For a year and a half, I have consistently asked that the Congress pass a good farm bill that I can sign. Regrettably, the Congress has failed to do so. At a time of high food prices and record farm income, this bill lacks program reform and fiscal discipline. It continues subsidies for the wealthy and increases farm bill spending by more than $20 billion, while using budget gimmicks to hide much of the increase. It is inconsistent with our objectives in international trade negotiations, which include securing greater market access for American farmers and ranchers. It would needlessly expand the size and scope of government. Americans sent us to Washington to achieve results and be good stewards of their hard-earned taxpayer dollars. This bill violates that fundamental commitment.

In January 2007, my Administration put forward a fiscally responsible farm bill proposal that would improve the safety net for farmers and move current programs toward more market-oriented policies. The bill before me today fails to achieve these important goals.

At a time when net farm income is projected to increase by more than $28 billion in 1 year, the American taxpayer should not be forced to subsidize that group of farmers who have adjusted gross incomes of up to $1.5 million. When commodity prices are at record highs, it is irresponsible to increase government subsidy rates for 15 crops, subsidize additional crops, and provide payments that further distort markets. Instead of better targeting farm programs, this bill eliminates the existing payment limit on marketing loan subsidies.

Now is also not the time to create a new uncapped revenue guarantee that could cost billions of dollars more than advertised. This is on top of a farm bill that is anticipated to cost more than $600 billion over 10 years. In addition, this bill would force many businesses to prepay their taxes in order to finance the additional spending.

This legislation is also filled with earmarks and other ill-considered provisions. Most notably, H.R. 2419 provides: $175 million to address water issues for desert lakes; $250 million for a 400,000-acre land purchase from a private owner; funding and authority for the noncompetitive sale of National Forest land to a ski resort; and $382 million earmarked for a specific watershed. These earmarks, and the expansion of Davis-Bacon Act prevailing wage requirements, have no place in the farm bill. Rural and urban Americans alike are frustrated with excessive government spending and the funneling of taxpayer funds for pet projects. This bill will only add to that frustration.

The bill also contains a wide range of other objectionable provisions, including one that restricts our ability to redirect food aid dollars for emergency use at a time of great need globally. The bill does not include the requested authority to buy food in the developing world to save lives. Additionally, provisions in the bill raise serious constitutional concerns. For all the reasons outlined above, I must veto H.R. 2419, and I urge the Congress to extend current law for a year or more.

I veto this bill fully aware that it is rare for a stand-alone farm bill not to receive the President's signature, but my action today is not without precedent. In 1956, President Eisenhower stood firmly on principle, citing high crop subsidies and too much government control of farm programs among the reasons for his veto. President Eisenhower wrote in his veto message, ''Bad as some provisions of this bill are, I would have signed it if in total it could be interpreted as sound and good for farmers and the nation.'' For similar reasons, I am vetoing the bill before me today.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 21, 2008*.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2008—Continued

Mrs. MURRAY. Madam President, I yield 5 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. TESTER. Madam President, the Senate has a real opportunity today to do right by our newest veterans who have served us well in Iraq and Afghanistan.

When our troops came home at the end of World War II, our Nation made a choice to make college a reality for millions of them. Nearly 8 million veterans—half of all who served in that war—took advantage of the Montgomery GI bill. They had their college education paid for. Our country made a decision to invest in our warriors' future as they returned from the battlefield. As a result, the ''greatest generation'' produced broad-based growth and prosperity.

Today, we are great at sending our troops off to war, but we are coming up short in providing the benefits their service has earned. That is short-sighted and wrong.

A very small percentage of Americans actually serve in our Armed Forces, the military, on Active Duty, Reserves, and National Guard. It totals less than 3 million people in a country of 300 million.

So far, 1.6 million troops have served in Iraq and Afghanistan. Tens of thousands more of our troops will rotate through in the coming months. These men and women and their families are the ones who have borne the sacrifice of 15-month deployments, multiple tours of combat zones, injuries, and the loss of far too many of their battle buddies.

It is right that the Senate give back to them by giving them a GI bill that meets today's needs. It is time to treat doing right by our veterans as a true cost of war. These folks all joined the service because they love their country, they want to serve, and they want to be a part of all the great work our military does. It is hardly glamorous, but it is critical to our Nation.

A GI bill that provides our troops the full cost of a college education is a vital recruiting tool, and it helps us give back to the people who are serving our country.

Today, nearly one-third of all Active-Duty servicemembers who signed up for the GI bill never use the benefit. There are many good reasons, but one of the main reasons is that the current GI bill doesn't provide enough benefit to meet the needs of today's veterans.

Madam President, today's GI bill is woefully inadequate. It only provides about $9,000 in costs for an academic year of college. When you factor in tuition, room, board, books, and other living expenses, that is only about 70 percent of the actual cost of attending a university such as the University of Montana. It is only a drop in the bucket for a private school.

The Webb amendment that we have before us today fully covers the cost of any instate public school's tuition and fees, and it creates a matching program to help create incentive for private schools to do the right thing and pay for a veteran's education. It will stay this way for a generation. This legislation is tied to the cost of public education so the benefit to our veterans will keep pace with the annual rise in tuition and fees, which have averaged about 6 percent over the last decade.

Another thing that makes this amendment so important is that for the first time it brings the National Guard and reservists more access to the GI bill. Right now, few guardsmen and reservists can get the full benefit. Given how much we have relied on the Guard in Iraq, I think that is wrong.

Let me also say we know the vast majority of servicemen sign up for the GI bill, but that has a cost. When you first receive a paycheck from the military, you have to decide whether to spend $100 a month for the first year on buying into the GI bill benefit. That is a total cost of $1,200. Now, $100 may not seem much to some folks in Washington, DC, but I guarantee you that to an airman just out of basic and on his or her first tour at a base such as Malmstrom Air Force Base, that $100 is a big deal. The Webb GI bill gets rid of that fee, and it is about time we did so.

Finally, I wish to address one of the complaints about the Webb bill. Some have said the Webb bill will hurt retention, especially in the mid-career officer corps. This is simply untrue. A commissioned officer would have to serve 8 or 9 years before being fully eligible for the new enhanced GI benefit. It is not the GI bill that causes mid-career folks to leave the military. It is 15-month deployments, multiple tours, and stop-loss involuntary deployment extensions, the so-called back-door draft.

So I hope we can get this done today. This bill will cost about $2 billion a year, and that is a little less than we spend in Iraq in 1 week.

Keep in mind that, over a lifetime, the average individual who goes to college earns more than $500,000 more than someone who does not. This is the right thing to do for our troops, but it is also a good investment in our country's future, especially at a time when the economy is sputtering, wages are stagnant, and jobs are being lost. So I call on this body to stand by our Nation's warriors and to pass a 21st century GI bill. It is the right thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Madam President, I wish to be recognized for 6 minutes because we are going to split the time with my colleagues. Would the Chair let me know when 5 minutes has expired?

The PRESIDING OFFICER. The Chair will notify the Senator.

Mr. GRAHAM. Madam President, three quick points.

The procedure being employed is bad for the country, it is bad for the Senate, and my Republican colleague, Senator COCHRAN from Mississippi, expressed himself very well. If we give in to this, pack and go home. We don't deserve to be here.

Now, I have a proposal, I say to my good friend, Senator TESTER. I have a proposal that does two things. It helps those who leave the military get a better GI benefit. He is right; we need to increase the money we give to people who leave the service to go to college. But the Webb bill, unfortunately, according to CBO, hurts retention. The benefits of $52, $53 billion are all driven to the people who would leave, and the consequence of that is we are going to hurt retention, according to CBO, by 16 percent.

Our approach, Senators MCCAIN, BURR, and many of us here, is to do two things: Increase the benefit for those who leave but entice people to stay and reward those who will make a career out of the military. The backbone of the military, I say to Senator TESTER, is the career NCOs, and we have a proposal that if they will stay in for 6 years, they can transfer half their benefits to their family members, to their spouse or to their child. If they will stay to the 12-year point, they can transfer 100 percent of their GI benefits to their spouse or their child.

That would reward people for staying in and making a career. They can get their retirement pay and have money to send their kids to college. It rewards people to stay in the military and make a career of the military at a time we need a career force because we don't draft people anymore.

This is not World War II, this is not Vietnam, this is a global struggle being fought by a few, and we need to do two things: Reward those who serve and decide to go back into civilian life, and tell those families and military members who will stay on for a career, God bless you, we are going to treat you differently than we have ever treated you before. We are going to give you a benefit you have never had before. You are not only going to be able to retire, but you are going to be able to send your kids to college without using a dime of your retirement pay.

But under this procedure, we can't even talk about this. To my Republican colleagues who denied me a chance to put up my idea, shame on you. I have never done that to you all. Now, if there is some project in this bill that means that much to you that you are going to throw the rest of us over, we don't need to be here.

As to the war and the funding, Senator REID said on April 20, 2007:

> This war is lost. The surge has not accomplished anything, as indicated by the extreme violence in Iraq yesterday.

April 20, 2007. April 13, 2007:

> Reid said he plans to continue an aggressive path for early withdrawal from Iraq and does not particularly care if the Republicans are trying to paint that position as a lack of support for U.S. forces. Why? Because we are going to pick up Senate seats as a result of this war.

SCHUMER, April 25, 2007:

> The war in Iraq is a lead weight attached to their ankles, Schumer warned, predicting that congressional Democrats will pick up additional Republican votes for Democratic initiatives as the 2008 elections approach. We will break them, because they are looking extinction in the eye, Schumer declared, making no attempt to hide his glee.

Come down to the floor today and stand by those statements. It is not about the Republicans winning or losing seats, it is about this Nation being able to be safer. It is about winning in Iraq, not being a stakeholder in our defeat. It has never been about the next election to me, it has been about standing behind moderate forces in Iraq that will fight al-Qaida. Well over a year later, we have evidence now from the surge, with better security, that Muslims in Iraq have taken up arms, stood by us, and are giving al-Qaida a punishing blow. Reconciliation, political economic reconciliation in Iraq is beginning to bear fruit because of better security and Iranian desires to dominate that country, to kill Americans, and split Iraq. They are losing. We are killing special groups from Iran by the droves.

So I hope this President, President Bush, will veto this bill, if that is what it will take.

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Mr. GRAHAM. I thank the Chair.

Senator WEBB said he is going to test President Bush's concerns for the troops to see if he will sign the Webb bill. To President Bush: Do not sign this bill. It will hurt retention.

We can all come together to help those who serve and leave the military and give them a benefit better than they have today because they deserve it, but we should be working together for the common good to retain a career force that is going to fight this war and the war of the future.

The people who put the Webb bill together had no idea what they were doing when it came to retention. They didn't even think about retention. Senator OBAMA said: Yes, if people leave, you will get some more. The heart and soul of any military is that career NCO officer, and we need to retain them, tell them their service is valuable, and help them stay around. We need to help those who leave, but, for God's sake, reward those who stay.

So this is a defining moment for the Senate, for the Republicans, and for this war. I can tell you that if we will leave the generals alone and support our troops, they will win this war.

To my Republican colleagues, if we will stand firm for a fair procedure and a sensible solution to the veterans' problems, we will get rewarded in the next election, not punished. If we give in to this, we don't deserve to be here.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Madam President, I also would request to be notified at the end of 5 minutes.

The PRESIDING OFFICER. The Chair will notify.

Mr. BURR. To my colleagues: What we have today is a choice between something and nothing. I am not sure that is fair for our veterans. I am not sure it is fair for the American people. Procedurally, what the leadership has decided to do is to give us one choice. When you have one choice, it is not a choice, it is a mandate. The choice they have given us today as Republicans, quite honestly, and as a Senate, is either support what they have prescribed to us or vote against it.

The President has already said: I am going to veto this bill because, from a policy standpoint, it does not embrace what is in the best long-term interest of this country and of our security. I think the American people understand that.

Procedurally, the only tool we have is to say we are not going to vote for it or we are going to stand with the President and uphold his veto and bring the majority back to the table to present a process that allows us to debate the differences between the two competing views. I believe it is worth it when we talk about the education of our veterans.

I believe there are parts of the Webb bill that are very well done, and there are parts of the Graham bill that are extremely beneficial to our soldiers. We will never get that opportunity unless enough people in this body are willing to stand up and say this process absolutely stinks and we are not going to stand for it.

The politics of it Senator GRAHAM pointed out very well. There are some who believe the politics of the next election trump whether this bill is right or whether the process is fair. I don't believe politics should play a part

in this. I only wish those who have expressed such concern about this education benefit would help me fix K-through-12 education, where last year 70 percent of the high school students in this country graduated on time, and 30 percent of our kids do not have the tools to be asked to interview for a job. But we are more passionate about making sure we don't even create a choice on education for our veterans. They have no voice in this. This dictates what their benefit is going to be in the future. I think we have a right to come down and debate the merits of two proposals but not under the structure we have been given today.

The politics of this have gotten ugly. This week an ad was run that showed a veteran who had been injured in battle, a service-connected injury, and it said unless you support the Webb bill, there is no education benefit for this injured vet. Well, let me say today that is a lie. It is factually challenged. Any servicemember who has a service-connected injury has 100 percent coverage for their education benefit today without us doing one thing. It is called the Vocational Rehabilitation Program within the Veterans Administration. It covers their tuition, public and private, Harvard or North Carolina at Chapel Hill. It doesn't matter if it is a State or private school. It covers their room, their board, and their tuition. It will even pay for somebody to work with them on their resume enhancements, on interview techniques.

Every person with a service-connected disability is covered under vocational rehab. To suggest in an ad that they are left behind if the Webb bill is not passed is absolutely the most disingenuous thing I have ever seen.

From a policy standpoint, do our veterans deserve the ability to determine whether the GI benefit they have qualified for is, in fact, transferable to a child? Well, what we are saying today is no. No, you don't have a right to do that. That is our benefit. We dictate in legislation how you use it. We are not going to have a debate on whether transferability, whether a servicemember who qualifies for an education benefit should have the right. Their decision.

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Mr. BURR. I thank the Presiding Officer.

Should it be their decision to decide whether a spouse or family member, who has sacrificed so much, is going to be the recipient of a benefit or whether they are going to let it expire because they have the education they need? Well, not having the debate, we are not going to have an option to sell to our colleagues, to sell to veterans, to sell to the American people why veterans deserve more than what the Webb bill offers. We have only valued it on dollars, not on benefit.

From a policy standpoint, this creates a tremendous inequity between States because the benefit is actually determined by where a veteran actually chooses to go to school, not by where they live or where they came from.

It is not equal for every veteran. Some will get more, some will get less, and the unintended consequences are that States will look at that subsidized higher education today and say: Why should we subsidize it in the future, we get cheated when the Government pays us.

We know who will pay for that: All the kids who go to school. All the kids in the future who are not connected to the military, when they go in to make their tuition payment, are going to be the ones who pay the brunt of this situation.

There is only one way to stop this, and that is to make sure we uphold the President's veto. We are not going to defeat the legislation to move forward, but we have to uphold the President's veto if, in fact, we want to bring this legislation back to the Senate floor, have a real debate about the differences in the legislation, a real debate about what is important to our veterans, a real debate on what affects retention, a real debate on what provides the security we need in this country in an all-volunteer Army.

I am convinced that our colleagues understand the importance procedurally of making sure this comes back to the Senate in a fashion that we can actually have a real debate about creating a choice between something and something versus the setup today, which is something and nothing.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Texas.

Mr. CORNYN. Mr. President, I congratulate the Senator from North Carolina and the Senator from South Carolina for their leadership, but I also wish to congratulate Senator WEBB, the Senator from Virginia. I do believe that all of these Senators, and those of us who join them, are operating with the best of intentions, and that is how do we modernize the GI bill that helped provide my father an education after he left the Air Force after World War II? How do we modernize the GI bill and provide the maximum benefit we can but also make sure it provides for benefits to military families by allowing for transferability to spouses and children under some circumstances? And, I would think, fundamentally to our national security, how do we preserve and protect the All-Volunteer military force?

I know it is not his intention, but Senator WEBB's bill actually would encourage people not to reenlist by providing a perverse incentive to leave early in order to obtain the benefits they would receive after 3 years of service. We need to make sure we encourage continuation of service, retention in the military in the best interests of our All-Volunteer military force.

To me, it is ironic—I remember the Senator from Virginia had an amendment where we would restrict the amount of time a servicemember could be deployed and then provide for a minimum time they had to be back home before they could be deployed again. Again, it was a noble aspiration that he had but, unfortunately, because our forces were spread too thin because we had allowed the end force, the end strength of our military to degrade over time, we had to, as a matter of our national security and success in our current efforts in Iraq and Afghanistan, ask these servicemembers to return to service without an adequate dwell time.

Perversely, I think the Senator's bill, by encouraging early exit from the military and hurting retention, according to the CBO, by some 16-percent, would actually be at cross-purposes with the very proposal he advanced earlier about allowing our military more time at home because it would reduce the number of people in our All-Volunteer military and make it necessary that they be deployed more often and at greater sacrifice.

I do believe we ought to reward those who continue to serve. We ought to reward the families by allowing transferability of the benefit upon continued service to spouses and children.

I can tell my colleagues, speaking to groups in Texas this last weekend, that one feature was something they very much appreciated. We ought to do everything we can to strengthen and nurture our All-Volunteer military force and not to cause a 16-percent decline in retention rates.

Mr. President, I see the Senator from Arizona on the floor. I yield to him for a question.

Mr. KYL. Mr. President, I wonder if the Senator from Texas will yield for two questions I have.

Mr. CORNYN. I will be happy to yield.

Mr. KYL. Mr. President, I absolutely agree with the Senator from Texas that we have to get to a point where we can debate and vote on alternatives to assist our veterans. It is very distressing to me to hear there are TV ads running against the Senator from Texas and against my colleague from Arizona that call into question your commitment and his commitment to the veterans of our country.

I am informed that one of the ads says:

> Senator Cornyn is fighting tooth and nail against giving adequate benefits to our troops and veterans, using it as a wedge in partisan politics.

Is the Senator aware that language is being used in an ad against the Senator from Texas.

Mr. CORNYN. Mr. President, I am aware of the ad. I have to say to the distinguished Senator from Arizona, it is not the first time I have seen a phony ad on television. Of course, as he suggests, there is no basis for it.

Mr. KYL. Mr. President, if I may just say, the Senator from Texas, as you just heard and as we all know, has been

speaking on the floor of the Senate and in meetings we have been having about this issue. He has been working very hard to find the best way to support our veterans with their educational benefits. I want that crystal clear on the record.

Secondly, is the Senator aware that there is also an ad—my understanding is it says that ''Senator MCCAIN, as the leader of the Republican Party, must send a signal to his colleagues in the Senate that now is not the time to play politics by forcing Senators to choose between his bill and the Webb-Hagel measure.''

It seems to me that statement is exactly right, that we should not be forced to choose between one or the other, but procedurally, the way the bill comes before us, we have two choices: to vote for or against Webb; whereas if the President were to veto this bill, there is an opportunity to negotiate between the two different approaches, both of which have some merit, and get the best of all worlds.

Will the Senator from Texas comment about the process by which we might actually get the best bill to assist our veterans with GI educational benefits?

Mr. CORNYN. Mr. President, the Senator from Arizona is exactly right. We need to have a fair debate and fair opportunity for a vote on these competing proposals, both of which I say, again, were borne out of the best of intentions, and that is providing educational benefits for our military servicemembers and their families.

But I have to add that calling into question Senator MCCAIN's commitment to veterans is laughable. It would be laughable if it wasn't so pathetic. No one serving in the Congress and few serving anywhere in the United States have given more to support our military servicemembers, both active and retired, and, obviously, Senator MCCAIN himself is a war hero. To me, that is the kind of phony ad that I think causes most people simply to dismiss it because there is just no basis for it.

I agree with the Senator from Arizona that this procedure, whereby we are asked to vote on what started out to be an emergency funding bill to support our troops in harm's way in Afghanistan and Iraq, has now been larded up with a bunch of pet projects and other spending which have nothing to do with supporting our troops in harm's way.

Congress, by engaging in this sort of conduct, is actually slowing down delivery of the money to the troops who need it. We have been told by the Secretary of Defense and the Secretary of the Veterans' Administration—particularly the Secretary of Defense—that unless we act——

The PRESIDING OFFICER. The time for the colloquy has expired.

Mr. CORNYN. Mr. President, I ask for 1 minute.

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

Mr. CORNYN. Unless we act promptly, we are going to find out our troops are not going to get their paychecks, and the services that are available for our military families are going to be denied unless Congress acts. So why would we engage in this kind of delay?

Finally, the Graham-Burr bill does provide for the full cost of a 4-year public school education in my State of Texas, which costs roughly $55,000 a year. This bill provides $58,000 a year worth of benefits and added to items such as the Hazlewood Act, which allows tuition forgiveness, is a good benefit and one certainly deserved by the veterans who take advantage of their GI benefits in my home State, and I am proud to support them.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the following four Senators be our next speakers, rotating back and forth with the other side: Senator HARKIN for 4 minutes, Senator KOHL for 3 minutes, Senator LINCOLN for 4 minutes, and Senator CLINTON for 5 minutes.

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

The Senator from Iowa.

Mr. HARKIN. Mr. President, let me state the obvious. The administration's position, and what I hear from the other side of the aisle, is a blank check for Iraq but not a dime for urgent domestic priorities. I can tell you that is a nonstarter with the American people. We have more to do here internally for America than just borrowing money from China and sending it to Iraq.

I have worked to add to this bill urgently needed funding for an array of domestic needs, including health care, extended unemployment insurance, and grants to fight crime in neighborhoods across America.

We have added emergency funding for the Byrne Grant Program to provide critical funding to local law enforcement, and this funding is crucial. Unless we restore the Byrne funding for fiscal year 2008, local law enforcement operations will be severely cut back—set back, even—if we provide the funds in 2009.

In my State of Iowa, over half of all the drug task forces will be forced to shut down unless these cuts are restored. Mr. President, 15 out of 21 regional drug task forces will be eliminated. That is just my State. Think about your State. It is going to devastate our law enforcement activities to fight drugs and crime. Law enforcement has made it clear that once these programs are stopped, they are very hard to start again. It is hard to hire back trained and experienced law enforcement, hard to restart a wiretap, for example, to reconnect with lost witnesses. So the Byrne Grant Program is absolutely essential. But there are other things we need to do.

There is $400 million for NIH in this bill. Much of that is for cancer research. We are making great strides, but in the last few years, we have not kept up with medical inflation, and therefore the amount of dollars we have for cancer research is being eroded.

We have $1 billion in this bill for LIHEAP, the Low-Income Home Energy Assistance Program. Mr. President, 15.5 million households are at least 30 days overdue in meeting their heating costs. We know how high costs are going, and now we have the summer months coming on, and in the South particularly, where they are going to need air-conditioning, we need this money for our low-income and our elderly people.

We extend unemployment compensation by 13 weeks. We know the best stimulus of all is to help those who are unemployed, to get them the money, to get them through a rough patch so they can get back to work.

We also defer the implementation of seven Medicaid and Medicare amendments. These are supported by the National Governors Association. If we do not defer the implementation of these amendments, it is going to have a profoundly bad effect on health care in all of our States, and many of these regulations go into effect in June and July of this year unless we put a stop to them.

These are all the provisions that are in the domestic package.

Again, we have $100 billion in this bill for Iraq and Afghanistan. What about America? What about using this bill to stimulate our economy, extend assistance to the unemployed, fight crime, create jobs, and invest in medical research? It is not just Iraq and Afghanistan, it is also America. That is what this first domestic package is about, and I urge all Senators to vote to adopt this amendment to the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, the pending amendment includes several provisions within my jurisdiction as chairman of the Agriculture Subcommittee. Under the current unanimous consent agreement, these provisions will be stripped from the bill if we fail to get 60 votes. So I want my colleagues to know exactly what they are voting against if they oppose this amendment.

The amendment includes $180 million to help American communities and families in most States recover from recent natural disasters, including floods and tornadoes. Already this year, we witnessed a new record of tornado touchdowns, and flooding in the South, Midwest, Pacific Northwest, and other parts of the country has been devastating. If these funds are dropped from the bill, then we are asking for even greater destruction when other storm events strike later this year.

The amendment also includes $275 million for the Food and Drug Administration. I know this is important to the senior Senator from Pennsylvania, and I suspect it is also a priority for

other Members as well. The FDA needs to get its house in order on food and drug safety, and these funds are targeted to do just that. FDA Commissioner Von Eschenbach called me himself to stress the need for this funding.

Finally, I wish to talk about food aid. For Pub. L. 480, this amendment provides an additional $500 million over the President's request in the current fiscal year. These additional resources will compensate for skyrocketing food and transportation costs that no one in the administration seems to be acknowledging.

I have written two letters in recent weeks, one to the President of the United States and another to the Secretary of State, urging them to support these additional resources. I am still waiting for a response. I am troubled by their silence.

I ask unanimous consent these two letters be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, May 5, 2008.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Although the food aid proposal you unveiled last week is a welcome signal of our Nation's commitment to hungry people across the globe, I feel obliged to respectfully disagree with the specifics and make several observations.

While your proposal calls for an additional $395 million for Public Law 480 food assistance, none of this additional assistance would become available until the beginning of the next fiscal year. Sadly, I don't believe the crisis of escalating food and transportation costs can be held at bay that long and I fail to see how these additional resources help anyone right now. I would welcome an explanation from your administration.

As Chairman of the Senate Subcommittee with jurisdiction over P.L. 480, I believe we need more timely action. I intend to include enhanced P.L. 480 funding in the upcoming supplemental appropriations bill so that additional resources will be available for the current fiscal year. I realize this may be at odds with your oft-stated pledge to veto any supplemental which exceeds $108 billion. While I do not wish to invite unnecessary controversy over such an important topic. I think we have a moral obligation to act quickly. The poorest of the poor across the globe cannot wait nearly half a year for us to make good on this pledge.

Sincerely,

HERB KOHL,
U.S. Senator.

U.S. SENATE,
Washington, DC, May 16, 2008.

Hon. CONDOLEEZZA RICE,
U.S. Department of State,
Washington, DC.

DEAR MADAM SECRETARY: News that our government has reached agreement with North Korea to provide food aid for the coming year is a welcome development.

U.S. food aid is tremendously important in many corners of the globe, and as chairman of the Senate Appropriations Subcommittee with jurisdiction over PL–480 food assistance I welcome the opportunity to collaborate in this area. Recent food shortages and price increases have sparked unrest and instability in a variety of places. I believe it's critical that we maintain robust capacity to respond with U.S. food aid.

With those thoughts in mind, I recently sent the attached letter to the President regarding supplemental funding for PL–480. As you know, the $770 million in food aid announced with much fanfare earlier this month would do little to provide immediate new resources for this key program. Consequently, I insisted that the Supplemental Appropriations Bill approved yesterday by the Senate Appropriations Committee include an additional $500 million for PL–480 in fiscal year 2008. I hope you will agree that this is a necessary and appropriate course of action and that you will encourage the Administration to endorse this revised funding level.

Our moral obligation to ease human suffering and our strategic interest in promoting stability could not be more closely aligned where food aid is concerned. Please join me in pushing for these additional resources and convey to the President how his oft-stated threat to veto any supplemental which exceeds his request runs counter to this worthy objective.

Sincerely

HERB KOHL,
U.S. Senator.

Mr. KOHL. Mr. President, Public Law 48 provides our Nation's response to hunger and malnutrition around the globe. By all accounts we are facing a serious crisis in the months ahead. UNICEF estimates that 6 million Ethiopian children under the age of 5 are at risk of malnutrition and that more than 120,000 have only about a month to live—that is a chilling and disturbing thought; 120,000 children in Ethiopia have only a month to live—and we know this tide is coming. Our moral responsibility, I believe, is clear.

There are other critical situations around the globe. The Secretary General of the United Nations is in Burma today, surveying the crisis at hand. These additional resources are needed now and not just for places that are making headlines.

Each of the provisions I described—the flood recovery money, the food and drug safety money, the food aid money—cover legitimate needs that deserve to be addressed. They are not pork, they are not excessive, they are rational responses to critical problems. If we fail to address them in this bill, we have done a disservice to the public.

I urge my colleagues to weigh these items carefully as they consider their support for the pending amendment.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I come to the floor today to voice my support as well to the supplemental appropriations bill before the Senate today. I commend Chairman BYRD and all the hard-working members of the Appropriations Committee for the good work they have done. It reflects many diverse needs at home and abroad at such a critical time in our Nation's history.

A proposal we will be voting on this morning—as we enter the sixth year of this war in Iraq and Afghanistan—will provide the necessary resources for our brave troops to continue their task and finish the job. It also makes clear to the Iraqi people our support for this war can no longer be open-ended. It sets practical and realistic goals for beginning the phased deployment of U.S. troops in Iraq. When our troops begin returning home and transition back to civilian life in their communities, we appropriately recognize their service in this bill by providing benefits that better reflect the sacrifices they have made for each one of us.

I appreciate the leadership exhibited by Senators WEBB and HAGEL, LAUTENBERG and WARNER, to keep the drumbeat alive and make this a priority. They have served our country honorably in past conflicts, and they understand that educating our Nation's soldiers, sailors, airmen, and marines is a cost of war.

One provision included in the GI bill will ensure that our citizen soldiers, our National Guard and Reserve serving multiple deployments abroad, will accrue additional education benefits similar to those Active-Duty troops receive when they are deployed.

I have fought for this equity because guardsmen and reservists who serve multiple tours of duty do not receive one extra penny of educational benefits for their added service because benefits are based on the single longest deployment. Passage of this bill will make that change, and it will make it possible for those Guard and Reserve to accrue their educational benefits.

Another important piece of this bill is the domestic investment it makes. There are dollars for VA polytrauma centers, rural schools, and law enforcement that need immediate attention. It also includes funding under the Adam Walsh Act to track and prosecute sex offenders and those who would do harm to our children.

In addition, this bill provides vital resources to help in recovery efforts from all kinds of disasters, from Hurricanes Katrina and Rita and other natural disasters such as the string of tornadoes and flooding that hit my State earlier this year. Arkansas has suffered a series of natural disasters this year unlike any I have seen in my lifetime. It has left 60 of our 75 counties in our State in need of Federal disaster assistance. Wave after wave of storms has rocked the residents of Arkansas and left many of them shocked by the disaster. It started on February 5, when a band of tornadoes created a path of destruction that stretched across 12 counties in Arkansas, killing 13 people and injuring 133—the deadliest storm in nearly 10 years.

A little more than a month later, heavy storms hit Arkansas once again, this time bringing rain, floods, and devastation that we have not seen the likes of in 90 years. Thirty-five Arkansas counties were declared disaster areas from that storm.

Again, on April 3, another set of tornadoes hit central Arkansas. Although not as deadly as the February tornadoes, four twisters touched down in a five-county area, including some of the

counties suffering already from the floods. In addition, two more rounds of tornados hit the State earlier this month, bringing the total to 60 counties affected by these storms this year.

This is evidence of the disaster upon disaster that hit our State. As we look at the opportunities we have before us with supplementals, this is what we use to address those kinds of devastation.

I ask my colleagues to please support this part of the bill. These resources will help our State and other States in many other initiatives we truly need in our country.

The citizens of Arkansas and in our communities all across this Nation have suffered much at the hands of Mother Nature. We are asking our colleagues to work with us to ensure that the things we could not predict, the things we could not prepare for, could be taken care of for those brave Americans in our great State.

The PRESIDING OFFICER. Under the previous order, the Senator from New York is recognized for 5 minutes.

Mrs. CLINTON. Mr. President, I certainly add my support to the very passionate appeal of my friend from Arkansas on behalf of that wonderful State. I remember very well all the difficult storms and floods that too frequently impact Arkansas. I hope our colleagues will support the request for disaster assistance.

I rise to support strongly the GI bill that has been proposed in the Senate. I thank Senator WEBB for his hard work on this bipartisan legislation, as well as Senator LAUTENBERG, Senator WARNER, and Senator HAGEL—each one a veteran who understands, deeply and personally, the importance of honoring the service and sacrifice of our men and women in uniform.

I am proud to be a cosponsor of this legislation. It is in the spirit of the original GI bill of rights to provide every American who has served honorably since September 11, 2001, on Active Duty, with real help to go to college, to earn a degree, to end his or her military service with a new beginning in civilian life.

After 36 months of Active-Duty service, a veteran's tuition and fees for any in-State public college would be fully covered. We provide a stipend for books and supplies and a housing allowance based on actual housing costs in the area. The benefit would apply fully to members of the National Guard and Reserve who have served on Active Duty, and all Active-Duty servicemembers would be entitled to a portion of the benefit based on the length of their Active-Duty service.

This is not a half measure or an empty gesture. This is a full and fair benefit to serve the men and women who serve us, and that is why this is such a key vote.

We often hear wonderful rhetoric in this Chamber in support of our troops and our veterans, but the real test is not the speeches we deliver but whether we deliver on the speeches.

There are some who oppose this benefit, arguing that our men and women in uniform have not earned it, that it is too generous. I could not disagree more strongly. This is a question of values and priorities. Each one of us will answer that question with our votes today. Let's strengthen our military by improving benefits, not restricting them.

There are those opposing this important legislation who have offered a half measure instead, designed to provide the administration with political cover instead of a benefit to our veterans. That is not leadership and it is not right. It is time we match our words with our actions. After all the speeches are done and the cameras are gone, what matters is whether we act to support our troops and our veterans—before, during, and long after deployment.

I have proposed my own GI bill of rights to build on this legislation with opportunities to secure a home mortgage, to start a small business or expand it with an affordable loan. As a member of the Senate Armed Services Committee, I am proud to support our troops and veterans, improving health care for the National Guard and reservists, providing our servicemembers with the equipment and supplies they need to improve treatment and care at our military and veterans hospitals.

The original GI bill was proposed 2½ years after the attack on Pearl Harbor and, more than a year before the war ended, President Roosevelt signed that bill into law. Eight million veterans participated, improving their skills or education. At the peak in 1947, veterans accounted for nearly half of all college admissions. That is the way we should be honoring the service of those who served us. This is our moment to provide each and every new veteran the opportunity to realize their version of the American dream—the dream they have spent their lives trying to defend.

It is time we started acting as Americans again. We are all in this together. Let's send this legislation to the President and let's serve the men and women who served us.

Thank you, Mr. President.

The PRESIDING OFFICER. Under the previous order the Senator from Louisiana has 5 minutes.

Mr. VITTER. Mr. President, I rise in strong support of that portion of the emergency funding bill we will be voting on in about 35 minutes. The reason I do so is because it is absolutely essential to deliver the help the President has committed—that the Nation has committed—to our continuing recovery in Louisiana.

First, let me begin by thanking all my colleagues and, perhaps even more importantly, the American people, the American taxpayer, for an unprecedented outpouring of support for our recovery. True, Hurricanes Katrina and Rita, a devastating one-two punch, were unprecedented disasters, the biggest natural disasters—particularly when put together—that the country has ever faced. Still, it is very significant, very important to acknowledge that the American people have also stepped to the plate and made an unprecedented response. The people of Louisiana are deeply grateful.

The provisions in this bill are an essential part of that commitment and that response. Very soon after Hurricane Katrina, I sat in Jackson Square, in the middle of the French Quarter, and heard the President deliver his live address to the Nation from Jackson Square, right in front of St. Louis Cathedral. It was a strange, eerie night because New Orleans had not yet recovered, in significant ways, from the storm. It was only a few weeks since Hurricane Katrina. The whole French Quarter was dark—no electricity. The only light, lighting a small portion of that part of the world, was from light trucks sent in so the President could speak from that historic point to the American people.

The President made a clear and a firm commitment to the full recovery of our region. I thanked him for that. I thank him for that today.

A big part of that commitment, of course, was strong, meaningful hurricane and flood protection for southeast Louisiana, building at a minimum a 100-year level of protection and building it quickly enough to sustain a storm that you might expect to see only once every 100 years.

Again, I thank the President for that commitment. I thank the American people for that commitment. But this funding in this bill passed now is absolutely essential to keep that commitment.

The Corps of Engineers itself says, if they do not have this money by October 1, they will slip from their schedule and that rebuilding and that level of protection for southeast Louisiana will not be here in the promised timeframe for the hurricane season of 2011. We cannot allow that schedule to slip. We cannot allow that solemn commitment of the President not to be fulfilled in a real and a timely manner. That is why these funds in this emergency funding bill are so essential.

I know many of my friends who have fiscal concerns, as I do in general have concerns about this bill. I would simply say with regard to these funds for our recovery, the President has asked for 95 percent of these moneys. The President himself has asked that those moneys be emergency spending. So this is hardly some Christmas tree on which we are trying to put ornaments for needs that are not there, that the President has not requested. At least 95 percent of this recovery package is what the President himself has explicitly requested and even requested be made emergency funding.

Let's follow through on that solemn commitment of the President, of the Congress, of the American people, and let's be sure to do it in a timely way so this enormously important protection

system is built in time for the hurricane season of 2011. This is very important to our recovery.

Besides levees and hurricane protection, it also addresses, in a small but important way, hospital needs, criminal justice needs, relocating businesses from the MRGO so that hurricane highway can finally be closed and we do not have a repeat of the devastation it helped cause in eastern New Orleans and St. Bernard Parish. Again, this is our opportunity to do this this year in a timely way.

I respectfully again thank all of my colleagues for their support in our recovery and ask them to support this essential step in meeting the President's commitment, meeting these needs in a timely way.

I yield back any remaining time.

The PRESIDING OFFICER. The Senator from Washington State.

Mrs. MURRAY. I yield 5 minutes to the Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Washington for her leadership and especially to Senator BYRD from West Virginia, the Chairman of the Senate Appropriations Committee.

What we are considering on the floor of the Senate is not normal business, this is emergency spending. President Bush has come to Congress and said: We have an emergency in Iraq. Set aside whatever you are doing and deal with this emergency. He said: I am not going to pay for this. It is such an emergency, we are going to add it to the debt of America—not the first time President Bush has come to us and asked for that. In the 5 years plus of this ongoing war, President Bush has now asked us for $660 billion to be spent on the war in Iraq and the reconstruction of that country, $660 billion this administration says is such an emergency that we do not pay for it, we are going to spend it, put it on the debt of America and leave it to our kids and grandchildren.

Well, some of us believe that, first, Iraq has a responsibility to pay its own bills; this country has a surplus. Iraq, with all of its oil, has a surplus of almost $30 billion. Why in the world are we taking billions of dollars out of our Treasury, the hard-earned paychecks of American families at a moment when we are facing a recession to send over and rebuild Iraq?

Why would not the Iraqis spend their own money from their own oil first? That is going to be part of this in a later amendment. But to put it in perspective, this President says no. He wants $180 billion for the war in Iraq. We met in the Appropriations Committee, on a bipartisan basis. We said, as important as the war in Iraq may be to the Bush administration, we believe a strong America begins at home.

If there is an emergency in Iraq, there is an emergency in America, and we need to address that emergency. No. 1, we include in this amendment the Webb GI bill. You know what happens when a Nation goes to war, when America invades a country as we did in Iraq? I can tell you. We love our soldiers when we send them to war. Our hearts go out to them and their families. We honor them while they are serving in that war, some unfortunately losing their lives and some coming back injured. We honor them with our speeches and all of our attention.

Senator WEBB, with this GI bill asks the basic question: Will you honor these soldiers when they come home? Will you make sure they have the education they need to go on with their lives or will they join the ranks of the unemployed after serving our country?

We know a GI bill works. It worked after World War II. Millions of returning veterans, women and men, had an opportunity to go to college, and America enjoyed the greatest prosperity in our modern history because we put an investment in people in our future.

JIM WEBB, with this bipartisan amendment, does exactly the same thing. I tell my friends on the Republican side of the aisle, do not tell me how much you love the soldiers if you will not stand behind them when they come home. Do not tell me how much you honor our military if you will not honor them and their families by giving them a chance at a quality education.

Voting ''no'' on this GI bill will be remembered across America not only by soldiers but by many others. And that is not all. In this bill there is $437 million for VA polytrauma centers. Do you know why we need them? Because of traumatic brain injuries, post-traumatic stress disorders, amputations. Our VA was not ready for this, all of these thousands of returning veterans with all of their problems. We put the money in to rebuild the VA so they can respond and help those veterans.

It also provides money for our communities and towns. In the city of Chicago, which I am proud to represent, we have had a painful year of gang violence. Over 20 schoolchildren have been killed outside of Chicago public schools by gang warfare.

We put money in this bill, $490 million, to give to police forces around America to fight the drug gangs, to fight the violence, to bring peace to our neighborhoods. I want peace in Baghdad, but I want peace in Chicago as well. We can spend some money on America if we can find $180 billion to spend in Iraq.

We also provide money for the Americans who are out of work. We are facing a recession. We have millions of Americans who cannot find a job. This bill provides them an extension of unemployment insurance so they can keep their families together. Is there a higher priority? Is there a higher family value?

Let me also tell you, this bill provides assistance which is essential for health care for the poorest people in America; families who are struggling to get by, many of them going to work with no health insurance whatsoever. This bill provides assistance through Medicaid and Medicare. So if you believe a strong America begins at home, if you believe we have to honor our soldiers not only when they are at war but when they return, there is only one vote that can be cast. It is a ''yes'' vote for the pending amendment.

Mr. LEVIN. Mr. President, I speak today to lend my support to S. 22, the Post 9/11 Veterans Educational Assistance Act of 2008. S. 22 establishes a new GI bill for our servicemembers who have served after 9/11 and represents a comprehensive readjustment benefit for our brave men and women, one they richly deserve, just as members of an earlier generation benefited from a GI bill following World War II, with a huge gain for our Nation from the more educated work force and leaders that resulted.

Senators WEBB, HAGEL, and WARNER have talked at length about the virtues, and need, for this landmark legislation. I want to speak today on the impact on retention, the transferability provisions recently added, and recruiting.

Much has been said about the effect on retention this legislation may have. Some are afraid servicemembers may leave the military in unacceptable numbers in order to take advantage of these benefits.

Our need to focus on retention is clear. The military we have today is vastly different from the military we had in 1945. Since 1973 we have enjoyed the benefits of the All-Volunteer Force. Rather than drafting servicemembers, we encourage them to join. Over the past 35 years of the All-Volunteer Force, we have seen military basic pay rise significantly. As an employer, the military departments are competing with the private sector. This has led to a system of increasing benefits, bonuses, special and incentive pays. In analyzing the impact of S. 22 on retention and recruiting costs, the CBO recently estimated that the Department would have to spend $6.7 billion over the next 5 years in additional retention bonuses to maintain retention at current levels, to a large extent offset by a $5.6 billion savings in recruitment bonuses and other recruitment costs.

The challenge then is to provide a comprehensive reform of readjustment educational benefits while ensuring the continued viability of the All-Volunteer Force. These are and must be the twin goals of any legislation. I think this legislation achieves these goals.

This legislation retains and supplements retention incentives. In the first place, S. 22 retains the system of ''kickers'' in additional incentives that exists under the current GI bill. Under this program, the services may provide up to an additional $950 per month of educational benefit to retain personnel with critical military skills or to retain any individual in a critical unit. For someone who qualifies for the full

36 months of educational benefits, that comes out to an additional $34,000, a significant retention incentive. Moreover, under this program, servicemembers who serve for at least 5 consecutive years on Active Duty may receive an additional $300 per month of educational benefit. Over 36 months, that comes to over $10,000. That is also a significant retention incentive.

Our bill goes further in terms of retention. S. 22 has been amended to add a pilot program to provide transferability of education benefits. The CBO cost estimate I mentioned earlier did not consider this additional retention tool.

I have long been a supporter of the transferability of GI bill benefits. There is an old maxim in the military that while you recruit the servicemember, you retain the family. These transferability provisions provide additional incentive for servicemembers to stay on Active Duty by tying continued service to varying levels of transferability of the benefit to immediate family members, with 100 percent transferability coming after the servicemember has served 10 years. Ten years is an important milestone. Once a service member hits midcareer, the military retirement benefit, an extremely generous benefit that is collectible immediately upon hitting 20 years of service, becomes the strongest retention incentive. Getting servicemembers to midcareer is critical, and this transferability provision will help do that.

Not only does transferability help to address the retention issue, it is the right thing to do. This war has been fought not just by our brave servicemembers but by their families as well. Children may have missed one or both parents for as much as 4 years out of the past 5 or 6. That is a steep toll to pay. But by providing transferability, we can help ensure a quality education for a spouse or child of a servicemember who has served so bravely since 9/11. I believe it makes this bill stronger and addresses a concern that has been raised against its provisions.

This legislation should actually incentivize recruiting. What better promise can we make to a recruit or his parents than the promise that we will provide a more fully funded college education after fulfillment of the Active Duty commitment? Many in this body have raised the issue of recruiting—whether the Army in particular is granting too many waivers in order to meet recruiting goals. This legislation will help significantly in this regard. You have to recruit people before you can retain them, and this legislation will help recruiting, I believe significantly, over time. Recruiting young men and women into the military is more than half the battle; I have faith the services can retain the servicemembers they need, and Congress stands ready to provide additional authority if necessary.

Regarding recruiting, I want to make another point that I do not believe has been raised, and that is on the subject of the ''influencers.'' As many in this body know, support for military service among the influencers, including coaches, teachers, and school counselors, of the 17- and 18-year-olds who are our prime recruiting-age demographic, is critically important. Aside from the immediate benefits of this legislation, my hope is that over time military service becomes in the minds of these influencers synonymous with a free, quality college education. After you serve us, we will serve you. We will pay for your college education.

What better way to influence the influencers than this? As we know, the costs of education continue to soar. In these difficult economic times, paying for a college education is at the top of many parents' list of worries, a list that is already too long. We have read the stories of returning veterans having to work at night so that they can attend school during the day—even with their current GI bill benefits. I believe this bill will go a long way to increasing the support for military service among that critical segment of society, the people who influence our youth's choice of career.

Finally, this readjustment benefit is an investment in our future as a nation. Indeed, seven members of this body were educated on the post-World War II GI bill. As an editorial from last week's LA Times observed:

> College is the essential ticket to upward mobility, and who more deserves a chance at that than the young men and women who volunteered for military service in wartime? The post-World War II experience shows that educating them is good public policy. . . . First, it would boost military morale and the quality of recruits—even though the military worries that it could hurt retention. Second, the investment in education is likely to pay for itself many times over as veterans join the workforce at higher pay rates.

The brave men and women of our Armed Forces today will produce many future leaders of this Nation, and we owe them and their families this comprehensive readjustment educational benefit.

I am proud to cosponsor this landmark legislation, and I urge my Senate colleagues to pass it expeditiously. We must do everything possible to assist our servicemembers, and their families, in the transition back into civilian life, to provide the tools that allow them to thrive and prosper in their postservice lives, and to become the next generation of leaders that this Nation needs them to be.

I thank Senator WEBB for his dogged pursuit of this legislation from his very first days in office. It will help our servicemembers and their families for generations to come.

Mr. AKAKA. Mr. President, the junior Senator from Virginia and I have worked together closely on his proposal for a new GI bill since he introduced it in January 2007. I was delighted to be able to join him as a cosponsor of S. 22. I deeply appreciate his very strong—and very personal—commitment to it.

Now it is time to give those young service members who are stepping forward voluntarily—putting themselves in harm's way—an opportunity for quality educational assistance. We must make good on our promise of an education in return for serving honorably in our military. Mr. President, the time has come for a new GI bill for the 21st century. I believe that it should be promptly signed into law.

Sadly, despite the fact that it has passed this body by a veto-proof majority, President Bush, who sent our troops into war and is again requesting billions of dollars to pay for it, has threatened to veto this measure.

Today, I extend my personal pledge to Senator WEBB and all who support a revitalized GI bill. If bill is vetoed and Congress fails to override the veto, I will bring Senator WEBB's New GI bill before the Veterans' Affairs Committee during our markup next month and urge that the Committee favorably report it to the Senate. It is time to give those young service members, stepping forward voluntarily and putting themselves in harm's way, an opportunity for quality educational assistance. We must make good on our promise of an education in return for serving honorably in our military. I am committed to seeing this legislation become law.

Mr. COBURN. Mr. President, Medicare and Medicaid cost the American taxpayers a combined $770 billion in 2007; Medicare costing $432 billion and Medicaid $338 billion. In 2007, the Federal Government's share of Medicaid expenditures was $190 billion and is expected to be $402 billion by 2017.

Medicare expenditures alone account for 3.2 percent of GDP. Over the next 75 years these expenditures are expected to explode to almost 11 percent of GDP. Every American household's share of Medicare's unfunded obligation is like a $320,000 IOU.

The Medicaid Program, because of the promise of a generous Federal match of State Medicaid dollars, has given States heavy incentive to increase their State Medicaid spending. Medicaid spending now accounts for 26.3 percent of state budgets, up from just 6.7 percent in 1970. In some States, as much as half of all new revenues will go to Medicaid in the coming years.

We have heard a lot of talk about bipartisan commissions on entitlement reform come out of the Budget Committee, but the least that we can do is to stop blatant fraud and abuse in the mean time. Eliminating waste, fraud, and abuse is a baby step in addressing entitlements. The Centers for Medicare and Medicaid Services, CMS, has worked over the last 5 or so years to curb waste, fraud, and abuse. They have done work on a State-specific basis and also by promulgating detailed regulations so that States have the clarity they need. Over the years, Medicaid has proven to be a program susceptible to fraud, waste, and abuse. Many States have pushed the limits of what should be allowed to maximize the Federal dollars sent to them.

The Government Accountability Office, GAO, put Medicaid on its ''high risk'' report a few years back because of questionable financing and the lack of accountability.

According to the Wall Street Journal:

> The GAO and other federal inspectors have copiously documented these ''creative financing schemes'' going back to the Clinton Administration. New York deposited its proceeds in a Medicaid account, recycling federal dollars to decrease its overall contribution. So did Michigan. States like Wisconsin and Pennsylvania fattened their political priorities. Oregon funded K–12 education during a budget shortfall.

According to the Wall Street Journal:

> The right word for this is fraud. A corporation caught in this kind of self-dealing—faking payments to extract billions, then laundering the money—would be indicted. In fact, a new industry of contingency-fee consultants has sprung up to help states find and exploit the ''ambiguities'' in Medicaid's regulatory wasteland. All the feds can do is notice loopholes when they get too expensive and close them, whereupon the cycle starts over. No one really knows how much the state grifters have already grabbed, though the Congressional Budget Office estimates that the Administration remedies would save $17.8 billion over five years and $42.2 billion over 10. We realize this is considered a mere gratuity in Washington, but Medicaid's money laundering is further evidence that Congress isn't serious about spending discipline.

Examples of fraud in the Medicaid Program are plentiful. One dentist billed medicaid 991 procedures in a single day. According to the New York Times, a former State investigator of Medicaid abuse estimated that as much as 40 percent $18 billion of New York's Medicaid budget was inappropriate. New York spent $300 million of its Medicaid money on transportation.

In 2005, Congressional testimony showed that 34 States hired contingency-fee consultants to game Federal Medicaid payments.

Medicaid regulations by CMS are efforts to provide clear guidance in critical areas where there have been well-documented problems and result from years of work on the part of CMS and myriad reports by the GAO and the Office of the Inspector General, OIG, at the Department of Health and Human Services, HHS.

When CMS doesn't know how a State is billing for a service and States don't have clear guidance for how they should, neither Medicaid beneficiaries nor the taxpayers are well served. The Medicaid regulations fix that problem.

According to the Congressional Budget Office, CBO, the regulations would save the Medicaid Program $17.8 billion over 5 years and $42.2 billion over 10 years by eliminating wasteful and fraudulent Federal payments to the program.

The Federal Government will spend $1.2 trillion over the next 5 years on Medicaid, so the regulations save only about 1 percent of Federal spending on Medicaid. If Congress is afraid of taking on these very modest changes to Medicaid, does it really have the will to take on the special interests that is necessary to truly address entitlement reform?

The very purpose of these regulations is to build accountability into the Medicaid Program that is long overdue. The proposed delay is a budgetary gimmick to avoid paying for the real costs of delaying the Medicaid regulations.

CBO estimates that delaying the rules until April 1, 2009 would cost $1.65 billion. However, if the rules were withdrawn or permanently delayed—as it is likely they would be under the next administration—the CBO estimates a 5-year year cost of $17.8 billion and a 10-year cost of $42.2 billion. Even if the regulations should be delayed, a war supplemental is the wrong place to include Medicaid policy changes. The war supplemental is given expedited consideration procedures because funding our troops is an urgent matter. The Medicaid regulations have been considered for years, and Congress has already put one 6-month delay on them. This isn't a new or urgent issue that justifies inclusion in a war supplemental.

If ensuring that America's safety net programs are adequately funded is such an important issue, it deserves the full debate and consideration of the Senate. Burying a flat-out moratorium of Medicaid regulations on a war supplemental appropriations bill isn't being honest with the American people. Congressional leaders put a moratorium on the Medicaid regulations last year and are poised to do so again. If Congress truly opposes the regulations, then it should repeal them instead of pretending to ''study them'' a little longer. However, Congress is avoiding that kind of honesty because it will cost ten times the amount of a moratorium.

Instead of blaming the Bush administration, Congress needs to decide for itself how it will address waste, fraud, and abuse in the Medicaid Program. The Bush Administration has taken its turn and taken a stand to protect the integrity of one of our largest entitlement programs. Now it is Congress's turn.

This is no longer about the Bush administration. This is now about Congress. Congress needs to decide whether or not it will ignore years of GAO and HHS OIG reports. Congress needs to decide whether it will listen to their State Medicaid directors and Governors or whether it will safeguard taxpayer dollars.

States have had their turn and demonstrated that they will take advantage of loopholes, ambiguities, and lack of clarity. Congress is the one ultimately responsible for these programs. Congress is elected to set policy and fund priorities.

By imposing another moratorium, Congress is failing to live up to its responsibilities. Congress is running away from them. Congress has closed its eyes and ears to the abuses that have been going on. By stopping the regulations from going into effect, Congress is simply giving more sugar to a diabetic. It may feel good for a moment, but it is not good in the long run. Congress doesn't really need another year to deal with these issues. These abuses have been going on for a long time. The GAO and the OIG have been issuing audits and reports on the abuses for years.

Problems with the regulations themselves warrant a conversation not a moratorium. There have been very few substantive policy disagreements with the administration's regulations. The Finance Committee hasn't engaged the administration on specific problems with the regulations. There have been no hearings over the last 6-month delay. The only ''hearing'' that has occurred is the parade of Governors and providers pleading to not turn off the funding.

The rule to impose a cost limit on government providers—CMS–2258—is commonsense and good government. The cost rule saves $9 billion over five years and $22 billion over 10 years by ending creative State financing schemes. First, it requires that providers, like hospitals and nursing homes and physicians, receive and retain the total computable amount of their Medicaid payments for the services they provided. Why would Congress object to that? It seems simple that if you provided a service, you should get to keep the money.

During the 1990s, States figured out creative ways to pass off their obligations to providers. That was wrong and unfair. Each time Congress stopped one financing practice, a new financing scheme popped up.

In 1991, Congress cracked down on loopholes in provider taxes. States opened up new loopholes. In 1997, Congress cracked down on abuses in the disproportionate share hospital, DSH, payments program. In 2000, it tried to stop the abuses in upper payment limits, though it failed to close them completely.

In 2003, the Bush administration put new emphasis on ending these schemes through the State plan amendment review process. This strategy proved to be effective and many States ended their ''recycling'' arrangements. But some States complained to Congress.

In July 2004, Senator BAUCUS wrote the Administrator of CMS:

> As you know, and as I indicated to you in those conversations, I feel strongly that any new CMS policy on intergovernmental transfers (IGTs) must be implemented in a manner that is transparent, that is applied equally to all states, and that responsibly takes into account the potentially serious financial consequences of eliminating a source of state funding on which some states have a longstanding reliance. Based on my understanding of current law and practice, with respect to IGTs, and on my interest in promoting public confidence in government decision-making judgment that a rulemaking or legislative process is warranted in these circumstances. Accordingly, I urge you to develop rules or a legislative proposal as soon as possible on this issue.

The current chairman of the Finance Committee requested Medicaid regulations nearly 4 years ago. The administration has responded to that request by promulgating regulations. As soon as the regulations left the desk of the CMS Administrator, Congress blocked them from going into effect LAST year. What has Congress done since then in the way of hearings or conversations with CMS? Nothing. What is Congress doing now? Trying to delay them again.

Chairman BAUCUS is right about treating States equally; Congress needs to let CMS do so. It is ironic that hospitals are telling Members to stop the Medicaid rules. The policy of the cost rule is that providers should get to keep the full amount of Medicaid reimbursement paid for the services they deliver. Why should hospitals or other types of providers be forced to send part of their payment for services back to the State or local government? It is not their responsibility to fund the State's share of the cost of Medicaid. That is the responsibility of the State and local governments.

Another major part of the cost rule seeks to limit government providers to cost. This has been a recommendation of GAO dating back to 1994. Under this provision, government providers would receive 100 percent of their costs for delivering services to a Medicaid recipient. But they would be limited to cost, they simply could not charge a ''profit'' to the Federal taxpayers.

A government entity shouldn't bill the taxpayer for more than the cost of delivering a service. That is nothing more than Medicaid subsidizing non-Medicaid activities. If State and local officials decide not to fund a program, that doesn't mean the Federal taxpayer should pick up the tab.

Congress may have heard pressure from their States about how the cost rule will ''shred the safety net.'' If Congress really cared about hospitals, shouldn't Congress be supporting the policy that they get paid in full? When this type of policy was put in place in California, revenues to hospitals increased by 12 percent.

If Congress really cared about providers, there are other tax-relief policies that would be helpful to them. Provider taxes on hospitals, nursing homes, and others totaled $12 billion in 2007.

The estimated savings for the cost rule for 2008 and part of 2009 is about $770 million. If you accept the argument that all providers in the entire country will ''lose'' $770 million if the cost rule goes into effect, consider that the hospitals in New York alone paid $2 billion in provider taxes. The hospitals in Illinois paid $747 million in provider taxes. If Congress really cared about them, what about a little tax relief instead?

The real story is that States are using creative ''provider taxes'' to forego paying their share of the Medicaid Program. A few years back, Congress gave a special deal to Illinois supposedly to support the Cook County Hospital system worth about $350 million per year. The hospital is forfeiting more than $300 million in order to generate supplemental payments back to the State for this.

If you add provider taxes and what Cook County Hospital is forfeiting, it totals a billion dollars per year impact on Hospitals in Illinois. Instead of addressing that blatant example of taxpayer money abuse, these rules are an easier target.

Senator BAUCUS is right that the States should be treated equally. The Senate should instruct the Finance Committee to identify all of the special treatment situations and report legislation to get rid of them.

The school-based administrative costs and transportation rule—CMS–2287—ensures that Medicaid money goes for medical care—not school buses. First, those individuals and groups who have been scaring parents of a child with a disability that this rule will end their child's treatment need to hear the truth about what this rule does. Schools are required to provide such services and if a child is on Medicaid, Medicaid will continue to pay for medically necessary services. This rule ensures that Medicaid pays only for medical and medically necessary services. Medicaid administrative claiming among schools varies widely among States. There are many States that do not bill Medicaid for administrative activities at all. Much of the funding is concentrated in a small group of States.

Abuses in administrative claiming have been well documented. Comments on the rule confirm that schools are simply using Medicaid as a source of revenue to support activities that are related to education, not health care.

Medicaid reimbursement has been used for a wide variety of unrelated purposes such as instructional materials and equipment or to fund staff positions. Schools use funds to attend workshops and purchase educational technology and materials, even to support after school activities, arts and music programs.

There is no problem with those types of programs, but there is a problem when Medicaid is paying for them. If citizens at the local level decline to raise their property taxes for education, that doesn't mean that Federal taxpayers should have to pick up the tab. If State legislators increase funding for transportation rather than education, Medicaid shouldn't be the means of easing the impact of their decision.

Allowing schools access to open-ended funding of Medicaid with virtually no accountability will erode the decision making process of every school board, State legislature as well as the Federal Government.

Another rule—(CMS–2279) would stop the use of Medicaid dollars—intended for low-income people—going to fund training for doctors.

There is no question that training the next generation of physicians in this country is important. However, it should be paid for out in the open. There needs to be accountability as to where the dollars go and for whom they are used.

Under Medicaid's graduate medical education, GME, funding, there is no obligation on the part of physicians who are trained with Medicaid dollars to serve Medicaid patients once the physicians graduate. In contrast both the military and the public health service corps require time commitments as repayments for help with medical school.

There is no authority in the Medicaid statute to pay for GME. It is not there. Congress and CMS don't even know the exact fiscal impact of this rule because states are not required to report expenditures as GME.

If Congress wants to fund a training program for doctors serving poor people, it should be done out in the open with real program accountability.

I understand concerns that CMS shouldn't just abruptly end the Medicaid GME program without a transition plan in place, but at the same time the Administration is right in questioning how this money is spent. If we are going to fund residency training, we should do it right and out in the open.

The Targeted Case Management—CMS–2237—rule targets scarce Medicaid dollars. In the Deficit Reduction Act of 2005, Congress appropriately acted to end state abuses. The rule promulgated by CMS is designed to be person-centered, comprehensive, and demand accountability.

CMS has been accused of overstepping its authority because it is applying the criteria across the board however case management is delivered. In other words, states cannot get around the rules by hiding under administrative claiming rather than actual services. And that applies to home and community based service waivers as well as State plan amendments. So the complaint is really this—CMS did not leave any loopholes open.

There are generally three provisions that have drawn the most complaints about this rule. First, there is a complaint about charging Medicaid only for a single case manager. The message of this requirement is simple and sensible—if you are the case manager for a person with mental illness, you should be capable and qualified to deal with all sorts of issues like housing and employment as well as health care needs. Why should Medicaid pay for four or five different case managers? Case management by qualified professionals should lead to better outcomes for the individual and lower costs in the long run. If one case manager is too few, then let the Finance Committee figure out if it should be two or three or four. We don't need a 1-year moratorium to figure that out. This provision does not take effect for another year—without

the moratorium—so there is no immediate impact on states. They have plenty of time to come into compliance.

The second complaint is based on another accountability provision—billing in 15-minute increments. This will help ensure that rates are appropriately set and that there is an audit trail. If 15 minutes isn't appropriate, then we can change the time allotment. We don't need an all-out moratorium on the rule to figure that out.

The third common complaint is about limiting the period of time for which case managers can bill for transitioning an individual from an institution into the community. The rule provides that the transition period is the last 60 days of an institutional stay that is 180 days or longer. If 60 days is too short, then let us have the Finance Committee tell us what the right number is.

The targeted case management rule was published December 4, 2007, nearly 6 months ago. That certainly is plenty of time for the committee to tell us how these three policies in this rule should be different. Delaying and delaying through a series of moratoriums only succeeds in throwing taxpayer dollars out the window.

This rule is intended to fix another example of how States had incentives to transfer their obligations to the Medicaid Program's funding stream. States used Medicaid case management to fund their foster care systems, juvenile justice programs, and adult protective services.

The State of Washington had used Medicaid to fund non-Medicaid activities. The State legislature has now done the right thing and appropriated $17 million to replace the reduced Medicaid funding after the TCM regulation was published. If the State legislators in Washington can live up to their obligations, why should we not expect that of the other States?

Medicaid has become well known as the budget filler for States. If funding was short, find someway to call it Medicaid and State costs will be cut at least in half.

This is a dangerous path. If Medicaid keeps picking up the tab for schools or foster care or the correctional system, then we are simply inviting even larger raids on the Federal Treasury in the future.

A provision that will prevent health coverage for low-income children doesn't belong in a bill to provide funding for American troops. Hidden in a bill intended to provide funding for our troops at war is an unrelated provision that would have the effect of denying health care to low-income children. The provision would impose a moratorium on a CMS directive which requires that States cover low- income children before expanding their State Children's Health Insurance Programs SCHIP to higher income levels. This commonsense initiative, implemented in an August 17 letter from CMS to State health officials, ensures that children's health resources are targeted towards those children and families who need help the most. The result of the moratorium will be that States will be able to ignore the needs of low-income children and instead direct resources to families with higher incomes who are more likely to have existing health insurance coverage.

SCHIP should focus on low-income children first. SCHIP was designed to cover low-income children between 100–200 percent FPL. Even though studies have shown that a significant number of children below these income levels remain uninsured, States have tried to expand coverage to higher income levels without first taking steps to make sure that they have covered as many low-income children as possible. Health coverage of low-income children must remain the number one goal of SCHIP.

The CMS August 17 letter implemented reasonable steps to ensure that States focus on low-income children before expanding their program. The letter explains the steps that States must take to ensure that their SCHIP programs cover low-income children before expanding to higher income levels. The letter only applies to those States that wish to expand their SCHIP programs above 250 percent of the federal poverty level (FPL). CBO reported that fewer than 20 states offer coverage above this income threshold. Additional, on May 7 CMS issued a letter clarifying the August 17 letter and specifying that current enrollees would not be impacted and that the agency would work with States to show they are meeting the requirements.

CBO showed that covering families at higher income levels is an inefficient use of taxpayer dollars. The CBO has repeatedly stated its views that expanding SCHIP to families at higher income levels will result in a ''crowd-out'' rate of up to 50 percent. That is, for every 100 children who gain coverage as a result of SCHIP, there is a corresponding reduction in private coverage of up to 50 children. The CBO estimates that 77 percent of children living in families with incomes between 200 and 300 percent of the FPL have private coverage, as do 89 percent of children in families with incomes between 300 and 400 percent of FPL.

It is wrong to take away seniors' choices in hospitals, and it is wrong to do that on a war supplemental so it can't be debated out in the open. Americans enjoy the highest per capita GDP among large nations mainly because we have the highest rate of productivity gains. The hospital sector sorely needs productivity-enhancing innovations like specialty hospitals.

U.S. health care costs are the world's highest at 16 percent of GDP, creating major problems for Americans and their employers. For example, General Motors' financial woes are exacerbated by $1,500 of health care costs per car, which exceeds their cost of steel.

Hospitals are the largest component of our health care costs, accounting for over one-third of our $2.2 trillion health care system. They are also the major reason for the growth in costs. According to a recent article in Forbes Magazine, 1 in 200 patients who spend a night or more in a hospital will die from medical error. The same article continues:

> 1 in 16 will pick up an infection. Deaths from preventable hospital infections each year exceed 100,000, more than those from AIDS, breast cancer and auto accidents combined.

Specialty hospitals have consistently offered high-quality health care with high-quality outcomes. Risk-adjusted 30–day mortality rates were significantly lower for specialty hospitals than for community hospitals, according to a 2006 Health Affairs article.

There are 200 specialty hospitals in the U.S. out of the 6,000 hospitals overall, often delivering better, safer services at lower costs.

According to a recent University of Iowa study, Medicare patients who receive hip or knee replacement at specialty orthopedic hospitals have a 40 percent lower risk of complications after surgery—(bleeding, infections, or death) compared to Medicare patients at general hospitals. A 2006 study funded by Medicare found that patients of all types are four times as likely to die in a full-service hospital after orthopedic surgery as they would after the same procedure in a specialty hospital.

McBride Clinic in Oklahoma City is Oklahoma's best hospital for overall orthopedic services, according to the Tenth Annual HealthGrades Hospital Quality in America Study released last month. McBride has 5–star ratings in joint replacement, total knee replacement, hip fracture repair, spine surgery, and back and neck surgery. The hospital received HealthGrades' 2008 Orthopedic Surgery Excellence Award, and is the only Oklahoma hospital among the top five percent in the Nation for overall orthopedic services.

When it comes to specialization, the question is not whether to specialize, but rather how to do it. Everyone agrees that the health care system should provide focused, integrated care—especially for the victims of chronic diseases and disability who account for 80 percent of costs. For example, Duke Medical Center tried an integrated, supportive program for congestive heart failure. The approach resulted in better patient outcomes, increased patient compliance with their doctors' recommendations, and a 32 percent drop in costs per patient. Hospital admissions and lengths of stay dropped and visits to cardiologists increased nearly sixfold.

Some contend that physicians who invest in specialty hospitals have a conflict of interest that may lead to overutilization. But a recent study published in Health Affairs found that most physicians refer patients to specialty hospitals for reasons totally unrelated to profits.

The Medicare Payment Advisory Commission, MedPAC, has also found no evidence that overall utilization rates in communities with specialty hospitals rise more rapidly than the

utilization rates in other communities. MedPAC and the Centers for Medicare and Medicaid Services, CMS, have found no evidence that physicians who have an ownership interest in a specialty hospital inappropriately refer patients to that hospital or have increased utilization.

The connection between corporate ownership and performance is a bulwark of our economy. Adam Smith argued in 1776:

> The directors of . . . [joint-stock] companies, . . . being the managers rather of other people's money than of their own, it cannot well be expected, that they should watch over it with the same anxious vigilance with which the partners in a private copartnery frequently watch over their own. Negligence and profusion, therefore, must always prevail . . .

One CEO of an orthopedic surgery practice said:

> Orthopedists . . . in a hospital . . . work in the same operating room [as] general surgery and obstetrics. Orthopedics is nuts-and-bolts equipment intensive. It drives them crazy to have a staff that's not familiar with a tray of multi-size screws and nuts and bolts.

Some object to specialty hospitals by arguing that they only select the most profitable cases in their area and leave the other hospitals with less profitable services—burn units, trauma centers, et cetera. MedPAC has recommended changing the payments for all acute care hospitals to reduce the incentives in the overall inpatient payment system that some believe fueled the growth of specialty hospitals. Based on those MedPAC recommendations, CMS has just implemented major In-patient Prospective Payment System reforms.

There is also an abundance of evidence that community hospitals are making record profits. A recent news article reported:

> Profits for U.S. general acute-care hospitals hit a record high of $35.2 billion in 2006—a one-year jump of more than 20%—on net revenue of $587.1 billion for a margin of 6%.

We should resist efforts to bind our health care system in regulatory straightjackets. Both the hospitals' and economy's problems could be solved if we allow the market, rather than insurance bureaucrats, to set prices.

If the Members of the Senate really believe that specialty hospitals are harmful, then there shouldn't be earmarks protecting the specialty hospitals in home States of certain members of the Appropriations Committee.

According to a recent Congressional Quarterly, CQ, article, during the committee process, four Democrats on the Senate Appropriations Committee made language changes to the underlying ban on new growth of physician-owned hospitals that happen to protect the specialty hospitals that are located in their home States.

According to CQ:

> A spokesman for [one Appropriations Member] confirmed that [that Member] had sought the changes, to protect a physician-owned hospital in [their state]: Wenatchee Valley Medical Center. A loosening of the grandfather clause will allow the Wenatchee's physician-owners to maintain their 100 percent stake in the hospital, as opposed to being forced to sell part of it.

According to CQ, spokesmen for [two other Appropriations members] confirmed their Senators' roles in getting the language changes.

One Senator's spokesman claimed:

> We were concerned that forced divestiture would cripple the marketplace.

In Michigan, the home State of another appropriator, physician-owned Aurora BayCare Medical Center would benefit from the looser rules passed by the Appropriations Committee.

If Congress really believes specialty hospitals are harmful, why are they not harmful in the home States of four appropriators?

The Congressional Budget Office needs to get its story straight on the budgetary impact of killing specialty hospitals.

Congress has heard from the hospital association groups about the potential cost savings from eliminating the potential for new specialty hospitals. That argument is untenable when the Congressional Budget Office can't even get their story right on the budget impact. If 3 years ago, eliminating specialty hospitals barely saved anything how can it save billions of dollars today?

During the drafting of the Deficit Reduction Act of 2005, the Senate reconciliation bill contained a similar provision to curtail specialty hospitals. At that time, the Congressional Budget Office, CBO, projected less than minimal savings to the Medicare Program resulting from that provision.

Subsequently, CBO scored a similar provision in the Children's Health and Medicare Protection Act of 2007. This time they changed their story and projected Medicare savings of $700 million over 5 years and $2.9 billion over 10 years, with the bulk of the projected savings attributed to the assumption that Medicare spends more for outpatient services for patients treated in physician-owned hospitals.

In December of 2007, CBO changed its story again and attributed the savings from restricting specialty hospitals to a presumed shift of services to ambulatory surgical centers, admitting that the use of fewer outpatient services accounts for only a small portion of the estimated savings.

This bill has troops fighting to keep birth control prices low for Ivy League students and profits high for Planned Parenthood clinics and drug companies.

Congressional leaders are using the war supplemental appropriations bill to expand preferential governmental drug pricing policies to university based clinics and more Planned Parenthood clinics than currently allowed under the Medicaid statute and regulations.

To have their products available in the Medicaid Program, drug manufacturers must pay rebates to the Federal Government and States. The rebates are calculated as the difference between the manufacturer's average price and the ''best price''—lowest—at which their drugs are sold.

A tiny provision tucked away in a war supplemental will allow drug manufacturers to avoid counting these deeply discounted drugs sold to certain types of clinics when calculating how much they will owe the Medicaid Program in rebates, thereby protecting their profits. If the provision becomes law, the clinics could receive cheaper drugs—like RU-486 and birth control—from manufacturers which they can sell to their customers at a higher price, thereby making a profit.

Manufacturers previously offered high volume clinics the discounts as a marketing tool to attract long-term loyal customers so long as they could avoid the Medicaid rebate. Taxpayers were in effect subsidizing these clinics by forfeiting Medicaid rebates. In the Deficit Reduction Act of 2005, DRA, Congress limited the types of health care clinics that can benefit from this special arrangement, providing the preferential treatment only to certain safety net clinics. Not convinced by arguments that college campus health clinics are serving ''vulnerable populations,'' the Bush administration refused to add them and additional Planned Parenthood clinics to the list of providers designated by Congress.

The Deficit Reduction Act didn't prevent drug manufacturers from selling their products at lower acquisition costs to any health clinic regardless of the DRA. They would not, however, be able to avoid counting those discounts when paying States and the Federal Government their respective Medicaid rebates. Auditors in California found two Planned Parenthoods had overbilled the Medicaid Program in excess of $5 million based on the difference between their customary fees and acquisition costs. This suggests that restoring these subsidies nationwide is likely worth hundreds of millions of dollars over just a few years.

The current congressional leadership's usual approach towards drug companies is to get higher rebates from them. However, that's not the case when it comes to forfeiting rebates for the Medicaid Program in order to make certain frat boys and sorority sisters get cheap drugs—including birth control—and the clinics that provide them get bigger profits.

Instead of debating the merits of such a policy change in the open, the leaders in Congress are using funding for our troops to slip this through.

Mr. LAUTENBERG. Mr. President, I wish to speak in favor of the amendment to the supplemental that focuses on our domestic priorities, which is the first amendment we will be voting on this morning. I encourage my colleagues to vote in support of this important package.

While President Bush is fixated on trying to get his next check for the Iraq war, we on the Senate Appropriations Committee under the leadership

of Chairman BYRD have brought to the floor important priorities for Americans here at home.

As our economy continues to struggle, more and more Americans find themselves without work and having trouble paying their bills. In April, the unemployment rate in New Jersey was 5 percent. That is up from 4.8 percent in March of this year and 4.3 percent in April of 2007. Not only are more people out of work, but they are staying unemployed for longer periods of time as they search for new jobs. These unemployed Americans are facing the prospect of losing their homes and fighting to afford the rising costs of food, gasoline, and health care. They need our help, which is why in this amendment we extend unemployment benefits by 13 weeks in all States and an additional 13 weeks in States with the highest unemployment rates. This is the right thing to do, and we must do it now.

This amendment also includes a provision that I successfully offered in the Senate Appropriations Committee markup last week to delay a Bush administration policy that threatens the health care of hundreds of thousands of children across the country, including 10,000 in New Jersey. Last year, I supported and the Senate passed, an expansion of the Children's Health Insurance Program that would have provided health insurance for an additional 4 million children nationwide. President Bush irresponsibly vetoed that bill twice—and then made matters worse by issuing a new policy that will actually take away health care from children who have it today. This is not only misguided—both the Government Accountability Office and the Congressional Research Service found that it violated Federal law. During these tough economic times, the last thing we should be doing is taking away health care from our children. My provision in this amendment would delay this policy until April 1, 2009.

As our veterans return home from overseas, we must show our gratitude for their service by improving educational benefits to help them afford to go to college. Our veterans are finding that the current G.I. bill has simply not kept up with the rising costs of college, and they are forced to either forego college entirely or face mounting debt to get a degree. The amendment now on the floor includes a provision based on the Webb-Hagel-Lautenberg-Warner legislation which closes the gap between the current G.I. bill and the costs of college by paying for tuition, books and housing at the most expensive public institution in the veteran's State. This update of the G.I. bill deserves our strong support.

The domestic package before us also includes $10 million to conduct oversight of American taxpayer dollars spent in Afghanistan. Our work in Afghanistan is critical to our national security and our fight against terrorism. But right now, we know too little about how billions of U.S. dollars in reconstruction and assistance funding are spent in Afghanistan and whether there is any waste, fraud, and abuse of these funds. In January of this year, President Bush signed into law my legislation to establish a Special Inspector General for Afghanistan Reconstruction, SIGAR, to root out waste, fraud, and abuse of taxpayer money in Afghanistan. The SIGAR funding we would provide today would bring us one step closer to better oversight and accountability, and to the beginning of SIGAR's work to uncover information about any corruption and mismanagement of U.S. assistance to Afghanistan.

Finally, we must help our States and local communities recover from and prepare for natural disasters, including floods. This amendment includes more than $8 billion for the Army Corps of Engineers to address the damage caused by Hurricanes Katrina and Rita and other recent natural disasters. We have had our eyes opened to the massive devastation that can occur when we neglect our Nation's flood control infrastructure. In addition to gulf coast recovery, I am pleased that this amendment will also provide funding for emergency infrastructure needs in other areas, including my home State of New Jersey.

The Senate has an opportunity with this vote to honor our responsibility to our returning veterans and all those who are struggling in our country today. I implore my colleagues on the other side of the aisle to join us in supporting this critical amendment.

Mr. HATCH. Mr. President, I rise today to address the impasse—the completely avoidable impasse—that we face with regard to the Emergency Supplemental Appropriations bill, which, if I'm not mistaken, is intended to provide much-needed funds and resources for our troops serving in Iraq and Afghanistan. You'll have to pardon my confusion because, looking over the substance of the bill in front of us, it is difficult to determine exactly what purpose it is meant to serve.

There has been in this and in virtually every recent election year a sensitivity among those on the other side of the aisle whenever anyone questions their support for our Nation's military and their commitment to national security. Indeed, it seems that any time these issues are mentioned, whether it is by the President, those of us in Congress, or by candidates running for office, Republicans are accused of ''questioning their patriotism'' or engaging in the ''politics of fear.''

Certainly, I don't believe that we should question the patriotism of those in the Senate majority. I believe that every one of them loves their country and that there is no one in this chamber who does not honor and respect our nation's military. However, while the majority's patriotism should not be subject to question, their judgment on these issues is fair game.

Frankly, after the recent FISA debacle and now the absurd course being taken on this emergency supplemental, I believe that the Democrats in Congress have given all of us reason to question their judgment.

As I stated, the purpose of this bill is to provide much-needed funding for our troops in harms way. However, it appears that the Democrats see this—not as an opportunity to support our military, but as a vehicle for unrelated, nonemergency funding for a number of their pet programs. In this time when the American people are clamoring for more fiscal discipline in Congress, the majority has decided to tack onto a war supplemental billions of dollars in domestic spending, none of which was requested by the President and all of which is unrelated to supporting the troops.

For example, the bill includes $1.2 billion for a science initiative, $1 billion for government-funded energy assistance, nearly half a billion each for transportation projects and wildfires, and $200 million for the U.S. census—an event that has taken place every 10 years since 1790. They have also added more than $60 billion in mandatory spending relating to unemployment insurance extensions—in a time of very low unemployment, no less—and veterans education benefits.

Now, I am sure that many of these are worthwhile endeavors deserving of the Senate's time and attention. However, they can and should all be debated separately and should not be tied to funding for the troops.

Given these efforts to add such a large number of unrelated and nonemergency provisions, is it really unreasonable for the American people to conclude that supporting the troops is not the majority's highest priority?

Certainly, they'll want all of us to believe otherwise. In fact, I am fairly sure that there is a Democrat somewhere watching me give this speech preparing a response that accuses me of practicing the ''politics of fear.''

But when Members of the Senate majority flatly refuse to provide resources for the troops without unrelated spending, what other conclusion is there for the rest of us to draw?

It gets worse. I wish that the added funding was the worst thing about this bill. Unfortunately, it is the least of our worries.

In addition to the nonemergency spending, the Democrats have once again attempted to use a bill that funds our troops as an opportunity to play armchair quarterback with the conduct of the war.

The majority knows that the inclusion of this provision guarantees that the President will veto the bill. One also has to assume that they know that they do not have the votes to override such a veto. Yet, once again, we are about to send to the President a bill that conditions our support for the troops on his agreement to supplant the judgment of his military commanders with the political whims of the Senate majority.

This comes at a time when even the most strident opponents of the war have begun to acknowledge our military's successes on the ground in Iraq. Even worse, it comes at a time when our men and women in uniform are in desperate need of additional funding.

As we have heard, on May 5, Admiral Michael Mullen, Chairman of the Joint Chiefs of Staff, indicated that it was essential that funds be approved before the Memorial Day recess, which begins in less than 2 days. In his words, the military will ''stop paying soldiers on June 15 '' meaning that they have ''precious little flexibility'' with respect to the funds.

The majority leader, in his own words, believes that not finishing the bill before the recess is ''no big deal.'' Indeed, he admits that sending the bill in its current form to the President guarantees that we will go to recess without having funded the troops. Instead of heeding the warnings of our military leaders, the majority would apparently rather subject emergency military funds to yet another partisan debate and even more election-year political wrangling.

I understand that many in the majority have come to oppose this war. I, for one, do not oppose an honest, straightforward debate about our policies in Iraq and the war on terror. However, that is simply not what is going on here today. This is not a serious debate about our future in Iraq; it is a needless political maneuver aimed at appeasing the more radical elements of the Democrats' political base.

Once again, I can't help but wonder about the majority party's priorities when its members purposefully and dangerously delay funding for our troops in order to make a political statement. As I stated, I will not question their patriotism, but I will continue to question their judgment. Given what has been displayed here, I believe the American people will as well.

Mr. CARPER. Mr. President, I have come to the floor to speak about Senator WEBB and Senator HAGEL's new GI bill.

Mr. President, one of the smartest things Congress has ever done is pass the GI bill for World War II veterans.

Several of the Members of the Senate—including me—would not be here if it were not for the GI bill.

I went to the Ohio State University on a Navy ROTC scholarship, and when I got out, I went to graduate school at the University of Delaware on the GI bill.

As you know, the authors of this new veterans benefit proposal and two of my fellow Vietnam veterans—Senators WEBB and HAGEL—were also able to use the GI bill to help transition back into society after fighting in the jungles of Vietnam.

I share their belief that we need to reexamine the current GI bill with an eye toward Iraq and Afghanistan veterans.

To that end, Senators WEBB and HAGEL have worked tirelessly to try to provide the men and women of the Armed Forces who have served since 9/11 with the education benefits they deserve.

These two Senators have created a bill that represents the best hope of increasing veterans' education benefits. They should be commended for their hard work and their commitment to our troops.

Let me be clear: I support their proposal, and I would be proud to pass an emergency supplemental with this proposal included.

However, how we pass this bill will be very important.

This emergency supplemental provides these veterans education benefits at about $50 billion over the next 10 years.

Like the rest of this bill, there is no offset and no way to pay for these benefits.

Our colleagues in the House, however, did something quite different and, in my view, a lot better.

When the House passed this same veterans education benefit, they also included a way to pay for it.

They created a nominal tax increase of .47 percent on individuals making over $500,000 or couples making over $1 million.

By offsetting this increase in veterans' benefits, the House sent a clear message to the country and to the troops. That message was that we will honor the members of the Armed Forces by giving them the benefits they rightfully earned, but we are going to do this in a fiscally responsible way; we are not going to do this by going deeper into the red; we will exercise a little discipline; we will tighten our belts; and we are going meet our troops' sacrifice with a sacrifice of our own.

In this time of war and economic hardship, I believe the Senate needs to send a similar message to our troops: We will sacrifice here at home to give you what you deserve, because you sacrificed abroad to protect the United States.

That is why I have offered an amendment to this bill that provides the same offset as the House bill.

In order to pay for the new GI bill, my amendment calls for a small sacrifice: a nominal tax increase—less than one-half of 1 percent—on individuals making over $500,000 or couples making over $1 million.

One of the principles that I have always tried to follow is, if it is worth doing, it is paying for.

I doubt any of my colleagues would argue that providing veterans with a new GI bill is not worth doing. So then, I ask my colleagues, why is trying to pay for this benefit not worth doing?

I realize my amendment is not the most popular idea. We in the Senate like to talk a good game about the need to rein in Government spending, reduce the deficit, and to adhere to pay-as-you-go principles. But we are not so good at walking the walk.

I also know that several of my colleagues have argued that when this bill passes, we will have spent nearly $600 billion in Iraq and none of that has been paid for. Why shouldn't we, then, try to find an offset for $50 billion in education benefits for our veterans?

I understand that sentiment. I am a veteran. I benefited from the GI program. And I, too, am not happy about our situation in Iraq.

I have complained for years that our spending in Iraq lacks accountability and that we have done little to nothing to make Iraq pay its fair share.

Again, I want to unequivocally state that I will vote to pass this new GI bill—offset or not—because our troops deserve this benefit.

However, I just feel strongly that before we pass a new entitlement, we should at least make an attempt to pay for it, that we in the Senate should be willing, as the House has done, to put our money where our mouth is, to step up to the plate, and say this is worth doing and it is worth paying for.

Mr. KERRY. Mr. President, we are in the sixth year of the war in Iraq, and the costs to our troops, our security, and our country rise by the day. With the current course still not working, I have no choice but to vote against amendments 4817 and 4818 to the Military Construction and Veterans Affairs and Related Agencies Appropriations Act of 2008. It is clear that these measures continue to give President Bush a blank check to continue his chosen policy, despite the constant warnings of military experts who tell us that there is no military solution to Iraq's civil war and that political compromise in Iraq will not occur absent meaningful deadlines for the transition of our mission and the redeployment of U.S. troops.

I believe this was an occasion where Congress had the responsibility to force the President to change a policy that is broken. Not to caution, warn, or cajole—not to give a blank check and hope for the best—but to force a change in a policy that is making us weaker, not stronger.

Make no mistake—on the core issue of changing our deployment in Iraq, these amendments are deficient, and that is why I must oppose them. However, they contain provisions many of us have supported time and again.

Particularly, the first amendment has many important provisions that I support, including mandating dwell time between deployments for our troops, a prohibition on permanent bases in Iraq, and the requirement that any long-term security agreements with Iraq be subject to approval by the Senate. But because the language with respect to Iraq—setting a nonbinding goal of completing the transition of the mission by June of 2009—is not strong enough, I cannot support the amendment.

I also oppose the second amendment, which provides billions and billions more in funding for the war without

any policy corrections at all. This is tantamount to giving the President another blank check to continue with an Iraq war policy that I strongly believe is making America less safe. There is no requirement to transition the mission and no deadline to leverage political progress. And there is no relief for a military stretched to the breaking point. That approach will not resolve the sectarian divisions that have fed this civil war, it will not bring long-term stability to Iraq, and it will not protect our national security interests around the world.

All of us—and I would underscore, all of us—are incredibly grateful for the remarkable sacrifices our troops have made in Iraq. They have done whatever we have asked of them, and they have served brilliantly. The question before us now is whether we have a strategy that is worthy of their sacrifice.

We can all agree that there is no purely military solution to the problems in Iraq. All of our military commanders, including General Petraeus, as well as Secretary Gates and Secretary Rice, have told us as much. And when the President announced his escalation to the American public last January, he said the purpose was to create ''breathing room'' for national reconciliation to move forward.

Over a year later, it is clear that this escalation did not accomplish its primary goal of fostering sustainable political progress. General Petraeus himself recently said that ''no one'' in the U.S. or Iraqi Governments ''feels that there has been sufficient progress by any means in the area of national reconciliation.''

I don't believe that it is too much to ask of Iraqis to make tough compromises when over 4,000 of our troops have given their lives to provide them that opportunity. In fact, I think the only strategy that honors the tremendous sacrifice of our troops is one that pushes the Iraqis to solve their own problems. And by General Petraeus's own account, the current strategy is not accomplishing that.

By my count, we are now entering the fifth war in Iraq. The first was against Saddam Hussein and his supposed weapons of mass destruction. Then came the insurgency that DICK CHENEY told us nearly 2 years ago was in its last throes. There was the fight against al-Qaida terrorists whom, the administration said, it was better to fight over there than here. There was a Sunni-Shia civil war that exploded after the Samara mosque bombing. As we saw in Basra, there may be a nascent intra-Shia civil war in southern Iraq. And nobody should be surprised if we see a sixth war between Iraqi Kurds and Arabs over Kirkuk.

We are also on at least our fifth ''strategy'' for Iraq. First there was ''Shock and Awe,'' which was supposed to begin a peaceful transition to democracy in Iraq. Then there were ''search and destroy'' missions designed to fight the growing insurgency. There was the era of ''As they stand up, we'll stand down,'' focused on transitioning responsibility to Iraqi security forces. That was followed by the ''National Strategy for Victory'' and the introduction of the ''Clear, Hold and Build'' approach. And last year, we had the ''New Way Forward,'' with the troop escalation that was supposed to provide breathing room for the Iraqis to make political progress.

What we have never had is a strategy that brought about genuine political reconciliation or that made Iraqis stand up for Iraq or that allowed us to meet our strategic objectives and bring our troops home. What we have never seen is an exit strategy.

In fact, at the beginning of the war in 2003, we had about 150,000 U.S. troops in Iraq. Today, there are still about 150,000 U.S. troops on the ground. After more than 5 years, after more than 4,000 U.S. lives lost, after more than $500 billion dollars spent, we are basically right back where we started from—with no end in sight.

And we know that after the escalation ends in July the plan is to keep some 140,000 troops in Iraq—slightly more than the levels of early 2007, when the violence was out of control and political reconciliation was nonexistent.

So it looks like the sixth strategy is basically to repeat what didn't work the first time and hope for a different result. And we keep hearing that approach justified with the twisted logic that because we cannot afford to fail in Iraq, we must continue with a strategy that has failed to achieve our primary goals.

We clearly need a new approach that fundamentally changes the dynamic, and I continue to believe that Iraqis will not make the tough political compromises necessary to stabilize the country while they can depend on the security blanket provided by the indefinite presence of large numbers of U.S. troops.

One thing we know is that the costs of continuing down this path are extraordinary. Over $12 billion per month and over 900 soldiers dead since the surge began. And while we are bogged down in Iraq, we continue to neglect the most pressing threats to our nation's security.

Let's be clear: The war in Iraq is not making us safer—it is making us less safe. Iran has been empowered in the region and emboldened to defy the international community in pursuit of its nuclear program. Hezbollah and Hamas are stronger than ever. Our military is stretched to the breaking point. Our intelligence agencies have told us Iraq is a ''cause célèbre'' for al-Qaida that helps ''to energize the broader Sunni extremist community, raise resources and to recruit and indoctrinate operatives, including for homeland attacks.'' So it is no surprise that terrorist incidents outside Iraq and Afghanistan have risen dramatically since the war began and are now at historic highs.

And we know where the real threats lie: Our top national security officials keep warning us that the next attack is likely to come from the Afghanistan-Pakistan border—not Iraq. Meanwhile Afghanistan slides backwards, in part because—as Admiral Mullen has acknowledged—with so many troops tied down in Iraq, we simply don't have the manpower available to give our military commanders the troops they need.

Every day we fail to change course we play further into the hands of our enemies. We need a fundamentally new approach to our Nation's security in the region and around the world—and that starts with a new strategy that in Iraq. The events of the last year have shown once again a basic truth: Iraqis will not resolve their differences and stand up for Iraq while they can depend on the security blanket provided by the indefinite presence of large numbers of U.S. troops.

As we redeploy, we need to engage diplomatically with Iraq's neighbors in a way that creates a new security structure for the region. And we must responsibly redeploy from Iraq so we can refocus our efforts on fighting al-Qaida around the world—especially on the real front line in the war on terrorism in Afghanistan and Pakistan.

Mr. FEINGOLD. Mr. President, I voted for the non-Iraq portion of the supplemental because it included a number of provisions I support, such as Senator WEBB's GI bill, an extension of unemployment insurance, funding for LIHEAP and Byrne grants, and a number of important Africa-related provisions. The Webb GI bill represents one of the best ways that the Federal Government can support members of our Armed Forces who might not otherwise have the opportunity to obtain a higher education. Expanding educational benefits is the least we can do for the men and women in uniform who have been asked to do so much for our country.

However, I am disappointed that the Senate was prevented from voting on the fiscally responsible House version of the GI bill. We should not be piling up more debt for future generations to repay, and I will work to try to make sure that the cost of this benefit is paid for. The Senate should not get into the habit of using nonoffset emergency supplemental bills to bypass the regular appropriations process. Just because the President refuses to pay for the cost of the war in Iraq doesn't mean we should follow his path of fiscal irresponsibility.

I am deeply disappointed that neither the House nor the Senate version of the supplemental contains language that would end the Iraq war. In fact, both bills—particularly the Senate Appropriations Committee bill—are actually weaker in this respect than the first supplemental we passed just over a year ago. Democrats took power of Congress last year pledging to work to bring an end to the war. While we have made significant progress in other

areas, we are actually moving backward, not forward, when it comes to Iraq.

What do I mean that the current supplemental is weaker than the one we passed a year ago? The new House supplemental requires redeployment of troops from Iraq to begin in 30 days, with a goal of completion within 18 months, or approximately the end of 2009. The supplemental we sent to the President a year ago set a goal of completing redeployment no later than the end of March 2008, or around 11 months from passage of the bill. So we have gone from an 11-month goal to an 18-month goal.

And the exceptions have become even broader, meaning that even more U.S. troops could be allowed to remain in Iraq. In the new version, the administration is no longer limited to conducting targeted missions against ''members of al-Qaida and other terrorist organizations with global reach.'' Now, it can leave troops in Iraq to go after any ''terrorist organizations'' in that country. Going after al-Qaeda and its affiliates makes sense because they represent a direct threat to the United States. Leaving U.S. troops in Iraq to launch missions against any organization that the administration labels ''terrorist,'' regardless of whether they pose a threat to our country, doesn't make sense. It is just a continuation of the current administration's muddled, misguided approach, which focuses so much of our resources on one country while largely ignoring the threat posed by al-Qaida around the world.

In addition, the House language allows U.S. troops to not just conduct training and equipping of Iraqi troops but also to provide ''logistical and intelligence support,'' which wasn't in last year's supplemental. That could mean our troops would still be fighting on the front lines, embedded with Iraqi forces, or providing air power, as we saw during the recent clashes in Basra. If you are looking to keep tens of thousands of U.S. troops in Iraq indefinitely, then you won't have a problem with this new language. If, however, you want to bring our involvement in this war to a close, then you can and should be troubled by these big loopholes in the House bill.

The House bill may be bad in this respect, but the Senate bill that we actually voted on and passed is far worse. It doesn't have any loopholes—it doesn't need them because it doesn't do anything. It simply expresses the sense of Congress that the mission in Iraq should be transitioned to a few limited purposes by June 2009. That is it—nonbinding language that may make a few Members feel better about themselves but that won't do a thing to bring the war to a close.

To make matters worse, the Senate bill includes a provision requiring a report on transitioning the U.S. mission in Iraq but leaving 40,000 troops in Iraq at the end of the transition. Based on existing estimates, it would likely cost $40 billion a year to maintain such a presence in Iraq. We should be promptly redeploying our troops, not studying the option of transitioning to an open-ended, significant military presence in Iraq.

Both the supplemental bills, and the process by which we are considering them, seem devised to maximize our political comfort, rather than put pressure on the White House to end a disastrous war. This shouldn't be about allowing ourselves to cast votes that make us feel better and look good.

Now I realize, like my colleagues, that we have limited options to try to end the war before the next President and the next Congress take office. But that doesn't mean we can simply ignore Iraq or write off the next 10 months. More brave Americans will die in Iraq over the next 10 months, and our national security will continue to suffer while we focus on Iraq to the exclusion of so much else, including the global threat posed by al-Qaida. We have a responsibility to our constituents and to the American people, who have been demanding an end to the war for far, far too long, only to have that call go unheeded.

At a minimum, we should be voting on an amendment I filed to safely redeploy our troops by setting a date after which funding for the war will be ended. The Senate has voted on such an amendment several times, offered by myself and the majority leader. I am under no illusions about whether such an amendment would pass. But Members of Congress should have to put themselves on the record as to whether they are serious about wanting to end the war. That may make some of them, even members of my party, a little uncomfortable. But making tough decisions, casting tough votes, standing on principle—that is what our constituents expect of us.

As all of this weren't bad enough, this so-called supplemental spending bill doesn't just include Iraq spending for the current fiscal year. It also includes tens of billions of dollars to keep the war going in the next fiscal year. That means we can spare ourselves the inconvenience of taking up another Iraq spending bill this Congress. That may make us all feel better, but it is another way of showing that we aren't serious about putting pressure on the President to bring the war to a close.

Instead of negotiating backroom deals, instead of trying to devise procedures and votes that minimize our discomfort, instead of acting like we are against the war without following through, instead of all that pretense and posturing, let's act like a legislative body and do some actual legislating. Let's have debates, and amendments, and votes. Let's do this in the open, on the record. That way our constituents will see whether we really are committed to ending the war, to fiscal responsibility, and to the other principles and goals that matter to the folks back home but that seem to have been forgotten here.

Mr. JOHNSON. Mr. President, I wish to point out to my colleagues what we will not be funding if this amendment fails. First and foremost, we will not be funding critical military construction projects for our troops serving in Iraq and Afghanistan. These are emergency infrastructure requirements that our men and women in uniform have requested—projects that will contribute to their safety and security and that are crucial for them to be able to perform the mission with which they have been tasked.

We will not be funding construction of critically needed VA polytrauma rehabilitation centers. These are cutting-edge centers for the treatment of Active Duty and separated Iraq and Afghanistan war veterans suffering from the signature injuries of those wars: traumatic brain injury, post-traumatic stress disorder, hearing loss, amputations, fractures, burns, visual impairment, and spinal cord injury. It is hard to think of anything more important than providing the best possible care to our wounded soldiers.

We will also be leaving a $787-million shortfall in the BRAC account, meaning that important construction at our bases here at home will be delayed, and the 2011 deadline for completing BRAC may become impossible to meet.

We will be delaying emergency renovation and replacement of barracks for our soldiers returning from war. Many of us were appalled at the deplorable conditions at Fort Bragg, which is why this bill provides $200 million to rebuild the ''worst of the worst'' of the Army's barracks. If we fail to pass this amendment, we will be leaving our soldiers to continue to live in unacceptable conditions.

We will not be funding childcare centers for our military families. Childcare is a serious quality of life issue for the families who bear the brunt of war, and this bill would accelerate funding for 31 of the highest priority child development centers—funding for which the President himself has signaled support.

In short, this bill provides critical funding for some of the highest priorities of our Nation, including our military forces. All of my colleagues should be very aware of what they are voting against if they vote against this amendment. I urge my colleagues to support it.

Mr. GRASSLEY. Mr. President, I come to the floor today to object to the inclusion of provisions that are clearly in the jurisdiction of the Finance Committee in an emergency supplemental appropriations bill to fund the war.

The supplemental appropriations bill seeks to place a moratorium on seven Medicaid regulations until the next administration.

It also prevents implementation of a CMS policy to ensure States cover poor kids before expanding their SCHIP programs.

I know some people have concerns with the CMS policies.

Let me be clear: I am not here to argue the regulations are perfect. I have issues with some of them I would like to see addressed.

However, the regulations do address areas where there are real problems in Medicaid.

Medicaid is a Federal-State partnership that provides a crucial health care safety net for some very vulnerable populations . . . low-income seniors, the disabled, pregnant women, and children. They depend on Medicaid, and it does generally serve them well.

Medicaid is also a program with a checkered history of financial challenges.

Medicaid has a history of States abusively pushing the limits of what should be allowed to maximize Federal dollars sent to them.

And while sometimes States have clearly pushed the envelope, at other times, States have struggled to understand what is and is not allowable in Medicaid.

So after years of work by CMS, numerous reports by GAO and the Inspector General at HHS, and frequent Congressional hearings, CMS issued regulations to try to clarify the rules in some very problematic payments areas of Medicaid.

I will start with the public provider regulation.

We know that in the past, many States used to recycle Federal health care dollars they paid to their hospitals to use for any number of purposes beyond health care.

It was an embarrassing scam that several administrations tried to limit.

For years, the Medicaid Program was plagued by financial gamesmanship. States used so-called intergovernmental transfers or IGTs, to create scams that milk taxpayers out of millions—even billions—of dollars.

Here is an example: a State bills the Federal Government for a $100 hospital charge. The hospital gets the $100 payment and then the State would require the hospital to give $25 of it back to the State. In my view, that is a scam.

What happens to the $25? In the days before Congress and CMS cracked down on the behavior, the money could go to roads or stadium construction.

That is right. Medicaid IGT scams paid for roads and stadiums instead of health care for the poor.

In 1991, 1997 and again in 2000, Congress took specific action to limit the States' ability to use payment schemes to avoid paying the State share of Medicaid.

CMS has continued their work since then.

Over the past 4 years, CMS has been working with States to try to limit these scams.

I will note these efforts have not been without their controversy. States have been very concerned about exactly what the new standards are.

Senator BAUCUS and I wrote the GAO and asked them to look into what CMS has been up to in trying to limit the way States make these payments.

We were concerned that there was not enough transparency in what CMS was doing.

And CMS did publish a rule for all to see. It is out there in the open.

The core goal of the rule is to limit provider reimbursement to actual cost.

I know some people consider this a radical idea, but I just don't understand why anyone thinks it is a good idea to have hospitals paid more than cost so they can be a part of these scams that rob the taxpayer to fund State pork.

Restricting payments to cost is not exactly a new idea. In 1994, GAO recommended that payments to government providers be limited to cost. This is a fundamental issue for program integrity.

What did GAO find in their 1994 report that led them to this conclusion?

The State of Michigan used these questionable transfers to reduce their share of the Medicaid Program from 68 percent, which is what it should have been, to 56 percent.

The GAO found evidence that in October 1993, the State of Michigan made a $489 million payment to the University of Michigan. Within hours, the entire $489 million was returned to the State.

The report found that in fiscal year 1993, Michigan, Tennessee, and Texas were able to obtain $800 billion in Federal matching funds without putting up the State Share.

Congress and CMS have spent the last 17 years combating that behavior.

Last year, the emergency supplemental included a provision to delay implementation of the public provider rule for 2 years.

Fortunately, cooler heads prevailed and the delay was reduced to 1 year.

But I wish to read what I said at the time. This is from remarks I made on March 28, 2007:

> If some people think CMS has gone too far, then we should review their actions in the Finance Committee. We should call CMS in, make them testify, and ask the tough questions to which we need answers. If we think there are things we should have done differently, then we should legislate. That is the way it ought to be done.

That is the right way to operate. We should have dealt with it in the Finance Committee.

We should have tackled the issues here that are extremely complex. They deserve thorough consideration so we can insure we are taking appropriate action.

But a year has passed with no action and instead we are here with this amendment to the supplemental appropriations bill. No hearings have been held. No testimony submitted. Nothing.

Making the CMS regulation go away opens the door for a return to the wasteful, inappropriate spending of the past.

Intergovernmental transfers can have a legitimate role, but it is critical that States have a clear, correct understanding of what is a legitimate transfer and what is not.

If the regulation goes away, those lines will still not be adequately defined.

Why should we care if the lines are not adequately defined? Let me read from the National Conference of State Legislatures Web site: ''IGTs can enhance a State's Federal match and thus bring additional funds to the State in two main ways. First, States can use county funds instead of State funds to generate a Federal match to support services provided by counties. Second, States can use IGTs to help it claim additional Federal funds based on upper payment limits. Under this model, a State can make payments to eligible public facilities using the rate Medicare pays for the same service, a rate that may exceed the State's standard Medicaid reimbursement rate. If it chooses to do so, a State then could use a portion of the new revenues generated—a share of the portion that remains after the standard Medicaid rate is paid for other goods or services.''

States speak openly about these payment schemes to maximize Federal dollars flowing to the States.

It is absolutely the worst thing we could do for the Medicaid Program to leave States without clear guidance on these types of payments.

We cannot simply walk away from this subject.

Now I would like to turn to the CMS regulation on graduate medical education. I personally think Medicaid should pay an appropriate share of graduate medical education or GME.

But I would like to see us put that in statute rather than return to the current customary practice because I do not think the taxpayers are well served by the way Medicaid GME operates today.

If we simply make the regulation go away, what are the rules for States to follow?

There are five different methods States use in billing CMS, 11 States don't separate IME from GME, and CMS cannot say how much they are paying States for GME.

Let me quote from a CRS memo I submitted for the RECORD during the budget debate a few months ago: ''States are not required to report GME payments separately from other payments made for inpatient and outpatient hospital services when claiming Federal matching payments under Medicaid. For the Medicaid GME proposed rule published in the May 23, 2007 Federal Register, CMS used an earlier version of the AAMC survey data as a base for its savings estimate and made adjustments for inflation and expected State behavioral changes, for example.''

To make their cost estimate for the regulation, CMS relied on a report from the American Association of Medical Colleges to determine how much they are paying for GME in Medicaid.

That is because the States do not provide CMS with data on how much they pay in GME.

That is simply unacceptable.

You can disagree with the decision to cut off GME, but simply leaving the current disorderly and undefined structure in place is not good public policy.

Now let me turn to the regulations governing school-based transportation and school-based administration.

Is it legitimate for Medicaid to pay for transportation in certain cases I think the answer to that is yes.

I do think it is legitimate for Medicaid to pay for transportation to a school if a child is receiving Medicaid services at school.

That said, we should have rules in place that make it clear that Medicaid does not pay for buses generally.

We should have rules in place that make it clear that schools can only bill Medicaid if a child actually goes to school and receives a service on the day they bill Medicaid for the service.

You can also argue that the school-based transportation and administrative claiming regulation went too far by completely prohibiting transportation, but if making this regulation go away allows States to bill Medicaid for school buses and for transportation on days when a child is not in school, we still have a problem.

It is also critical that Medicaid pay only for Medicaid services.

We all openly acknowledge the Federal government does not pay its fair share of IDEA.

Quoting from the CRS memo: ''States, school districts, interest groups, and parents of children with disabilities often argue that the Federal government is not living up to its obligation to 'fully fund' Part B of the Individuals with Disabilities Education Act—IDEA, P.L. 108–446—the grants-to-States program.''

We can also acknowledge that just because IDEA funding is inadequate, States will try to take advantage of Medicaid to make ends meet.

Again quoting from the CRS memo: ''It is generally assumed that such transportation is predominantly provided to Medicaid/IDEA children.''

If a child is required to be in school under IDEA and receives a Medicaid service while in school, is the transportation of that child 100 percent Medicaid's responsibility?

We should define clear lines so that States know what is and is not Medicaid's responsibility.

Now I would like to turn to the rehabilitation services regulation.

I certainly would argue that Medicaid paying for rehabilitation services is good for beneficiaries. We want Medicaid to help beneficiaries get better.

But States must have a common understanding of what the word ''rehabilitation'' means in the Medicaid Program.

Again quoting from the CRS memo: ''Rehabilitation services can be difficult to describe because the rehabilitation benefit is so broad that it has been described as a catchall.''

Also, States need clear guidance on when they should bill Medicaid or another program.

Again quoting from the CRS memo: ''There is limited formal guidance for states in Medicaid statutes and regulations on how to determine when medically necessary services should be billed as rehabilitation services.''

You can say the CMS regulation went too far, but that doesn't mean there isn't a problem out there.

As CRS notes, billing for rehabilitation services between 1999 and 2005 grew by 77.7 percent. I am far from convinced that all of that growth in spending was absolutely legitimate.

Finally turning to the case management regulation, I first want to point out the issues relating to case management are a little different than issues associated with some of the other Medicaid regulations I have discussed so far.

The provision in the Deficit Reduction Act of 2005—DRA—relating to case management received a full review in the Finance Committee, along with Senate floor consideration and conference debate prior to enactment of the DRA. This regulation relates to a recently enacted statutory provision.

There is reason to believe that States have been using case management to supplement State spending. Some believe that States are shifting some of their child welfare costs to the Medicaid Program through creative uses of case management.

Concern about the inappropriate billing to Medicaid for child welfare services extends back to the Clinton administration.

There are some who would disallow most child welfare case management claims from reimbursement from Medicaid. This goes further than I would support. Getting these children the proper services requires thoughtful review, planning and management, and I believe that Medicaid has an appropriate role in supporting these activities.

On the other hand, driving a child in foster care to a court appearance and billing the caseworker's time to Medicaid is not an activity that should be billed to Medicaid.

Certainly, the regulations are not perfect. The degree that CMS has gone to in specifying how case management should operate conflicts with the efficient operation of the benefit in certain respects.

But again let me quote from the CRS memo:

> Although there may be a number of issues related to claiming FFP for Medicaid addressed in these sources, at least two issues have been sources of confusion, misunderstanding, and dispute. One issue where there has been misunderstanding is non-duplication of payments. Another area where there has been some disagreement is over the direct delivery of services by other programs where Medicaid is then charged for the direct services provided by the other program.

When CMS tried to come up with rules to increase accountability in case management, they had good reason to be trying to provide clarity and specificity for States.

Surely the answer is not to tell States they are on their own to interpret the case management provision in the DRA.

As CRS notes, billing for case management services between 1999 and 2005 grew by 105.7 percent. With spending growing that fast, we must make absolutely certain States understand how they should be billing CMS.

During the Appropriations Committee markup, a provision was added to delay implementation of an August 17, 2007, State Health Officials letter regarding the SCHIP program.

Simply put, the idea behind the policy is that States should have to show they are covering their poorest kids before they can expand to cover kids with higher incomes.

No matter how many technical issues people might have with the ability of CMS to implement the policy, I find it mind boggling that anyone would argue with the idea of covering poor kids first.

Poorer kids are generally sicker and in need of care. It is reasonable public policy to require States that want to cover higher income children to first demonstrate that they are doing a good job covering poor kids.

It is just common sense.

Earlier this month the administration issued further clarification on the August 17 directive. The purpose of this additional State Health Official letter is to respond to some of the concerns that have been raised by States looking to accommodate the August 17 directive.

Rather than work with the administration to find solutions—even after the administration made an effort to clarify the policy—this bill simply makes the policy go away.

This bill provides for $1.3 billion in savings to address the various policy provisions in the Finance Committee's jurisdiction.

I actually support the provisions that save money in this bill.

I have been working on the provision related to physician-owned hospitals for years.

But it is wrong to move it in this bill, and as much as I do support that provision, I must object to its inclusion here as well.

The provisions in this bill are scored by CBO as spending $1.7 billion. It is $1.7 billion because the regulations are delayed only until the end of March of next year.

I know supporters hope that the next administration will pull back and undo the regulations completely.

What would it cost if we tried to completely prevent these regulations from ever taking effect?

Not $1.7 billion that is for sure.

It would actually cost the taxpayers $17.8 billion over 5 years and $42.2 billion over 10 years.

It is an absolute farce for anyone to argue that all of those dollars are being appropriately spent and that Congress ought to just walk away from these issues.

Instead of just making the regulations go away, the Finance Committee and the Energy and Commerce Committee should sit down with the administration and fix the problems with the regulations and address real problems in Medicaid.

That is what we should be doing for the taxpayers.

Secretary Leavitt states that the most pressing of regulations will not go into effect on May 25 as many have feared.

He has offered to sit down with us and work on these issues.

There is no cause for us to act today to block the implementation of these regulations while an offer to talk is on the table.

After the President vetoes this bill, I encourage my colleagues to drop these provisions and sit down with the administration to find real solutions.

Separately, I want to voice my concern over the inclusion of an authorization relating to imports of uranium from the Russian Federation.

The Finance Committee has not had an opportunity to examine this complex legislation and evaluate how it relates to our bilateral agreement with Russia concerning the disposition of highly enriched uranium extracted from nuclear weapons, and its potential impact on our bilateral agreement to suspend the antidumping investigation on uranium from the Russian Federation.

The Finance Committee is the committee of jurisdiction over international trade in the Senate, and circumvention of that jurisdiction has in the past led to significant trade disputes. I am disappointed that the Finance Committee was not fully engaged on this matter.

We were deprived of an opportunity to contribute expertise and provide input so that any potential consequences under our trade laws could be mitigated.

Perhaps my concern will prove unfounded in this case. But nevertheless, this manner of legislating does not serve our best interests and should be avoided in the future.

In conclusion, I oppose provisions that are the jurisdiction of the Finance Committee being considered in this bill.

Mr. VITTER. Mr. President, I rise today to talk about a very important provision to New Orleans in the supplemental and to thank the Senate Appropriations Committee members for their strong and continued support for Louisiana during the long and difficult posthurricane recovery process.

Included in the emergency supplemental bill before the Senate is $70 million for emergency funding for 3,000 rental subsidies, which will provide permanent supportive housing in Louisiana for its most at-risk residents. These are the individuals who normal housing assistance programs are most likely to fail or miss, or who are unable to take advantage of available assistance without extra support. They are the homeless, the elderly in need of additional outside care or supervision, and individuals with severe disabilities. For them, permanent supportive housing can mean the difference between being exposed to the streets or having a secure, stable home environment.

The permanent supportive housing funding is the final piece of a three-prong initiative in Louisiana to address the post-storm needs of its most at-risk population. Louisiana has already dedicated significant resources toward this project: Louisiana's Road Home recovery plan will provide the necessary supportive services funding for the first 5 years of the initiative and some capital funding and the State has already invested in 800 to 1,000 permanent supportive housing units through existing affordable housing programs. All that remains now before this initiative can become a successful reality is the rental subsidy funding, which would provide Louisiana with the 2,000 project-based voucher and 1,000 shelter plus care units that will finally bring the services and housing to the people that need it most.

However, without the $70 million in rental subsidy funding included in the supplemental, this important initiative will fail. This is an issue that transcends politics and party affiliation. It enjoys the bipartisan support of myself and Senator LANDRIEU, as well as the support of the Appropriations HUD subcommittee chair and ranking member, Senators MURRAY and BOND, and the committee leadership. The Louisiana House congressional delegation supports the funding and wrote the House appropriators to advocate for it. In fact, Louisiana's new Governor, Governor Jindal, signed that letter as a Congressman and has since written the House and Senate leadership last month urging its adoption.

As of the latest count last year, the homeless population in New Orleans had almost doubled to approximately 12,000 persons compared to the period prior to the storm. This is an opportunity to bring the most disadvantaged and at-need home. I urge Congress take this critical step of providing the necessary housing funding for this important Louisiana recovery initiative. And, I strongly urge my colleagues to support this funding in negotiations with the House of Representatives to ensure its inclusion in the final funding package.

Mrs. FEINSTEIN. Mr. President, simply put, I cannot vote for another $165 billion to give President Bush a blank check and fund the continuation of the war in Iraq, without condition, for over another year.

This is a difficult decision and not one I take lightly. But I believe that the time has come for Congress to exercise the power of the purse and bring this war to a conclusion.

I am a strong supporter of our troops in the field. They have done a tremendous job under difficult circumstances. They weren't greeted as liberators as Vice President CHENEY said they would be.

Instead, they found themselves targets in an internecine battle, whose roots go back hundreds of years. They found themselves in the crossfire between Sunni insurgents and Shia extremists. They've done everything asked of them, with the courage and dedication that we expect from our service men and women.

But President Bush has never provided an exit strategy for Iraq. He has never laid out a plan for bringing our troops home.

So, here we are more than 5 years after this war began. More than 4,000 troops killed. Tens of thousands injured. And no end in sight. $525 billion spent all designated as emergency spending and none of which is paid for simply added to our Nation's growing debt.

This is the first major war that has not been paid for, but instead has relied time and time again on emergency supplemental funds outside of the Federal budget.

I, along with many of my colleagues in the Senate, have voted again and again for a change of course to transition the mission. But the minority has obstructed the vote or President Bush has vetoed the bill each time we have tried.

So the power of the purse is the only tool we have to change the Iraq war. And it is time to bring this war to a conclusion after 5 long years.

The $165 billion supplemental funds the war for 1 year and 1 month, or until July 2009. This is all funded on the debt. I simply cannot agree to do it.

It would have been one thing if the supplemental had been to fund the war for an additional 6 months. But it is not. This means that the next administration essentially need not make any move or change until July 2009. This is simply not acceptable to me.

To me, it is a big mistake to have a supplemental this big because it simply means ''business as usual.'' And I don't believe we can be ''business as usual.''

On Tuesday, I questioned Secretary of Defense Robert Gates on the funding for this war. I told Secretary Gates that it is unclear to me why the passage of a $165 billion 2009 bridge fund is urgent at this time, particularly given that funding needs for next year are very much up in the air.

I told him that it is my understanding that if DOD transfers funding to the Army to meet its personnel and operational expenses, the Army could stretch its current funding quite far. And I asked how long the Army and Marine Corps could operate without the '09 bridge fund.

The Secretary said:

''The notion of having to borrow from the base budget in '09 to pay war costs . . . we probably could make it work for a number of months.'' And ''can we technically get thought some part of fiscal year 2009 without a supplemental? Probably so.''

So the other question that I have been grappling with is why should we provide 13 months of funding now? Where is the urgency to fund this war through July 2009? That is over a year away. It is simply not necessary to appropriate $165 billion for the Iraq war in a single day. This is almost twice the size of any previous supplemental the Senate has considered to date.

President Bush won't listen to the wishes of the majority of Congress and the American people. He has shown a complete unwillingness to evolve in the face of compelling evidence of the need for change.

After the fall elections, a new President will offer new ideas and policies, and at the top of the list should be a new plan for Iraq.

Congress should not, during this time of transition and great opportunity to seize the moment and change our war policy, allow the war to linger unaddressed for up to 7 months of the new administration.

Congress should not relinquish its constitutional right and obligation to use the power of the purse to require the next President to present a plan for Iraq one that includes the funding he or she will need to put that plan in motion.

So now, we are faced with another choice: Do we provide $100 billion through the end of this year and an additional $66 billion to take us through July 2009? Do we give the next President a pass and affirm that he or she does not have to change the mission or plan an exit strategy until the middle of next year?

I cannot support this.

Passing a year-long supplemental is an abandonment of the power of the purse, the greatest power that the Congress has. I believe that the time has come for the Senate to assert its will, and another year and a month of funding for this war is not the answer.

Mr. SPECTER. Mr. President, I seek recognition today in support of the domestic spending amendment to the fiscal year 2008 Military Construction, Veterans Affairs and Related Agencies bill, which is the underlying vehicle for fiscal year 2008 supplemental funding.

These appropriations include funding for programs vital for our Nation's welfare. With my long record of support for these programs, I could hardly reject supporting them now especially in the face of supporting significant additional funding for national defense. There must be some semblance of balance on military and domestic spending.

This legislation includes emergency unemployment compensation, UC, benefits for individuals who have exhausted all regular unemployment benefits after May 1, 2006. The UC program, funded by both Federal and State payroll taxes, pays benefits to covered workers who become involuntarily unemployed for economic reasons and meet State-established eligibility rules. These emergency UC benefits will provide a 13-week extension of unemployment benefits for those Americans in need of help.

Although America's economic growth has been positive during each of the past 25 quarters, between January and March 2008, payroll employment fell by some 160,000 and the unemployment rate rose to 5.1 percent in March of this year. Inflation has accelerated with the consumer price index rising to 3.9 percent for the 12 months ending in April 2008 compared with 2.5 percent during 2006 and 3.4 percent in 2005. With the increased costs of food and energy and loss of jobs in the United States, we need to offer assistance to those employees who have lost their jobs in order for them to provide for their families until they can find another job. I have consistently supported efforts to extend UC benefits to help our fellow Americans through difficult times. The Senate failed to extend UC benefits during consideration of the economic stimulus bill on February 6, 2008, despite my support. Therefore, I support this amendment recognizing the need to capitalize on the opportunity it provides for a much needed economic boost to those hard-working Americans hit hardest by the recent economic downturn.

Additionally, I support this amendment as it includes a much needed update to the GI bill of rights, which has not been revised for over 20 years. I joined 57 of my colleagues in sponsoring legislation that would provide a 4-year public university education for anyone who has served on active duty for at least 36 months since Sept. 11, 2001. This legislation would provide for this generation what the post-WWII GI bill provided for veterans of that global conflict. The current proposal is supported by the current chairmen of the Armed Services Committee and Veterans' Affairs Committee, as well as by a former chairman of the Armed Services Committee.

This reform is a real necessity. Regrettably we do not take care of our veterans as we should. We find that men and women are coming back now from Iraq and Afghanistan and the wonders of modern medicine have been able to keep people alive, but they have very serious disabilities. Many need a lot of counseling, have a lot of psychiatric problems and a lot of brain damage. Some young men and women coming back in their early twenties will require decades of care. General Colin Powell recently said, ''For someone coming back after serving in Iraq or Afghanistan for two or three or four tours of duty, they need to catch up quickly, and we need to help them.''

For those veterans ready to return to school, it is vital that they not be hindered with financial impediments to accessing higher education. It is a very sound economic approach to provide this education. The post-WWII program has been paid off many times over by producing men and women who have been very productive and paid more taxes. According to a recent editorial by Tom Ridge and Bob Kerrey, ''for every tax dollar spent on the World War II GI bill, our country received $7 in tax remittances from veterans whose careers benefitted from enhanced education.'' I agree with General Powell's statement that, ''America got that money back in spades.'' I think this is something we ought to do, most fundamentally to treat the veterans properly, but also for the future of the country. We would be well served by another generation of very well educated men and women; they deserve it, and it would help the country a great deal in the long run.

This amendment before the Senate contains $400 million for the National Institutes of Health, NIH. These additional funds are critical in catalyzing scientific discoveries that will lead to a better understanding in preventing and treating the disorders that afflict men, women, and children in our society. I was very disappointed in the small increase NIH received in fiscal year 2008. In fiscal year 2009, I am asking for an increase of several billion dollars.

This amendment contains an additional $26 million for Centers for Disease Control and Prevention, CDC, to respond to outbreaks of communicable diseases related to the re-use of syringes in outpatient clinics. Funds would be used for research, education and outreach activities.

Further, I have consistently supported efforts to increase funding for the Low Income Home Energy Assistance Program, LIHEAP, as the ranking member of the Senate Appropriations Subcommittee on Labor, Health and Human Services and Education. This amendment provides an additional $1 billion for fiscal year 2008 for this critical program. With the cost of energy continually increasing, it is essential that those on fixed incomes have assistance in making their home heating and cooling payments. This additional funding will bring the total level for fiscal year 2008 closer to the goal of the fully authorized level of $5 billion.

Paying heating and cooling bills for low-income households throughout this Nation has always been a struggle, but never more so than today with the soaring energy costs. The inability to pay for heating or having to make decisions to forgo other needs such as food and medicine pose health and safety hazards—especially to the elderly, the disabled and children. This winter, Americans, on average, spent $977 to heat their homes which is 10 percent higher than last winter. Nationwide average oil heating bills are expected to be 22 percent higher than in the previous year. I support this amendment

which will go a long way towards addressing the serious plight of those individuals facing a critical need for assistance during this energy crisis.

This amendment will also provide a moratorium on several Medicaid regulations. These Medicaid Programs are critical to providing healthcare to low-income individuals in Pennsylvania.

The moratorium prevents the elimination of school-based administrative and transportation programs and case management services for individuals with multiple health and social complications. This amendment will provide access for beneficiaries to rehabilitation services. Further, the moratorium would continue the payments to hospitals for graduate medical education funding, allowing Pennsylvania hospitals to train the physicians of tomorrow. These programs provide an important health safety net for disadvantaged children, seniors and parents that must be preserved.

This amendment would restore access to nominal drug pricing for selected health centers specifically those clinics based at colleges and universities whose primary purpose is to provide family planning services to students of that institution.

The domestic amendment also contains provisions that will decrease Federal spending. This includes the expansion of a demonstration project that verifies the assets held by Medicaid applicants. It saves federal dollars by preventing noneligible people from receiving Medicaid benefits inappropriately.

Additionally, this amendment would impose a 1-year moratorium on the August 17, 2007, directive by the Centers for Medicare and Medicaid Services. This directive changed Federal policy by prohibiting coverage of uninsured children under SCHIP if their family income is above 250 percent of the Federal poverty level or $42,400. This is of particular importance in Pennsylvania where the SCHIP program covers children in families up to 300 percent of the poverty level or $63,600.

For these reasons that I have outlined above—an extension of unemployment insurance benefits, enhanced benefits for our nation's veterans, and additional funding for LIHEAP, FDA, CDC and NIH where insufficient funding has been provided—I support the domestic spending amendment to the supplemental bill.

Mr. BINGAMAN. Mr. President, I rise to speak briefly about a number of important provisions in this domestic funding amendment. I am delighted that this amendment passed the Senate by an overwhelming vote of 75–22, and I hope the House will pass it swiftly and overwhelmingly as well.

There are many provisions in this amendment that will meet many important needs we are facing as a country, but I would like to mention a few that are of particular note. First, the bill contains a total of $15 million to help reduce drug-related violence in the border region by aggressively stepping up efforts to prevent weapons from being smuggled into Mexico to arm drug cartels. Of this money, $5 million would be allocated for ATF to provide assistance to Mexican authorities in investigating weapons trafficking cases and $10 million would be set aside for ATF to enhance Project Gunrunner Teams in the southwest border States.

This funding is based on S. 2867, the Southwest Border Violence Reduction Act, which I recently introduced with Senator HUTCHISON. This measure is also cosponsored by Senators FEINSTEIN, KYL, DURBIN, and DOMENICI.

According to ATF, about 90 percent of the firearms recovered in Mexico come from the United States. These weapons are used by drug gangs to forcefully maintain control over trafficking routes and greatly undermine the ability of Mexico to fight drug traffickers. These violent groups use smuggled weapons to assassinate military and police officials, murder rival members of drug organizations, and kill civilians. In the Mexican state of Chihuahua, which shares a border with New Mexico, there have been over 200 killings since the beginning of 2008, an increase of about 100 percent over the previous year.

Violence perpetrated by international drug trafficking organizations impacts the well-being and safety of communities on both sides of the United States-Mexico border. I am pleased that additional resources are being allocated to target weapons trafficking networks and enhance international cooperation in investigating these cases.

The second provision I would like to discuss relates to assistance we are providing to local law enforcement situated along the southern border. The bill includes $90 million for a competitive grant program within DOJ to help local law enforcement along the southern border and other agencies located in areas impacted by drug trafficking. As the sponsor of the Border Law Enforcement Relief Act, I have been pressing for Congress to help border law enforcement agencies with the costs they incur in addressing criminal activity in the border region. I strongly believe this funding is greatly needed and I am glad the Congress is giving this issue the attention it deserves.

This bill also takes an important step forward in advancing our economic security by increasing funding for math and science education programs by $50 million. In America Competes, this Congress recognized that in order to ensure an educated and skilled workforce, we needed to strengthen math and science education. Accordingly, we significantly expanded math and science education programs at the National Science Foundation. I am particularly pleased to see an increase of $20 million in the Robert Noyce Scholarship program, which recruits and prepares talented students and professionals to become math and science teachers. The bill also contains an additional $24 million to support graduate study in STEM fields.

Further, earlier this year Senators DOMENICI, ALEXANDER, DORGAN, CORKER, FEINSTEIN, KENNEDY, SCHUMER and I wrote a letter to the Appropriations Committee requesting $250 million for the Department of Energy's Office of Science. This bill allocates some $900 million for agencies performing science, including $100 million for the DOE's Office of Science. In addition, it provides $400 million for the National Institutes of Health to keep its budget up with inflation and $200 million for NASA and their space flight mission. I am grateful to the committee for recognizing the importance of science and taking it into account in this supplemental appropriations bill.

In light of the ''silent tsunami'' of the food crisis in the developing world, I am pleased that the Senate version of the supplemental provides for approximately $1.2 billion in funding for food aid through fiscal year 2009. I am also pleased that USAID will reportedly announce a $45 million package in food aid for Haiti, of which $25 million will be distributed via the World Food Programme, at a press conference tomorrow morning.

However, I believe that more needs to be done for Haiti. According to Haitian President René Preval, Haiti needs $60 million in U.S. food aid assistance to avert famines over the next 6 months. Accordingly, I call upon USAID to allocate at least $60 million of the $1.2 billion food aid appropriation to Haiti.

Haiti is the poorest country in the Western Hemisphere, where approximately 76 percent of Haiti's population subsists on under $2 per day and 55 percent on under $1 per day. One in five Haitian children is malnourished. We must address these challenges, partly for reasons of preserving stability in the Caribbean, and partly to provide an alternative to emigrating to the United States, but mostly because it is the right thing to do.

I am also pleased that the supplemental provides for $100 million of assistance for Central America, Haiti, and the Dominican Republic to support the Mérida Initiative in those regions and countries. In particular, I am pleased that the Senate version of the supplemental set aside $5 million of this money to combat drug trafficking and for anticorruption and rule of law activities in Haiti. This amount doubled the $2.5 million called for in the House version.

Last year, when the Drug Enforcement Agency stationed two helicopters in Haiti on a temporary basis, the level of cocaine shipments transiting the country by air and sea declined significantly. This decline resulted in lower levels of corruption in Haiti and less cocaine reaching the United States. I hope that today's $5 million in funding for Haiti will replicate these successes,

and I call upon the DEA to use a portion of these funds to increase interdiction capability in Haiti by placing helicopters there on a more sustained basis.

Finally, I would also like to voice my strong support for provisions within this legislation to block attempts by the Bush administration to reduce health care access for low-income children, seniors, and others. In the last year and a half the Bush administration has aggressively attempted to shrink the Federal Medicaid program by reducing the ability of States to provide Medicaid coverage to their most vulnerable populations. These actions have been taken under the ruse of ''fraud and abuse'' reforms but we should be clear about what they really are, an attempt to reduce Federal expenses on the backs of poor Americans. At a time when we are spending approximately $12 billion a month on the war, that is about $5,000 a second, and at a time when so many Americans are facing economic hardship and will be depending on low-income programs, it is unconscionable that the Bush administration is attacking the poorest among us—all in a weak attempt at appearing fiscally responsible.

These programs are critical to many low-income patients and safety-net providers in my home State of New Mexico and across the Nation. For example, the most significant of the administration's proposals would devastate New Mexico's Sole Community Provider Fund, which plays a critical role in ensuring New Mexicans in rural areas of the State have access to lifesaving hospital services and funds programs for uninsured New Mexicans. It also would cause the University of New Mexico Hospital and other New Mexico institutions to lose millions of dollars for the care they provide to our low-income residents. It is important to note this is not a partisan issue. I have worked for the last year and a half to block this specific proposal including introducing legislation with Senator DOLE, S. 2460. Seventy-four members of the Senate, Democrats and Republicans alike, have gone on record opposing this Bush proposal. We were successful in blocking it last year and I am very pleased that we are acting to block it for an additional year.

Sadly, the Bush administration's proposals don't end there. The White House also would undermine the ability of schools to help enroll children in Medicaid and coordinate their health care services. The administration would also cut rehabilitation services provided to people with disabilities, especially those with mental illness and intellectual disabilities; cut case management services for the elderly, children in foster care and people with disabilities; reduce specialized medical transportation services for children; and severely limit Medicaid payments for outpatient hospital services. Finally, the administration also is attempting to severely limit States' abilities to expand enrollment of children in the State Children's Health Insurance Program or SCHIP.

Taken together the Bush administration's efforts would cost my State approximately $180 million this year in Federal low-income support and much more in subsequent years. The Nation's Governors oppose the Bush administrations efforts, as do State Medicaid directors, State legislators, and the National Association of Counties. More than 2,000 national and local groups—such as the American Hospital Association, the American Federation of Teachers, and the March of Dimes—also oppose these efforts. They know the devastating effect these rules would have on local communities, their hospitals, and vulnerable beneficiaries.

Mr. BIDEN. Mr. President, today we are voting on funding our troops on the front lines. We can disagree about whether we should be in Iraq at all and we can disagree with the President's failed policies, but as long as Americans are in harm's way, we need to give them the best possible protection this country has. To me, that is a sacred obligation. In terms of protection, there are a lot of reasons to vote for this funding—it provides $2 billion to fight deadly improvised explosive devices, it funds 25 C–130s to replace planes worn out by nonstop use moving people and supplies around the war zone, it gives more assets to families, it funds much needed military health care, and it provides $1.7 billion for Mine Resistant Ambush Protected vehicles. That is a good thing.

Now in our fifth year of the Iraq war and the seventh year of the war in Afghanistan, it often seems that good news is hard to come by. But sometimes good things do happen here on the Senate floor. Sometimes we are able to profoundly improve the odds for American men and women fighting in those wars. For my colleagues, I would like to review one good story.

For me, this story begins in the summer of 2006 on one of my trips to Iraq. A Marine commander in Fallujah showed me a new vehicle they were using called a Buffalo. He told me that these Buffalos were saving lives and that they needed more of them. I was impressed. This Buffalo was a huge vehicle with a large claw arm, high off the ground, with a v-shaped undercarriage. I found out later that it was the largest of a group of vehicles called Mine Resistant Ambush Protected vehicles, or MRAPs.

So, when the next wartime funding bill came to the Senate, I looked into what was going on with these MRAPs. The most important thing that I found out was that military experts were starting to say that MRAPs could reduce casualties from improvised explosive devices, those roadside bombs also called IEDs, by two-thirds. At that time, 70 percent of all the casualties suffered by Americans were caused by IEDs. So even if MRAPs only worked half as well as the military claimed, they would have a tremendous effect reducing deaths and injuries.

In a March 1, 2007, memo to the Chairman of the Joint Chiefs of Staff, General Conway, the Commandant of the Marine Corps, emphasized the importance of the MRAPs, saying, ''The MRAP vehicle has a dramatically better record of preventing fatal and serious injuries from attacks by improvised explosive devices. Multi-National Force—West estimates that the use of the MRAP could reduce the casualties in vehicles due to IED attack by as much as 70 percent.'' He ended by saying, ''Getting the MRAP into the Al Anbar Province is my number one unfilled warfighting requirement at this time.'' Later that month, in testimony to Congress, General Conway told us that the likelihood for survival in Iraq was four to five times greater in an MRAP.

Two weeks after that memo was written, then Chief of Staff of the Army, General Schoomaker told the Committee on Appropriations of the funding shortfalls for MRAP procurement. I will be honest here. I was genuinely surprised. It was clear to me that this vehicle was essential and needed to be fielded as quickly as possible. I could not understand why funding was not already in the supplemental.

I looked into it and found out that in fiscal year 2006 and in the bridge fund for fiscal year 2007, there was a total of $1.354 million for MRAPs, but much more was needed because this was a new vehicle. Only one company was making MRAPs then, and the military was only ordering small amounts of them.

In February 2007 the military ordered and received 10 MRAPs. That is it. It became clear to me that we needed to do more to push this process.

The Marine Corps was running the program for all of the services. They told me that one issue was that the requirements in the field had changed dramatically—it started with a request for 185 in May of 2006, then another 1,000 were requested in July, the total went to 4,060 in November and to 6,728 in early February of 2007. By March, the total need was thought to be 7,774 MRAPs for all four services. The plan at the time was to spend $8.4 billion to build those 7,774 MRAPs—$2.3 billion in fiscal year 2007 and $6.1 billion in fiscal year 2008. The administration, however, had not asked for $2.3 billion. Despite this, my colleagues on the Appropriations Committee put $2.5 billion in their bill because they saw the need.

The Marine Corps believed that even that plan was not aggressive enough and that production could be accelerated if more funding was moved to fiscal year 2007. So I asked my colleagues to join me in adding another $1.5 billion to the wartime funding bill to produce and field 2,500 more MRAPs by December of 2007. I felt very strongly that we had to accelerate things. Some of you may remember that I came to the Senate floor in a tuxedo, to explain

how vital the funding was the night before the vote.

On March 29, 2007, we spoke as one. The vote was 98 to 0 to add the $1.5 billion and give the MRAP program a total of $4 billion. This Senate should be congratulated for that decision.

We stood up and said, ''We can do better.'' We also made clear our agreement with General Conway, who called this effort ''a moral imperative.''

I know that some had doubts. They were concerned that the vehicles had not been adequately tested and that producers simply could not expand production lines quickly enough. But in the end we all agreed that we had to take a chance on American industry because our kids' lives were at stake.

When the bill went into conference, some of our colleagues in the House had not yet realized how critical this was and what a difference early funding could make to the production schedule. So, the total in the final bill sent to the President in late May was reduced to $3.055 billion. The additional funds were important, but equally important was the interest that the debate sparked in the press.

Secretary Gates has said that he first heard about the MRAP program after reading a USA Today article. After which, on May 2, he made the MRAP program the Pentagon's top acquisition priority. On June 1, he gave the program a DX rating, giving it priority for the acquisition of critical items like steel and tires that multiple military programs need. He also established the MRAP Task Force to work on any issues that might delay MRAP production.

Despite Secretary Gates's clear understanding of the need for MRAPs, the fiscal year 2008 wartime funding request from the administration was only for $441 million. Four point one billion was needed just to produce the 7,774 MRAPs. So, on May 17, I formally asked the Armed Services Committee and the Appropriations Committee to provide the $4.1 billion needed. Again, to my colleagues' credit, 17 others joined those requests and both Committees responded with the $4.1 billion needed in the bills they presented to the Senate.

At almost the same time, we began to hear that the requirements in Iraq had grown again. GEN Raymond Odierno, commander of Multi-National Forces—Iraq, indicated that he wanted to replace all of the Army humvees in Iraq with MRAPS. That would mean the Army alone would need close to 17,700 MRAPs. The plan that we had been trying to fund included only 2,500 MRAPs for the Army. That now appeared to be 15,200 too few.

Given that MRAPs cost approximately $1 million per vehicle, that also meant that at least $15.2 billion more would be needed. We were now looking at a total price tag of over $23 billion for MRAPs, making the MRAP program the third most expensive in the entire defense budget.

It was clear to me, and to many colleagues here, that more needed to be done. Despite Secretary Gates's commitment to expedite production, there still seemed to be a lack of urgency in the administration and plenty of people were still saying that more MRAPs simply could not be produced quickly. So on May 23 I called on the President to personally engage so that the Nation could meet the needs of our men and women under fire.

I am sorry to say that we did not see the President engage. To this day, we must wonder how much faster we could have moved if he had.

Instead, in early July, the Army finally said publicly that they needed approximately 17,700 total MRAPs. The Joint Requirement Oversight Council, however, did not immediately approve that change. So, Congress was once again left knowing that the needs in Iraq were growing but not having a clear number or plan to meet the needs.

In speeches I made last year, I talked about some of the tensions within the military that slowed down the MRAP program, so I won't go into those details today. For now I will only quote Secretary Gates's analysis from May 13 of this year: ''In fact, the expense of the vehicles . . . may have been seen as competing with the funding for future weapons programs with strong constituencies inside and outside the Pentagon.''

Despite the frustration of not having a clear plan, some things were going well. The funding we had added to the supplemental combined with the hard work of the MRAP Task Force and MRAP program management team was making a difference. The Pentagon saw clear increases in production capacity and was ready to try to move faster. I told you that in February 10 MRAPs had been produced. In July, that number was up to 161—an amazing increase but clearly nothing close to the level needed to meet the requirement. The Pentagon asked Congress to approve moving $1.165 billion from other military programs to the MRAP program to try to keep growing the production. Congress agreed.

In July, I introduced an amendment to the Defense authorization bill to provide all of the funding that would be needed to get the Army 17,700 MRAPs and to deal with increased costs for the original 7,774 MRAPs that the committees had funded. I was also concerned that we were not moving fast enough to provide protection from explosively formed penetrators, EFPs, so I included funds for that work as well. The total amendment was for $25 billion, which included $23.6 billion for 15,200 MRAPs, $1 billion for cost increases, and $400 million for additional EFP protection. My goal at the time was very simple: to make absolutely clear to the Pentagon and to MRAP producers that Congress would provide all of the funding needed for MRAPs, up front and without delay, so that we could get these lifesaving vehicles to the front lines as quickly as possible.

That bill got delayed, but in the end, there was unanimous approval on September 27 for my amendment adding $23.6 billion to purchase 15,200 more MRAPs. The final bill, passed by the Senate on October 1, also raised the basic amount from $4.1 billion to $5.783 billion to address the increased costs for the 7,774 MRAPs already planned.

Three weeks later, October 23, the administration finally came to Congress and asked for $11 billion for 7,274 additional MRAPs for the Army. This officially made 15,374 the total request for all services and was approximately 8,000 MRAPs less than the Army appeared to need. However, at that time, Army leaders were telling us that they believed it was important to get MRAPs into the field and see how well they worked before committing to the much larger number. Concerned about this, I went to the floor again when it was time to debate the Defense appropriations bill. Mr. President, $11.6 billion was included for MRAPs, and Senator INOUYE promised on the Senate floor to closely monitor the Army needs and he personally guaranteed that if those additional vehicles were needed, they would be funded.

By this time, production was truly ramping up. In October, 453 MRAPs were produced. By November we were up to 842, and by December we were at 1,189 MRAPs. That means we got a total of 3,355 MRAPs produced in 2007 even though in February, industry could only make 10 per month. In the span of 18 months, this program went from trying to meet a requirement for 185 MRAPs to meeting the requirement for 15,374 MRAPs. This Senate stepped up and said we will meet the need. We provided over $22.4 billion to give industry the ability to ramp up their production ability.

When I argued in March that we could deliver close to 8,000 MRAPs to Iraq by February of 2008, some said it was impossible. We came close. Five thousand seven hundred and twelve MRAPs had been produced by the end of February.

As of this week, just under 8,300 MRAPs have been produced. More important, 4,664 are fielded and in the hands of front line forces in Iraq and 456 are fielded in Afghanistan. The rest are on the way, and we are producing well over 1,000 per month.

Let me go back to where we started. Something profoundly good happened on this Senate floor last year. Last year, we made it clear that we would provide the best possible protection to our troops. We recognized that this was a matter of honor and a matter of life and death. The results have been phenomenal.

Secretary Gates said last Tuesday, ''MRAPs have performed. There have been 150-plus attacks so far on MRAPs and all but six soldiers have survived. The casualty rate is one-third that of a humvee, less than half that of an

Abrams tank. These vehicles are saving lives.''

MG Rick Lynch, commander of Multi-National Division—Central, which operates south of Baghdad, told USA Today just over a month ago, ''The MRAPs, in addition to increasing the survivability of our soldiers from underbelly attacks, also have improved force protection for EFP attacks as well. So I've had EFPs hit my MRAPs and the soldiers inside, in general terms, are OK.'' He also pointed out that he had lost 140 soldiers, many in up-armored HMMWVs or Bradleys hit by IEDs and said, ''Those same kind of attacks against MRAPs allow my soldiers to survive. I'm convinced of that.''

And soldiers know it. On April 4, the Atlanta Journal-Constitution quoted SSG Jamie Linen of the 3rd Infantry Division talking about using MRAPs in the Baghdad area. He said, ''It is the one vehicle that gives us the confidence to go out there. Nothing is invincible here. You got tanks with three feet of armor getting blown up. But the MRAPs give us a sense of security.''

MRAPs have not only saved hundreds of lives, they have also saved limbs. The additional protection MRAPs provide usually means that injuries are less severe and complicated. That means more soldiers, airmen, sailors, and marines coming home and able to return to the lives they left behind. There is really no price too high to get this result, so again, I want to congratulate this Senate. What we did last year to support the MRAP program was not all that had to be done—the program managers and producers also had to do their part—but it was essential, and today, every day, it is literally saving American lives. What we did today continues that effort.

We have no higher obligation than to give those fighting for us the best possible protection. It is a sacred duty. Today and last year, with the MRAP, we fulfilled that duty, and I congratulate my colleagues.

• Mr. McCAIN. Mr. President, before us today is a supplemental appropriations bill that would provide vital funding for the men and women fighting valiantly on our behalf abroad. Yet instead of acting on the needs of our military in an expeditious and efficient manner, we find ourselves considering a bloated bill, loaded down with extraneous provisions unrelated to the ongoing conflicts in Iraq and Afghanistan. Sadly, this has become an unfortunate and reoccurring trend in recent years.

Congress has an obligation to provide our servicemen and women with the resources they need to fulfill their mission. Yet we have, once again, chosen to abrogate our duties and use this bill as a vehicle to fund various domestic projects that were not requested by the President, nor are they authorized, and have not been handled through the appropriate legislative process.

The President has already stated his intention to veto this measure if it arrives at his desk in its current form. Rather than demonstrating true bipartisanship and working together to produce a bill that meets the needs of our military and one that has the potential of becoming law, the Senate intends to pass a bill will be passed that is sure to be met swiftly by the President's veto pen, unnecessarily prolonging the delay in funding our troops.

Let us not underestimate the necessity of providing this funding to our military promptly and the consequences of delaying such payment. In a recent letter to Congress, Under Secretary of Defense Gordon England stated in no uncertain terms that if this funding is not provided, ''the Army will run out of Military Personnel funds by mid-June and Operation and Maintenance (O&M) funds by early July.'' In order to deal with these depleted accounts, the Department of Defense—DoD—would be required to borrow funds from other service branch accounts, hampering ongoing DoD activities around the globe. Under Secretary England goes on to state in his letter that by late July, the entire Department will have ''exhausted all avenues of funding and will be unable to make payroll for both military and civilian personnel . . . including those engaged in Iraq and Afghanistan.'' Let us understand what this means. If this appropriations measure is not enacted in a timely manner, thousands upon thousands of men and women in uniform will stop receiving a paycheck and our ability to conduct operations throughout the world will be severely restricted.

When we should be working together to produce a clean bill that provides our servicemen and women with the vital resources they need to fulfill their duties, we have instead reverted to the same old Washington habit of loading spending bills with billions of dollars going to unrequested, nonemergency projects. Examples include: $75 million not requested by the administration for expenses related to economic impacts associated with commercial fishery failures, fishery resource disasters, and regulation on commercial fishing industries. This comes after Congress appropriated $128 million in 2005 for commercial fishery failures, $170 million in 2007 and included an additional $170 million in the Farm bill. Since 2005, Congress has provided almost $300 million for commercial fisheries disasters not including the $75 million in this supplemental and the proposed $170 million from the Farm bill. Additionally, questions remain by some commercial fishermen if this funding can be used to offset high gas prices which may be considered a disaster. The disaster here is that the American public isn't receiving any assistance on high gas prices.

Other examples are: $10 million not requested by the administration for Educational and Cultural Exchange programs; $75 million not requested by the administration for rehabilitation and restoration of Federal lands; more than $451 million not requested by the administration for emergency highway projects for disasters that occurred as far back as Fiscal Year 2005; $210 million not requested by the administration for the decennial census and $3.6 billion for 15 Air Force C–17 cargo aircraft. We have looked to the administration to inform Congressional budgetary decisions and the Department of Defense has been quite clear regarding the purchase of more of these cargo aircraft—they do not want them, because there is no military ''requirement'' for them and buying more C–17s is contrary to the Pentagon's current budget plan. DOD Secretary Gates, the DOD Deputy Secretary, and the Department's top acquisition official have all stated that additional C–17s were not necessary. Yet the Air Force continues to appeal to the parochial interests of Members of Congress, and once again the taxpayers find themselves on the wrong end of a bad decision. I am troubled by the Air Force's apparent disregard for proper acquisition policy, practice and procedure and seeming eagerness to further contractors' interests. As evidence of this, the Department of Defense Inspector General has an open investigation regarding how senior Air Force officials may have inappropriately solicited new orders for C–17s contrary to the orders of the President and the Secretary of Defense.

While I do not doubt the importance some may see in the various provisions included in the underlying bill, I strongly disagree with their inclusion in a war supplemental funding bill. Instead of attempting to hijack this vital legislation, the authors of these extraneous provisions should pursue their objectives through the normal legislative process and as part of appropriate authorizing and spending vehicles.

I also want to express my concerns about the authorizing legislation included in this emergency supplemental regarding veterans' educations benefits, commonly referred to as the Webb bill. There have been a lot of misrepresentations made about my position on this issue—not only on the Senate floor by the majority leader, who has alleged that I think the Webb bill is ''too generous,'' which is absolutely false, but most recently in an ad by VoteVets.org, which offers a complete misrepresentation of the facts and is a disservice to our Nation's veterans. I will once again attempt to set the record straight.

I believe America has an obligation to provide unwavering support to our veterans, active duty servicemembers, Guard and Reserves. Men and women who have served their country deserve the best education benefits we are able to give them, and they deserve to receive them as quickly as possible and in a manner that not only promotes recruitment efforts, but also promotes retention of servicemembers. I would

think we could have near unanimous support for such legislation and I am confident that we will reach that point in the days ahead. But adding a $52 billion mandatory spending program to this war funding bill without any opportunity for amendments to improve the measure is not the way to move legislation nor will it expedite reaching an agreement in an efficient manner. Our vets deserve better than this.

On numerous occasions I have commended Senators WEBB, HAGEL and WARNER for their work to bring this issue to the forefront of the Senate's attention. Their effort has been for a worthy cause, but that does not make it a perfect bill, nor should it be considered the only approach that best meets the education needs of veterans and servicemembers. In fact, the Congressional Budget Office estimates that if their bill is passed, it will harm retention rates by nearly 20 percent. That is the last thing we need when our Nation is fighting the war on terror on two fronts.

Senators GRAHAM, BURR and I, along with 19 others, have a different approach, one that builds on the existing Montgomery GI Bill to ensure rapid implementation of increased benefits. And, unlike S. 22, we think a revitalized program should focus on the entire spectrum of military members who make up the All Volunteer Force, from the newest recruit to the career NCOs, officers, reservists and National Guardsmen, to veterans who have completed their service and retirees, as well as the families of all of these individuals.

We need to take action to encourage continued service in the military and we can do that by granting a higher education benefit for longer service. And, we need to provide a meaningful, unquestionable transferability feature to allow the serviceman and woman to have the option of transferring education benefits to their children and spouses. S. 22, unfortunately, does not allow transferability. As a matter of fact, 2 days ago, Senators WEBB and WARNER agreed that transferability is a serious matter that merited change. What they proposed, however, does not go far enough and would only provide for a 2-year pilot program. Their efforts underscore the need for debate and further discussion on this important issue. But I applaud them for acknowledging the Congress needs to take a proactive stance and allow transferability of earned education benefits to a spouse or children.

We cannot allow this important issue to be hijacked by the anti-war crusade funded by groups like MoveOn.org and VetsVote.org who are running ads saying that that I do not ''respect their service.'' The accusation is wrong, they know that it is, and they should be ashamed of what they are doing to all veterans and servicemembers. I respect every man and woman who have been or are currently in uniform.

It is my hope that the proponents of the pending veteran's education benefits measures can join together to ensure that Congress enacts meaningful legislation that the President will sign and as soon as possible. Such legislation should address the reality of the All Volunteer Force and ensure that we pass a bill that does not induce servicemen and women to leave the military; but instead bolsters retention so that the services may retain quality servicemen and women. It must be easily understood and implemented and responsive to the needs not only of veterans, but also of those who are serving in the active duty forces, the Guard and Reserve, and their families. Their exemplary service to our nation, and the sacrifice of their families, deserves no less.

As we move forward with consideration of this supplemental appropriations legislation, we must remember to whom we owe our allegiance—the soldiers, sailors, airmen and marines fighting bravely on our behalf abroad. These brave Americans need this appropriation to carry out their vital work, and we should have provided it to them months ago. The Congress, which authorized the wars in Iraq and Afghanistan, has an obligation to give our troops everything they need to prevail in their missions. Unfortunately, it seems we have failed to live up to this obligation today, instead producing a bill fraught with wasteful spending more attuned to political interests instead of the interests of our military men and women.●

Mr. CARDIN. Mr. President, we are here today—after more than 5 years, 4,000 American lives lost, 30,000 wounded, and nearly $600 billion spent—to discuss funding for the wars in Iraq and Afghanistan.

I have always believed invading Iraq was a mistake. I voted against granting our President that authority in 2002. I have opposed, from the beginning the way this administration carried out that effort once begun. Last year, when the 2007 emergency supplemental appropriations bill came before the Senate, I, along with a majority of my colleagues, passed a bill that would have brought our troops home. The President chose to veto that bill. If he had signed it, most of our troops would be home today.

Instead, we now have more troops in Iraq than we did more than 5 years ago when President Bush declared our mission accomplished. The grave costs of his aimless strategy continue to plague us both at home and abroad.

Former President John F. Kennedy said, ''To govern is to choose.'' President Bush has repeatedly chosen to pursue his war in Iraq, despite its costs to our nation. After voters sent an overwhelming message that they wanted a different direction, President Bush charged full steam ahead. In his ''New Way Forward'' speech on January 10, 2007, President Bush announced his decision to place more troops in Iraq.

But even the President recognized, and I quote, ''A successful strategy for Iraq goes beyond military operations. Ordinary Iraqi citizens must see that military operations are accompanied by visible improvements in their neighborhoods and communities. So America will hold the Iraqi government to the benchmarks it has announced.'' ''America's commitment,'' he said, ''is not open-ended.''

As General Petraeus stated in a March Washington Post interview, ''no one'' in the U.S. and Iraqi Governments ''feels that there has been sufficient progress by any means in the area of national reconciliation,'' or in the provision of basic public services. And, in fact, only 3 of the 18 benchmarks the Iraqi Government and our Government agreed were important have been fully accomplished.

President Bush, however, has not held the Iraqi Government accountable for its failures as he promised. Instead, he has asked for over $170 billion to stay the present course: arming opposing militias, meddling in intra-Shi'a violence, and tinkering around the edges of the growing refugee crisis. The President wants money for his war, but says he will veto any conditions on those funds or any additional funds this Congress offers for the other urgent needs that face our Nation's troops, our Nation's families, and our Nation's economy.

To govern is to choose. I believe it is past time for a more comprehensive strategy in Iraq under which our current, unsustainable military presence evolves into a longer term diplomatic role. I believe it is past time to hold President Bush to his promise that American support to the Iraqi Government is not open ended.

So I will vote against providing any additional funds for this war until we have a new mission for our Armed Forces. I will also vote against a provision that merely suggests a new mission for United States forces in Iraq. The time for suggestions, pleas, and protests has passed. The President has demonstrated that these fall on deaf ears.

Because our troops remain mired in an Iraqi civil war, we as a nation remain distracted from efforts to combat terrorists and extremists in Afghanistan and Pakistan where they pose the greatest threat. We have stretched our military too thin. We have pushed our troops too far. Beyond the priceless cost in life and limb, the nearly $600 billion and counting we have spent in Iraq has kept us from rebuilding the gulf coast, improving our infrastructure, fixing our schools, and providing quality health care for all.

So far, Maryland has paid over $10 billion for the war in Iraq. With just that share of the cost of the war we could have:

Provided over 2 million people with health care;

Powered over 9 million homes with energy from renewable sources;

Put over 200,000 new public safety officers on the street;

Given over 1 million students scholarships to university; or

Allowed over 1 million children a brighter beginning in Head Start.

To govern is to choose. I am proud to vote for provisions, above and beyond the President's request, that will provide additional funds for barracks improvements, restore $1.2 billion in BRAC military construction funding, and provide nearly $440 million to construct world class VA polytrauma centers.

I am especially pleased to vote to provide veterans returning from Iraq and Afghanistan with a new level of educational benefits that will cover the full costs of an education at a State institution. President Bush and some of my colleagues say the benefit is too generous. But this country provided our troops a similar opportunity after World War II. That investment created a generation of great leaders and an economic boom that transformed our country.

A new GI bill allows a new generation of brave men and women to fulfill their dreams and adjust to civilian life. That is an opportunity we owe veterans who this administration has asked to serve extended and repeated combat tours. A new GI bill is also a wise investment; it allows our economy to fully benefit from these veterans' talent, leadership, and experience.

I believe that the Iraqi refugee crisis, international disasters in China and Myanmar as well as an international food crisis require bold action by our government. I am proud to support significant additional aid to Jordan who has accepted hundreds of thousands of Iraqi refugees, as well as disaster assistance and global food aid above and beyond the President's request.

We have an obligation to respond to the growing economic crisis and the needs it has created for American families. People are losing their homes and their jobs, and along with those jobs, their health care. Since March 2007, the number of unemployed has increased by 1.1 million workers. I find it unbelievable that the President would threaten to veto emergency assistance for Americans in crisis.

So I am happy that this Senate has ignored the President's veto threats and I support provisions that extend unemployment benefits by 13 weeks for all the nation's workers and by an additional 13 weeks in those States with the highest unemployment rates. Extending unemployment benefits helps families. That is critically important. But it will also help our economy. Economists estimate that every dollar spent on benefits leads to $1.64 in economic growth.

The bill extends a freeze on seven Medicaid rules issued by the administration that would have put a tremendous burden on State and local budgets already under pressure and affected access to services for Marylanders and Americans all around the country. This bill also makes critical investments in our infrastructure including roads, dams, and levees; increases energy assistance by $1 billion to low-income Americans facing skyrocketing fuel prices; and provides commercial fishery disaster assistance that could help Maryland's watermen.

These are only a few of the critical investments this bill makes in our Nation. With this emergency supplemental legislation, we chose to address many of the most pressing issues of our time.

Mr. REID. Mr. President, 64 years ago, President Franklin Roosevelt signed legislation that would change the course of American history and greatly enrich the lives of millions of our country's finest minds and bravest souls. That day, President Roosevelt said that the bill ''Gives emphatic notice to the men and women in our Armed Forces that the American people do not intend to let them down.''

Since 1944, nearly 8 million veterans have benefitted from the GI bill. Nearly 8 million men and women, home from war, provided with the opportunity to advance their education, get better jobs, and afford a brighter future for themselves and their families. Among them, seven now serve in the United States Senate: DAN AKAKA graduated from the University of Hawaii, CHUCK HAGEL graduated from the University of Nebraska at Omaha, DAN INOUYE graduated from the University of Hawaii and George Washington Law School, FRANK LAUTENBERG graduated from Columbia University, TED STEVENS graduated from UCLA and Harvard Law School, JOHN WARNER graduated from Washington and Lee and the University of Virginia Law School, and JIM WEBB, a Naval Academy alumnus, graduated from Georgetown Law School.

There is no doubt that if you ask any of these seven distinguished Americans, they would tell you that along with hard work, the GI bill was a major reason for their success.

The 8 million veterans on the GI bill became an army of prosperity here at home. They became doctors, teachers, scientists, architects, and, like the seven I mentioned, public servants. They saved lives, built cities, enriched young minds and expanded the opportunities available to a new generation of Americans.

Every dollar invested in the GI bill by the Government returns $7 to our economy—and the returns on our cultural prosperity are impossible to calculate.

In his time, President Roosevelt promised to never let our troops down. Now it is our time to do the same. The new GI bill, sponsored by Senator WEBB and cosponsored by nearly 60 Senators, Democrats and Republicans alike, does just that. It increases educational benefits to all members of the military who have served on active duty since September 11, including reservists and National Guard and it covers college expenses to match the full cost of an in-state public school, plus books and a monthly stipend for housing. This is a bipartisan accomplishment we can all be proud to support.

A small minority of voices in the Bush administration oppose it on the faulty logic that it would decrease retention rates. On the contrary, there is every reason to believe that it would increase recruitment rates.

I urge all of my colleagues to support this crucial bipartisan bill—supported by those among us who have served and understand the military best.

Democrats are committed to honoring our troops in deeds and not just words. This call should be a cause for all of us. Passing this new GI bill will send that message loud and clear.

Once this GI bill reaches the President's desk, I urge him to do the right thing for our troops and veterans by quickly signing it into law.

Mrs. MURRAY. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER (Mr. BROWN). The Democratic side has 8 minutes 45 seconds remaining; the Republican side has 27½ minutes.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the remaining time on our side be reserved.

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

The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, we had understood that there was a Senator or two on our side who wanted to be recognized before we go to a vote on this issue. But pending their arrival, 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. GREGG. 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. GREGG. Mr. President, I ask unanimous consent that the Senator from Mississippi yield me 4 minutes off the bill.

Mr. COCHRAN. I am happy to yield the distinguished Senator 4 minutes off the time allotted to the Republicans.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. I rise to speak about one specific element of the next four votes which has been come to be known as the Webb GI bill; a sincere attempt and a positive effort to try address to the issue of updating the GI benefits.

I regret that that bill is being brought up in isolation and is not being juxtaposed with the Graham-Burr-McCain bill which also does the same thing, only does it in a much better way. I strongly support the Graham-Burr approach, which does not undermine retention while expanding benefits, the GI benefits to veterans.

The problem with the Webb bill, as the Secretary of Defense has said, and

senior leadership in the military have said, is the bill will undermine our ability to retain personnel in the military. That has also been the conclusion of CRS. The reason is because it has such a high incentive for people to leave the military after their first tour of duty in the military in order to take advantage of the educational benefits.

The Graham bill, on the other hand, takes a different approach. It gives even more generous benefits, in many ways, especially to the families of GIs, people serving in the military, but at the same time it increases those benefits with the more years you serve.

So the benefits go from $1,500 after 3 years of service, up to $2,000 after 12 years of service, and the ability to take those benefits and give them to your children or to your spouse is also authorized in the Graham bill, which does not occur in the Webb bill.

That seems to me to be proper approach here. We do not want to undermine retention as we address the issue of improving benefits for people who serve in the military for us. This does not seem to me to be rocket science. It seems to me we should be able to get these two bills together, merge them in a way that produces this sort of a positive response where we significantly expand the benefit to people who have served us, for the ability to get educational benefits after they leave the service but at the same time do it in a way that does not undermine the capacity of the military to retain quality people.

When the Secretary of Defense says this is going to cost us quality people, he is talking about national defense. These are the folks who have been trained to have the skills, who are extraordinary professionals whom we want to encourage to stay in the military. We do not want to create a system where we actually encourage them to leave the military.

The Graham-Burr bill takes the approach of encouraging these folks to stay in the military and allow the benefits to accrue and grow so they can use them or their family members can use them. Thus, I think that is a much more positive and appropriate approach. So setting up the Webb bill as a freestanding vote without any amendments—that is the structure we have got here on the floor, no amendments to the Webb bill; it hasn't gone through committee, it has not gone through regular order, it is being brought to the floor to make a political statement—basically is not constructive to getting the best product and the best benefits for our GIs, and also the best bill to make sure we have the strong and vibrant military in order to defend ourselves and have a strong national defense.

Regrettably I have to vote against the Webb bill until we can get it in a posture where it addresses the issue of retention, where it addresses the issues raised by the Secretary of Defense, raised by the military leaders who work for the Defense Department, and raised by our own congressional study groups. Hopefully we can step back from this issue and do it right and do it in a cooperative way that will actually accomplish the goals which we all want, which is to significantly extend and expand benefits for education to people who serve us in the military, and at the same time encourage retention, at the same time allow these benefits to be passed down to the children of the persons serving us if that is their choice.

I wanted to make that point clear prior to this vote. I appreciate the courtesy of the Senator from Mississippi.

I yield back to the Senator from Mississippi any time I have. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. I ask unanimous consent that 5 minutes be allocated to the chairman of the Appropriations Committee, Senator BYRD, and that the time be added to the base time on our side.

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

The President pro tempore is recognized.

Mr. BYRD. Mr. President, last week the Senate Appropriations Committee met for 3½ hours and reported responsible legislation that supports the troops, sets a goal for reducing the scope of the mission in Iraq, honors our veterans, and helps Americans to cope with a sagging economy.

The bill includes $10 billion of domestic funding not requested by the President, less than what the President spends in Iraq in 1 month. Yet the President has threatened to veto the bill if it is one thin dime—one thin dime—over his, the President's—your President, my President, our President—request. He wants this Congress to approve another $5.6 billion—that is $5.60 for every minute since Jesus Christ was born—to rebuild Iraq. Yes, he wants this Congress to approve another $5.6 billion to rebuild Iraq, despite the fact that Iraq has huge—I mean huge—surpluses from excess oil revenues. He wants funding for Mexico. He wants funding for Central America. But the President says he will veto the bill if we add funding for bridges in Birmingham or for help with the high cost of energy bills in Maine or to fight crime in U.S. towns and cities or to aid Katrina victims.

Just yesterday the Director of the Office of Management and Budget repeated the silly assertion that by taking care of America, we hold funding for the troops hostage. This is pure—I am sorry to say, something like horse manure—nonsense. Our legislation includes funds that the President did not request for health care for our troops, for Guard and Reserve equipment, for building and repairing barracks, and for training the Afghans to fight for their own security.

In the amendment on which we are about to vote, we honor those who have served America by increasing educational benefits for our veterans. We extend unemployment benefits by another 13 weeks. We honor promises made to the victims of Hurricane Katrina. We roll back Medicaid regulations that our Nation's Governors believe disrupt health coverage for our most vulnerable citizens. We respond to dramatic increases in food prices by increasing funding for the Global Food Aid Program. We also provide humanitarian relief to disaster victims in China, Bangladesh, and in Burma.

This amendment includes provisions that have broad bipartisan support, such as funding for Byrne grants and the Rural Schools Program, which runs out of money on June 30, 2008. In the last 18 months, the President has designated 62 disaster grants for floods in 32 States. Yet the President has not requested funding to repair levees, leaving our citizens in Arkansas, Missouri, Louisiana, and other States vulnerable to more flooding. We fund those repairs.

This is responsible legislation that supports our troops, honors our veterans, and helps our citizens to cope with a troubled economy. I urge adoption of the pending amendment.

Mrs. MURRAY. Mr. President, on behalf of all of our colleagues, I thank the distinguished Senator from West Virginia for his work on this appropriations bill and for taking into account all of the important needs across this country in presenting this amendment. I thank him for his words today as well.

How much time remains on our side?

The PRESIDING OFFICER. The Senator from Washington has 6½ minutes, and the Senator from Mississippi has 19 minutes 50 seconds.

Who yields time?

Mrs. MURRAY. I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. OBAMA. Mr. President, at the end of the Second World War, this country thanked a generation of returning heroes for their service by giving them the chance to attend college on the GI bill. Stanley Dunham, my grandfather, was one of the young men who got that chance. More than half a century later, we face the largest homecoming since then, at a time when the costs of college have never been higher.

Senator WEBB, a former marine himself, along with the leaders of both parties, have introduced a 21st century GI bill that would give this generation of returning heroes the same chance at an affordable college education that we gave the ''greatest generation.''

We have asked so much of our brave young men and women. We have sent them on tour after tour of duty to Iraq and Afghanistan. They have risked their lives and left their families and

served this country brilliantly. It is our moral duty as Americans to serve them as well as they have served us. This GI bill is an important way to do that.

I know there are some who have argued that this will have an impact on retention rates. I firmly believe—and I think it has been argued eloquently on this side—that in the long term, this will strengthen our military and improve the number of people who are interested in volunteering to serve.

I respect Senator JOHN MCCAIN's service to our country. He is one of those heroes of which I speak. But I cannot understand why he would line up behind the President in his opposition to this GI bill. I can't believe why he believes it is too generous to our veterans. I could not disagree with him and the President more on this issue.

There are many issues that lend themselves to partisan posturing, but giving our veterans the chance to go to college should not be one of them. I am proud that so many Democrats and Republicans have come together to support this bill. I would also note that the first GI bill was not just good for the veterans and their families, but it was good for the entire country. It helped to build our middle class. Whenever we invest in the best and the brightest, all of us end up benefiting, all of us end up prospering.

I urge my Senate colleagues to give those who have defended America the chance to achieve their dream. I commend Senator WEBB and the many veteran service organizations that have worked so tirelessly on this issue.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, I yield the remaining time to the Senator from Vermont.

Mr. LEAHY. Mr. President, I commend the Senator from Illinois for his statement. I appreciate that he mentioned his grandfather and others who were helped by the GI bill of rights. There are so many people I know in Vermont who were able to get an education because of that bill.

I also commend the Senator from Washington State. As always, she carries out Herculean tasks on this floor and does it in the best tradition of the Senate.

I thank Chairman BYRD and Senator COCHRAN for their work on this supplemental bill.

The Appropriations Committee has a long tradition of bipartisanship, and the two leaders, the Republican leader and the Democratic leader, have always demonstrated that, just as I have tried in the Foreign Operations subcommittee, working with Senator GREGG and his staff. We worked closely together to make difficult choices, including finding funds for urgent humanitarian needs that the President's budget overlooked.

For the first time, we require the Government of Iraq, which has an oil surplus—with oil selling for over $120 a barrel—to match U.S. funds dollar for dollar. It is time for Iraq to pay a larger share of its own reconstruction. This requirement, included by Senator GREGG and myself, would lessen the burden on American taxpayers.

We provide $450 million to Mexico and Central America, to help our neighbors to the south combat the drug cartels. This is the first down payment on a multi-year program. I spoke in this chamber at greater length about the Merida Initiative yesterday.

We have significantly increased funding for refugees, including Iraqi refugees. I thank Senator GREGG for helping us provide $650 million for assistance for Jordan, and I thank Senator EDWARD KENNEDY for the money included for Iraqi refugees. Thanks to Senators BIDEN and LUGAR, the bill includes essential authority to enable the administration to help dismantle North Korea's nuclear facilities.

As other Senators have mentioned, this bill also provides funds for critical domestic needs, from repairing decaying infrastructure in America to disaster relief for American victims of floods, tornadoes, and other disasters. We are helping to rebuild Iraq and Afghanistan, but we are also providing funds to help the American people the President's budget left out. I wish the President had considered these needs in his supplemental request. He wants to fix roads in Afghanistan, but we also need to fix roads in America. He wants to repair infrastructure in Iraq, but we need to repair infrastructure in America. My State and the States of every Senator are waiting for help from the Federal Government. Working together, both parties, we have addressed important national security interests, but we have also addressed the urgent needs of the American people at home.

The PRESIDING OFFICER. The time of the majority has expired. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The senior Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, we are prepared to yield back the remainder of the time on the bill on this side.

The PRESIDING OFFICER. All time is yield back.

All time has expired.

Under the previous order, the cloture motion with respect to the motion to concur in House amendment No. 2 with amendment No. 4803 is withdrawn, and amendment No. 4804 is withdrawn.

The question is on agreeing to the motion to concur in House amendment No. 2 to the Senate amendment to H.R. 2642 with amendment No. 4803.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 75, nays 22, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—75

Akaka	Feingold	Nelson (NE)
Baucus	Feinstein	Obama
Bayh	Hagel	Pryor
Biden	Harkin	Reed
Bingaman	Hutchison	Reid
Bond	Inhofe	Roberts
Boxer	Inouye	Rockefeller
Brown	Isakson	Salazar
Byrd	Johnson	Sanders
Cantwell	Kerry	Schumer
Cardin	Klobuchar	Shelby
Carper	Kohl	Smith
Casey	Landrieu	Snowe
Chambliss	Lautenberg	Specter
Clinton	Leahy	Stabenow
Coleman	Levin	Stevens
Collins	Lieberman	Sununu
Conrad	Lincoln	Tester
Craig	Martinez	Thune
Crapo	McCaskill	Vitter
Dodd	Menendez	Warner
Dole	Mikulski	Webb
Domenici	Murkowski	Whitehouse
Dorgan	Murray	Wicker
Durbin	Nelson (FL)	Wyden

NAYS—22

Alexander	Corker	Hatch
Allard	Cornyn	Kyl
Barrasso	DeMint	Lugar
Bennett	Ensign	McConnell
Brownback	Enzi	Sessions
Bunning	Graham	Voinovich
Burr	Grassley	
Cochran	Gregg	

NOT VOTING—3

Coburn	Kennedy	McCain

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this motion, the motion to concur with an amendment is agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4816

Mr. REID. Mr. President, I move to concur in House amendment No. 1, with an amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the amendment of the House No. 1 to the amendment of the Senate to H.R. 2642, with an amendment numbered 4816.

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

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I raise a point of order that chapter 3, section

11312, of the General Provision title violates paragraph 4 of Senate rule XVI in the Reid motion to concur in the House amendment No. 1, with an amendment.

The PRESIDING OFFICER. The point of order is sustained, and the motion to concur to the amendment falls.

The majority leader is recognized.

AMENDMENT NO. 4817

Mr. REID. Mr. President, I move to concur in House amendment No. 1, with an amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the amendment of the House No. 1 to the amendment of the Senate to H.R. 2642, with an amendment numbered 4817.

Mr. REID. Mr. President, 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.'')

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion to concur in House amendment No. 1 to the Senate amendment to H.R. 2642 with an amendment No. 4817.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 34, nays 63, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—34

Akaka	Dorgan	Nelson (NE)
Baucus	Hagel	Pryor
Bayh	Inouye	Reed
Biden	Johnson	Rockefeller
Bingaman	Kohl	Salazar
Byrd	Landrieu	Smith
Cantwell	Levin	Snowe
Carper	Lincoln	Stabenow
Casey	McCaskill	Tester
Collins	Mikulski	Voinovich
Conrad	Murray	
Dole	Nelson (FL)	

NAYS—63

Alexander	Corker	Harkin
Allard	Cornyn	Hatch
Barrasso	Craig	Hutchison
Bennett	Crapo	Inhofe
Bond	DeMint	Isakson
Boxer	Dodd	Kerry
Brown	Domenici	Klobuchar
Brownback	Durbin	Kyl
Bunning	Ensign	Lautenberg
Burr	Enzi	Leahy
Cardin	Feingold	Lieberman
Chambliss	Feinstein	Lugar
Clinton	Graham	Martinez
Cochran	Grassley	McConnell
Coleman	Gregg	Menendez
Murkowski	Sessions	Vitter
Obama	Shelby	Warner
Reid	Specter	Webb
Roberts	Stevens	Whitehouse
Sanders	Sununu	Wicker
Schumer	Thune	Wyden

NOT VOTING—3

Coburn	Kennedy	McCain

The PRESIDING OFFICER. Under the previous order requiring 60 votes for adoption of this motion, the motion to concur with an amendment is withdrawn.

The majority leader.

Mr. WHITEHOUSE. Mr. President, I rise to discuss my vote against the previous amendment which both appropriated $165 billion to continue the tragic and misguided war in Iraq, and also included a number of provisions relating to our policies regarding Iraq. I favor many of the policy provisions contained in the amendment, such as requirements that the Iraqi government share in some of the costs of the war and a prohibition against the establishment of permanent military bases in Iraq. I commend my Democratic colleagues in the Appropriations Committee, including my good friend and distinguished colleague from Rhode Island, JACK REED, for their work on these laudable provisions. I also strongly support the provision that requires our intelligence agencies to give access to detainees to the International Committee of the Red Cross. I have worked closely with my colleagues on the Intelligence Committee on this important provision, which is designed to end secret detentions.

While I fully supported some of the policy provisions in the amendment, I could not vote to fund this war in the absence of a firm and enforceable timeline for withdrawal. Unfortunately, it appears that the Republican minority remains intent on filibustering any attempts to mandate a rapid and responsible redeployment of our troops from Iraq. I, along with thousands of Rhode Islanders who have contacted me on this critical issue, oppose spending $4,000 per second on a war that has diminished our national security and damaged our standing in the world. I am hopeful that, under a new President, we can work together to bring an end to this war.

AMENDMENT NO. 4818

Mr. REID. Mr. President, I move to concur in House amendment No. 1 with an amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the amendment of the House No. 1 to the amendment of the Senate to H.R. 2642 with an amendment numbered 4818.

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

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

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

Mr. REID. I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to concur with House amendment No. 1 to the amendment of the Senate to H.R. 2642 with amendment No. 4818.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 70, nays 26, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—70

Akaka	Dole	Mikulski
Alexander	Domenici	Murkowski
Allard	Dorgan	Nelson (FL)
Barrasso	Ensign	Nelson (NE)
Baucus	Enzi	Pryor
Bayh	Graham	Roberts
Bennett	Grassley	Rockefeller
Biden	Gregg	Salazar
Bond	Hagel	Sessions
Brownback	Hatch	Shelby
Bunning	Hutchison	Snowe
Burr	Inhofe	Specter
Carper	Inouye	Stabenow
Casey	Isakson	Stevens
Chambliss	Johnson	Sununu
Cochran	Kyl	Tester
Coleman	Landrieu	Thune
Collins	Levin	Vitter
Conrad	Lieberman	Voinovich
Corker	Lincoln	Warner
Cornyn	Lugar	Webb
Craig	Martinez	Wicker
Crapo	McCaskill	
DeMint	McConnell	

NAYS—26

Bingaman	Feingold	Murray
Boxer	Feinstein	Reed
Brown	Harkin	Reid
Byrd	Kerry	Sanders
Cantwell	Klobuchar	Schumer
Cardin	Kohl	Smith
Clinton	Lautenberg	Whitehouse
Dodd	Leahy	Wyden
Durbin	Menendez	

NOT VOTING—4

Coburn	McCain
Kennedy	Obama

The PRESIDING OFFICER. Under the previous order requiring 60 votes for adoption of this motion, the motion to concur with an amendment is agreed to.

Under the previous order, the motion to reconsider is considered made and laid on the table.

The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I am going to ask for consent, in a few minutes, to have the override of the farm bill occur at 2 o'clock today. Senator GREGG will have 15 minutes, Senator CHAMBLISS and Senator HARKIN will have 15 minutes divided between them, a total of 30 minutes. That debate will take place before 2 o'clock, and at 2 o'clock we will vote.