administered by the Department of Veterans Affairs or the Department of Defense.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by adding at the end the following new items:

''SUBCHAPTER IV—COLLEGE PATRIOTS GRANTS

''3699A. College Patriots Grant Program.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect one year after the date of the enactment of this Act, and shall apply to terms, quarters, or semesters beginning on or after that date.

SEC. 113. TERMINATION OF CONTRIBUTIONS BY MEMBERS OF THE ARMED FORCES FOR PARTICIPATION IN THE MONTGOMERY GI BILL PROGRAM.

(a) ACTIVE DUTY PROGRAM.—Notwithstanding subsection (b) of section 3011 of title 38, United States Code, no reduction in basic pay otherwise required by such section shall be made in the case of a member of the Armed Forces who first enters on active duty on or after the date of the enactment of this Act and elects to receive basic educational assistance under such section.

(b) SELECTED RESERVE PROGRAM.—Notwithstanding subsection (c) of section 3012 of such title, no reduction in basic pay otherwise required by such section shall be made in the case of a member of the Armed Forces who first becomes eligible for basic educational assistance under such section on or after the date of the enactment of this Act and elects to receive basic educational assistance under such section.

SEC. 114. MODIFICATION OF SERVICE REQUIREMENT FOR EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS WITH EXTENDED SERVICE IN THE SELECTED RESERVE.

(a) IN GENERAL.—Section 16162(c)(4) of title 10, United States Code, is amended by striking subparagraphs (A) through (C) and inserting the following new subparagraphs:

''(A) 40 percent in the case of a member of a reserve component who performed active service for—

''(i) 90 consecutive days but less than one continuous year; or

''(ii) an aggregate of one year but less than two years, none of which was continuous service of one year or more;

''(B) 60 percent in the case of a member of a reserve component who performed active service for—

''(i) one continuous year but less than two continuous years; or

''(ii) an aggregate of two years but less than three years, none of which was continuous service of two years or more; or

''(C) 80 percent in the case of a member of a reserve component who performed active service for—

''(i) two continuous years or more; or

''(ii) an aggregate of three years or more.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to educational assistance payable for months beginning on or after that date.

SEC. 115. MODIFICATION OF FORMULA FOR DETERMINATION OF ANNUAL COST ADJUSTMENT IN RATES OF EDUCATIONAL ASSISTANCE.

(a) ACTIVE DUTY PROGRAM.—Section 3015(h) of title 38, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''With respect to any fiscal year'' and inserting ''Subject to paragraphs (2) and (3), with respect to any fiscal year''; and

(B) by striking ''the percentage by which—'' and all that follows through the end of the paragraph and inserting ''the percentage increase in the average cost of tuition, fees, room, and board at public four-year institutions of higher education (as determined by the Secretary in consultation with the Secretary of Education and Secretary of Defense) over the one-year period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made.'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) With respect to any fiscal year, in no event shall the increase in rates under paragraph (1) be less than a percentage increase equal to the percentage by which—

''(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(B) such Consumer Price Index for the 12-month period preceding that 12-month period.''.

(b) SELECTED RESERVE PROGRAM.—Section 16131(b)(2) of title 10, United States Code, is amended—

(1) by striking ''With respect to any fiscal year'' and inserting ''(A) Subject to subparagraph (B), with respect to any fiscal year'';

(2) by striking ''the percentage by which—'' and all that follows and inserting ''the percentage increase in the average cost of tuition, fees, room, and board at public four-year institutions of higher education (as determined by the Secretary of Veterans Affairs in consultation with the Secretary of Education and Secretary of Defense) over the one-year period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made.''; and

(3) by adding at the end the following new subparagraph:

''(B) With respect to any fiscal year, in no event shall the increase in rates under subparagraph (A) be less than a percentage increase equal to the percentage by which—

''(i) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(ii) such Consumer Price Index for the 12-month period preceding that 12-month period.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009, and shall apply with respect to fiscal years that begin on or after that date.

SA 4764. Mr. MCCONNELL proposed an amendment to amendment SA 4763 proposed by Mr. GRAHAM (for himself, Mr. BURR, and Mr. MCCAIN) to the bill H.R. 980, to provide collective bargaining rights for public safety officers by States or their political subdivisions; as follows:

Strike in the amendment the word **TITLE** and add the following:

I—EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES AND VETERANS

SEC. 101. SHORT TITLE.

This title may be cited as the ''Enhancement of Recruitment, Retention, and Readjustment Through Education Act of 2008''.

SEC. 102. FINDINGS.

Congress makes the following findings:

(1) The World War II-era GI Bill assisted almost 8,000,000 members of the Armed Forces in readjusting to civilian life after completing their service to the nation. With the support and assistance of America's colleges and universities, the GI Bill provided incentives that transformed American society, making a college degree a realizable goal for millions of Americans.

(2) In the years following World War II, the GI Bill continued to provide educational benefits for members of the Armed Forces who had been drafted into or volunteered for service.

(3) The establishment of the All Volunteer Force in 1973, and its development since its inception, has produced highly professional Armed Forces that are recognized as the most effective fighting force the world has ever seen.

(4) The Sonny Montgomery GI Bill was enacted in 1984 to sustain the All Volunteer Force by providing educational benefits to aid in the recruitment and retention of highly qualified personnel for the Armed Forces and to assist veterans in readjusting to civilian life. Today, it remains a cornerstone of military recruiting and retention planning for the Armed Forces and continues to fulfill its original purposes.

(5) The All Volunteer Force depends for its effectiveness and vitality on successful recruiting of highly capable men and women, and retention for careers of soldiers, sailors, airmen, and marines, in both the active and reserve components of the Armed Forces, who, with the support of their families and loved ones, develop into professional, dedicated, and experienced officers, noncommissioned officers, and petty officers.

(6) The achievement of educational goals, including obtaining the means to a college

degree, has traditionally been a key reason for volunteering for service in the Armed Forces. For members who serve a career in the Armed Forces, this goal extends to their spouses and children and has resulted in requests for the option to transfer educational benefits under the GI Bill to spouses and children.

(7) As in the aftermath of World War II, colleges and universities throughout the United States should demonstrate their and the Nation's appreciation to veterans by dedicated programs providing financial aid.

(8) It is in that national interest for the United States—

(A) to express the gratitude of the American people by assisting those who have honorably served in the Armed Forces and returned to civilian life to achieve their educational goals;

(B) to provide significant educational benefits to provide incentives for successful recruiting;

(C) to motivate continued service in the All Volunteer Force by those members with the potential for military careers and their spouses and children; and

(D) to assist those who serve and their families in achieving their personal goals, including higher education, while progressing in a military career.

SEC. 103. PLAN ON COORDINATION OF CURRENT EDUCATIONAL ASSISTANCE PROGRAMS AND DEVELOPMENT OF ADDITIONAL EDUCATIONAL ASSISTANCE PROGRAMS TO ENABLE CAREER-ORIENTED MEMBERS OF THE ARMED FORCES TO ATTAIN A BACHELOR'S DEGREE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the outstanding men and women who volunteer for service in the Armed Forces and demonstrate through their service the ability, motivation, and commitment to serve as career commissioned officers, noncommissioned officers, petty officers, and warrant officers should be given the opportunities and resources needed to obtain a bachelor's degree before they complete active duty and retire from the Armed Forces; and

(2) every effort should be made by the leaders of the Army, Navy, Marine Corps, Air Force, and Coast Guard to demonstrate to members of the Armed Forces who are willing to serve and study that the dual goals of attaining a bachelor's degree and a distinguished military career are achievable and not mutually exclusive.

(b) PLAN TO COORDINATE AND DEVELOP EDUCATIONAL ASSISTANCE PROGRAMS.—

(1) PLAN REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, develop a plan to make the attainment of a bachelor's degree an achievable goal for members of the Armed Forces who are motivated towards careers in the Armed Forces and who are able and willing to accept the challenges of military duty and pursuit of college level studies.

(2) ADVICE OF THE SERVICE CHIEFS.—The Secretary of Defense shall develop the plan required by paragraph (1) with the advice of the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps.

(3) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) Appropriate elements of current programs to assist members of the Armed Forces in obtaining college-level education, including tuition assistance programs, distance learning programs, and technical training and education provided by the military departments, including programs currently administered by the Secretary of Veterans Affairs.

(B) Appropriate elements of current programs to provide members of the Armed Forces with assistance in obtaining college-level credit for the technical training and experience they undergo during their military career.

(C) One or more additional education programs to assist members of the Armed Forces in obtaining a college-level education, including mechanisms for the provision by the military departments of guidance, mentoring, and resources to assist members in achieving their professional military and personal educational goals.

(D) Such additional programs or mechanisms, such as sabbaticals from the Armed Forces or college-level education provided or funded by the military departments, as the Secretary of Defense considers appropriate to assist members of the Armed Forces in making adequate progress towards a bachelor's degree from an accredited institution of higher education while continuing a successful military career.

(E) Such mechanisms for the application of the elements of the plan to members of the National Guard and Reserves as the Secretary of Defense considers appropriate to ensure that such members receive appropriate assistance in achieving their professional military and personal educational goals.

(F) Such elements of current programs of the military departments for in-service education of members of the Armed Forces as the Secretary of Defense considers appropriate to maintain and enhance the recruitment and retention by the Armed Forces of highly trained and experienced military leaders.

(4) SUBMITTAL TO CONGRESS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the plan required by paragraph (1) not later than August 1, 2009.

SEC. 104. INCREASE IN RATES OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) INCREASE IN GENERAL RATES AND AUGMENTED RATES FOR EXTENDED SERVICE.—

(1) RATES BASED ON THREE YEARS OF OBLIGATED SERVICE.—Subsection (a)(1) of section 3015 of title 38, United States Code, is amended by striking ''on a full-time basis, at the monthly rate of'' and all that follows and inserting ''on a full-time basis—

''(A) in the case of an individual who served on active duty in the Armed Forces for 12 or more years, at the monthly rate of—

''(i) for months occurring during fiscal year 2009, $1,650;

''(ii) for months occurring during fiscal year 2010, $1,800;

''(iii) for months occurring during fiscal year 2011, $2,000; and

''(iv) for months occurring during a subsequent fiscal year, the amount for months occurring during the preceding fiscal year increased under subsection (h); and

''(B) in the case of an individual who served on active duty in the Armed Forces for less than 12 years, at the monthly rate of—

''(i) for months occurring during fiscal year 2009, $1,500; and

''(ii) for months occurring during a subsequent fiscal year, the amount for months occurring during the preceding fiscal year increased under subsection (h); or''.

(2) RATES BASED ON TWO YEARS OF OBLIGATED SERVICE.—Subsection (b)(1) of such section is amended—

(A) by striking subparagraphs (A) through (C) and inserting the following new subparagraph (A):

''(A) for months occurring during fiscal year 2009, $950; and''; and

(B) by redesignating subparagraph (D) as subparagraph (B).

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to basic educational assistance payable for months beginning on or after that date.

(2) LIMITATION ON COST-OF-LIVING ADJUSTMENTS.—

(A) CERTAIN RATES BASED ON THREE YEARS OF OBLIGATED SERVICE.—No adjustment under subsection (h) of section 3015 of title 38, United States Code, shall be made in the rates of educational assistance payable under subsection (a)(1)(A) of such section (as amended by subsection (a)(1) of this section) for any of fiscal years 2009 through 2011.

(B) OTHER RATES.—No adjustment under subsection (h) of section 3015 of title 38, United States Code, shall be made in the rates of educational assistance payable under subsection (a)(1)(B) of such section (as so amended), or subsection (b) of such section, for fiscal year 2009.

SEC. 105. ANNUAL STIPEND FOR RECIPIENTS OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) ENTITLEMENT TO STIPEND.—

(1) IN GENERAL.—Subchapter II of chapter 30 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 3020A. Educational stipend

''(a) ENTITLEMENT.—Each individual receiving basic educational assistance under this subchapter who is pursuing a program of education at an institution of higher learning (as such term is defined in section 3452(f) of this title) is entitled to an educational stipend under this section.

''(b) AMOUNT OF STIPEND.—The educational stipend payable under this section to an individual entitled to such a stipend shall be paid—

''(1) in the case of an individual pursuing an approved program of education on at least a half-time basis, at the annual rate of $1,000; and

''(2) in the case of an individual pursuing an approved program of education on less than a half-time basis, at the annual rate of $500.

''(c) PAYMENT FREQUENCY AND METHOD.—The educational stipend payable under this subsection shall be paid with such frequency (including by lump sum), and by such mechanisms, as the Secretary shall prescribe for purposes of this section.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 30 of such title is amended by adding at the end of the items relating to subchapter II the following new item:

''3020A. Educational stipend.''.

(b) EFFECTIVE DATE.—Section 3020A of title 38, United States Code, as added by subsection (a), shall take effect on the date that is one year after the enactment of this Act.

SEC. 106. INCREASE IN RATES OF EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.

(a) INCREASE IN RATES.—Section 16131(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking ''$251'' and inserting ''$634'';

(2) in subparagraph (B), by striking ''$188'' and inserting ''$474''; and

(3) in subparagraph (C), by striking ''$125'' and inserting ''$314''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to educational assistance payable for months beginning on or after that date.

(2) NO COST-OF-LIVING ADJUSTMENT.—No adjustment under paragraph (2) of section 16131(b) of title 10, United States Code, shall be made in the rates of educational assistance payable under paragraph (1) of such section for fiscal year 2009.

SEC. 107. INCREASE IN RATES OF EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS WITH EXTENDED SERVICE IN THE SELECTED RESERVE.

(a) INCREASE IN RATES FOR EXTENDED SERVICE.—Paragraph (2) of section 16162(c) of title 10, United States Code, is amended to read as follows:

''(2) The educational assistance allowance provided under this chapter shall be the amount as follows (as adjusted under paragraphs (3) and (4)):

''(A) In the case of a member who serves an aggregate of 12 years or more in the Selected Reserve of the Ready Reserve, the amount provided under section 3015(a)(1)(A) of title 38 for the fiscal year concerned, except that if a member otherwise covered by this subparagraph ceases serving in the Selected Reserve the amount shall be the amount provided under subparagraph (B) of this paragraph.

''(B) In the case of any other member, the amount provided under section 3015(a)(1)(B) of title 38 for the fiscal year concerned.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to educational assistance payable for months beginning on or after that date.

SEC. 108. ENHANCEMENT OF TRANSFERABILITY OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE.

(a) MODIFICATION OF AUTHORITY TO TRANSFER ENTITLEMENT UNDER MONTGOMERY GI BILL.—

(1) IN GENERAL.—Subsection (a) of section 3020 of title 38, United States Code, is amended to read as follows:

''(a) IN GENERAL.—Subject to the provisions of this section, the Secretary of Defense shall authorize each Secretary concerned to permit an individual described in subsection (b) who is entitled to basic educational assistance under this subchapter to elect to transfer to one or more of the dependents specified in subsection (c) the unused portion of such individual's entitlement to such assistance, subject to the limitation under subsection (d).''.

(2) ELIGIBLE INDIVIDUALS.—Subsection (b) of such section is amended to read as follows:

''(b) ELIGIBLE INDIVIDUALS.—An individual referred to in subsection (a) is any member of the Armed Forces serving on active duty or as a member of the Selected Reserve who, at the time of the approval by the Secretary concerned of the member's request to transfer entitlement to basic educational assistance under this section—

''(1) has completed six years of service in the Armed Forces; and

''(2) meets such other requirements as the Secretary of Defense may prescribe for purposes of this section.''.

(3) LIMITATIONS ON MONTHS OF TRANSFER.—Subsection (d) of such section is amended to read as follows:

''(d) NUMBER OF MONTHS TRANSFERRABLE.—(1) Except as provided in paragraphs (2) and (3), an individual may transfer under this section any number of months of unused entitlement of the individual to basic educational assistance under this chapter.

''(2) In the case of an individual who has completed at least six but less than 12 years of service in the Armed Forces at the time of the approval by the Secretary concerned of the individual's request to transfer entitlement under this section, the number of months that may be transferred by the individual under this section may not exceed the lesser of—

''(A) the number of months transferrable by the individual under paragraph (1); or

''(B) 18 months.''.

(4) TIMING, REVOCATION, AND MODIFICATION OF TRANSFER.—Subsection (f) of such section is amended—

(A) in paragraph (1), by striking ''without regard'' and all that follows and inserting ''while the individual is a member of the Armed Forces.''; and

(B) in paragraph (2)(A), by inserting ''while the individual is serving as a member of the Armed Forces or in the Selected Reserve'' after ''at any time''.

(5) EXCLUSION FROM MARITAL PROPERTY.—Subsection (f) of such section is further amended by adding at the end the following new paragraph:

''(3) Entitlement transferred under this section may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.''.

(6) OVERPAYMENT.—Subsection (i) of such section is amended—

(A) by striking ''(1)'' before ''In the event''; and

(B) by striking paragraphs (2) and (3).

(7) REGULATIONS.—Subsection (k) of such section is amended to read as follows:

''(k) REGULATIONS.—The Secretary of Defense shall, in coordination with the Secretary of Veterans Affairs, prescribe regulations for purposes of this section. Such regulations shall specify the following:

''(1) The circumstances under which the Secretaries concerned may permit and approve transfers of entitlement under this section.

''(2) Such requirements for eligibility for transfer of entitlement under this section as the Secretary of Defense considers appropriate for purposes of subsection (b)(2).

''(3) The manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).''.

(8) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 3020. Transfer of entitlement to basic educational assistance''.

(9) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 30 of such title is amended by striking the item relating to section 3020 and inserting the following:

''3020. Transfer of entitlement to basic educational assistance.''.

(b) AUTHORITY FOR TRANSFER OF ENTITLEMENT UNDER RESERVE COMPONENTS EDUCATIONAL ASSISTANCE PROGRAMS.—

(1) SELECTED RESERVE PROGRAM.—

(A) IN GENERAL.—Chapter 1606 of title 10, United States Code, is amended by inserting after section 16131a the following new section:

''§ 16131b. Transfer of entitlement to educational assistance

''(a) IN GENERAL.—Subject to the provisions of this section, the Secretary concerned may permit a member of the Armed Forces described in subsection (b) who is entitled to educational assistance under this chapter to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such member's entitlement to such assistance, subject to the limitations under subsection (d).

''(b) ELIGIBLE MEMBERS.—A member described in this subsection is a member of the Selected Reserve of the Ready Reserve who, at the time of the approval of the member's request to transfer entitlement to educational assistance under this section—

''(1) has completed at least six years of service in the Selected Reserve; and

''(2) meets such other requirements as the Secretary of Defense may prescribe for purposes of this section.

''(c) ELIGIBLE DEPENDENTS.—A member approved to transfer an entitlement to educational assistance under this section may transfer the member's entitlement as follows:

''(1) To the member's spouse.

''(2) To one or more of the member's children.

''(3) To a combination of the individuals referred to in paragraphs (1) and (2).

''(d) NUMBER OF MONTHS TRANSFERRABLE.—(1) Except as provided in paragraph (2), a member may transfer under this section any number of months of unused entitlement of the member to educational assistance under this chapter.

''(2) In the case of a member who has completed at least six but less than 12 years of service in the Selected Reserve at the time of the approval by the Secretary concerned of the member's request to transfer entitlement under this section, the number of months that may be transferred by the member under this section may not exceed the lesser of—

''(A) the number of months transferrable by the individual under paragraph (1); or

''(B) 18 months.

''(e) DESIGNATION OF TRANSFEREE.—A member transferring an entitlement to educational assistance under this section shall—

''(1) designate the dependent or dependents to whom such entitlement is being transferred;

''(2) designate the number of months of such entitlement to be transferred to each such dependent; and

''(3) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

''(f) TIME FOR TRANSFER; REVOCATION AND MODIFICATION.—(1) Subject to the time limitation for use of entitlement under section 16133 of this title, a member approved to transfer entitlement to educational assistance under this section may transfer such entitlement at any time after the approval of the member's request to transfer such entitlement.

''(2)(A) A member transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred.

''(B) The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.

''(3) Entitlement transferred under this section may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.

''(g) COMMENCEMENT OF USE.—A dependent to whom entitlement to educational assistance is transferred under this section may not commence the use of the transferred entitlement until—

''(1) in the case of entitlement transferred to a spouse, the completion by the member making the transfer of six years of service in the Selected Reserve; or

''(2) in the case of entitlement transferred to a child, both—

''(A) the completion by the member making the transfer of six years of service in the Selected Reserve; and

''(B) either—

''(i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

''(ii) the attainment by the child of 18 years of age.

''(h) ADDITIONAL ADMINISTRATIVE MATTERS.—(1) The use of any entitlement to educational assistance transferred under this section shall be charged against the entitlement of the member making the transfer at the rate of one month for each month of transferred entitlement that is used.

''(2) Except as provided under subsection (e)(2) and subject to paragraphs (5) and (6), a dependent to whom entitlement is transferred under this section is entitled to educational assistance under this chapter in the same manner as the member from whom the entitlement was transferred.

''(3) The monthly rate of educational assistance payable to a dependent to whom entitlement is transferred under this section shall be the monthly amount payable to the member making the transfer under section 16131 or 16132a of this title, as applicable.

''(4)(A) The death of a member transferring entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.

''(B) The involuntary separation or retirement of a member transferring entitlement under this section because of a nondiscretionary provision of law for age or for years of service, as described in section 16133(b) of this title, or medical disqualification which is not the result of gross negligence or misconduct of the member shall not affect the use of entitlement by the dependent to whom the entitlement is transferred.

''(5) A child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

''(6) The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

''(7) The administrative provisions of this chapter shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible member for purposes of such provisions.

''(i) OVERPAYMENT.—(1) In the event of an overpayment of educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the member making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of title 38.

''(2)(A) Except as provided in subparagraph (B), in the case of a member transferring entitlement under this section whose eligibility is terminated under section 16134(2) of this title, the amount of any transferred entitlement under this section that is used by a dependent of the member as of the date of the failure of the member to participate satisfactorily in training as specified in section 16134(2) of this title shall be treated as an overpayment of educational assistance under paragraph (1).

''(B) Subparagraph (A) shall not apply in the case of a member who fails to complete service agreed to by the member—

''(i) by reason of the death of the member; or

''(ii) for a reason referred to in section 16133(b) of this title.

''(j) APPROVALS OF TRANSFER SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—The Secretary concerned may approve transfers of entitlement to educational assistance under this section in a fiscal year only to the extent that appropriations for military personnel are available in that fiscal year for purposes of making deposits in the Department of Defense Education Benefits Fund under section 2006 of this title in that fiscal year to cover the present value of future benefits payable from the Fund for the Department of Defense portion of payments of educational assistance attributable to increased usage of benefits as a result of such transfers of entitlement in that fiscal year.

''(k) REGULATIONS.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, prescribe regulations for purposes of this section. Such regulations shall specify the following:

''(1) The circumstances under which the Secretaries concerned may permit and approve transfers of entitlement under this section.

''(2) Such requirements for eligibility for transfer of entitlement under this section as the Secretary of Defense considers appropriate for purposes of subsection (b)(2).

''(3) The manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1606 of such title is amended by inserting after the item relating to section 16131a the following new item:

''16131b. Transfer of entitlement to educational assistance.''.

(2) PROGRAM FOR RESERVE COMPONENTS SUPPORTING CONTINGENCY AND OTHER OPERATIONS.—

(A) IN GENERAL.—Chapter 1607 of title 10, United States Code, is amended by inserting after section 16162a the following new section:

''§ 16162b. Transfer of entitlement to educational assistance

''(a) IN GENERAL.—Subject to the provisions of this section, the Secretary concerned may permit a member of the Armed Forces described in subsection (b) who is entitled to educational assistance under this chapter to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such member's entitlement to such assistance, subject to the limitations under subsection (d).

''(b) ELIGIBLE MEMBERS.—A member referred to in subsection (a) is a member of the Armed Forces who, at the time of the approval of the member's request to transfer entitlement to educational assistance under this section—

''(1) has completed at least six years of service in the Armed Forces; and

''(2) meets such other requirements as the Secretary of Defense may prescribe for purposes of this section.

''(c) ELIGIBLE DEPENDENTS.—A member approved to transfer an entitlement to educational assistance under this section may transfer the member's entitlement as follows:

''(1) To the member's spouse.

''(2) To one or more of the member's children.

''(3) To a combination of the individuals referred to in paragraphs (1) and (2).

''(d) NUMBER OF MONTHS TRANSFERRABLE.—(1) Except as provided in paragraph (2), a member may transfer under this section any number of months of unused entitlement of the member to educational assistance under this chapter.

''(2) In the case of a member who has completed at least six but less than 12 years of service in the Armed Forces at the time of the approval by the Secretary concerned of the member's request to transfer entitlement under this section, the number of months that may be transferred by the member under this section may not exceed the lesser of—

''(A) the number of months transferrable by the individual under paragraph (1); or

''(B) 18 months.

''(e) DESIGNATION OF TRANSFEREE.—A member transferring an entitlement to educational assistance under this section shall—

''(1) designate the dependent or dependents to whom such entitlement is being transferred;

''(2) designate the number of months of such entitlement to be transferred to each such dependent; and

''(3) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

''(f) TIME FOR TRANSFER; REVOCATION AND MODIFICATION.—(1) Subject to the time limitation for use of entitlement under section 16164 of this title, a member approved to transfer entitlement to educational assistance under this section may transfer such entitlement only while serving as a member of the Armed Forces when the transfer is executed.

''(2)(A) A member transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred.

''(B) The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.

''(g) COMMENCEMENT OF USE.—A dependent to whom entitlement to educational assistance as transferred under this section may not commence the use of the transferred entitlement until—

''(1) in the case of entitlement transferred to a spouse, the completion by the member making the transfer of the years of service in the Armed Forces applicable to the member under subsection (b); or

''(2) in the case of entitlement transferred to a child, both—

''(A) the completion by the member making the transfer of the years of service in the Armed Forces applicable to the member under subsection; and

''(B) either—

''(i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

''(ii) the attainment by the child of 18 years of age.

''(h) ADDITIONAL ADMINISTRATIVE MATTERS.—(1) The use of any entitlement to educational assistance transferred under this section shall be charged against the entitlement of the member making the transfer at the rate of one month for each month of transferred entitlement that is used.

''(2) Except as provided under subsection (e)(2) and subject to paragraphs (5) and (6), a dependent to whom entitlement is transferred under this section is entitled to educational assistance under this chapter in the same manner as the member from whom the entitlement was transferred.

''(3) The monthly rate of educational assistance payable to a dependent to whom entitlement is transferred under this section shall be the monthly amount payable to the member making the transfer under section 16162 or 16162a of this title, as applicable.

''(4) The death of a member transferring an entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.

''(5) A child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

''(6) The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall

include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

''(7) The administrative provisions of this chapter shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible member for purposes of such provisions.

''(i) OVERPAYMENT.—In the event of an overpayment of educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the member making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of title 38.

''(j) APPROVALS OF TRANSFER SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—The Secretary concerned may approve transfers of entitlement to educational assistance under this section in a fiscal year only to the extent that appropriations for military personnel are available in that fiscal year for purposes of making deposits in the Department of Defense Education Benefits Fund under section 2006 of this title in that fiscal year to cover the present value of future benefits payable from the Fund for the Department of Defense portion of payments of educational assistance attributable to increased usage of benefits as result of such transfers of entitlement in that fiscal year.

''(k) REGULATIONS.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, prescribe regulations for purposes of this section. Such regulations shall specify the following:

''(1) The circumstances under which the Secretaries concerned may permit and approve transfers of entitlement under this section.

''(2) Such requirements for eligibility for transfer of entitlement under this section as the Secretary of Defense considers appropriate for purposes of subsection (b)(2).

''(3) The manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1607 of such title is amended by inserting after the item relating to section 16162a the following new item:

''16162b. Transfer of entitlement to educational assistance.''.

(3) FUNDING UNDER DEPARTMENT OF DEFENSE EDUCATION BENEFITS FUND.—Section 2006(b)(2)(D) of title 10, United States Code, is amended by inserting before the period at the end the following: '', including payments attributable to increased usage of benefits as a result of transfers of entitlement to educational assistance under sections 16131b and 16162b of this title''.

(c) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2009.

SEC. 109. USE OF EDUCATIONAL ASSISTANCE TO REPAY FEDERAL STUDENT LOANS.

(a) USE OF EDUCATIONAL ASSISTANCE TO REPAY FEDERAL STUDENT LOANS.—

(1) IN GENERAL.—Subchapter II of chapter 30 of title 38, United States Code, as amended by section 104(a) of this Act, is further amended by inserting after section 3020A the following new section:

''§ 3020B. Use of basic educational assistance benefits for repayment of Federal student loans

''(a) IN GENERAL.—An individual entitled to basic educational assistance under this subchapter who is serving on active duty in the Armed Forces may elect to apply amounts of basic educational assistance otherwise available to the individual under this subchapter to repay all or a portion of the outstanding principal and interest on any Federal student loan owed by the individual for the individual's pursuit of a course of education.

''(b) DESIGNATION OF LOANS AND AMOUNTS PAYABLE.—An individual electing under this section to apply amounts of basic educational assistance to the payment of the outstanding principal and interest on Federal student loans shall designate (in such form and manner as the Secretary shall prescribe for purposes of this section) the following:

''(1) Each Federal student loan of the individual for which payment shall be made under this section.

''(2) For each Federal student loan designated under paragraph (1), the monthly amount to be paid under this section.

''(c) LIMITATION ON AMOUNT OF PAYMENTS.—(1) The monthly amount payable with respect to an individual under this section may not exceed the monthly rate of basic educational assistance to which the individual is otherwise entitled under this subchapter at the time of payment of such monthly amount.

''(2) The aggregate amount of basic educational assistance payable with respect to an individual under this section for any 12-month period may not exceed $6,000.

''(d) FREQUENCY OF PAYMENTS.—Payment of amounts of principal and interest on Federal student loans of an individual under this section shall be made on a monthly basis.

''(e) CESSATION OF PAYMENTS.—Payments made under this section with respect to an individual shall cease if the individual ceases serving on active duty in the Armed Forces, effective as of the first month that begins after the date on which the individual ceases serving on active duty in the Armed Forces.

''(f) CHARGE AGAINST ENTITLEMENT.—The period of entitlement to basic educational assistance under this subchapter of an individual for whom payments are made under this section shall be charged at the rate of one month for each payment or aggregate of payments under this section that are equivalent in amount to the monthly rate of basic educational assistance to which the individual is otherwise entitled under this subchapter.

''(g) REGULATIONS.—The Secretary shall prescribe such regulations as the Secretary considers appropriate for purposes of the administration of this section.

''(h) FEDERAL STUDENT LOAN DEFINED.—In this section, the term 'Federal student loan' means any loan made under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).''.

(2) CLERICAL AMENDMENT.—The table of sections of subchapter II of chapter 30 of such title, as so amended, is further amended by inserting after the item relating to section 3020A the following new item:

''3020B. Use of basic educational assistance benefits for repayment of Federal student loans.''.

(b) EFFECTIVE DATE.—Section 3020B of title 38, United States Code, as added by subsection (a), shall apply with respect to educational assistance payable for months that begin on or after the date that is one year after the date of the enactment of this Act.

SEC. 110. EDUCATIONAL ASSISTANCE FOR GRADUATES OF THE SERVICE ACADEMIES AND RESERVE OFFICERS' TRAINING CORPS PROGRAMS.

(a) ACTIVE DUTY PROGRAM.—

(1) IN GENERAL.—Subsection (a)(1) of section 3011 of title 38, United States Code, is amended—

(A) in subparagraph (B), by striking ''or'' at the end;

(B) in subparagraph (C), by adding ''or'' at the end; and

(C) by adding at the end the following new subparagraph:

''(D) after September 30, 2009—

''(i) receives or has received a commission as an officer in the Armed Forces—

''(I) upon graduation from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the Coast Guard Academy; or

''(II) upon completion of a Senior Reserve Officers' Training Corps program under chapter 103 of title 10; and

''(ii) completes at least five years of continuous active duty in the Armed Forces (excluding any period of obligated service in connection with receipt of a commission as an officer in the Armed Forces under clause (i) and excluding any other period of obligated service in connection with education, training, or instruction provided or funded, whether in whole or in part, by the United States);''.

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (b), by striking ''subsection (c)(1)'' and inserting ''subsection (c)'';

(B) in subsection (c)—

(i) by striking ''(1)'' after ''(c)''; and

(ii) by striking paragraphs (2) and (3); and

(C) in subsection (e)(1), by striking ''subsection (c)(1)'' and inserting ''subsection (c)''.

(b) SELECTED RESERVE PROGRAM.—

(1) IN GENERAL.—Subsection (a)(1) of section 3012 of such title is amended—

(A) in subparagraph (B), by striking ''or'' at the end;

(B) in subparagraph (C), by adding ''or'' at the end; and

(C) by adding at the end the following new subparagraph:

''(D) after September 30, 2009—

''(i) receives or has received a commission as an officer in the Armed Forces—

''(I) upon graduation from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the Coast Guard Academy; or

''(II) upon completion of a Senior Reserve Officers' Training Corps program under chapter 103 of title 10; and

''(ii) completes at least five years of continuous active duty in the Armed Forces (excluding any period of obligated service in connection with receipt of a commission as an officer in the Armed Forces under clause (i) and excluding any other period of obligated service in connection with education, training, or instruction provided or funded, whether in whole or in part, by the United States);''.

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (c), by striking ''subsection (d)(1)'' and inserting ''subsection (d)'';

(B) in subsection (d)—

(i) by striking ''(1)'' after ''(d)''; and

(ii) by striking paragraphs (2) and (3); and

(C) in subsection (f)(1), by striking ''subsection (d)(1)'' and inserting ''subsection (d)''.

(c) AMOUNT OF BASIC EDUCATIONAL ASSISTANCE.—Section 3015(c) of such title is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(2) by adding at the end the following new paragraph:

''(3) Paragraph (1) of this subsection also applies to the following:

''(A) An individual entitled to an educational assistance allowance under section 3011 of this title by reason of subsection (a)(1)(D) of such section.

''(B) An individual entitled to an educational assistance allowance under section 3012 of this title by reason of subsection (a)(1)(D) of such section.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009.

SEC. 111. OPPORTUNITY FOR CURRENT AND CERTAIN RETIRED VEAP-ERA PERSONNEL TO ENROLL IN BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) OPPORTUNITY FOR CURRENT AND CERTAIN RETIRED VEAP-ERA PERSONNEL TO ENROLL.—

(1) IN GENERAL.—Chapter 30 of title 38, United States Code, is amended by inserting after section 3018C the following new section:

''§ 3018D. Opportunity for current and certain retired VEAP-era personnel to enroll

''(a) IN GENERAL.—An individual described in subsection (b) who makes an election described in paragraph (5) of such subsection is entitled to basic educational assistance under this chapter, subject to the provisions of subsection (d).

''(b) COVERED INDIVIDUALS.—An individual described in this subsection is an individual who meets each of the following requirements:

''(1) The individual first became a member of the Armed Forces or first entered on active duty as a member of the Armed Forces on or after January 1, 1977, but before July 1, 1985.

''(2) The individual, as of the date of the individual's election under paragraph (5)—

''(A) is serving on active duty without a break in service (other than as described in section 3202(1)(C) of this title) since the date the individual first became such a member or first entered on active duty as such a member; or

''(B) is retired from the Armed Forces after serving at least 20 years on active duty in the Armed Forces, which service included service on active duty in the Armed Forces on or after September 11, 2001, and elected not to participate in the program of educational assistance under chapter 32 of this title.

''(3) The individual, before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree, but has not completed the requirements for nor been awarded a bachelor's degree.

''(4) The individual—

''(A) in the case of an individual described by paragraph (2)(A), is discharged with an honorable discharge or released with service characterized as honorable by the Secretary concerned; or

''(B) in the case of an individual described by paragraph (2)(B), was discharged with an honorable discharge or released with service characterized as honorable by the Secretary concerned.

''(5) During the one-year period beginning on October 1, 2009, the individual makes an irrevocable election to receive benefits under this section pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy.

''(c) REDUCTION OF PAY; COLLECTION AND PAYMENT OF AMOUNTS.—(1) In the case of an individual described by subsection (b) who makes an election under this section to become entitled to basic educational assistance under this chapter—

''(A) the basic pay or retired or retainer pay, as applicable, of the individual shall be reduced (in a manner determined by the Secretary concerned) until the total amount by which such pay is reduced is $2,700; or

''(B) to the extent that the basic pay of the individual is not so reduced before the individual's discharge or release from active duty as described in subsection (d)(4)(A), the Secretary concerned shall collect from the individual an amount equal to the difference between $2,700 and the total amount of reductions with respect to the individual under subparagraph (A).

''(2) An individual covered by paragraph (1) may at any time pay the Secretary concerned an amount equal to the difference between the total of the reductions otherwise required with respect to the individual under that paragraph and the total amount of the reductions with respect to the individual under that paragraph at the time of the payment.

''(3) Any amounts collected under paragraph (1)(B) or paid under paragraph (2) shall be paid into the Treasury as miscellaneous receipts.

''(4) The total amount of reductions in pay, or of collections or payments, required with respect to an individual under paragraph (1) shall be achieved not later than 12 months after the date on which the individual makes an election under subsection (b)(5).

''(5) No amount of educational assistance allowance under this chapter shall be paid to an individual covered by paragraph (1) until the date on which the total amount of reductions in pay, or of collections or payments, required with respect to the individual under paragraph (1) is achieved.

''(d) LIMITATIONS ON BASIC EDUCATIONAL ASSISTANCE.—(1) The basic educational assistance allowance payable under this chapter to an individual entitled to such educational assistance allowance under this section shall be payable at the monthly rate of basic educational assistance payable under section 3015(a)(1)(B) of this title.

''(2) Basic educational assistance under this section shall be available only for pursuit of a non-degree vocational training program, an associate degree, or a bachelor's degree, but shall not be available for pursuit of a masters degree or other advanced college degree.

''(3) An individual entitled under this section to basic educational assistance under this chapter is entitled to the educational stipend provided under section 3020A of this title.

''(4)(A) Entitlement under this section to basic educational assistance under this chapter is not transferrable under the provisions of section 3020 of this title.

''(B) An individual entitled under this section to basic educational assistance under this chapter is not eligible for the following:

''(i) The use of basic educational assistance benefits under this chapter for the repayment of Federal student loans under section 3020B of this title.

''(ii) Supplemental educational assistance authorized by subchapter III of this chapter.

''(5)(A) Except as provided in subparagraph (B), the provisions of section 3031 of this title shall apply to the use of entitlement under this section to basic educational assistance under this chapter.

''(B) In the case of an individual entitled under this section to basic educational assistance under this chapter who is described by subsection (b)(2)(B), the period during which the individual may use such entitlement expires on October 1, 2019.

''(e) OUTREACH.—The Secretary shall, in coordination with the Secretary of Defense, provide for notice of the opportunity under this section to elect to become entitled to basic educational assistance under this chapter.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 30 of such title is amended by inserting after the item relating to section 3018C the following new item:

''3018D. Opportunity for current and certain retired VEAP-era personnel to enroll.''.

(b) CONFORMING AMENDMENTS.—Section 3017(b)(1) of such title is amended—

(1) in subparagraphs (A) and (C), by striking ''or 3018C(e)'' and inserting ''3018C(e), or 3018D(c)''; and

(2) in subparagraph (B), by striking ''or 3018C(e) of this title'' after ''section 3018C(e), or 3018D(c) of this title or paid by the individual under section 3018D(c) of this title''.

SEC. 112. COLLEGE PATRIOTS GRANT PROGRAM.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—Chapter 36 of title 38, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER IV—COLLEGE PATRIOTS GRANTS

''§ 3699A. College Patriots Grant Program

''(a) PURPOSE.—It is the purpose of this section to provide, through a partnership with the Department and institutions of higher education, supplemental educational grants to assist in making available the benefits of postsecondary education to qualified veterans by meeting such veterans' unmet financial need.

''(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall carry out a supplemental educational grant program under which—

''(1) an institution of higher education participating in the program voluntarily provides a covered individual enrolled in the institution with the non-Federal share of a percentage of the covered individual's unmet financial need determined in accordance with subsection (e); and

''(2) the Secretary provides the Federal share of a percentage of the covered individual's unmet financial need determined in accordance with subsection (e).

''(c) DESIGNATION OF PROGRAM.—The program under this section shall be known as the 'College Patriots Grant Program'.

''(d) INSTITUTIONAL ELIGIBILITY CRITERIA.—Assistance may be made available under this section only to an institution of higher education that satisfies any criteria specified by the Secretary. Such criteria shall include an agreement or other appropriate assurance from the institution of higher education that—

''(1) the non-Federal share of a covered individual's unmet financial need awarded under this section shall be provided from non-Federal resources, including—

''(A) institutional grants and scholarships;

''(B) tuition or fee waivers;

''(C) State scholarships; and

''(D) foundation or other charitable organization funds; and

''(2) funds made available under this section shall be provided to a covered individual for whom the institution of higher education has made a determination that the covered individual has an unmet financial need, which determination shall be made before including Federal student loans under title IV of the Higher Education Act of 1965 in the covered individual's financial aid package.

''(e) FEDERAL SHARE; NON-FEDERAL SHARE.—

''(1) IN GENERAL.—The Secretary shall not approve an institution of higher education for participation in the College Patriots Grant Program unless the institution of higher education has provided, in the manner required by the Secretary, the following:

''(A) An agreement or other assurance that the institution of higher education will provide the non-Federal share in accordance with this subsection.

''(B) Information on the specific methods by which the non-Federal share shall be paid.

''(C) An acknowledgment that the non-Federal share provided under this subsection shall supplement and not supplant other Federal and non-Federal funds.

''(2) FEDERAL AND NON-FEDERAL SHARES.—Each institution of higher education participating in the program under this section shall select one of the three contribution percentage tiers described in paragraph (3) for purposes of meeting a percentage of the unmet financial needs of covered individuals enrolled in the institution.

''(3) PERCENTAGE CONTRIBUTION TIERS.—

''(A) 25 PERCENT TIER.—In the case of a covered individual enrolled in the institution who has an unmet financial need that is—

''(i) less than $8,000, the non-Federal share shall be 12.5 percent of the unmet financial need and the Federal share shall be 12.5 percent of the unmet financial need, except that the Federal share shall not exceed $1,000; and

''(ii) equal to or greater than $8,000, the Federal share shall be $1,000 and the non-Federal share shall be 25 percent of the covered individual's unmet financial need minus $1,000.

''(B) 50 PERCENT TIER.—In the case of a covered individual enrolled in the institution who has an unmet financial need that is—

''(i) less than $8,000, the non-Federal share shall be 25 percent of the unmet financial need and the Federal share shall be 25 percent of the unmet financial need, except that the Federal share shall not exceed $2,000; and

''(ii) equal to or greater than $8,000, the Federal share shall be $2,000 and the non-Federal share shall be 50 percent of the covered individual's unmet financial need minus $2,000.

''(C) 100 PERCENT TIER.—In the case of a covered individual enrolled in the institution who has an unmet financial need that is—

''(i) less than $6,000, the non-Federal share shall be 50 percent of the unmet financial need and the Federal share shall be 50 percent of the unmet financial need, except that the Federal share shall not exceed $3,000; and

''(ii) equal to or greater than $6,000, the Federal share shall be $3,000 and the non-Federal share shall be 100 percent of the covered individual's unmet financial need minus $3,000.

''(f) REGULATIONS.—The Secretary shall prescribe regulations necessary to implement and administer the College Patriots Grant Program, including regulations establishing the procedures for determining eligibility for the program, applying for supplemental educational grants under the program, and distributing the Federal share provided by the Secretary under the program.

''(g) OUTREACH.—The Secretary of Veterans Affairs, in coordination with the Secretary of Defense and the Secretary of Education, shall—

''(1) make available to the public on the Internet website of the Department—

''(A) a current list of institutions of higher education participating in the College Patriots Grant Program; and

''(B) information on the extent of participation of each institution of higher education participating in the College Patriots Grant Program;

''(2) make available to the public on the Internet website of the Department information about all Federal and State education benefits that members of the regular components of the Armed Forces, members of the reserve components of the Armed Forces, veterans, and their dependents may be eligible to receive; and

''(3) make available to institutions of higher education information about the College Patriots Grant Program and take appropriate actions to encourage broad participation of institutions of higher education in the program.

''(h) AWARDS FOR INSTITUTIONAL RECOGNITION.—The Secretary may establish and administer an awards program to recognize the extent of an institution of higher education's participation in the College Patriots Grant Program.

''(i) DEFINITIONS.—In this section:

''(1) COST OF ATTENDANCE.—The term 'cost of attendance' has the meaning given the term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll).

''(2) COVERED INDIVIDUAL.—The term 'covered individual' means an individual who—

''(A) is enrolled in an institution of higher education that is participating in the College Patriots Grant Program;

''(B) has such amount of remaining entitlement to educational assistance under chapter 30 or 32 of this title, or under chapter 1606 or 1607 of title 10, as the Secretary may require for purposes of this section; and

''(C) after receipt of any of the educational assistance described in subparagraph (B), has an unmet financial need to attend the institution of higher education for which a supplemental educational grant is sought.

''(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

''(4) UNMET FINANCIAL NEED.—The term 'unmet financial need' means, with respect to a covered individual, the cost of attendance for the covered individual to attend an institution of higher education participating in the College Patriots Grant Program, minus the sum of—

''(A) grant and work assistance received by the covered individual under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

''(B) any educational assistance payments received by the covered individual through any programs administered by the Department of Veterans Affairs or the Department of Defense.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by adding at the end the following new items:

''SUBCHAPTER IV—COLLEGE PATRIOTS GRANTS

''3699A. College Patriots Grant Program.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect one year after the date of the enactment of this Act, and shall apply to terms, quarters, or semesters beginning on or after that date.

SEC. 113. TERMINATION OF CONTRIBUTIONS BY MEMBERS OF THE ARMED FORCES FOR PARTICIPATION IN THE MONTGOMERY GI BILL PROGRAM.

(a) ACTIVE DUTY PROGRAM.—Notwithstanding subsection (b) of section 3011 of title 38, United States Code, no reduction in basic pay otherwise required by such section shall be made in the case of a member of the Armed Forces who first enters on active duty on or after the date of the enactment of this Act and elects to receive basic educational assistance under such section.

(b) SELECTED RESERVE PROGRAM.—Notwithstanding subsection (c) of section 3012 of such title, no reduction in basic pay otherwise required by such section shall be made in the case of a member of the Armed Forces who first becomes eligible for basic educational assistance under such section on or after the date of the enactment of this Act and elects to receive basic educational assistance under such section.

SEC. 114. MODIFICATION OF SERVICE REQUIREMENT FOR EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS WITH EXTENDED SERVICE IN THE SELECTED RESERVE.

(a) IN GENERAL.—Section 16162(c)(4) of title 10, United States Code, is amended by striking subparagraphs (A) through (C) and inserting the following new subparagraphs:

''(A) 40 percent in the case of a member of a reserve component who performed active service for—

''(i) 90 consecutive days but less than one continuous year; or

''(ii) an aggregate of one year but less than two years, none of which was continuous service of one year or more;

''(B) 60 percent in the case of a member of a reserve component who performed active service for—

''(i) one continuous year but less than two continuous years; or

''(ii) an aggregate of two years but less than three years, none of which was continuous service of two years or more; or

''(C) 80 percent in the case of a member of a reserve component who performed active service for—

''(i) two continuous years or more; or

''(ii) an aggregate of three years or more.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to educational assistance payable for months beginning on or after that date.

SEC. 115. MODIFICATION OF FORMULA FOR DETERMINATION OF ANNUAL COST ADJUSTMENT IN RATES OF EDUCATIONAL ASSISTANCE.

(a) ACTIVE DUTY PROGRAM.—Section 3015(h) of title 38, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''With respect to any fiscal year'' and inserting ''Subject to paragraphs (2) and (3), with respect to any fiscal year''; and

(B) by striking ''the percentage by which—'' and all that follows through the end of the paragraph and inserting ''the percentage increase in the average cost of tuition, fees, room, and board at public four-year institutions of higher education (as determined by the Secretary in consultation with the Secretary of Education and Secretary of Defense) over the one-year period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made.'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) With respect to any fiscal year, in no event shall the increase in rates under paragraph (1) be less than a percentage increase equal to the percentage by which—

''(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(B) such Consumer Price Index for the 12-month period preceding that 12-month period.''.

(b) SELECTED RESERVE PROGRAM.—Section 16131(b)(2) of title 10, United States Code, is amended—

(1) by striking ''With respect to any fiscal year'' and inserting ''(A) Subject to subparagraph (B), with respect to any fiscal year'';

(2) by striking ''the percentage by which—'' and all that follows and inserting ''the percentage increase in the average cost of tuition, fees, room, and board at public four-

year institutions of higher education (as determined by the Secretary of Veterans Affairs in consultation with the Secretary of Education and Secretary of Defense) over the one-year period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made.''; and

(3) by adding at the end the following new subparagraph:

''(B) With respect to any fiscal year, in no event shall the increase in rates under subparagraph (A) be less than a percentage increase equal to the percentage by which—

''(i) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(ii) such Consumer Price Index for the 12-month period preceding that 12-month period.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 2, 2009, and shall apply with respect to fiscal years that begin on or after that date.

SA 4765. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTING GOOD SAMARITANS.

Any person, who in good faith gratuitously provides emergency care at the scene of an accident or emergency to the victim thereof, shall not be liable for any civil damages for any personal injury as a result of any act or omission by such person in rendering the emergency care or as a result of any act or failure to act to provide or arrange for further medical treatment or care for the injured person, except acts or omissions amounting to gross negligence or willful or wanton misconduct.

SA 4766. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the end of section 4(b), insert the following:

(6) Providing employers with the right to require random drug testing of its employees.

SA 4767. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

In section 8(b) before paragraph (1) the following and redesignate accordingly:

(1) HARMONIZING WITH FEDERAL LAW.—

(A) EXEMPTION.—Notwithstanding any other provision of this Act, a governor or the legislative body of a State, or a mayor or other chief executive officer or authority or the legislative body of a political subdivision, may exempt from the requirements established under this Act or otherwise any group of public safety officers whose job function is similar to the job function performed by any group of Federal employees that is excluded from collective bargaining under Federal law or an Executive order.

(B) TREATMENT OF CERTAIN EMPLOYEES.—Notwithstanding any provision of State law, supervisory, managerial, and confidential employees employed by public safety employers shall be treated in the same manner for purposes of collective-bargaining as individuals employed in the same capacity by any employer covered under the provisions of the National Labor Relations Act (29 U.S.C. 151 et seq.).

(C) RULE OF CONSTRUCTION.—Notwithstanding any provision of this Act, nothing in this Act shall be construed to require mandatory bargaining except to the extent, and with regard to the subjects, that mandatory bargaining is required between the Federal Government and any of its public safety employees.

SA 4768. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the end of section 2, add the following:

(5) Because of the critical role of public safety officers in law enforcement, and the high public regard for such employees, such employees should only be represented by organizations that demonstrate a similar regard for the law and inspire the same level of public trust and confidence.

SEC. 2A. PUBLIC SAFETY PROTECTIONS.

(a) IN GENERAL.—A State law described in section 4(a) shall—

(1) provide that no labor organization may serve, or continue to serve, as the representative of any unit of public safety officers if—

(A) any of the labor organization's officers or agents are convicted of—

(i) a felony; or

(ii) a misdemeanor related to the organization's representational responsibilities; or

(B) the organization, or the organization's officers, agents, or employees, encourage, participate, or fail to take all steps necessary to prevent any unlawful work stoppage or disruption by any public safety officers represented by such labor organization; and

(2)(A) provide any political subdivision or individual with the right to bring a civil action in Federal court against any public safety officer that engages in a strike, slowdown, or other employment action that is unlawful under Federal or State law or contrary to the provisions of a collective bargaining agreement or a contract or memorandum of understanding described in section 4(b)(2); and

(B) provide that, in any civil action described in subparagraph (A), a public safety employer may receive damages relating to the strike, slowdown, or other employment action described in subparagraph (A), and that joint and several liability shall apply.

(b) INTERACTION WITH OTHER LAWS.—Notwithstanding the Act entitled ''An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes'', approved March 23, 1932 (commonly known as the ''Norris-LaGuardia Act''), or any other provision of law, no Federal law that restricts the issuance of injunctions or restraining orders in labor disputes shall apply to labor disputes involving public safety officers covered under this Act.

(c) APPLICATION.—Notwithstanding any other provision of law, the provisions of this section shall apply to all States.

SA 4769. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

Strike section 6 and insert the following:

SEC. 6. STRIKES AND LOCKOUTS PROHIBITED.

Notwithstanding any rights or responsibilities provided under State law or pursuant to any regulations issued under section 5, a labor organization may not call, encourage, condone, or fail to take all actions necessary to prevent or end, and a public safety employee may not engage in or otherwise support, any strike (including sympathy strikes), work slowdown, sick out, or any other job action or concerted, full or partial refusal to work against any public sector employer. A public safety employer may not engage in a lockout of public safety officers.

SA 4770. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the end of section 2, add the following:

(__) Police, firefighters, and other first responders are responsible for the protection of life and property and the maintenance of civil order, all of which may be threatened in a labor dispute. Public safety officers covered by this Act should not be subject to any conflict of interest, and the public should be confident that such officers' duties will not be subject to any such conflict.

At the appropriate place, insert the following:

SEC. ___. PUBLIC SAFETY PROTECTIONS.

(a) IN GENERAL.—A State law described in section 4(a) shall provide that no labor organization may serve as bargaining representative for any public safety officers if the labor organization admits to membership, or is affiliated directly or indirectly with an organization that admits to membership, any employee other than a public safety officer.

(b) INTERACTION WITH OTHER LAWS.—Notwithstanding the Act entitled ''An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes'', approved March 23, 1932 (commonly known as the ''Norris-LaGuardia Act''), or any other provision of law, no Federal law that restricts the issuance of injunctions or restraining orders in labor disputes shall apply to labor disputes involving public safety officers covered under this Act.

(c) APPLICATION.—Notwithstanding any other provision of law, the provisions of this section shall apply to all States.

SA 4771. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the appropriate place in the amendment, insert the following:

SEC. ___. PRESERVATION OF STATE LAWS.

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to preempt a State law that provides collective bargaining rights of the type provided for under this Act to public safety officers in political subdivisions of the State, or

that provides such political subdivisions with the right to adopt such collective bargaining rights, through a vote of the residents of such political subdivisions in a special referendum election relating to such rights.

SA 4772. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NO PREEMPTION OF STATE LAW.

Notwithstanding section 8(a), and any other provision of this Act, nothing in this Act shall be construed to preempt any provision of State law (whether enacted prior to or after the date of enactment of this Act) with respect to the collective bargaining rights of public safety employees.

SA 4773. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

On page 13 of the amendment, between lines 14 and 15, insert the following:

(c) REMEDIES.—If a public safety officer or labor organization violates the prohibition of subsection (a), the Authority, employer, or any other person may file a petition in any United States District Court in the district in which the violation occurred or in the United States District Court for the District of Columbia seeking—

(1) injunctive relief; and

(2) a fine on the labor organization for each day of the violation in an amount equal to 1/26 of the total of the labor organization's annual membership dues, but not less than $2,500 nor more than $20,000 per day.

(d) JURISDICTION.—The Courts of the United States shall have jurisdiction to hear any cause of action under this section.

SA 4774. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

On page 10 of the amendment, between lines 12 and 13, insert the following:

(d) RIGHTS AND RESPONSIBILITIES OF LABOR ORGANIZATIONS.—

(1) LABOR ORGANIZATIONS.—The requirements of titles I, II, III, IV, V, and VI of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 411 et seq.) shall apply to a labor organization in which public safety officers are members to the same extent as such Act applies to a labor organization (as such term is defined in such Act) under such titles.

(2) PUBLIC SAFETY OFFICERS.—The requirements of titles I, II, III, IV, V, and VI of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 411 et seq.) shall apply to a public safety officer to same extent as such Act applies to an employee (as such term is defined in such Act) under such titles.

SA 4775. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

On page 9 of the amendment, line 15, add after the period the following: ''State law may make the recognition of the employees' labor organization by any political subdivision of the State contingent upon the results of an election by that political subdivision.''.

SA 4776. Mr. BOXER submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MONITORING AND TREATMENT OF FIRST RESPONDERS IN DISASTER AREAS.

(a) IN GENERAL.—Any first responder who suffers health-related conditions or injuries as a result of responding to emergencies in any area which is declared a disaster area by the Federal Government and who does not have health insurance coverage shall be entitled to follow-up long-term health monitoring and treatment provided through the United States Fire Administration and the Department of Health and Human Services.

(b) HEALTH MONITORING.—The long-term health monitoring referred to in subsection (a) shall include—

(1) pulmonary illness, neurological damage, and cardiovascular damage; and

(2) exposure documentation.

(c) REGULATIONS.—The Secretary of Health and Human Services shall promulgate regulations to implement this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the United States Fire Administration to carry out this section, such sums as may be necessary for each of fiscal years 2009 through 2011.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, May 14, 2008, at 10 am., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 14, 2008, at 9:30 a.m. to hold a hearing on responding to the global food crisis.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 14, 2008, at 2:30 p.m. to hold a working coffee with Dr. Surin Pitsuwan, Secretary-General of the Association of Southeast Asian Nations.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate to conduct a hearing entitled ''Addressing the Challenge of Children with Food Allergies'' on Wednesday, May 14, 2008. The hearing will commence at 2:30 p.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, May 14, 2008, at 10 a.m. to consider the nomination of the Honorable Paul A. Schneider to be Deputy Secretary, U.S. Department of Homeland Security.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Wednesday, May 14, 2008, at 3 p.m. to conduct a hearing entitled, ''Archives Oversight: Protecting Our Nation's History for Future Generations.''

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

SPECIAL COMMITTEE ON AGING

Mr. REID. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Wednesday, May 14, 2008, from 10:30 a.m.–12:30 p.m. in SD–106 for the purpose of conducting a hearing.

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

PRIVILEGES OF THE FLOOR

Mr. CHAMBLISS. Madam President, I ask unanimous consent that Ward Black, Patty Lawrence, and Alan Mackey from my staff be given floor privileges for the duration of the debate on the farm bill conference report.

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

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I am going to do some wrap-up and then yield the floor. It will only take me a couple of minutes.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

EXTENSION OF FARM SECURITY AND RURAL INVESTMENT ACT OF 2002

Mr. HARKIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 6051, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6051) to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 16, 2008.

There being no objection, the Senate proceeded to consider the bill.

Mr. HARKIN. Mr. President, I ask unanimous consent that the bill be read three times and passed and the motion to reconsider be laid upon the table with no intervening action or debate.

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

The bill (H.R. 6051) was read the third time and passed.

SUSPENDING THE ACQUISITION OF PETROLEUM FOR THE STRATEGIC PETROLEUM RESERVE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6022, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6022) to suspend the acquisition of petroleum for the Strategic Petroleum Reserve, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. HARKIN. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 6022) was read the third time and passed.

DESIGNATING MAY 15, 2008, AS MILITARY KIDS DAY

Mr. HARKIN. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of S. Res. 565, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 565) designating May 15, 2008, as Military Kids Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HARKIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 565) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 565

Whereas the members of the Armed Forces of the United States are the greatest soldiers, sailors, airmen, and Marines in the world;

Whereas as individuals and as a group, the members Armed Forces of the United States daily place their lives on the line for the United States, both here or abroad;

Whereas the children of these patriots, even the youngest of them, recognize the incredible service their parents provide, and daily face the challenges of military life, with frequent moves, separation from their loved ones, and uncertainty about the future;

Whereas the voices of these children are seldom heard and their own particular sacrifices seldom acknowledged;

Whereas the children of the members of the Armed Forces of the United States have an important creative outlet through the Annual Essay and Art Contest of the Armed Services YMCA;

Whereas the compelling essays and artwork by military children will be published in My Hero: Military Kids Write about their Moms and Dads; and

Whereas the strength of character, humor and honesty offered by these children are a hallmark for all of us to follow as we face the challenges of everyday life: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the significance of the sacrifices made every day by the thousands of families across the country and the world in support of the members of the Armed Forces of the United States;

(2) expresses gratitude for their fortitude, their strength, their compassion, and their expertise;

(3) supports the efforts of the Armed Services YMCA and the many other organizations that work to assist the military families of the United States;

(4) designates May 15, 2008, as ''Military Kids Day'' in the United States and at military installations throughout the world.

NATIONAL APHASIA AWARENESS MONTH

Mr. HARKIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 566, submitted earlier today by Senator JOHNSON.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 566) designating June 2008 as ''National Aphasia Awareness Month'' and supporting efforts to increase awareness of aphasia.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HARKIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 566) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 566

Whereas aphasia is a communication impairment caused by brain damage, typically resulting from a stroke;

Whereas, while aphasia is most often the result of stroke or brain injury, it can also occur with other neurological disorders, such as in the case of a brain tumor;

Whereas many people with aphasia also have weakness or paralysis in their right leg and right arm, usually due to damage to the left hemisphere of the brain, which controls language and movement on the right side of the body;

Whereas the effects of aphasia may include a loss or reduction in ability to speak, comprehend, read, and write, while intelligence remains intact;

Whereas stroke is the 3rd leading cause of death in the United States, ranking behind heart disease and cancer;

Whereas stroke is a leading cause of serious, long-term disability in the United States;

Whereas there are about 5,000,000 stroke survivors in the United States;

Whereas it is estimated that there are about 750,000 strokes per year in the United States, with approximately ⅓ of these resulting in aphasia;

Whereas aphasia affects at least 1,000,000 people in the United States;

Whereas more than 200,000 Americans acquire the disorder each year;

Whereas the National Aphasia Association is unique and provides communication strategies, support, and education for people with aphasia and their caregivers throughout the United States; and

Whereas as an advocacy organization for people with aphasia and their caregivers, the National Aphasia Association envisions a world that recognizes this ''silent'' disability and provides opportunity and fulfillment for those affected by aphasia: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of, and encourages all Americans to observe, National Aphasia Awareness Month in June 2008;

(2) recognizes that strokes, a primary cause of aphasia, are the third largest cause of death and disability in the United States;

(3) acknowledges that aphasia deserves more attention and study in order to find new solutions for serving individuals experiencing aphasia and their caregivers; and

(4) must make the voices of those with aphasia heard because they are often unable to communicate their condition to others.

FOOD, CONSERVATION, AND ENERGY ACT OF 2008—Resumed

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. It is my great pleasure to join my colleagues today to speak about a wonderful bipartisan effort that took a lot of time and effort, a lot of energy, but we all come to the floor tonight to celebrate a very important food policy, conservation policy, energy policy to the country. And certainly there are many people to thank.

It is wonderful to see a member of the Agriculture Committee as Presiding Officer this evening. Mr. President, we thank you for your efforts.

I certainly have to thank our chairman. We would not be here without our chairman and his passion and his patience in working through what has been an extremely challenging effort but one that—pardon the pun—has borne fruit and vegetables. So we are very pleased. It was great.

I know Senator CHAMBLISS is not here, but what a wonderful partner in all of this as well. I know he is somewhere in the building.

I wish to say to Senator CRAPO before he leaves that it has been wonderful to work with him on issues related to specialty crops and conservation, and also his wonderful leadership on the endangered species legislation.

There were 250 different organizations, from environmental organizations to businesses, that all came together. That alone is a feat. So I congratulate the Senator.

Standing next to Senator CRAPO, of course, is Senator ROBERTS, who comes with such passion and experience himself, having led farm bills. Despite his razzing me about cherries all of the time, and asparagus, we are going to get you healthy by giving you a lot more fruits and vegetables as a result of this wonderful bill.

So there are a lot of people to thank—Senators BAUCUS and GRASSLEY for their efforts on the Finance Committee, leading us. I am proud to serve on both committees, as is the distinguished Presiding Officer, who has been in a spot on both Finance and Agriculture to help bring this all together.

Also, we would not be here without Senator CONRAD and the incredible knowledge he and his staff have in crunching the numbers and being able to bring us to this point in so many ways. So thank you to him as well and, of course, our House colleagues, Chairman PETERSON and Ranking Member GOODLATTE and Chairman RANGEL.

I also wish to say a special thank-you to a gentleman I have come to call a friend, Congressman CARDOZA, who was my partner on the issue of specialty crops in the House. I very much appreciate all of his efforts as well.

Of course, I have to say thank you to Senator REID. We would not be here if our leader had not focused on this and provided the kind of leadership at the right times to be able to bring people together and to once again provide us time on the floor, when time is a precious commodity here as there is so much to be done. So I wish to thank Senator REID for always getting the priorities right in terms of what is in front of us.

Then I finally, on a personal note, wish to thank two terrific, hard-working members of my staff: Chris Adamo, who has worked every part of this bill for months and months, and Oliver Kim, who did such terrific work on the nutrition title for me. So I wish to thank both of them.

This was not, as I said before, an easy negotiation. But we are very proud. I am very proud—I know we all are—of the end result. We have created new opportunities for food and nutrition, significant new opportunities. We have new investments in renewable energies—certainly important to jobs in the great State of Michigan and around the country as well as creating energy independence. We strengthened our research efforts.

I am proud to have led an effort that began with our research institutions, our land grant colleges proposing something called CREATE–21. We used that structure to be able to put in place a research structure to be able to focus more on the competitive research and other important changes in this bill as well.

We also put in permanent disaster assistance. Due to some weather very recently in Michigan, unfortunately, we may be finding ourselves needing some of the disaster assistance for some of our specialty crops. I am hopeful we will not but, weather being what it is, having a permanent disaster assistance program is very important. I think it is important to have it paid for and have it part of our policy. So I am pleased we have that as well.

There is also an incredible conservation title that is in this bill, as well as rural development and, of course, our support for our Nation's farmers, while at the same time we achieve significant reforms.

When you put it all together, it is an incredible picture of many pieces coming together to create the right kind of values and priorities and the right kind of policy. I hope we will pass this conference report as we passed the original Senate farm bill and as the House has passed the conference report with an overwhelming majority. We will then send a very strong message to the White House that we have incredibly strong bipartisan support, and we are hopeful, in fact, that we will see the same support in the end from the White House. Even though we have certainly received comments to the contrary, we hope we will send a very strong message and that they will come together and join with us and the overwhelming number of Members who have worked so hard and supported this policy.

We have agreed on a monetary framework that has been talked about before that is $10 billion above the baseline, above the last farm bill. We actually started with fewer dollars, $58 billion less than last time because of commodity prices and so on. So there has been a lot of work on the financial side to have a way for us to be able to create some new investments. And it is significant that those investments were done not by raising revenue or raising taxes but by making reforms, by making changes within farm policy. That is very significant.

I think it is also a credit to everyone involved that the $10 billion in new spending all goes to food and nutrition programs—all of it; in fact, a little bit more than that, $10.35 billion. That is extremely significant in terms of where our values and priorities are.

It is important as well to indicate, as colleagues have, that 73 percent of the farm bill goes to food and nutrition programs for America's families, primarily through the Food Stamp Program but through other critical programs as well.

I can tell you, coming from Michigan, where we have been hard hit as it relates to the economy and what has happened in the global economy to manufacturing and so on, we have a lot of folks who never thought they would need help, a lot of folks who have worked hard their whole lives and have lost their jobs and now find themselves in a situation that, in order to feed their families, they need some help. They paid taxes their whole lives, and now they are in a situation where they need to have some assistance. In fact, we have one out of eight people—one out of eight—in Michigan today who is eligible for food stamps because of the recession and the economy. I am proud we have recognized the fact that we need to make sure in America that food assistance is available at times of hardship when families need it.

We have also talked about other programs. In the nutrition title, the school snack program is also critical in terms of supporting our fruit and vegetables growers. We are talking about expanding a program so that children in schools all across Michigan and all across the country will have the ability, rather than going to the vending machines, to be able to have a fresh apple, fresh blueberries, fresh strawberries, plums, asparagus, celery, be able to eat fresh fruits and vegetables, which we know is so important for their own health and growth as well as a way to support our growers. With this program, 81,000 Michigan students will be able to receive fresh fruits and vegetables as a result of the policies we have set up.

There are also emergency food programs, community food banks, seniors' farmers markets to be able to allow senior citizens to have coupons to buy fresh fruit and vegetables. This is very significant.

I wish to also mention and say a special personal thank-you to a member of my family who has advocated so strongly for these food programs, my

daughter Michelle, who works for the Capital Area Community Services office in Lansing, MI. She works with low-income families and seniors every day. On more than one occasion, I have been e-mailed while we were working on the farm bill, with my daughter expressing great concern about the small number of items available for senior citizens when they come in once a month for food. She is giving me lists of two potatoes, dried milk, rice, small little lists, and then she says, ''Mom, these are seniors. Can't we do better than this?'' Well, I am proud to say that with what we are doing here now, we are going to be able to do better than that. I think personally there is something wrong when we have these senior programs and they can't get fresh milk or bread, which is not part of those programs. So I wish to thank Michelle for pushing and pushing me to remember what it is like for people who are having to live under the funding and the policies we put forward.

There are many titles of the farm bill. Every title is significant. Every title affects Michigan. I come from a State that everybody thinks of as automobiles. And we are proud of our auto heritage, our manufacturing heritage, but our No. 2 industry is agriculture. We have more diversity of crops than any other State but California, and we are very proud of that as well. And while our specialty crops—our fruit and vegetable growers—are over half of what we grow, we also have corn and soybeans and sugar beets and livestock and milk as major components of Michigan agriculture.

I am proud to have helped author this bill, which maintains a strong safety net and improves policies for all of our farmers and our ranchers. Michigan is rural in many ways. Around Michigan, up north, the Upper Peninsula, all of Michigan, we benefit greatly by the rural development title. I do not think there is a community in Michigan that has not, in some way, benefited by the rural development title.

I am very excited about the energy title and what we have been able to do. The energy title really is not only about supporting growers but about creating economic opportunities, jobs, and also addressing the issue of gas prices and dependence on foreign oil. With billions of dollars in new money for both titles, I know we can help grow jobs as well as grow sources of energy—both incredibly important.

One of the most significant energy policies is the new cellulosic ethanol tax credits. I know that our Presiding Officer has been a very strong proponent of this as well. This tax incentive will build upon corn ethanol, with new cellulosic-based fuels that can be made with a variety of organic sources such as wood, with the great woods of the Upper Peninsula in Michigan, to switchgrass or agricultural waste. These new sources of ethanol will also alleviate the burden on corn and food prices, as we know.

Furthermore, in Michigan, this new tax credit will provide certainty and an incentive for investors like Mascoma, which is a partner with General Motors on a cellulosic ethanol project; New Page, which is in the Upper Peninsula and is partnering now to create commercially produced cellulosic ethanol and, again, jobs in Michigan.

The farm bill also has one of our Federal Government's strongest environmental investments, something that I know, among many passions, has been the passion of our chairman, and we would not have the conservation title we have if it were not for our chairman.

This is significant for natural resources across the Nation, but in Michigan it is really crucial, not only to our farmers who use the conservation title, but we have any number of ways, whether it is preserving wetlands or whether it is focusing on water quality or wildlife in the Great Lakes. This is extremely important to us, protecting land and open spaces. Overall, the $4 billion in new spending for conservation is vital for us in wetlands, grasslands, forests, and maintaining some of our best stewards of the land, our farmers and our ranchers.

I am extremely pleased to have included language that makes it clear that we can use dollars from the conservation title to focus on soil erosion, runoff, and other issues that address the challenges of our Great Lakes, a very important national resource.

Of course I am especially proud of the new farm bill specialty crop title. I think my colleagues have gotten tired of me talking about specialty crops, but I am very grateful for the fact that half of the growers in the country, half of our cash receipts in the country come from what are called specialty crops, fruits and vegetable growers, other specialty items, and they have not had a place in other farm bills in our history. So I thank the chairman again for working with me to create the specialty crop title. These are growers who have not asked for direct payments, but they do ask that we recognize and support them to be successful in a number of areas.

They have unique and significant challenges with pests and disease, with trade barriers, with marketing, disaster relief, the need for research. We know there are important things we can do to support fruit and vegetable growers. We have all together, counting disaster assistance, a little over $3 billion that will go toward the area of specialty crops. I have to say that when we started this process, we put together a bipartisan letter with 36 Members of the Senate asking, in fact, that we invest $3.3 billion in specialty crops. We pretty much hit that number at the end of the process. I am very grateful to all colleagues who joined together in that effort.

These new funds will help the Nation and Michigan. For example, Michigan orchards will benefit from competitive research grants that will provide much needed support for efforts to research alternative pesticides and solutions for new diseases. This is incredibly important because the FDA zero tolerance policy for insect and larva in fruit is something our growers have to address. Alternative pesticides have to be found by 2012 to allow cherries and apples to continue to be marketed in the United States. This is a very real challenge, and this bill will help them address that. The cherry industry has invested millions of its own dollars in partnering with my alma mater, Michigan State University. This partnership will be in a very competitive position to tap into these new dollars for specialty crop research.

USDA's ability to aid growers in times of surplus has been strengthened significantly by this title. The addition of value-added products to section 32, our commodity purchase program, will be of great help to Michigan growers. Our cherry growers, for example, in fact had a surplus year and a promised $8.1 million purchase is coming soon. It is helpful to know in the future this program will be stronger and even better.

Finally, let me stress the fruit and vegetable snack program. Michigan's dried cherries are the single most popular dried fruit served in the program, according to the USDA's own 2004 evaluation. This new market expanding the fresh fruits and vegetables program is something they are very excited about. There is no question this will focus on and contribute to the health and welfare of our children. There is much in this specialty crop package for both growers and consumers. I am grateful for colleagues supporting this effort.

Again, this is a bill that has reforms. It speaks to the future. I would say when we look at not only the safety net that is important for our growers, our ranchers, but when we look at new energy opportunities, food and nutrition support for our families, particularly now in challenging times, a major effort in conservation to protect our land and water, and to provide the ability to protect forests and lands for the future, rural development research, on and on, this is a bill that touches every family, not only those in rural America.

We specifically included some items such as community gardens to help those in cities who live in areas that unfortunately have been now dubbed food deserts, where the local store doesn't have fresh fruits and vegetables. It is not something they are able to get. But being able to support community groups to have community gardens so, again, fresh fruits and vegetables are available, is something that is part of this bill.

In every way, this is a bill deserving of a strong bipartisan vote. It is an example of a complicated process that people came together to work very hard on. I am very proud of Senate colleagues. We stuck together. We pushed

very hard for what we believed was the right set of values and priorities. We were able to achieve it. I encourage and urge colleagues tomorrow to join with us in support of this very important bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, the hour is late. Obviously, the galleries are very nervous and full of people who wish to go home. The aggie press covering this momentous event is tired, writing furiously, as I was. And the chairman of the committee, we are trying his patience as he has been sitting here all these hours listening to members of his committee discuss the farm bill. I thank the chairman for his perseverance. I thank the distinguished ranking member, Senator CHAMBLISS, who, I understand, like Elvis, has left the building, but his presence is still here. So I shall try to be brief.

I rise today to speak on the farm bill conference agreement and, most importantly, to stand up and support production agriculture. I want to associate myself with the remarks of the Senator from Arkansas who gave a very good speech on the value of production agriculture. Apparently our Nation enjoys, but too many times simply does not appreciate, whether it be the national media or some in this Congress or whether it be observers of agriculture program policy, the modern-day miracle known as U.S. agriculture. That used to be a staple of all agriculture speeches. I think we need to repeat it—the modern miracle that provides the cheapest and highest quality food supply in the world.

We have heard claims throughout the debate that since commodity prices are high, we don't need farm programs. That has been in the print of many a newspaper and the subject of several topics within the national media, on television, radio. Those who would make these claims do not understand agriculture or the challenges our farmers and ranchers face. I doubt seriously if they have ever set foot on any farm ground. Prices were high in the past and, as quickly as they rose, they fell. We could very well see history repeat itself. This is precisely why we need a farm bill to begin with, a farm bill that provides an adequate safety net so producers can compete in the global marketplace, producers especially in high-risk States such as Kansas, who contribute so much, 350 million bushels of wheat a year, maybe 400 million, and many other grain products, a big beef State.

These producers may barely scrape by for 2, 3, 4, and even 5 years due to inclement weather. High-risk agriculture is what we call it. But the benefits are great. Then 1 year they make it big. When they do, they are able to pay down some debt and maybe upgrade the equipment they have been using for 15 years or they can take their wife and kids on the first vacation they have been able to afford in years to take time to enjoy. Yet as soon as they get a little bit of breathing room, unfortunately, some in the media and other critics claim our producers are taking advantage of taxpayers, and they are getting rich, especially farms that farm a lot of acres. It seems to me now that we have a new criteria. If you are a large farmer, meaning if you farm a large number of acres, you are automatically rich, which is simply not the case. What other business do you know of that can sustain such prolonged periods of loss only to hold out for 1 year of reprieve? That is why we need a safety net in our farm programs. That is it in a nutshell, to help producers weather the storms of instability in the marketplace.

It is the deficiency in the safety net protections for wheat and sorghum, our producers of sorghum and wheat in this conference agreement, that does give me pause. That certainly doesn't come as any surprise to any member of the committee who has taken the time to listen to this member. As a Senator from a State with high-risk agriculture, many of our current farm programs simply don't work for my farmers when they have no crop to harvest. This is especially true of target prices and loan rates. However, two programs have worked. In recent years direct payments, which should be called safety net payments and crop insurance, have been a lifeline for Kansas farmers and their lenders. Yet title I of this agreement increases target prices and loan rates, the same programs that do not help producers when disaster strikes and they have no crop to harvest, while at the same time cutting the safety net payments or what is called a direct payment and crop insurance.

Back in 2002, we discovered that the countercyclical program, when we were considering that bill and I made the same speech on the floor at that particular time, would not have provided assistance in 9 of the previous 17 years in Kansas. That is over half the time. My question was, why support a farm bill that does not help your State, one of the biggest producing States in over half the number of years as we went back the 17 years? And those 9 years represented some of our toughest years in regard to weather in that period. Since that time, because of a prolonged drought and late-season freezes, the countercyclical and the loan programs have simply failed to provide assistance to Kansas producers, even when they didn't get a crop. Direct payments or safety net payments and crop insurance did provide the support.

Unfortunately, these key programs are treated as a bank in the conference report. Even though both the House and Senate passed bills that kept this direct payment completely intact, the conference report reduces this producer support in years 2009, 2010, and 2011. Some of my colleagues here and in the House have stated publicly they would like to see the direct payment ended altogether and rely on the countercyclical program. Again, it simply has not worked in most of the years that it has been in effect on behalf of my State of Kansas. These statements did create an atmosphere in which moving forward was difficult and at times very frustrating. Thankfully, we were able to protect salvage farmers who were getting ready to head into the fields and harvest their 2008 winter wheat crop.

I am pleased the conferees worked with me and with others to ensure that our producers would not face cuts to these direct payments in 2008. Long ago these producers signed operating notes with their lenders for this crop year. They should not have the rules of the game changed now. I am pleased we prevented that from happening.

Historically we had kept the crop insurance legislation separate from the farm bill, but that changed in 2002. Unfortunately, it does continue in this bill. I think it should be a separate bill. I remember all the hard work Senator Bob Kerrey and I worked on in regard to that bill. It was separate then. Perhaps we can do that down the road. Last time around we took $2 billion out of crop insurance. I warned at that time that that was a dangerous road to take. This time the crop insurance program offers close to $6 billion for the benefit of other programs in the bill. So we are taking from crop insurance, using it as a bank for other programs. This is going to have an effect on producers and providers, and don't let anybody tell you differently. While these cuts may not unravel the program in low-risk States, they are dangerously close to doing so in high-risk States. You know very well I am talking about doing an excellent job of representing Colorado, the neighboring State, to the west.

I am also concerned our producers will have to pay their premiums earlier, beginning in 2011. This means they may have to secure credit to cover the payment. I am hopeful that since we have a few years before this takes effect, we can get it fixed before it does hit farmers on their balance sheets.

Notwithstanding my concerns for the commodity and the crop insurance sections of this bill, let me emphasize that there are strong, positive provisions in this conference report that will go a long way to benefit not only Kansas but the entire Nation. I thank Finance Committee Chairman BAUCUS and Ranking Member GRASSLEY and their staffs for fighting so hard to ensure that the tax title of the Senate bill remained in the conference report.

I am honored to serve on the Finance Committee under their leadership, just as I am honored to serve on the Agriculture Committee. They often take hits from all corners around here because of their efforts to work together. But it is because of their bipartisanship that we have been able to show the American people that we can work

together to get things done in Washington.

They have fashioned an agricultural tax relief package that provides targeted tax relief for farmers and ranchers. It encourages significant investments in conservation, it decreases our reliance on foreign energy, and it invests in our rural communities.

Of particular importance to many of us is a provision that does correct an inequity in the Tax Code that harms retired and disabled farmers when they receive the Conservation Reserve Program payments. I and many others on both sides of the aisle have worked for years to get this fixed.

We also help agricultural businesses manage the growing costs of securing agricultural pesticides and fertilizers. While important to farmers and agricultural businesses, these can also be used for illegal purposes. They have in the past, including the manufacture of explosives, and other drugs very harmful, more especially to young people. Those of us in the heartland who remember the attack on Oklahoma City in 1995 know this risk all too well. Having served on the Intelligence Committee, I know all too well about this risk.

Also included in this title is important tax assistance for a community called Greensburg, KS. Ten days go, we marked the 1-year anniversary of the EF–5 tornado—a mile and a half wide—an EF–5 tornado that literally wiped the town off the Kansas prairie. I have seen tornado damage. Serving in the Armed Services, I have seen tornado damage. I have never seen anything like this, destroying literally 95 percent of this community of 1,500 people. The grade school, high school, city hall, hospital, water tower, fire station, every church, and all but three businesses in the town were completely destroyed. Lives were lost in this storm.

In the aftermath of this devastation, Senator BROWNBACK and I put together a very modest and temporary tax relief bill to help residents and small businesses pick up the pieces and rebuild Greensburg. This tax relief mirrors many of the same provisions Congress approved to help those affected by Hurricanes Rita and Katrina.

Some in the House actually questioned why this legislation was necessary and why it belonged on a farm bill. It belonged in the farm bill because this is a rural development and rural revitalization issue. The provisions in the package will help residents rebuild the 1,000 homes that were damaged or destroyed and will help the 113 small businesses in Greensburg to rebuild and grow their businesses.

This tax legislation represents exactly what our Government should do to help in times of extreme need, and it belongs in this bill. Frankly, the House should have passed it a year ago, as the Senate did originally on May 25, 2007.

The tax title of this conference report is a solid win for rural America, and it is a major reason why I will support this legislation—despite my concerns with the commodity title and crop insurance, which I have already gone over.

I also thank the chairman of the Agriculture Committee and the ranking member, Senator CHAMBLISS, for working with me to address my concerns with regard to the Rural Utilities Service's broadband loan program. The reforms included here represent a rare bipartisan and consensus-driven effort to bring broadband Internet to more Americans.

As has been noted by others, the conference report makes significant investments in conservation programs that are popular in Kansas, such as EQIP and the Open Fields program that Senator CONRAD and I have been working on for years.

I am also pleased to see the investments made in nutrition policy, specifically the provisions which encourage our schoolchildren to eat more whole grain foods. Whole grain products are an excellent source of fiber and provide nutrients that help reduce the risk of heart disease.

Finally, the bill includes two sections that are extremely important to Kansas.

First, through the livestock title of this bill, we have ensured that competition is protected in the marketplace and that producers will continue to be able to market their livestock as they see fit. I am also pleased the livestock title allows for the implementation of the COOL program, the country-of-origin labeling program, in a way that does not require additional burdensome paperwork on our producers in the beef industry. The beef industry is nearly a $6-billion-a-year industry in Kansas. The livestock title of the bill helps us ensure it will continue to be an important part of our State's economy.

The research title of this bill also includes an important provision to allow DHS to continue plans to build a new National Bio and AgroDefense Facility, NBAF.

The research that will be conducted at this facility will be crucial in protecting our livestock and commodity industries, human health, and the overall health of our Nation's economy. I thank the chairman and ranking member for helping to ensure this provision was included in the conference report.

So, Mr. President, as I have said before, this is not the best possible bill. But it may be—and I think is—the best bill possible under extremely difficult circumstances. Certainly the chairman understands that.

While I am not pleased with the way our Kansas wheat and sorghum producers are treated in this bill, I am worried that no farm bill or revisiting the farm bill in the next year or two may lead to an even less desirable outcome.

You have heard of ''The Last Picture Show.'' This may be ''The Last Farm Bill.'' The fact is that we do have important provisions in this bill. We also have producers who, in a few short days or weeks, will be in the fields harvesting their 2008 winter wheat crops. They need—no, they deserve the predictability and stability of a long-term bill. It is time to let them know the rules of the game.

I wish, Mr. Chairman, we could seek unanimous consent simply to pass the bill tonight and thereby relieve the President of any decision he might have to make in terms of a possible veto, even though the vote in the House was certainly overwhelming on behalf of the bill.

With that, I thank my chairman for his patience.

I thank you, Mr. President, for your patience.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise to speak of my support for the conference report on the farm bill. I am delighted to follow my colleague, Senator ROBERTS, who supports the bill, who has served on the conference committee and has been a longtime worker and writer of farm bills. I think this is probably Senator ROBERTS' fifth or sixth farm bill. So I am delighted to follow in his wake here and to support the same farm bill.

I wish to commend my colleagues, Senator HARKIN and Senator CHAMBLISS, for their leadership on this issue. I am proud to represent an agriculture State, along with Senator ROBERTS, and I am proud to represent Kansas producers and their interests here in Washington. I am proud to be here representing my dad and brother who are full-time farmers and people who both use the farm bill and swear at it from time to time as well, complaining about different of its provisions that are in the farm bill that hit them in an adverse way.

Still, I think overall this is a good farm bill. I think some of the highlights of the farm bill are the expansion of ethanol and the cellulosic ethanol field. It is an area we are seeing now—with grain prices rising and people being concerned about the competition between food and fuel moving into cellulosic—that makes enormous sense, and I think it is clearly one of the ways of the future we need to go.

The expansion of biobased products that is in the bill, the expansion of the conservation area in the bill, with a keen interest in the environment that continues to grow in the country in its importance and its importance to farmers—I think those are all highlights of the bill.

I think weak aspects of the bill are its treatment, particularly in my State, toward wheat and sorghum producers. I think those are weak aspects of this bill.

So I think, overall, as my colleague from Kansas said, we need to get some certainty of a bill done, and it is way

past time for that to take place—way past time. The extensions that have been taking place are an insult to producers who have to have some form of planning on the horizon to be able to move forward. They do not just buy inputs on a whim. They have to have some planning on the horizon for buying fuels, for being able to buy fertilizers and chemicals, and, obviously, with us doing this in May, this spring planting season is over in many places and certainly in the waning weeks in others. We need to get this done.

Much has been said about this farm bill. It has been well over 2 years in the making. I do not believe it is a perfect farm bill. No bill ever is. But I believe it is a bill we need to pass. My producers back home simply want a bill passed. That is what I continue to hear more and more: We just want to see a bill passed. They are tired of the constant wrangling back and forth, and they are not pleased with the commodity title that has been cut. Neither am I. But they would rather have the certainty that this bill represents than continue living under 1- or 2-week extensions.

I would like to focus on reasons why I am supporting this farm bill.

First—and one of the provisions noted by my colleague—the tax package attached to this bill has a lot of provisions my farmers and ranchers should be able to take advantage of. There are several programs and incentives for young and beginning farmers, as well as mandatory funding for rural micro-entrepreneurs.

This is an issue I have been focused on for several years, along with my colleague from North Dakota, Senator DORGAN. We and many others have put forward the New Homestead Act, trying to target the outmigration from rural areas, and to cause and to help investment in rural communities, to help stem this tide of outmigration. While we have not been successful in passing that New Homestead Act yet, I am pleased that many of the initiatives in this farm bill are taken from or mirror those provisions in the New Homestead Act. I think they will help in the outmigration progress that is a big problem in my State, that is a big problem, I know, in the chairman's State, in Iowa, as well.

Another piece of the tax package I am pleased is in this bill is the provisions to help Greensburg, KS, rebuild. My colleague from Kansas noted this is a town that was nearly wiped out. Ninety percent of the town was wiped out. The President has visited there twice. He most recently gave the commencement address at the high school, less than 2 weeks ago.

It is heartening to see the heart of the people in rebuilding. You knew from when you saw Greensburg right after the tornado hit and when you met with the people that this town was coming back, that the will and the spirit of the people were there. They are building it back green. It is really fascinating to see the number of small-scale and large-scale windmills that are in the town, the number of green construction sites and buildings that are going up. They want this town to be green Greensburg, and they are doing it. It is a very interesting thing to see.

I was visiting with the John Deere dealership there, and he was showing me all of the green features they are putting in. This will be the most environmentally sensitive John Deere dealership in the country. You can say: Well, I am not sure if that title means a whole lot, but it is going to be a model for dealerships around the country in the farm equipment business. They are excited about it, and I am excited for them.

This bill contains tax provisions that my colleague from Kansas, Senator ROBERTS, has worked hard to get passed. They passed this body three times but have never made it into law. With this bill, they will become law and go into practice.

I am also pleased there are several initiatives in this bill to develop the biofuels and biobased products. The agriculture industry is now a food, fiber, and fuels business. For years, this has been the dream of people in agriculture: to expand the base of the industry from food and fiber to food, fiber, and fuels. Well, that has now taken place. That is now here.

You travel across my State, you travel across the chairman's State, and there have been enormous investments in ethanol and the expansion of that industry, and it has been a great industry. I realize recently a lot of people have taken to hitting at ethanol. I would ask them, when they go to the gas pump and they are filling up and they are looking at how high this price is, that they would consider that price would be 25 to 40 cents higher without ethanol. Do they want that?

I would note as well that the price of corn is not the culprit on the rising food prices. It has had an impact, but quite modest for what people are experiencing, and it is keeping down your fuel prices in an ecologically sound way. I think we can expand that ecologically sound fashion with the cellulosic base. So I would hope in the future you would not only have a corn stream going into the ethanol plant but you would have a corn stover or fodder stream going into that same ethanol plant that would build and create ethanol out of both cellulose and out of the grain as well. That can happen with this title here.

I think one of the key provisions is loan guarantees and a new production tax credit of $1.01 per gallon for cellulosic ethanol that will be available through December of 2012. I think this is a key provision and a very helpful provision in this bill.

We have been able to make numerous everyday household items recently out of agricultural products. Not only do these products reduce our need for petroleum, they also provide a new market for farmers in rural areas to tap into.

For instance, the Kansas Polymer Research Center at Pittsburg State University in Pittsburgh, KS, has been studying, developing, and patenting ways to use various soybean oils to replace petroleum products. The foam rubber in car seats now, they have a patent to be able to make that—and it is being made in some places or soon will be—out of soybean oil rather than out of oil products. They have come up with ways to use soybean oil to create new chairs, materials in carpet, and even green concrete. Now, the color of the concrete is not actually green, but it is using soybean oil providing a new market for our farmers and is up to four times stronger than regular concrete. I am pleased to see this is being supported in the bill.

As I mentioned, I think cellulosic ethanol is one of the key titles of the bill. One of the Nation's first cellulosic ethanol plants is being built in Hugoton, KS. I am pleased it is there. I look forward to the further development of cellulosic ethanol, and this bill helps us get there.

Finally, while it is not specifically legislated through this bill, it is my hope the USDA will hold ''New Uses Expos'' around the country to showcase these bio-based products that we clearly have been targeting the Congress to do and to expand with; that the marketplace can expand with, that this title does, that this bill does, and we need to show those products off in many places around this country and around the world as a further greening of the United States and the use of the agricultural industry in expanding its base. This simply makes sense. Not only is the Federal Government required to procure bio-based products when available and affordable, but these are the types of innovative ideas that we should be pushing our agricultural industry to further develop. We all want our farm economy to move toward a more market-based system, and these new uses provide us with that opportunity.

In the livestock title, I would like to also add that I am pleased to see it is going to allow our livestock producers to produce for a market and not create artificial barriers so the producer cannot get closer to the consumer. There were provisions that were being suggested before that would block our producers, our livestock producers, particularly our beef producers in Kansas, from being able to get closer to the consumer and thus more of the consumer dollar back to the farmer. Those are not in here, and I am very pleased the livestock title does not contain those and has worked with the producers, the livestock producers, to help them out.

These are just a few reasons I am supporting this bill. I think the circumstances have been very difficult, but I believe it is a bill worth supporting. I wish to congratulate the

chairman and ranking member, Senator CHAMBLISS, for their leadership on a very tough issue and on a tough farm bill, and it is time to get it passed.

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

Mr. President, I will withhold that for just a minute.

The PRESIDING OFFICER (Mr. HARKIN). I thank the Senator from Kansas.

The Senator from Colorado is recognized.

Mr. SALAZAR. Parliamentary inquiry: Are we in a quorum call?

The PRESIDING OFFICER. No. We are on the bill, and the Senator is recognized for up to 26 minutes.

Mr. SALAZAR. Thank you very much, Mr. President and Mr. Chairman. Thank you so much.

Let me first say thank you to all of the people who have worked on this legislation in this body. Tonight is a night to celebrate what can be done when people come together and work for a common effort. To the chairman of the Agriculture Committee, the distinguished Presiding Officer, I will only say it is his patience which is the kind of patience of Job which has gotten us here tonight on the evening before we pass the conference report on the farm bill and get it moved forward to finality. It takes someone such as the Senator from Iowa who is the only U.S. Senator who still lives in the same house that he was born in, who really understands what it is like to be a salt-of-the-earth farmer and rancher, to move forward with the kind of patience and leadership to finally be at the point where we are going to get this historic farm bill across the finish line. So I wish to thank him, as well as Ranking Member CHAMBLISS for his leadership.

This has been a work long in progress. I remember some 3 years ago beginning some of the first conversations about the rewrite of the farm bill. I fondly remember the chairman of the Agriculture Committee, Senator HARKIN, coming to the State of Colorado to hold the very first hearing on this farm bill which is here before us tonight. For that, the producers, the nutrition programs, the hunger programs, the farmers and ranchers of the State of Colorado and of this Nation will always be grateful.

I also wish to say thank you to Senator BAUCUS and to Senator GRASSLEY, the chairman and ranking member of the Finance Committee. I have the privilege of sitting on both the Finance Committee and the Energy Committee. At the end of the day, how both committees were able to work together to develop a package that is one that we will be rightfully proud of is in part a great tribute to both Chairman BAUCUS, as well as Senator GRASSLEY, for their work.

I also wish to thank Senator CONRAD for his leadership in understanding the numbers. He is in a unique situation as the chairman of the Budget Committee and is the one who understands the Federal budget perhaps better than anybody else in this entire Chamber. I wish to thank also the others who served on the conference committee and who labored so hard to get this bill across the finish line, and to my colleagues on the Finance Committee, as well as on the Agriculture Committee, for all of their great work.

Across the hallway, on the other side of this Capitol, I wish to thank Chairman PETERSON of the House Agriculture Committee and Chairman RANGEL for his hard work as well, and Congressman SALAZAR, a member of the Agriculture Committee, one of the salt-of-the-earth, true farmers still here in Washington, DC, who still wears the calluses on his hands from the work that he does on tractors and out in the fields. I thank him for his leadership.

Finally, in terms of thanking leadership, it is important for us also to recognize that we would not be here were it not for Senator HARRY REID, our majority leader, because it was through his efforts that he steadfastly continued to push for us to get a final farm bill. His multiple meetings with Speaker PELOSI and with the leadership in the Senate in the committees to try to get us across the finish line is something we must honor and we must pay tribute to because without his leadership, we would not be here tonight.

I also wish to briefly say thank you to my wonderful staff and to the producers of the State of Colorado, to Grant Leslie, my legislative director, Brendan McGuire, to Tommy Olsen, and to all of my State staff and Washington staff who worked so hard on this bill.

I strongly support this farm bill conference report and I wish to thank everyone who has worked on this bill. It is a bill which is bipartisan, forward-thinking, a balanced package, and it is one which I think will pass overwhelmingly tomorrow.

There is a lot riding on this farm bill. This is a bill that helps families put healthy and safe food on their tables. It helps kids get fresh fruits and vegetables for their lunches. It helps protect our land and our water. It helps us build a clean energy economy so vital to the national security of America and of the 21st century. Nowhere, however, is the farm bill more important, of course, than on farms and ranches in small towns and rural communities all across our Nation. Today, more than half of the counties in America are designated as rural counties. Mr. President, 44 of the 64 counties in my State of Colorado are defined as rural counties. For the last 8 years, many of these counties which are home to 50 million Americans have, in my view, been largely ignored by Washington, DC—ignored in its policies and ignored in its priorities. This farm bill sets us on the right track and in a new direction.

We can see the effects of Washington's neglect in places such as my native Conejos County, one of the poorest counties in the entire United States of America where almost a quarter of the residents today still live below the poverty line. You can also see the difficulty in rural America on many of the Main Streets across the country, including Main Street of Brush, CO, where you can drive down Main Street and probably half of the businesses and stores have been closed down. The population in all of those counties across all of the eastern plains of my State has been declining.

The truth is, the rural communities across our country are struggling. Median income in rural counties is around $11,000 less than the national median—$11,000 less than the national median. So country cousins and city cousins, when they compare their average per capita income, they know if you happen to live in that part of the country, you are going to end up making about $11,000 less than if you happen to live in the city.

Jobs in many rural areas across America are disappearing. Hospitals and health clinics are closing. Schools have declining enrollments, and young people everywhere across rural America have to leave to find opportunities elsewhere. It is an exodus that takes place from rural America into urban America day after day, year after year, decade after decade.

Of the 1,729 rural counties in the Nation, 865—that is about half of those counties—lost population between 2000 and 2005. This map shows all of those red counties which have been losing population between those years, and it is those counties in all of America that we try to address to provide a new direction, a new hope, a new opportunity and optimism for rural America in this farm bill.

In my view, rural America has been forgotten for far too long, and passing this farm bill is of the utmost urgency. This legislation will help bring new life, new energy, and new opportunities for farmers and ranchers and for small town populations all across America. As a reminder of the importance of our farms and ranches in rural communities for our food supply in our society, I have for a long time since my days as attorney general in Colorado had a sign on my desk that says: ''No Farms, No Food.''

Today, I have that sign on my desk in Washington, DC. I think it is always important for all of us to understand the importance of agriculture and the food security of this Nation to take every opportunity to remind the world and to remind our fellow 300 million American citizens that our food security ought never to be taken for granted.

Tonight, this legislation, which has been led by Chairman HARKIN, is making that statement across America: No Farms, No Food. I will tell my colleagues that anyone who goes without food for a day or two will recognize how important our farms are to America's food security.

Unfortunately, I don't think the President of the United States has understood what is at stake. I hope he doesn't veto this bill. He has said multiple times that he will, even though his administration has had ample opportunity and has been at the table of negotiations and dialogue on the farm bill for many years now. So I am hopeful at the end of the day, this President, who at least in pictures is from Crawford, TX, would understand what those rural communities—including the community of Crawford, TX, and the communities across all of rural Texas—that signing this farm bill is an important way for him to stand and say rural America is, in fact, important.

I am proud of this bill before us. The farm bill will spur the clean energy revolution that is already underway on our farms and fields across America. It will help us reach the goal of producing 25 percent of our energy from renewable resources by the year 2025. There was a provision that was included in the 2007 Energy bill which we passed out of this Senate and signed by the President which Senator GRASSLEY and myself worked on during that Energy bill. This farm bill will stimulate rural development because in a number of different ways it will provide the stimulus needed for rural development to move forward, but in particular broadband, which is really needed in the 21st century for rural America to advance, is included and addressed in this bill in a major way.

This farm bill—thank you, Mr. Chairman of the Agriculture Committee—is also the strongest conservation farm bill in the history of the United States of America. It will help in an unparalleled way, unprecedented way to protect our lands, our water, and our air for future generations to come.

This farm bill also makes significant major investments in nutrition. Some of these changes are long overdue, including the changes to the food stamps program. This bill will help make sure we have healthy and safe food on dinner tables all across our country.

Finally, this bill will bring a better balance and certainty to agricultural markets, while closing loopholes and carrying out needed reforms for our farm programs.

Through a set of smart investments, this bill will help America build a clean energy economy that has its roots in America's farms and fields. I predict that in the decade ahead, we will see rural America and agriculture start to bloom and flower as it embraces the new energy frontier. With the $1 billion in the farm bill devoted to energy programs and an additional $403 billion in tax incentives for the production of renewable energy, farmers will be able to apply for grants to develop biorefineries and improve the handling, harvest, transport, and storage of feedstocks for biofuels.

This bill includes tax credits for small wind turbines and cellulosic biofuel production, and it stimulates research into the methods and technologies that will allow the most productive lands in the world to provide more and more of our energy.

On rural development, this farm bill lays the infrastructure to rural broadband and micro business loans, for accelerating economic development in rural areas. The bill includes $150 million for important rural development initiatives, including the $15 million for the Micro Enterprise Loan Program, a provision I was honored to work on with Senator BEN NELSON from Nebraska. The program will also provide technical assistance and small grants and loans to beginning rural entrepreneurs. The micro loans will provide incentives for beginning entrepreneurs to open their businesses in rural communities, thereby creating jobs and increasing the rate of rural migration. According to the Leeds School of Business at the University of Colorado, microenterprises account for about 30 percent of the jobs in 37 of the State's mostly rural counties. These types of important programs are essential to economic development.

In my view, this is the strongest conservation bill in the history of farm bills, building on the 2002 farm bill by investing an additional $4.4 billion in conservation programs. Non-Federal agricultural and forest lands occupy 1.4 billion acres here in the mainland of America. That is about 70 percent of the land in the lower 48 States.

We all consume the air, the water, and open space, and enjoy them all, so it makes sense that the farm bill should provide some incentive for farmers and ranchers to deliver these public goods, along with all the other products they grow.

That is why the farm bill increases spending on conservation programs by $7.9 billion, including increasing funding to important programs such as the one developed by the chairman of the Agriculture Committee, the Environmental Quality Incentive Program, EQIP, increasing the amount by $3.4 billion. It provides $1.3 billion to the Wetland Reserve Program and extends the Conservation Reserve Program by 32 million acres to be enrolled in the program from 2010 to 2012, all of which have been very successful programs in the State of Colorado.

This is a picture of an EQIP conservation innovation grant at work in my State of Colorado. These farmers from the Saint Vrain and Boulder Creek watersheds are learning new practices that reduce tillage and increase yields from those farmlands. At the end of the day, these farmers went home with new ways to boost their bottom line, while reducing erosion. These programs work. The EQIP program works. We know that we, as a nation, will benefit from them.

On nutrition, sometimes people forget that the largest investments in this farm bill don't actually go to the commodity programs or the energy programs or to any of the other titles of the farm bill; they go for nutrition. Nutrition programs receive two-thirds of the funding of this bill. This farm bill does some wonderful additional things for nutrition and for hunger, including the more than $10 billion for nutrition programs that will reduce hunger and provide kids with healthy meals. That is $10 billion above what had been provided before. That is a significant investment in nutrition.

I am particularly proud we are able to expand the chairman's Fresh Fruit and Vegetable Program in all 50 States, including my State of Colorado. That means that in my State—my small State of Colorado—80,000 Colorado kids are going to get fresh fruits and vegetables in their school lunches. This will reduce childhood obesity, increase productivity in school, and it will teach the habits of a healthy lifestyle.

In food production, there are benefits to rural development, energy production, but this farm bill also ensures continued production of safe, healthy food right here at home.

Growing up on our ranch and farm in the San Luis Valley in southern Colorado taught me how tough it is to make a living off the land. You work sun up to sundown all year. You cannot take Sundays off. It is a 7-day-a-week job—most of the time 365 days a year. You try to raise a good crop or a healthy herd, and then without anything you can do to prevent it, a disaster comes, something such as disease, drought, hail, or flooding, which can wipe it all away. I still remember when hailstorms would hit our farm. My mother would take and pour a salt cross outside of our house in the hope that somehow the hail would forego destroying our wheat and our alfalfa and other crops, because that was our only way of subsisting. We have gone beyond the cross here, although we all have faith. We have moved forward with the creation of a disaster program that, hopefully, will help us address the issue of disaster in rural America.

I know the time is late. I want to make a quick comment about some of the reform efforts about which some have criticized this farm bill, including the White House. I think those criticisms are wrongly placed. I think there may be additional reform we can do and may do at another time with the farm bill. But it is important to note we have included reform in this farm bill. This farm bill requires direct attribution of payments to individuals, rather than ''entities'' so that there is 100 percent transparency about who is receiving farm program payments.

The bill eliminates the three-entity rule and also includes a provision that I helped with to eliminate the ''cowboy starter kits,'' which will prevent the distribution of commodity support payments for land that has been subdivided for houses or transferred to nonagricultural uses. This is an important fix.

I conclude by saying that those of us who have had the privilege of being a

part of rural America can appreciate how important agriculture in our rural communities is to our country. That is why I am hopeful the President's threat to veto the bill will be reconsidered.

The farm bill is not only about farms, it is about our future. It is about the entrepreneur who wants to build a biofuels plant in eastern Colorado; it is about the third grader who, for the first time, will get fresh fruits and vegetables for lunch; it is about the mother who wants us to reduce our dependence upon foreign oil so her children do not have to fight a war far away in the Middle East. It is about all of us who want to make sure we have a strong and secure America.

We have a lot at stake in the passage of this farm bill. I urge my Democratic and Republican colleagues to join us and send a strong statement about the importance of rural America, our food security, and our energy security in an overwhelming vote on the conference report tomorrow.

On my part, I will be very proud to take this farm bill back to the State of Colorado and go throughout the great State of Colorado and meet with those who care about rural America and the food security of this country, and who care so much about nutrition, and to talk to them about how it is that after 2½ years of hard labor, we have finally gotten to the end of the journey and we have a farm bill of which we can all rightfully be proud.

I thank the Presiding Officer and I thank the chairman of the Agriculture Committee.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I believe there are no more speakers on the farm bill tonight, or I should say the food, conservation and energy bill. I will close by thanking all of the speakers tonight who spoke so eloquently and strongly for this bill. I thank them for their diligence and interest in and so many of them for their efforts in bringing us to this point. It truly is a bipartisan bill.

A lot of times while I am traveling around Iowa and other States, people will come up to me and say: Can't you people get together and quit your bickering and get something done? I am sure the Presiding Officer has heard that, too. We have all heard that. Well, this is a time when we did that. We did get together in a bipartisan fashion on our committee and we worked hard. We got it through our committee in a day and a half. In December, we had the vote here and we had 79 votes for the farm bill. You cannot get much more bipartisan than that. So we did it. We worked together.

Tomorrow, we will have another hour and a half of debate, evenly divided, on the bill. There will be at least one motion, which has already been made, on a point of order. I don't know if there will be any others tomorrow morning. Then we will proceed to final passage. I will have more to say tomorrow morning.

Again, I thank all of the members of the Agriculture Committee on both sides of the aisle. I can honestly say each member of our committee had a hand in this bill in one way or the other, or on certain parts of it—some more than others in different parts. The Presiding Officer, my good friend from Colorado, Senator SALAZAR—if he had one fingerprint on this bill, it would be the energy title and all the great work he did to help focus us on getting more in the bill for biomass energy, that is, energy from cellulose—to begin the process of moving us toward more clean, renewable energy in this country. I thank the Senator from Colorado for all of his hard work in that area. However, the Senator also had a lot to do with the nutrition title, to make sure that was a good title to help low-income Americans.

Everybody on our committee had a hand in this. I am privileged to chair a great committee.

This is a committee of caring people. I know each of them. I can say that characterization applies on both sides of the aisle. These are people who care very deeply about fighting hard to represent the minority of Americans who live on our farms and our ranches and in our small towns and communities. But for, I think, the interest and involvement of the members of this Agriculture, Nutrition and Forestry Committee, the legislation that is passed here would leave a lot of our rural people on the sidelines.

Let's face it, we don't have the votes here on farm and rural issues like we used to in the old days. So it falls on the shoulders of those of us on our Agriculture Committee who represent agriculture and people who live in rural America, it falls on us to make sure their voices are heard and their concerns are addressed.

That is why I say I am privileged to chair a committee of caring people, who care very deeply about those minority of Americans who work out there on farms and ranches every day, get up, feed the livestock, plant the crops, harvest the crops, who never know from one day to the next what the weather is going to bring or what foreign involvement may mean to markets or what effect a crop failure or abundant crop in another country has on this country and on our markets and prices. Agriculture is different. A lot of people say: Why do we have farm programs? We don't have a program for this business or that business. It is because agriculture is so unique. It is sort of the wellspring of everything else in our society—the production of our food and fiber, for the health of our country, and for our exports.

I was listening to the President of the United States give his State of the Union Address earlier this year. I heard him say, there was one passage—I will never forget—he reminded us that last year our trade deficit had shrunk. I had hoped to hear him say in the next sentence, thanks to our nation's farmers because were it not for the exports of our agricultural commodities, our trade deficit would be much worse than it is.

Again, I thank everyone for all of their statements. I thank all the members of our committee. We will be here tomorrow morning, and we will have a final vote. I hope we will have a strong vote. I hope we can beat our 79 votes that we had in December. The House today had 318 votes. So I hope we have an equally strong vote in the Senate tomorrow.

ORDERS FOR THURSDAY, MAY 15, 2008

Mr. HARKIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Thursday, May 15; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the conference report to accompany H.R. 2419, the Food, Conservation, and Energy Act, as under the previous order; I further ask unanimous consent that the mandatory quorum under rule XXII with respect to the cloture motions filed be waived.

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

PROGRAM

Mr. HARKIN. Mr. President, under the previous order, tomorrow there will be 90 minutes for debate on the conference report prior to votes. Senators should expect at least two rollcall votes beginning as early as 11 a.m.

As a reminder, under rule XXII, there is a 1 p.m. filing deadline for first-degree amendments to H.R. 980, the collective bargaining legislation.

Tomorrow, Senators should also be prepared for votes in relation to appointing conferees to the budget resolution conference.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. HARKIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 10:45 p.m., adjourned until Thursday, May 15, 2008, at 9:30 a.m.