their second-degree amendments. Other votes will likely occur this afternoon.

RECOGNITION OF THE MINORITY LEADER

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

SUPPLEMENTAL APPROPRIATIONS

Mr. MCCONNELL. Mr. President, there are a number of germane amendments which will be in order postcloture. I have indicated to the majority leader that we hope to have a number of those voted on. Whether we finish this bill today or tomorrow, I certainly share the view of the majority leader that we need to get this bill conferenced by staff at the very least—both the staff of the House and the Senate—over the break so that the conference can be completed, we can get the bill down to the President for a veto, and get it passed in a form that gets the funding to our troops at the earliest possible point. There will be maximum cooperation on this side toward that end. We need to get through this process and repass this bill as quickly as possible because the troops need the money.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

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

U.S. TROOP READINESS, VETERANS' HEALTH, AND IRAQ ACCOUNTABILITY ACT, 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1591, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1591) making emergency supplemental appropriations for fiscal year ending September 30, 2007, and for other purposes.

Pending:

Cochran (for Lugar) amendment No. 690, to provide that, of the funds appropriated by this act under the headings ''DIPLOMATIC AND CONSULAR PROGRAMS'' and ''ECONOMIC SUPPORT FUND'' (except for the Community Action Program), up to $50 million may be made available to support and maintain a civilian reserve corps.

Wyden amendment No. 709, to reauthorize the secure rural schools and community self-determination program and to provide funding for the payments in lieu of taxes program.

Obama amendment No. 664, to appropriate an additional $58 million for Defense Health Program for additional mental health and related personnel, an additional $10 million for operation and maintenance for each of the military departments for improved physical disability evaluations of members of the Armed Forces, and an additional $15 million for Defense Health Program for women's mental health services.

Burr amendment No. 716 (to amendment No. 709) to require that payments to eligible States and eligible counties only be used for public schools.

Webb amendment No. 692, to prohibit the use of funds for military operations in Iran.

Coburn amendment No. 648, to remove $100 million in funding for the Republican and Democratic Party conventions in 2008.

Coburn amendment No. 649, to remove a $2 million earmark for the University of Vermont.

Coburn amendment No. 656, to require timely public disclosure of Government reports submitted to Congress.

Coburn amendment No. 657, to provide farm assistance in a fiscally responsible manner.

Coburn amendment No. 717, to make certain provisions inapplicable.

Coburn amendment No. 718, to make certain provisions inapplicable.

AMENDMENTS NOS. 709 AND 716

The ACTING PRESIDENT pro tempore. Under the previous order, there is 30 minutes of debate on amendments Nos. 709 and 716, with the time equally divided between the Senator from Oregon, Mr. WYDEN, and the Senator from North Carolina, Mr. BURR.

Who yields time?

The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I ask unanimous consent to add Senator HATCH and Senator ROCKEFELLER as cosponsors of our bipartisan amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, it is my intent to take a couple of minutes to lay out the reason it is so important to pass this county payments amendment this morning. Then I plan to yield 5 minutes to my good friend and teammate on this issue, Senator CRAIG, and then it is my intent to close for our side.

This issue of county payments funding is literally an issue of survival for rural counties across this country. It is going to determine whether the Federal Government will keep a more than 100-year obligation to rural communities or whether the Federal Government is going to turn its back on these communities and allow them to become national sacrifice zones.

Mr. President, 100 years ago, the Federal Government entered into an agreement with rural communities in exchange for creating national forests and restricting how local communities manage their forest lands. The Government would provide a partial payment so those local communities could pay for essential services, such as law enforcement and education. But the most recent law guaranteeing those payments—the law the distinguished Senator from Idaho and I wrote, the Secure Rural Schools and Community Self-Determination Act—has expired. If the law is not extended—the safety net payments rural communities need in order to carry out essential services—without those dollars, there will be havoc in rural communities across our country.

The votes the Senate is going to soon take are going to decide the future of a lot of these rural communities, and there are two approaches. First, there is the approach Senator CRAIG and I and a bipartisan group of 17 Senators favor that is flexible, that ensures we don't make the decisions in Washington, DC, we don't micromanage these local communities but give them the flexibility at the local level to make choices that make sense for them.

This legislation is sponsored by both Republican Senators from Idaho, both Democratic Senators from Washington State, and many others. We have a broad coalition. The National Association of Counties, labor groups, education advocates—all have said that the approach that makes sense for them is our bipartisan amendment, and they have not been in favor of the amendment offered by the Senator from North Carolina.

I am now going to make 5 minutes from our time available to my friend and colleague, Senator CRAIG. I thank him again for his support.

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

Mr. CRAIG. Mr. President, I thank the Senator from Oregon for yielding. He has clearly outlined the critical nature of this legislation and its reauthorization from the original Secure Rural Schools and Community Self-Determination Act of 2005. Out in Oregon, they called it Wyden-Craig; in Idaho, they called it Craig-Wyden. But in reality, it became a lifeline for the rural communities that since 1908 had become increasingly dependent upon the revenues that flowed from our public lands. In fact, on and after May 23, 1908—and I am quoting specifically from the law—''25 per centum of all moneys received during any fiscal year from each national forest shall be paid at the end of such year by the Secretary of the Treasury to the State or the territory'' in which that money was generated for the purpose of it flowing down to, it very specifically says, ''public schools, public roads of the county or counties in which such national forests are situated.''

During the decade of the eighties, we reduced the allowable cut on our forested lands by nearly 80 percent. What Senator WYDEN and I recognized at that time—we had counties in near bankruptcy—as a result of that, in 2000, we passed the Secure Rural Schools and Community Self-Determination Act. That act expired on September 30, 2006. Whom did it impact? It impacted 700 counties, 4,400 school districts in 39 States, 8 million schoolkids, and approximately 15,000 miles of roads.

We knew that probably the formula would have to change, and the Senator from Oregon and I have worked mightily on that issue. He offered a reauthorization of the old formula. I finally offered a 1-year extension. We were able

to get the funding for a 1-year extension in the underlying vehicle, but as a result of all of that work, a new formula, a compromise, has come to be that the Senator brought to the floor as an amendment yesterday to this bill.

This is a formula which takes us out to 2012. It is a formula which stabilizes these communities. It is also a package that extends and improves the PILT, or the payment in lieu of taxes, to these large, federally dominated rural counties. It is awfully important to remember that point.

A lot of folks east of the Mississippi don't recognize sometimes that we have counties that are 80 percent and 90 percent public lands. They have no fee-simple private land base from which to fund their public needs and facilities. Yet those are the very lands on which people love to come and recreate. People from the East love to go out there and recreate. They can get hung up on a cliff somewhere and they can't get down, so local search and rescue has to get a helicopter for $10,000 and pluck them off a cliff. And who pays for it? They have enjoyed their recreational experience on the public land, but it is the county and the private funding resource that has to pay for it.

So the extension of PILT, in combination with what we are doing to sustain our rural schools and counties and their roads and bridges, is absolutely critical. It is why we created PILT years ago. It is why, when Teddy Roosevelt asked the American people to create Federal reserves, he wanted to tie the communities of interest to the Federal reserves, and out of it came the 25-percent formula that I just quoted. The extension of that is critical in western rural public land, timber, and U.S.-forest-land-dominated States. It is not, however, just in the West. Other States across the country recognize it, from the East to the South; as I said, 700 counties, 4,400 school districts, 39 States, with 8 million kids.

What does it mean in some districts? It means a third of their budget, gone. Can you raise that much revenue in a local area? Probably not. So the reality of what we are doing is important, it is very necessary, and I thank my colleague from Oregon for persisting in working with us on this formula and developing what is a new approach, probably more balanced and sustainable in the long run than what the old, original bill was, in recognition that times have changed and we need to adjust and change to them.

Let me close with this one thought—48 million kids and their education. That need has not changed, and that is why we are on the floor of the Senate today insisting that this be a part of this supplemental emergency funding program to assure the stability of those rural school districts and those rural counties.

Mr. President, I thank my colleague for yielding to me, and I yield the floor.

Mr. WYDEN. Mr. President, how much time remains on our side?

The ACTING PRESIDENT pro tempore. The Senator from Oregon has a little over 6 minutes.

Mr. WYDEN. I thank the Chair, and I thank my colleague from Idaho for an excellent assessment of where we are now, both with respect to the need here and our bipartisan amendment.

Here is what it is going to come down to, colleagues. There are going to be two different approaches. One is offered by the Senator from North Carolina, the other is a bipartisan one offered by many Senators, and I and Senator CRAIG have outlined it. Ours is supported by the groups that have the most expertise in this area: the National Association of Counties, educators, labor organizations, and those who are on the ground.

The Senator from North Carolina seeks to dictate from Washington, DC, how this program would operate. I will just say to the Senate, it seems to me what is best for Ashville, NC, may not be best for Amity, OR. Let's make sure these local communities have the freedom to make choices, make judgments with respect to essential services in the law enforcement area and in the roads area. I pointed out yesterday that if the approach offered by the Senator from North Carolina were to prevail, we couldn't, for example, do upkeep of rural roads, which get very snowy in the winter. If we don't make improvements in them, the kids aren't even going to get to the schools, which is the point my colleague from Idaho has mentioned as well.

As Senators think about this, I would like to also stress that this is not some kind of welfare program. I know many Senators are still not up on all the details. They do not live and breathe this subject on a daily basis as Senator CRAIG and I do, but these are not handout payments. This is not welfare. This is part of a 100-year deal which came about when the Federal forest system was created.

As we move on our side to the end of our presentation, I would like for folks to understand what the stakes are in rural communities and give some accounts from my State that are very similar to what Senators are hearing from officials in their States.

In my State, for example, the sheriff of Grants Pass—and I was recently there for a community meeting—told me that without county payments funding, he may have to call out the National Guard to protect public safety. The approach that is offered by the Senator from North Carolina wouldn't make it possible for those local law enforcement officials to be on the front lines in terms of fighting crime, in terms of fighting meth, which is a scourge in so many communities across our country.

The county commissioners of Curry County, a beautiful community on the Oregon coast, report that without county payments funding, they may have no choice but to dissolve their county altogether. They have already begun discussions with our State about dissolving the county. You can be sure if county payments funding is not available, those discussions will continue and, in my view, based on a recent community meeting there, I am of the view that their county may not survive.

Local officials in Coos County, just at the prospect of losing county payment funds, have already been releasing prisoners. So when people talk about what this issue can mean and what it really comes down to in local communities, this isn't an abstract issue in Coos County, OR. They have released prisoners—they have released prisoners—and they are going to lay off people who have had 25 years of service in that community. There are reports in the newspaper that they have already been terminated from their jobs, and I believe that we are going to see, in other communities across this country, similar problems.

I understand my friend from Idaho would like me to yield to him, and I am happy to do so.

Mr. CRAIG. Mr. President, I thank my colleague from Oregon for yielding for a moment, and I ask unanimous consent to have printed in the RECORD a letter from the National Association of Counties supporting the new version of what we call Wyden-Craig, and also the National Governors Association and its support, and a good, balanced observation of the difference between the Wyden amendment as offered and what the Senator from North Carolina is offering.

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

NATIONAL ASSOCIATION OF COUNTIES,
March 27, 2007.

Hon. RON WYDEN,
U.S. Senate, Washington, DC.
Hon. LARRY E. CRAIG,
U.S. Senate, Washington, DC.

DEAR SENATORS WYDEN AND CRAIG: On behalf of the National Education Association, the American Association of School Administrators and the National Association of Counties we thank you for your leadership in developing the amendment to H.R. 1591 to reauthorize the secure rural schools and community self-determination program and to provide funding for the payments in lieu of taxes program.

We understand that Senator Burr intends to offer an amendment to your amendment which would divert increases realized by counties under your amendment to be used solely for education. While well-intentioned, we fear the Burr amendment is ill-conceived and would result in negative consequences.

The Burr amendment requires ''new money'' to be spent on education. This would deny communities and their elected leaders to set their own priorities, superimposing a Washington, DC, one-size-fits-all mandate on those rural forest counties already severely restrained by the presence of tax-exempt federal land.

Further, it appears that the Burr amendment would shift the hard-won increase to

PILT funding offered by the Wyden-Craig amendment away from the counties' general funds to schools, which was never the purpose of the PILT Act.

We also are concerned that the Burr amendment interferes with the authority states have had since 1908 to allocate forest reserve funds—authority explicitly and deliberately retained by Congress in Title I of the Secure Rural Schools and Community Self-Determination Act of 2000. Congress should not upend a 100-year old precedent that has served the forest counties and schools well.

Finally, as you know all too well, your amendment is the result of months, if not years, of dialogue and discussion, among all the stakeholders. It represents a carefully calibrated compromise which should be respected by the Senate.

Please urge your colleagues on our behalf to reject the Burr amendment.

Sincerely,

LARRY NAAKE,
Executive Director.

NATIONAL GOVERNORS ASSOCIATION,
September 19, 2006.

Hon. BILL FRIST,
U.S. Senate,
Washington, DC.
Hon. J. DENNIS HASTERT,
House of Representatives,
Washington, DC.
Hon. HARRY REID,
U.S. Senate,
Washington, DC.
Hon. NANCY PELOSI,
House of Representatives,
Washington, DC.

DEAR SENATOR FRIST, SENATOR REID, SPEAKER HASTERT, AND REPRESENTATIVE PELOSI:

We write to urge reauthorization this Congress of Public Law 106–393, the Secure Rural Schools and Community Self-Determination Act. This extremely successful law sunsets at the end of September 2006. Failure to reauthorize this law by passing either H.R. 517 or S. 267 would be a significant blow to over 800 counties in 42 states that depend on the program to fund their schools, roads, forest improvement projects and other essential services.

P.L. 106–393 maintains a congressionally approved arrangement to share revenue generated from our national forests with the rural counties that play host to these federal lands. Without reauthorization, rural forest dependent communities across the nation will lose over $400 million annually. This economic loss will be devastating to the economy and spirit of rural America, as well as to the timber, mining and recreation industries.

Beyond the revenue sharing provisions of P.L. 106–393, the law augments federal and non-federal wildfire management, habitat improvement and watershed restoration. Through the work of citizen-based Resource Advisory Committees, over 2500 projects have been completed on federal lands and not one has been appealed or litigated. Many of these projects leverage the federal dollars to obtain matching private, county and state dollars to conduct a range of essential federal forest management activities, such as necessary fuel reduction to protect our national forests from major fires.

If Congress is unable to adopt a comprehensive reauthorization of the program, we urge at a minimum that funding for the program be extended for at least one year to provide adequate time to build a consensus supporting a longer-term solution.

Sincerely,

GOVERNOR JON HUNTSMAN, Jr.,
Chair, Natural Resources Committee.
GOVERNOR BILL RICHARDSON,
Vice Chair, Natural Resources Committee.

NATIONAL ASSOCIATION OF COUNTIES,
March 28, 2007.

YES on Wyden Amendment—NO on Burr Amendment

We understand that Senator Burr intends to offer an amendment to the Wyden-Craig amendment which would divert increases realized by counties under Wyden-Craig amendment to be used solely for education. While no doubt well-intentioned, we fear the Burr amendment is ill-conceived and would result in negative consequences.

The Burr amendment requires ''new money'' to be spent on education. While it sounds fine at first, this would deny communities and their elected leaders the ability to set their own priorities, superimposing a Washington, DC, one-size-fits-all mandate on those rural forest counties already severely restrained by the presence of tax-exempt federal land.

We also are concerned that the Burr amendment interferes with the authority states have had since 1908 to allocate forest reserve funds—authority explicitly and deliberately retained by Congress in Title I of the Secure Rural Schools and Community Self-Determination Act of 2000. Congress should not upend a 100–year old precedent that has served the forest counties and schools well.

Finally, as you know all too well, the Wyden-Craig amendment is the result of months, if not years, of dialogue and discussion, among all the stakeholders. It represents a carefully calibrated compromise which should be respected by the Senate.

Please support the Wyden-Craig amendment and oppose the Burr amendment.

Sincerely,

LARRY NAAKE,
Executive Director.

Mr. WYDEN. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The Senator has a minute and a half.

Mr. WYDEN. Mr. President, I think the Senate has had a chance—and I thank particularly my friend from Idaho for coming to the floor today—to get a sense of what this issue is all about. I close by saying that Senator CRAIG and I and all those who have been involved in this issue understand that as a result of this updated, modernized approach to the Secure Rural Schools Act, we are going to make sure the rural communities of this country can survive and help them make a transition into other areas.

Senator CRAIG and I held many hearings and have heard from rural communities about how they would like to have very strong thinning programs. This is something you don't know a whole lot about in Baltimore, Mr. President, but we have a lot of overstocked stands in our part of the country. If you don't thin them out, it makes for a big fire risk. If you thin them out, you bring the communities together—labor folks, environmentalists, and others—and you deal with the fire risk and get the material to the mill. Plus you put people to work.

Senator CRAIG and I and others on our committee are prepared to have those kinds of programs. However, if these rural communities can't survive, and I am of the view that many of them won't without this amendment, then we are not in a position to look at the next steps, which are approaches like I have outlined for thinning and biomass, where we take the woody waste off the forest floor, which makes for clean energy. Senator CRAIG and I have heard a great deal of testimony about that.

I hope our colleagues will support the bipartisan amendment that Senator CRAIG and I have talked about this morning, along with 17 of our colleagues, and reject the Burr amendment.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

AMENDMENT NO. 697, AS MODIFIED

Mr. WARNER. Mr. President, I send to the desk a modification to amendment No. 697, which is filed at the desk.

The ACTING PRESIDENT pro tempore. Hearing no objection, the amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. INDEPENDENT ASSESSMENT OF CAPABILITIES OF THE IRAQI SECURITY FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) The responsibility for Iraq's internal security and halting sectarian violence must rest primarily with the Government of Iraq, relying on the Iraqi Security Forces (ISF).

(2) In quarterly reports to Congress, and in testimony before a number of congressional committees, the Department of Defense reported progress towards training and equipping Iraqi Security Forces; however, the subsequent performance of the Iraqi Security Forces has been uneven and occasionally appeared inconsistent with those reports.

(3) On November 15, 2005, President Bush said, ''The plan [is] that we will train Iraqi troops to be able to take the fight to the enemy. And as I have consistently said, as the Iraqis stand up, we will stand down''.

(5) On January 10, 2007, the President announced a new strategy, which consists of three basic elements: diplomatic, economic, and military; the central component of the military element being an augmentation of the present level of the U.S. military forces with more than 20,000 additional U.S. military troops to Iraq to ''work alongside Iraqi units and be embedded in their formations. Our troops will have a well-defined mission: to help Iraqis clear and secure neighborhoods, to help them protect the local population, and to help ensure that the Iraqi forces left behind are capable of providing the security that Baghdad needs''.

(6) The President said on January 10, 2007, that ''I've made it clear to the Prime Minister and Iraq's other leaders that America's commitment is not open-ended'' so as to dispel the contrary impression that exists.

(7) The latest National Intelligence Estimate (NIE) on Iraq, entitled ''Prospects for Iraq's Stability: A Challenging Road Ahead,'' released in January 2007, found: ''If strengthened Iraqi Security Forces (ISF), more loyal to the government and supported by Coalition forces, are able to reduce levels of violence and establish more effective security

for Iraq's population, Iraqi leaders could have an opportunity to begin the process of political compromise necessary for longer term stability, political progress, and economic recovery''.

(8) The NIE also stated that ''[d]espite real improvements, the Iraqi Security Forces (ISF)—particularly the Iraqi police—will be hard pressed in the next 12-18 months to execute significantly increased security responsibilities''.

(9) The current and prospective readiness of the ISF is critical to (A) the long term stability of Iraq, (B) the force protection of U.S. forces conducting combined operations with the ISF; and (C) the scale of U.S. forces deployed to Iraq.

(b) INDEPENDENT ASSESSMENT OF CAPABILITIES OF IRAQI SECURITY FORCES.—

(1) IN GENERAL.—Of the amoung appropriated or otherwise made available for the Department of Defense, $750,000 is provided to commission an independent, private-sector entity, which operates as a 501(c)(3) with recognized credentials and expertise in military affairs, to prepare an independent report assessing the following:

(A) The readiness of the Iraqi Security Forces (ISF) to assume responsibility for maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, and bringing greater security to Iraq's 18 provinces in the next 12-18 months, and bringing an end to sectarian violence to achieve national reconciliation .

(B) The training; equipping; command, control and intelligence capabilities; and logistics capacity of the ISF.

(C) The likelihood that, given the ISF's record of preparedness to date, following years of training and equipping by US forces, the continued support of US troops will contribute to the readiness of the ISF to fulfill the missions outlined in subparagraph (A).

(2) REPORT.—Not later than 120 days after passage of this Act, the designated private sector entity shall provide an unclassified report, with a classified annex, containing its findings, to the House and Senate Committees on Armed Services, Appropriations, Foreign Relations, and Intelligence.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

AMENDMENT NO. 716

Mr. BURR. Mr. President, I thank the Chair, and I would ask that the Chair alert me when I have 3 minutes remaining on my 15 minutes.

Mr. President, I want to make two points right up front. The first point is that I support the Wyden bill. I think if you listen to the debate, you would think I am urging my colleagues not to extend this program. North Carolina is 25 percent national land. We benefit from it.

The second point is that I have tremendous respect for Senator WYDEN and for Senator CRAIG, and the realities are that if you take everything that was said at face value, one of two things exists: either we are stretching the truth or we haven't read my amendment because there is no way for my amendment, which deals only with title I of Forest Service payments, to affect law enforcement. Title I of the Forest Service payments specifically says, since 1908, when it was created, that it can be used for schools or roads.

What does my amendment do? It is very simple. There are three payments the Wyden bill addresses: Forest Service payments, BLM land, and payments in lieu of taxes. Within the framework of the Forest Service payment there are three titles: title I, which is schools and roads; title II, which is forestry programs and others; and title III, which is sheriff's search and rescue, law enforcement.

What does my amendment do? My amendment says simply all the new money that goes to title I, schools and roads, which is an increase of approximately $177 million since it was reauthorized in 2000—title I had $300 million in 2000; fiscal year 2007 is projected to be $477 million—so $177 million of new money shall be devoted, 80 to 85 percent, to schools.

My good friend from Oregon said the issue is survival. I would say he is correct. I agree with him. More than 40 percent of America's schools are in rural areas, and approximately 30 percent of all students attend those rural schools. The Senator from Idaho said 8 million kids. To be sure, our rural schools face unique challenges. Often their geographic isolation makes it difficult for teachers to access professional development opportunities. It is often difficult for rural schools to recruit and retain high-quality, gifted teachers.

Additionally, it is also often difficult for high school students in rural areas to access the advanced placement programs that students in urban areas have access to, which sets them on a course ahead of other students for higher education. Nationally, one-third of our students who enter high school in the ninth grade drop out before they receive a high school diploma. If this were a disease in America, it would be called an epidemic. If there were a disease in America, we would take Federal funds, State funds, local funds, and we would focus them to try to solve the problem.

Here we have an opportunity. We are not stealing any money. We are not changing the 1908 agreement. But as we plus up the money, all I am saying to my colleagues is, shouldn't we take the $177 million of new money and shouldn't we devote it to education? Shouldn't we say to these 8 million kids and their families, in 40 percent of America's schools: You know what. We are going to give you extra funds to address the geographical challenges you are faced with because you happen to be located in rural America. It affects North Carolina just as it does Idaho and just as it does Oregon.

As I said, in 1908, Congress first passed this bill and required that 25 percent of the revenues derived from national forest lands be paid to States. I am not trying to change that. I want to make sure that all of these payments—BLM payments, payments in lieu of taxes, Forest Service payments—go. I don't want to get into title III, where law enforcement is affected. I don't want to get into title II, where forestry programs and forestry management are affected. I do believe, however, that we can look at the challenges that we are faced with and say: If we are going to put new money into it, why don't we put 80 percent of it in education, the No. 1 challenge we have in America today.

I don't have any statements in support of my amendment. As a matter of fact, yesterday, the National Education Association sent out an e-mail alert to Senators warning them of this amendment. It basically said that a potential amendment would be offered by an unnamed Senator—they knew exactly who I was—that would divert funds away from the Secure Rural Schools Community Self-Determination Act. We urge you to oppose any such amendment.

I am beginning to figure out what is wrong with education. We are letting other people influence what we do, people who do not care whether we get our kids educated. Here is the National Education Association, the labor union of teachers, the ones who are supposed to be most concerned about our kids. Here is an amendment that puts $177 million into rural schools in America, and they are telling everybody to vote against it. Aren't they the ones who are supposed to stand up for our kids?

The ones who need to stand up for our kids are Members of this institution. They need to listen to the parents or these kids back at home and not listen to the organization that says they represent teachers and children that, frankly, when offered more money—it doesn't disrupt anything—they say oppose it.

The information contained in the NEA's e-mail is blatantly false. I am not trying to do anything to ensure anything other than 80 percent of new money, $177 million, goes, 80 percent, to schools. As a matter of fact, if you do the math, it means there is more money in 2007—where the other 20 percent is dedicated to roads—than there was under the 2000 reauthorization of this program. So, in fact, communities that are affected are going to have more money to put into roads. But, you know, an amazing thing is going to exist. They are also going to have more money to put into schools, exactly where I think we need to go.

One can look at the history of how this money has been spent. It might give you an indication as to why there is opposition and concern. Oregon, which will receive over $300 million, spends almost all of its money on roads. In 2004, Oregon spent $433 per student, compared to $7,388 per mile of road, out of title I, the Rural Schools Act. Let me say that again: $433 per student, compared to $7,388 per mile of roads.

Idaho spends almost 10 times the amount it spends on roads to what it spends on education, out of this program. Maine will see its share of funding increase from $40,000 per year to almost $1 million when this is reauthorized, and I support its reauthorization.

But in 2004, Maine spent only $4.12 out of this program, per student, compared to almost $700 per mile of road.

There are some successes, though. Alaska dedicates all its title I money to public schools, about $10 million in 2006. If this bill is reauthorized, Alaska will receive almost $20 million. That will double the amount that Alaska invests in its rural schools through the same program that the National Education Association says would be devastating to the education of our children in this country.

As a matter of fact, New Hampshire, North Carolina, Vermont, and Virginia commit 100 percent of their money to education.

I am not here amending the legislation to say you have to spend the 100 percent. I am not here taking title I in total and saying let's change the formula for the entire thing. All I am saying is, if we are going to put new money in it—and we are putting new money in—why not take the bump-up of money and say, with what we are faced in this country, with only 70 percent of our kids graduating with a high school diploma, on time, maybe we ought to try to address that. It certainly is higher in rural America than it is in urban America.

Mr. CRAIG. Will the Senator yield?

Mr. BURR. I am happy to yield.

Mr. CRAIG. The Senator quoted States that, by the action of their legislatures, directed full amounts to education. I understand in the Senator's State that is also true, 100 percent.

Mr. BURR. That is correct.

Mr. CRAIG. So what does the Senator's formula do to his State legislature's allocation of money? Does it cut it back, adjust it or change it?

Mr. BURR. No, it has no effect.

Mr. CRAIG. So, in other words, the impact the Senator is advocating nationwide already happens in his State?

Mr. BURR. That is correct.

Mr. CRAIG. And States have that option, if they so choose, based on a State decision as to the importance of it rated as compared to public rural schools.

Mr. BURR. The Senator is correct. The Senator's point is I am taking power away from the decisions of the local community. The Senator is right. I make no bones about it. I plead guilty. I wish they were as concerned about their children's education as I am.

I have a school system where the graduation rate this year was 46 percent. The amazing thing is nobody has been fired. As a matter of fact, nobody is outraged at it. Today's jobs that we create in the 21st century require a different level of education for our children. If you are not competitive—you will not be invited for an interview if, in fact, you do not have a high school diploma.

The reality is, here is one little way we can have an impact on it, a little way that doesn't cost anybody anything because, as I said, this is all new money, from 2000 when it was at its peak. That is because, I remind everybody, in 2000 this was a 7-year program that was set to sunset, to go away. It was going to be no more. This was the adjustment period for all the States, including North Carolina, that received Federal money.

It is not going away. We are going to reauthorize it until 2012, and in 2012 it will be reauthorized until 2020, and the likelihood is the money will go up every year.

Our responsibility is, is the taxpayer money being used in a way that has a positive effect on the communities with Federal money? All I am saying is, as we put new money in, maybe we ought to have some Federal hand in saying let's focus it where we have a cancer. That cancer is in education. If we can't raise the graduation rate from 70 percent to 100 percent, we have individuals who come into our system incapable of competing for a job.

This is a very simple decision for Members of the Senate. I am sad today to tell you I do not expect to win on my amendment. Some will say I have tried to undo 100 years of public policy. I have changed the next 100 years, possibly.

They say I have trampled on States' rights by choosing how they pay for it. I am guilty. I admit it. Why? Because of our children. Our children's future is important. If it were not, we wouldn't be good parents. I am convinced this can have a small but a positive impact on rural schools and the education of our kids in rural communities. I urge my colleagues to consider supporting my amendment, which will, in fact, alter in a very small way the impact of the total Wyden amendment.

I yield the floor.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent that the debate time on the two amendments—the Wyden amendment, the bipartisan amendment and the Burr amendment—be extended until 11 a.m. and that the time be equally divided, which would mean, I think, we would have 10 minutes on our side so that I and Senator CRAIG would continue this discussion and then the distinguished Senator from North Carolina would have 10 minutes as well. I make that unanimous consent request.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I wish to continue the discussion on the point made by our friend from North Carolina. He is going to be the ranking member on the forestry subcommittee. He and I are going to sit next to each other for a great many hours during the course of this session of the Senate. I know there are going to be many times when we agree because that has certainly been the case during our long years of service, both in the House and it is now an honor to serve with him in the Senate.

I wish to pick up on a couple of points. Senator CRAIG, in the very important discussion he had with the Senator from North Carolina, pointed out that North Carolina already spends every dollar of their county payments money. The distinguished Senator from North Carolina indicated his concern about the 40-percent graduation rate in one of his school districts. But the amendment offered by the Senator from North Carolina will not provide an additional dollar for that school district because under his State statute, every dollar of county payments his State gets already has to go to schools, and the amendment would not change that.

I think this has been a very instructive discussion. As Senators consider the next 15 or 20 minutes of this debate, I want to come back to where the organizations that are most intimately involved in this program, on a day-to-day basis, stand.

The Senator from North Carolina made mention of our support from labor. We are very proud to have a strong cross-section of labor groups that are aligned with our proposal. But in addition, the support from the National Association of Counties and the National Governors Association for our bipartisan effort is particularly important. I wish to read a little bit from the National Association of Counties' letter to myself and Senator CRAIG. It says, with respect to Senator BURR—and the National Association of Counties does not talk about anonymous Senators. They are very much aware of who is involved in this debate. The National Association of Counties wrote:

> While well-intentioned, we fear the Burr amendment is ill-conceived and would result in negative consequences.

They go on to say:

> The Burr amendment requires ''new money'' to be spent on education. This would deny communities and their elected leaders to set their own priorities, superimposing a Washington, DC, one-size-fits-all mandate on those rural forest counties already severely restrained by the presence of tax-exempt federal land.

This is a particularly important point and a very telling one about this debate. I think the Senator from North Carolina and I have been in scores of discussions over the years where the charge always was it was the Democrats who were coming up with this ''big Government, run from Washington, DC,'' kind of approach. Here we are with a bipartisan amendment that I, as a Democratic Senator, spent a lot of time talking about with local communities, and the counties say they

favor our approach because it does give them the flexibility on the ground—in Asheville, NC, and Amity, OR, across the country, to make the choices that are best for them rather than to have somebody inside the beltway take out a cookie cutter and stamp all these programs as if one size fits all. That point in the National Association of Counties' letter strikes me as extremely important as well.

The counties also go on to say:

> . . . .it appears that the Burr amendment would shift the hard-won increase to PILT funding [the payment in lieu of taxes program offered by the Wyden Craig amendment] away from the counties' general funds to schools, which was never the purpose of the PILT Act.

I say to my colleague, we are going to hear a lot of testimony about this in our forestry subcommittee as well. The changes in the PILT Program, in particular, so that every county with Federal land can get a boost, are going to be especially helpful as we make this transition.

Mr. BURR. Will the Senator yield for a question?

Mr. WYDEN. Of course.

Mr. BURR. Does the Senator agree with the letter from the commissioners that I affect the PILT payments in my amendment?

Mr. WYDEN. My understanding is that the Senator's amendment does not affect it.

Mr. BURR. Does or does not?

Mr. WYDEN. Does not.

Mr. BURR. So the letter and the accusation the Senator received from, I think, the counties, is, in fact, inaccurate?

Mr. WYDEN. My sense says the county folks had some difficulty following the Senator's amendment as it went through its evolution. But what we do know is our amendment clearly protects the PILT funding, and that is why it is preferable on all counts.

Now, continuing with what the counties have had to say: We are also concerned that the Burr amendment interferes with the authority States have had since 1908 to allocate forest reserves funds, authority explicitly and deliberately retained by Congress in title 1 of the Secure Rural Schools and Communities Self-Determination Act.

This point from the counties is especially critical because it goes to the 100-year obligation with respect to county payments. We can debate who has better ideas about PILT. We think we do. That is why so many Senators have been attracted to our proposal, because of the additional support for PILT. But what the counties go on to say here is they are concerned about the 100-year precedent with respect to Federal forest systems.

Mr. President, the Senator from North Carolina has been very gracious. We are dividing the time. How much time remains on our side?

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Oregon has 3 minutes 10 seconds remaining.

Mr. WYDEN. Mr. President, I yield the remainder of our time to the chairman of the Senate Energy and Natural Resources Committee, a cosponsor of the amendment, and I thank him for his many hours of support in putting this together.

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

Mr. BINGAMAN. Mr. President, I thank my colleague and congratulate him on his leadership on this issue. His amendment is well designed and meritorious. I urge all colleagues to support the amendment.

I wish to speak about why I think this is so important to our rural counties. I do think the legislation is important because it lays out a period of years during which counties will know they have a set amount of money coming in to assist with the various responsibilities they have put upon them.

This amendment also, of course, involves a full funding of the payment in lieu of taxes, which is extremely important to many of the counties in my State, particularly. This payment in lieu of taxes is designed to provide some funding to those counties that have lost their tax base by virtue of the Federal Government owning so much of the land in those counties.

Both programs were authorized through the Committee on Energy and Natural Resources, and the committee has remained active on both issues in recent years. With regard to the Secure Rural Schools, or ''county payments'', program, we have held a number of oversight and legislative hearings during the last couple of years. Accordingly, I would like to briefly explain some of the key changes that this amendment makes to the original program.

The most significant change is in the formula. The new formula has three components: the original formula, the number of qualifying acres of Federal land, and per capita personal income. The mathematics of the formula are rooted at the county level, and the ultimate payments are determined by calculating what would be each participating county's portion of the total annual funding for the program. As a result, unlike the original formula, the new formula responds to the annual funding amount, permitting an orderly phase-down of the total annual funding levels.

The legislative text memorializes the component of the original formula at the county level in the definition of ''base share'' in paragraphs (2)(B)(i) and (9)(B)(i) of section 3. In developing the formula, we looked to existing data from the Federal agencies, recognizing that the specific data may change as a result of updating or correction. For the Forest Service, paragraph (2)(B)(i) of section 3 describes what the Forest Service referred to as the ''potential county share'' when it calculated payment amounts under the original formula on March 1, 2002. For the Bureau of Land Management, paragraph (9)(B)(i) of section 3 describes what the BLM referred to as ''payment amounts to each eligible county'' on its November 14, 2002, certification to the Treasury Department of payments made under the Secure Rural Schools and Community Self-Determination Act of 2000. The per capita personal income data was gathered from the Bureau of Economic Analysis' Regional Economic Accounts, Table CA1–3, 030.

Total funding for the program would be gradually reduced to approximately 72 percent of the fiscal year 2006 level by the end of the 5-year reauthorization. During the first 4 years of the reauthorization, additional funds would be provided to the uniquely affected States of Washington, California, and Oregon to ensure that they can make a reasonable transition to the new funding levels under the new formula. For fiscal year, 2007, the transition funding would provide the three States an amount equal to last year's levels, and then their total county payments funding would be reduced by 10 percent annually through 2010. Total funding levels in each of those States would be determined under the new formula in 2011. If counties that received county payments in fiscal year 2006 decided to optout of the county payments program, then those counties would instead receive the payment amounts required by the 1908 or 1937 acts and the county payments funding to their States during that fiscal year would be reduced by their corresponding share of the fiscal year 2006 county payments funding.

The amendment also focuses the county payments funding on resource advisory committee, ''RAC'', collaboration, which was one of the most successful aspects of the original law. Most counties are required to spend at least 13 percent of their total county payments program funding on special projects on federal land—unless they choose to forego that portion of the funding. Exceptions have been made where experience has shown that the 15–20 percent of total program funding available for special projects on Federal land, under title II, may be inadequate.

As recommended by an in-depth study of RACs under the county payments program, we have made a few changes to the RAC representation. The editions allow some key interest groups that currently are not adequately represented to participate on RACs. They also provide communities with some flexibility where existing requirements were unnecessarily difficult or awkward to fulfill.

As discussed in the study, in a number of cases, the Federal land management issues in any particular region simply were not relevant to a couple of the interest groups required to be represented under the original law. For example, while wild horse and burro interest groups are key stakeholders on many RACs, there also are many RACs in areas of the country with no wild

horses or burros. In such cases, the study found that some counties simply could not find individuals willing to serve on RACs that met the letter and spirit of the existing criteria.

None of the editions exclude any of the interest groups currently represented on RACs, and the Secretaries retain appointment authority. As a result, the modest expansion should neither disadvantage any group currently participating on RACs nor disrupt in any way the collaboration on RACs. To the contrary, it should improve the collaboration by ensuring that RACs are adequately staffed with the appropriate interest groups.

County funding under title III has been restricted and focused on programs that indirectly benefit public land management. In addition, provisions have been added to title III to encourage compliance with its terms and greater awareness of the counties' efforts by Federal land managers.

Finally, a degree of stability for revenue sharing payments to counties is provided under the amendment. Stabilizing payments is one of the primary purposes of the Secure Rural Schools and Community Self-Determination Act, but as the recent experience with its expiration in 2006 exemplifies, a degree of stability remains necessary over the longterm. Section 3 of the amendment provides for 25 percent payments to be distributed based on a 7-year rolling average. This will ensure that counties receive the same level of overall payments while at the same time reducing to a significant degree the sometimes dramatic annual fluctuations of Federal payments that make county budgeting difficult.

By ensuring full funding for PILT, annual fluctuations in those payments also will be reduced through 2012. PILT also is a crucial part of ensuring an orderly transition for the States of California, Oregon, and Washington. And finally, full funding for PILT will provide a more equitable level of support to those counties with Federal land that does not qualify for the county payments program.

In all, the amendment provides for more secure rural schools in more States and counties around the country, healthier National Forests for all Americans to enjoy, and the foundation for a legacy of public lands collaboration that we hope will provide for community, economic, and environmental benefits for decades to come.

Let me also speak briefly about the amendment my friend from North Carolina has offered to insist and to require, I believe, 80 percent of the funds to be used for schools. It will be a substantial mistake to adopt that amendment, because it is a one-size-fits-all solution, when we have very different circumstances in each State.

For example, in my State, we have what we call an education equalization formula. That means the State takes credit for whatever the counties were to put into education. So the effect of giving this money to the counties would be that the State would reduce its contribution to the schools in that county by a proportionate amount or by 95 percent of that amount. This would not work in my State. It would not have the intended effect of getting more money to the schools, which I know is the purpose the Senator from North Carolina has.

It is better to stick with the amendment Senator WYDEN has crafted here, and give the discretion to each State and each local community to decide how to best spend those funds to meet the obligation they have to their constituents. That is the purpose of the legislation. That was the original purpose of the county payments legislation, certainly the original purpose of the PILT legislation, as well. That is the best result.

I hope my colleagues will support the Wyden amendment and will not support the Burr amendment. That is the best result for us. I hope that is the end result once the voting is concluded.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I thank my colleagues for a spirited debate, and before my colleague from New Mexico leaves, I want to make sure I have the opportunity to share with him, because he did not hear the first part, that there are three funding pieces to this bill. I am supportive of all three of them. It is the Forest Service payment, the BLM lands payment, and the payment in lieu of taxes.

My amendment affects one piece of one section, the Forest Service payment that is broken down into three titles: title 1, which is designated schools and roads; title 2, which goes to forestry programs and other management programs; and title 3, which goes to law enforcement search and rescue.

I do not affect title 2; I do not affect title 3. I only affect the new funding in title 1. There is no county that will be affected on what they have received up until that point. But of the $177 million of new money in title 1 of the Forest Service payment section only, he is exactly right. I would say 80 to no more than 85 percent has to go to the schools. And if, in fact, New Mexico is structured in a way that when a county ups its investment the State decreases its investment in education, he is exactly right, he would end up with no net gain.

That is where our problem is across the country, our students have no net gain. We have been stuck in this rut and we will not do what it takes to get out of it. Five years ago we passed No Child Left Behind. Nationally we are making progress. We actually see the trend going up. We see K–8 performing at math and science levels that, quite frankly, 5 years ago we did not know if we could reach. It is not a plateau they have gotten to; they are on the climb. We have challenged our elementary school students and they have responded, because we have made a commitment we are going to put highly qualified teachers in classrooms. We have made a commitment to them that we are going to provide the flexibility of Federal money so they can decide how best to use that so kids can learn.

In return, we are going to measure their progress. For the first time, America now knows the progress our students make. Parents are no longer reliant on the arbitrary A, B, C, D or, in some cases, pass-fail. Why is that important? It is important because we have got a 21st century economy. We are creating jobs that, quite frankly, without a high school diploma you are not competitive for.

My kids are still in college. I am fortunate in the fact that at least the tools are available to them. But it is their choice now as to whether they absorb it and use it. What about those kids who are still in K–8? Could this have an impact? Yes, it could have a real impact. It is not a whole lot of money. But when you move from, in Oregon I think, $433 per student, compared to $7,388 per mile, if you were to increase that investment locally, I think it would affect the outcome.

What you would be looking at is the outcome. That is the whole spirit behind No Child Left Behind. What is the result of K–8 not working? It is a 70-percent graduation rate, on time, of our high school students 9–12 today.

As I said earlier, if this were a disease, we would call it an epidemic. We would send every Federal, State, and local resource to try to cure the problem. Well, here is one of those ways: We can say, with the increased money, the $177 million worth of new money these counties have never had, let's use 80 to 85 percent for schools.

Mr. WYDEN. Would the Senator from North Carolina yield?

Mr. BURR. I yield.

Mr. WYDEN. We continue to look at the language. I think it goes back to the reason the counties and the Governors were so troubled by it. Where in my friend's amendment does it say it applies only to increases in funding? Because, as we read it, it would apply to all of the funding in section (2) of the amendment, subsection (d) payments received by a State under subsection (a) and distributed to eligible counties shall be only for public schools——

Mr. BURR. Reclaiming my time. I will say to the Senator, if for some reason it is not perfectly clear—and we have had the best legislative folks in the Senate who wrote the amendment; I do not think they got it wrong, but if they did, it will change.

But the reality is, it is not going to pass and the Senator from Oregon knows it is not going to pass, not because there are questions on whether it is all title 1; it is not going to pass because they are not willing to let the $177 million worth of new money be devoted to education. It is not because of some technical problem we have with

my amendment. The Senator's bill was awfully large, and there were still changes being made to the bill yesterday. It was a moving target to try to figure out exactly how to do an amendment. The Senator may remember, yesterday it was a second-degree amendment, but to accommodate the majority leader, we decided to do it as a side-by-side, which meant I had to incorporate now my amendment into the Wyden bill. So we have got a Wyden bill by itself, and a Wyden bill with this change. What my colleagues are going to be asked to do is not to vote against Wyden; either way they vote, they get the Wyden bill. But if they vote for the Wyden bill with the Burr amendment, they have now made a commitment to education. They have now made a commitment to the children. They have now made a commitment to 40 percent of America's schools that are located in rural areas, 8 million kids. That is the decision. It is very simple.

So it is not do we understand where it fits. Clearly since the Senator thought it applied to more, since the county letters he got thought it applied to payments in lieu of taxes, since Senator BINGAMAN, when he came to the floor, was concerned about payments in lieu of taxes, we do not affect those. All we affect is title 1 of the Forest Service payments that are already designated in roads or schools, and we do not affect what we have spent in the past, up to that level. We only affect new dollars.

Of those new dollars, 80 to 85 percent has to go to education. So it means for your State, where it predominately goes for roads, they are not disadvantaged. They are actually going to get 20 percent more for roads. They are just going to have to take 80 percent of the new money and make more of an investment than $433 per student.

It is simple for our colleagues. We are going to vote on this, I think now the order calls for about 11:45 or 12 o'clock. I am not sure if it is going to be a series of three votes. I would encourage my colleagues to vote for the Wyden amendment, but vote for the Wyden amendment that has the Burr language in it, so that, in fact, we have a commitment to our kids, their future, and their education.

I yield the floor.

Mr. GRASSLEY. Mr. President, when we debated the Senate budget resolution in committee and on the floor over the last few weeks, I raised a concern about the transparency of the budget. One of the problems I pointed out was the over reliance of the budget resolution on unspecified revenue raisers. As ranking member of the Finance Committee, I referred mainly to Finance Committee policy demands that weren't realistically reflected in the budget. I referred to currently expiring tax, trade, and health and welfare spending provisions. The expiring tax relief provisions within the first year of the budget resolution alone amount to $135 billion.

In discussing the budget, I also referred to the track record of the Democratic leadership, while in the minority, of spending the same revenue raising offsets over and over again. There is a clear risk of this deceptive behavior having a real fiscal impact now that Democrats are in the majority. As has been proven over the last few weeks, the Democratic majority can't reduce spending. So taxes are raised to pay for more spending while the spending-driven deficit remains high.

What we have seen is an obsession by the Democratic leadership for going to the tax side of the ledger and gross up the spending side of the ledger. Once again, spending wins out and the taxpayer loses.

Now, comes the Wyden-Craig amendment. It increases popular spending—in this case we are talking about rural schools—and uses revenue raisers to mask the deficit effect of the spending. The budget resolution contains 39 reserve funds that authorize new spending, paid for with unspecified revenue raisers. This rural schools spending program is the subject of 1 of those 39 reserve funds. So, today, Senators WYDEN and CRAIG go to the tax ledger and remove some of the work product of the Finance Committee tax staff to use for their new spending program.

As ranking member of the Finance Committee, I view this effort as an intrusion on the jurisdiction of the Finance Committee. During my tenure as chairman, I am pleased to say that this jurisdiction was protected. I have indicated my concern to my friend, Chairman BAUCUS, that this is the start to a slippery slope of erosion of our committee's jurisdiction.

We have seen that those who advocate new spending can't find a dollar of spending offset within a $2.7 trillion budget. From this fiscal behavior, we can expect that the spending of these amendments will continue to be offset from the same pool of offsets. The Finance Committee tax staff can't do the heavy lifting of finding offsets for every new popular spending program.

By the terms of the Senate Democratic budget resolution, that pool of offsets has already been subscribed for expiring tax, trade, and health and welfare spending.

The Wyden-Craig amendment goes to part of the limited group of offsets and draws from previously passed Senate offsets and a small group of already identified tax gap offsets. These offsets are drawn from the limited group of $43 billion in revenue raising offsets I referred to in my floor statements.

There is a new revenue raiser in the Wyden-Craig amendment. I support it. It would permit section 457 retirement plans to employ a Roth IRA option.

Some will recall from last year's tax reconciliation conference report a similar proposal. The proposal permitted more taxpayers to convert traditional IRAs to Roth IRAs. That proposal met with severe criticism from the Democratic leadership, their allied liberal think tanks, and some in the east coast media who tend to be sympathetic to the views of the Democratic leadership.

I am pleased to see the Democratic leadership has changed its mind. With the Wyden amendment, and the Roth section 457 plan proposal, the Democratic leadership is now on board with the merits of the Roth IRA conversion concept. It will be interesting to see if the liberal think tanks and east coast media are consistent critics or whether they have changed their minds, now that this concept is employed by Senate Democrats. I will be looking for their reaction.

The PRESIDING OFFICER. Under the previous order, amendment No. 716 offered by the Senator from North Carolina, Mr. BURR, is modified to be a first-degree amendment.

The amendment, as modified, is as follows:

(Purpose: To reauthorize the secure rural schools and community self-determination program and to provide funding for the payments in lieu of taxes program.)

Beginning on page 75, strike line 25 and all that follows through page 76, line 15, and insert the following:

SEC. 2601. SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROGRAM.

(a) REAUTHORIZATION OF THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) is amended by striking sections 1 through 403 and inserting the following:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Secure Rural Schools and Community Self-Determination Act of 2000'.

"SEC. 2. PURPOSES.

"The purposes of this Act are—

"(1) to stabilize and transition payments to counties to provide funding for schools and roads that supplements other available funds;

"(2) to make additional investments in, and create additional employment opportunities through, projects that—

"(A)(i) improve the maintenance of existing infrastructure;

"(ii) implement stewardship objectives that enhance forest ecosystems; and

"(iii) restore and improve land health and water quality;

"(B) enjoy broad-based support; and

"(C) have objectives that may include—

"(i) road, trail, and infrastructure maintenance or obliteration;

"(ii) soil productivity improvement;

"(iii) improvements in forest ecosystem health;

"(iv) watershed restoration and maintenance;

"(v) the restoration, maintenance, and improvement of wildlife and fish habitat;

"(vi) the control of noxious and exotic weeds; and

"(vii) the reestablishment of native species; and

"(3) to improve cooperative relationships among—

"(A) the people that use and care for Federal land; and

"(B) the agencies that manage the Federal land.

"SEC. 3. DEFINITIONS.

"In this Act:

''(1) ADJUSTED SHARE.—The term 'adjusted share' means the number equal to the quotient obtained by dividing—

''(A) the number equal to the quotient obtained by dividing—

''(i) the base share for the eligible county; by

''(ii) the income adjustment for the eligible county; by

''(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (8)(A) for all eligible counties.

''(2) BASE SHARE.—The term 'base share' means the number equal to the average of—

''(A) the quotient obtained by dividing—

''(i) the number of acres of Federal land described in paragraph (7)(A) in each eligible county; by

''(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

''(B) the quotient obtained by dividing—

''(i) the amount equal to the average of the 3 highest 25-percent payments and safety net payments made to each eligible State for each eligible county during the eligibility period; by

''(ii) the amount equal to the sum of the averages calculated under clause (i) and paragraph (9)(B)(i) for all eligible counties in all eligible States during the eligibility period.

''(3) COUNTY PAYMENT.—The term 'county payment' means the payment for an eligible county calculated under section 101(b).

''(4) ELIGIBLE COUNTY.—The term 'eligible county' means any county that—

''(A) contains Federal land (as defined in paragraph (7)); and

''(B) elects to receive a share of the State payment or the county payment under section 102(b).

''(5) ELIGIBILITY PERIOD.—The term 'eligibility period' means fiscal year 1986 through fiscal year 1999.

''(6) ELIGIBLE STATE.—The term 'eligible State' means a State or territory of the United States that received a 25-percent payment for 1 or more fiscal years of the eligibility period.

''(7) FEDERAL LAND.—The term 'Federal land' means—

''(A) land within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012); and

''(B) such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site land valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.

''(8) 50-PERCENT ADJUSTED SHARE.—The term '50-percent adjusted share' means the number equal to the quotient obtained by dividing—

''(A) the number equal to the quotient obtained by dividing—

''(i) the 50-percent base share for the eligible county; by

''(ii) the income adjustment for the eligible county; by

''(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (1)(A) for all eligible counties.

''(9) 50-PERCENT BASE SHARE.—The term '50-percent base share' means the number equal to the average of—

''(A) the quotient obtained by dividing—

''(i) the number of acres of Federal land described in paragraph (7)(B) in each eligible county; by

''(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

''(B) the quotient obtained by dividing—

''(i) the amount equal to the average of the 3 highest 50-percent payments made to each eligible county during the eligibility period; by

''(ii) the amount equal to the sum of the averages calculated under clause (i) and paragraph (2)(B)(i) for all eligible counties in all eligible States during the eligibility period.

''(10) 50-PERCENT PAYMENT.—The term '50-percent payment' means the payment that is the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.).

''(11) FULL FUNDING AMOUNT.—The term 'full funding amount' means—

''(A) $526,079,656 for fiscal year 2007;

''(B) $520,000,000 for fiscal year 2008; and

''(C) for fiscal year 2009 and each fiscal year thereafter, the amount that is equal to 90 percent of the full funding amount for the preceding fiscal year.

''(12) INCOME ADJUSTMENT.—The term 'income adjustment' means the square of the quotient obtained by dividing—

''(A) the per capita personal income for each eligible county; by

''(B) the median per capita personal income of all eligible counties.

''(13) PER CAPITA PERSONAL INCOME.—The term 'per capita personal income' means the most recent per capita personal income data, as determined by the Bureau of Economic Analysis.

''(14) SAFETY NET PAYMENTS.—The term 'safety net payments' means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

''(15) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

''(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the Federal land described in paragraph (7)(A); and

''(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to the Federal land described in paragraph (7)(B).

''(16) STATE PAYMENT.—The term 'State payment' means the payment for an eligible State calculated under section 101(a).

''(17) 25-PERCENT PAYMENT.—The term '25-percent payment' means the payment to States required by the sixth paragraph under the heading 'FOREST SERVICE' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

"TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND

"SEC. 101. SECURE PAYMENTS FOR STATES CONTAINING FEDERAL LAND.

''(a) STATE PAYMENT.—For each of fiscal years 2007 through 2011, the Secretary of Agriculture shall calculate for each eligible State an amount equal to the sum of the products obtained by multiplying—

''(1) the adjusted share for each eligible county within the eligible State; by

''(2) the full funding amount for the fiscal year.

''(b) COUNTY PAYMENT.—For each of fiscal years 2007 through 2011, the Secretary of the Interior shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the product obtained by multiplying—

''(1) the 50-percent adjusted share for the eligible county; by

''(2) the full funding amount for the fiscal year.

"SEC. 102. PAYMENTS TO STATES AND COUNTIES.

''(a) PAYMENT AMOUNTS.—Except as provided in section 103, the Secretary of the Treasury shall pay to—

''(1) a State an amount equal to the sum of the amounts elected under subsection (b) by each county within the State for—

''(A) if the county is eligible for the 25-percent payment, the share of the 25-percent payment; or

''(B) the share of the State payment of the eligible county; and

''(2) a county an amount equal to the amount elected under subsection (b) by each county for—

''(A) if the county is eligible for the 50-percent payment, the 50-percent payment; or

''(B) the county payment for the eligible county.

''(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

''(1) ELECTION; SUBMISSION OF RESULTS.—

''(A) IN GENERAL.—The election to receive a share of the State payment, the county payment, a share of the State payment and the county payment, a share of the 25-percent payment, the 50-percent payment, or a share of the 25-percent payment and the 50-percent payment, as applicable, shall be made at the discretion of each affected county by August 1, 2007, and August 1 of each second fiscal year thereafter, in accordance with paragraph (2), and transmitted to the Secretary concerned by the Governor of each eligible State.

''(B) FAILURE TO TRANSMIT.—If an election for an affected county is not transmitted to the Secretary concerned by the date specified under subparagraph (A), the affected county shall be considered to have elected to receive a share of the State payment, the county payment, or a share of the State payment and the county payment, as applicable.

''(2) DURATION OF ELECTION.—

''(A) IN GENERAL.—A county election to receive a share of the 25-percent payment or 50-percent payment, as applicable shall be effective for 2 fiscal years.

''(B) FULL FUNDING AMOUNT.—If a county elects to receive a share of the State payment or the county payment, the election shall be effective for all subsequent fiscal years through fiscal year 2011.

''(3) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible State or eligible county under this section for a fiscal year shall be derived from—

''(A) any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, special account, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management or the Forest Service on the applicable Federal land; and

''(B) to the extent of any shortfall, out of any amounts in the Treasury of the United States not otherwise appropriated.

''(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

''(1) DISTRIBUTION METHOD.—A State that receives a payment under subsection (a) for Federal land described in section 3(7)(A) shall distribute the appropriate payment amount among the appropriate counties in the State in accordance with—

''(A) the Act of May 23, 1908 (16 U.S.C. 500); and

''(B) section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

''(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by a State under subsection (a) and distributed to counties in accordance with paragraph (1) shall be expended as required by the laws referred to in paragraph (1), except that, in a case in which a payment amount exceeds the payment amount for fiscal year 2006, the excess amount shall be used only for public schools in the county.

''(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

''(1) ALLOCATIONS.—

''(A) USE OF PORTION IN SAME MANNER AS 25-PERCENT PAYMENT OR 50-PERCENT PAYMENT, AS APPLICABLE.—Except as provided in paragraph (3)(B), if an eligible county elects to receive its share of the State payment or the county payment, not less than 80 percent, but not more than 85 percent, of the funds shall be expended in the same manner in which the 25-percent payments or 50-percent payment, as applicable, are required to be expended, except that, in a case in which a payment amount exceeds the payment amount for fiscal year 2006, the excess amount shall be used only for public schools in the eligible county.

''(B) ELECTION AS TO USE OF BALANCE.—Except as provided in subparagraph (C), an eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):

''(i) Reserve any portion of the balance for projects in accordance with title II.

''(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.

''(iii) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.

''(C) COUNTIES WITH MODEST DISTRIBUTIONS.—In the case of each eligible county to which more than $100,000, but less than $350,000, is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county, with respect to the balance of any funds not expended pursuant to subparagraph (A) for that fiscal year, shall—

''(i) reserve any portion of the balance for—

''(I) carrying out projects under title II;

''(II) carrying out projects under title III; or

''(III) a combination of the purposes described in subclauses (I) and (II); or

''(ii) return the portion of the balance not reserved under clause (i) to the Treasury of the United States.

''(2) DISTRIBUTION OF FUNDS.—

''(A) IN GENERAL.—Funds reserved by an eligible county under subparagraph (B)(i) or (C)(i)(I) of paragraph (1) shall be deposited in a special account in the Treasury of the United States.

''(B) AVAILABILITY.—Amounts deposited under subparagraph (A) shall—

''(i) be available for expenditure by the Secretary concerned, without further appropriation; and

''(ii) remain available until expended in accordance with title II.

''(3) ELECTION.—

''(A) NOTIFICATION.—

''(i) IN GENERAL.—An eligible county shall notify the Secretary concerned of an election by the eligible county under this subsection not later than September 30 of each fiscal year.

''(ii) FAILURE TO ELECT.—Except as provided in subparagraph (B), if the eligible county fails to make an election by the date specified in clause (i), the eligible county shall—

''(I) be considered to have elected to expend 85 percent of the funds in accordance with paragraph (1)(A); and

''(II) return the balance to the Treasury of the United States.

''(B) COUNTIES WITH MINOR DISTRIBUTIONS.—In the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county may elect to expend all the funds in the same manner in which the 25-percent payments or 50-percent payments, as applicable, are required to be expended, except that, in a case in which a payment amount exceeds the payment amount for fiscal year 2006, the excess amount shall be used only for public schools in the eligible county.

''(e) TIME FOR PAYMENT.—The payments required under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

''SEC. 103. TRANSITION PAYMENTS TO THE STATES OF CALIFORNIA, OREGON, AND WASHINGTON.

''(a) DEFINITIONS.—In this section:

''(1) ADJUSTED AMOUNT.—The term 'adjusted amount' means, with respect to a covered State—

''(A) for fiscal year 2007—

''(i) the sum of the amounts paid in fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2007; and

''(ii) the sum of the amounts paid in fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2007;

''(B) for fiscal year 2008, 90 percent of—

''(i) the sum of the amounts paid in fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2008; and

''(ii) the sum of the amounts paid in fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2008;

''(C) for fiscal year 2009, 81 percent of—

''(i) the sum of the amounts paid in fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2009; and

''(ii) the sum of the amounts paid in fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2009; and

''(D) for fiscal year 2010, 73 percent of—

''(i) the sum of the amounts paid in fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2010; and

''(ii) the sum of the amounts paid in fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2010.

''(2) COVERED STATE.—The term 'covered State' means each of the States of California, Oregon, and Washington.

''(b) TRANSITION PAYMENTS.—For each of fiscal years 2007 through 2010, in lieu of the payment amounts that otherwise would have been made under paragraphs (1)(B) and (2)(B) of section 102(a), the Secretary of the Treasury shall pay the adjusted amount to each covered State and the eligible counties within the covered State, as applicable, from funds in the Treasury of the United States not otherwise appropriated.

''(c) DISTRIBUTION OF ADJUSTED AMOUNT IN OREGON AND WASHINGTON.—It is the intent of Congress that the method of distributing the payments under subsection (b) among the counties in the States of Oregon and Washington for each of fiscal years 2007 through 2010 be in the same proportion that the payments were distributed to the eligible counties in fiscal year 2006.

''(d) DISTRIBUTION OF PAYMENTS IN CALIFORNIA.—The following payments shall be distributed among the eligible counties in the State of California in the same proportion that payments under section 102(a)(2) (as in effect on September 29, 2006) were distributed to the eligible counties in fiscal year 2006:

''(1) Payments to the State of California under subsection (b).

''(2) The shares of the eligible counties of the State payment for California under section 102 for fiscal year 2011.

''(e) TREATMENT OF PAYMENTS.—For purposes of this Act, any payment made under subsection (b) shall be considered to be a payment made under section 102(a).

''TITLE II—SPECIAL PROJECTS ON FEDERAL LAND

''SEC. 201. DEFINITIONS.

''In this title:

''(1) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

''(2) PROJECT FUNDS.—The term 'project funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

''(3) RESOURCE ADVISORY COMMITTEE.—The term 'resource advisory committee' means—

''(A) an advisory committee established by the Secretary concerned under section 205; or

''(B) an advisory committee determined by the Secretary concerned to meet the requirements of section 205.

''(4) RESOURCE MANAGEMENT PLAN.—The term 'resource management plan' means—

''(A) a land use plan prepared by the Bureau of Land Management for units of the Federal land described in section 3(7)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); or

''(B) a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974l (16 U.S.C. 1604).

''SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

''(a) LIMITATION.—Project funds shall be expended solely on projects that meet the requirements of this title.

''(b) AUTHORIZED USES.—Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration, and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this Act on Federal land and on non-Federal land where projects would benefit the resources on Federal land.

''SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

''(a) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

''(1) PROJECTS FUNDED USING PROJECT FUNDS.—Not later than September 30 for fiscal year 2007, and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved by eligible counties in the area in which the resource advisory committee has geographic jurisdiction.

''(2) PROJECTS FUNDED USING OTHER FUNDS.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

''(3) JOINT PROJECTS.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

''(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

''(1) The purpose of the project and a description of how the project will meet the purposes of this title.

''(2) The anticipated duration of the project.

''(3) The anticipated cost of the project.

''(4) The proposed source of funding for the project, whether project funds or other funds.

''(5)(A) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives.

''(B) An estimate of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

''(6) A detailed monitoring plan, including funding needs and sources, that—

''(A) tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring; and

''(B) includes an assessment of the following:

''(i) Whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate.

''(ii) Whether the project improved the use of, or added value to, any products removed from land consistent with the purposes of this title.

''(7) An assessment that the project is to be in the public interest.

''(c) AUTHORIZED PROJECTS.—Projects proposed under subsection (a) shall be consistent with section 2.

''SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

''(a) CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

''(1) The project complies with all applicable Federal laws (including regulations).

''(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

''(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of that section.

''(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

''(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

''(b) ENVIRONMENTAL REVIEWS.—

''(1) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project.

''(2) CONDUCT OF ENVIRONMENTAL REVIEW.—If a payment is requested under paragraph (1) and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal laws (including regulations).

''(3) EFFECT OF REFUSAL TO PAY.—

''(A) IN GENERAL.—If a resource advisory committee does not agree to the expenditure of funds under paragraph (1), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title.

''(B) EFFECT OF WITHDRAWAL.—A withdrawal under subparagraph (A) shall be deemed to be a rejection of the project for purposes of section 207(c).

''(c) DECISIONS OF SECRETARY CONCERNED.—

''(1) REJECTION OF PROJECTS.—

''(A) IN GENERAL.—A decision by the Secretary concerned to reject a proposed project shall be at the sole discretion of the Secretary concerned.

''(B) NO ADMINISTRATIVE APPEAL OR JUDICIAL REVIEW.—Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review.

''(C) NOTICE OF REJECTION.—Not later than 30 days after the date on which the Secretary concerned makes the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

''(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if the notice would be required had the project originated with the Secretary.

''(d) SOURCE AND CONDUCT OF PROJECT.—Once the Secretary concerned accepts a project for review under section 203, the acceptance shall be deemed a Federal action for all purposes.

''(e) IMPLEMENTATION OF APPROVED PROJECTS.—

''(1) COOPERATION.—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

''(2) BEST VALUE CONTRACTING.—

''(A) IN GENERAL.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis.

''(B) FACTORS.—The Secretary concerned shall determine best value based on such factors as—

''(i) the technical demands and complexity of the work to be done;

''(ii)(I) the ecological objectives of the project; and

''(II) the sensitivity of the resources being treated;

''(iii) the past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions; and

''(iv) the commitment of the contractor to hiring highly qualified workers and local residents.

''(3) MERCHANTABLE TIMBER CONTRACTING PILOT PROGRAM.—

''(A) ESTABLISHMENT.—The Secretary concerned shall establish a pilot program to implement a certain percentage of approved projects involving the sale of merchantable timber using separate contracts for—

''(i) the harvesting or collection of merchantable timber; and

''(ii) the sale of the timber.

''(B) ANNUAL PERCENTAGES.—Under the pilot program, the Secretary concerned shall ensure that, on a nationwide basis, not less than the following percentage of all approved projects involving the sale of merchantable timber are implemented using separate contracts:

''(i) For fiscal year 2007, 25 percent.

''(ii) For fiscal year 2008, 35 percent.

''(iii) For fiscal year 2009, 45 percent.

''(iv) For each of fiscal years 2010 and 2011, 50 percent.

''(C) INCLUSION IN PILOT PROGRAM.—The decision whether to use separate contracts to implement a project involving the sale of merchantable timber shall be made by the Secretary concerned after the approval of the project under this title.

''(D) ASSISTANCE.—

''(i) IN GENERAL.—The Secretary concerned may use funds from any appropriated account available to the Secretary for the Federal land to assist in the administration of projects conducted under the pilot program.

''(ii) MAXIMUM AMOUNT OF ASSISTANCE.—The total amount obligated under this subparagraph may not exceed $1,000,000 for any fiscal year during which the pilot program is in effect.

''(E) REVIEW AND REPORT.—

''(i) INITIAL REPORT.—Not later than September 30, 2009, the Comptroller General shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives a report assessing the pilot program.

''(ii) ANNUAL REPORT.—The Secretary concerned shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives an annual report describing the results of the pilot program.

''(f) REQUIREMENTS FOR PROJECT FUNDS.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated—

''(1) to road maintenance, decommissioning, or obliteration; or

''(2) to restoration of streams and watersheds.

''SEC. 205. RESOURCE ADVISORY COMMITTEES.

''(a) ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.—

''(1) ESTABLISHMENT.—The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

''(2) PURPOSE.—The purpose of a resource advisory committee shall be—

''(A) to improve collaborative relationships; and

''(B) to provide advice and recommendations to the land management agencies consistent with the purposes of this title.

''(3) ACCESS TO RESOURCE ADVISORY COMMITTEES.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or 1 or more, units of Federal land.

''(4) EXISTING ADVISORY COMMITTEES.—

''(A) IN GENERAL.—An advisory committee that meets the requirements of this section, an advisory committee established before the date of enactment of this Act, or an advisory committee determined by the Secretary concerned to meet the requirements of this section before the date of enactment of this Act may be deemed by the Secretary concerned to be a resource advisory committee for the purposes of this title.

''(B) CHARTER.—A charter for a committee described in subparagraph (A) that was filed on or before September 29, 2006, shall be considered to be filed for purposes of this Act.

''(C) BUREAU OF LAND MANAGEMENT ADVISORY COMMITTEES.—The Secretary of the Interior may deem a resource advisory committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

''(b) DUTIES.—A resource advisory committee shall—

''(1) review projects proposed under this title by participating counties and other persons;

''(2) propose projects and funding to the Secretary concerned under section 203;

''(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title;

''(4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this title;

''(5)(A) monitor projects that have been approved under section 204; and

''(B) advise the designated Federal official on the progress of the monitoring efforts under subparagraph (A); and

''(6) make recommendations to the Secretary concerned for any appropriate changes or adjustments to the projects being monitored by the resource advisory committee.

''(c) APPOINTMENT BY THE SECRETARY.—

''(1) APPOINTMENT AND TERM.—

''(A) IN GENERAL.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 4 years beginning on the date of appointment.

''(B) REAPPOINTMENT.—The Secretary concerned may reappoint members to subsequent 4-year terms.

''(2) BASIC REQUIREMENTS.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

''(3) INITIAL APPOINTMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary concerned shall make initial appointments to the resource advisory committees.

''(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

''(5) COMPENSATION.—Members of the resource advisory committees shall not receive any compensation.

''(d) COMPOSITION OF ADVISORY COMMITTEE.—

''(1) NUMBER.—Each resource advisory committee shall be comprised of 15 members.

''(2) COMMUNITY INTERESTS REPRESENTED.—Committee members shall be representative of the interests of the following 3 categories:

''(A) 5 persons that—

''(i) represent organized labor or non-timber forest product harvester groups;

''(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

''(iii) represent—

''(I) energy and mineral development interests; or

''(II) commercial or recreational fishing interests;

''(iv) represent the commercial timber industry; or

''(v) hold Federal grazing or other land use permits, or represent nonindustrial private forest land owners, within the area for which the committee is organized.

''(B) 5 persons that represent—

''(i) nationally recognized environmental organizations;

''(ii) regionally or locally recognized environmental organizations;

''(iii) dispersed recreational activities;

''(iv) archaeological and historical interests; or

''(v) nationally or regionally recognized wild horse and burro interest groups, wildlife or hunting organizations, or watershed associations.

''(C) 5 persons that—

''(i) hold State elected office (or a designee);

''(ii) hold county or local elected office;

''(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

''(iv) are school officials or teachers; or

''(v) represent the affected public at large.

''(3) BALANCED REPRESENTATION.—In appointing committee members from the 3 categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

''(4) GEOGRAPHIC DISTRIBUTION.—The members of a resource advisory committee shall reside within the State in which the committee has jurisdiction and, to extent practicable, the Secretary concerned shall ensure local representation in each category in paragraph (2).

''(5) CHAIRPERSON.—A majority on each resource advisory committee shall select the chairperson of the committee.

''(e) APPROVAL PROCEDURES.—

''(1) IN GENERAL.—Subject to paragraph (3), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title.

''(2) QUORUM.—A quorum must be present to constitute an official meeting of the committee.

''(3) APPROVAL BY MAJORITY OF MEMBERS.—A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), if the project has been approved by a majority of members of the committee from each of the 3 categories in subsection (d)(2).

''(f) OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.—

''(1) STAFF ASSISTANCE.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

''(2) MEETINGS.—All meetings of a resource advisory committee shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.

''(3) RECORDS.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

''SEC. 206. USE OF PROJECT FUNDS.

''(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—

''(1) AGREEMENT BETWEEN PARTIES.—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

''(A) The schedule for completing the project.

''(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

''(C) For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

''(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

''(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may decide, at the sole discretion of the Secretary concerned, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

''(b) TRANSFER OF PROJECT FUNDS.—

''(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System land or Bureau of Land Management District an amount of project funds equal to—

''(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

''(B) in the case of a multiyear project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

''(2) CONDITION ON PROJECT COMMENCEMENT.—The unit of National Forest System land or Bureau of Land Management District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

''(3) SUBSEQUENT TRANSFERS FOR MULTIYEAR PROJECTS.—

''(A) IN GENERAL.—For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System land or Bureau of Land Management District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a).

''(B) SUSPENSION OF WORK.—The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent fiscal years are not available.

"SEC. 207. AVAILABILITY OF PROJECT FUNDS.

''(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By September 30 of each fiscal year through fiscal year 2011, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

''(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—Subject to section 208, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

''(c) EFFECT OF REJECTION OF PROJECTS.—Subject to section 208, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

''(d) EFFECT OF COURT ORDERS.—

''(1) IN GENERAL.—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall return the unobligated project funds related to the project to the participating county or counties that reserved the funds.

''(2) EXPENDITURE OF FUNDS.—The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under subparagraph (B) or (C)(i) of section 102(d)(1).

"SEC. 208. TERMINATION OF AUTHORITY.

''(a) IN GENERAL.—The authority to initiate projects under this title shall terminate on September 30, 2011.

''(b) DEPOSITS IN TREASURY.—Any project funds not obligated by September 30, 2012, shall be deposited in the Treasury of the United States.

"TITLE III—COUNTY FUNDS

"SEC. 301. DEFINITIONS.

''In this title:

''(1) COUNTY FUNDS.—The term 'county funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

''(2) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

"SEC. 302. USE.

''(a) AUTHORIZED USES.—A participating county, including any applicable agencies of the participating county, shall use county funds, in accordance with this title, only—

''(1) to carry out activities under the Firewise Communities program to provide to homeowners in fire-sensitive ecosystems education on, and assistance with implementing, techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires;

''(2) to reimburse the participating county for search and rescue and other emergency services, including firefighting, that are—

''(A) performed on Federal land after the date on which the use was approved under subsection (b);

''(B) paid for by the participating county; and

''(3) to develop community wildfire protection plans in coordination with the appropriate Secretary concerned.

''(b) PROPOSALS.—A participating county shall use county funds for a use described in subsection (a) only after a 45-day public comment period, at the beginning of which the participating county shall—

''(1) publish in any publications of local record a proposal that describes the proposed use of the county funds; and

''(2) submit the proposal to any resource advisory committee established under section 205 for the participating county.

"SEC. 303. CERTIFICATION.

''(a) IN GENERAL.—Not later than February 1 of the year after the year in which any county funds were expended by a participating county, the appropriate official of the participating county shall submit to the Secretary concerned a certification that the county funds expended in the applicable year have been used for the uses authorized under section 302(a), including a description of the amounts expended and the uses for which the amounts were expended.

''(b) REVIEW.—The Secretary concerned shall review the certifications submitted under subsection (a) as the Secretary concerned determines to be appropriate.

"SEC. 304. TERMINATION OF AUTHORITY.

''(a) IN GENERAL.—The authority to initiate projects under this title terminates on September 30, 2011.

''(b) AVAILABILITY.—Any county funds not obligated by September 30, 2012, shall be deposited in the Treasury of the United States.

"TITLE IV—MISCELLANEOUS PROVISIONS

"SEC. 401. REGULATIONS.

''The Secretary of Agriculture and the Secretary of the Interior shall jointly issue regulations to carry out the purposes of this Act.

"SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this Act for each of fiscal years 2007 through 2011.

''(b) EMERGENCY DESIGNATION.—Of the amounts authorized to be appropriated under subsection (a) for fiscal year 2007, $425,000,000 is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

"SEC. 403. TREATMENT OF FUNDS AND REVENUES.

''(a) RELATION TO OTHER APPROPRIATIONS.—Funds made available under section 402 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

''(b) DEPOSIT OF REVENUES AND OTHER FUNDS.—All revenues generated from projects pursuant to title II, including any interest accrued from the revenues, shall be deposited in the Treasury of the United States.''.

(b) FOREST RECEIPT PAYMENTS TO ELIGIBLE STATES AND COUNTIES.—

(1) ACT OF MAY 23, 1908.—The sixth paragraph under the heading ''FOREST SERVICE'' in the Act of May 23, 1908 (16 U.S.C. 500) is amended in the first sentence by striking ''twenty-five percentum'' and all that follows through ''shall be paid'' and inserting the following: ''an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid''.

(2) WEEKS LAW.—Section 13 of the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 500) is amended in the first sentence by striking ''twenty-five percentum'' and all that follows through ''shall be paid'' and inserting the following: ''an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid''.

(c) PAYMENTS IN LIEU OF TAXES.—

(1) IN GENERAL.—Section 6906 of title 31, United States Code, is amended to read as follows:

"§ 6906. Funding

''For each of fiscal years 2008 through 2012, such sums as are authorized under this chapter shall be made available to the Secretary of the Interior, out of any amounts in the Treasury not otherwise appropriated, for obligation or expenditure in accordance with this chapter.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 69 of title 31, United States Code, is amended by striking the item relating to section 6906 and inserting the following:

''6906. Funding.''.

(d) INCREASE IN INFORMATION RETURN PENALTIES.—

(1) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(A) IN GENERAL.—Section 6721(a)(1) of the Internal Revenue Code of 1986 is amended—

(i) by striking ''$50'' and inserting ''$250'', and

(ii) by striking ''$250,000'' and inserting ''$3,000,000''.

(B) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

(i) CORRECTION WITHIN 30 DAYS.—Section 6721(b)(1) of such Code is amended—

(I) by striking ''$15'' and inserting ''$50'',

(II) by striking ''$50'' and inserting ''$250'', and

(III) by striking ''$75,000'' and inserting ''$500,000''.

(ii) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—Section 6721(b)(2) of such Code is amended—

(I) by striking ''$30'' and inserting ''$100'',

(II) by striking ''$50'' and inserting ''$250'', and

(III) by striking ''$150,000'' and inserting ''$1,500,000''.

(C) LOWER LIMITATION FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Section 6721(d)(1) of such Code is amended—

(i) in subparagraph (A)—

(I) by striking ''$100,000'' and inserting ''$1,000,000'', and

(II) by striking ''$250,000'' and inserting ''$3,000,000'',

(ii) in subparagraph (B)—

(I) by striking ''$25,000'' and inserting ''$175,000'', and

(II) by striking ''$75,000'' and inserting ''$500,000'', and

(iii) in subparagraph (C)—

(I) by striking ''$50,000'' and inserting ''$500,000'', and

(II) by striking ''$150,000'' and inserting ''$1,500,000''.

(D) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6721(e) of such Code is amended—

(i) by striking ''$100'' in paragraph (2) and inserting ''$500'',

(ii) by striking ''$250,000'' in paragraph (3)(A) and inserting ''$3,000,000''.

(2) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(A) IN GENERAL.—Section 6722(a) of the Internal Revenue Code of 1986 is amended—

(i) by striking ''$50'' and inserting ''$250'', and

(ii) by striking ''$100,000'' and inserting ''$1,000,000''.

(B) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6722(c) of such Code is amended—

(i) by striking ''$100'' in paragraph (1) and inserting ''$500'', and

(ii) by striking ''$100,000'' in paragraph (2)(A) and inserting ''$1,000,000''.

(3) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 of the Internal Revenue Code of 1986 is amended—

(A) by striking ''$50'' and inserting ''$250'', and

(B) by striking ''$100,000'' and inserting ''$1,000,000''.

(4) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2008.

(e) REPEAL OF SUSPENSION OF CERTAIN PENALTIES AND INTEREST.—

(1) IN GENERAL.—Section 6404 of the Internal Revenue Code of 1986 is amended by striking subsection (g).

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply to notices provided by the Secretary of the Treasury, or his delegate after the date which is 6 months after the date of the enactment of this Act.

(B) EXCEPTION FOR CERTAIN TAXPAYERS.—The amendment made by this section shall not apply to any taxpayer with respect to whom a suspension of any interest, penalty, addition to tax, or other amount is in effect on the date which is 6 months after the date of the enactment of this Act.

(f) PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.—

(1) IN GENERAL.—Section 402A(e)(1) of the Internal Revenue Code of 1986 (defining applicable retirement plan) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following:

''(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

(2) ELECTIVE DEFERRALS.—Section 402A(e)(2) of the Internal Revenue Code of 1986 (defining elective deferral) is amended to read as follows:

''(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means—

''(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

''(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2007.

Mr. CRAIG. Mr. President, what is the order now?

The PRESIDING OFFICER. There is 1½ minutes under the control of the Senator from North Carolina.

Mr. WYDEN. Mr. President, does our side have any additional time?

The PRESIDING OFFICER. No.

Mr. BURR. Since the other side does not get any additional time, I will yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. 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. CRAIG. I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 697, AS MODIFIED

Mr. CRAIG. Mr. President, it is my understanding there is a Warner amendment 697 at the desk, as modified. I ask unanimous consent that it be agreed to, as modified.

The PRESIDING OFFICER. Without objection, the amendment, as modified, is agreed to.

The amendment (No. 697), as modified, was agreed to.

Mr. CRAIG. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRAIG. 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. COBURN. 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. COBURN. Mr. President, under the previous order, I believe I have several amendments pending. I rise to discuss those with my colleagues. I will call up several of them as I go along.

It is important for the American public to know what is going on. If we go back to 2003, what we can see is a major growth in emergency spending. Why is that important? It is important because emergency spending is totally outside the budget parameters on which the Senate works. Emergency spending doesn't count against any total cap on what our spending will be. It doesn't count against the budget deficit, and it doesn't count against the budget rules. We merely spend the money outside of any rules of control, and we charge it. We take a credit card and we say: Kaching, grandchildren, you are up.

As my colleagues can see from this chart, from 2003, 2004, 2005, 2006, to 2007, as the bill before us today, we see an average of over $100 billion a year, about $110 to $115 billion a year outside of a $3 trillion budget. So no taxpayer dollars presently are going to go to pay for any of this. What we are going to do is ask the Treasury to issue bonds and notes. Guess who will be redeeming those notes. Our grandchildren. Who is at fault in all this? Partly the administration because part of this funding has been for a war that should have been budgeted through the Defense appropriations bill. That will happen next year. But the fact is, we can take $80 billion out of this across the year and apply it to the war.

What about the other $30 billion every year on average that doesn't have anything to do with the war and doesn't have anything to do with an emergency? Remember, this is supposedly emergency spending. How long have we been in this war? Four years. There is nothing emergency about it. We know the spending. It should go through the regular process. Our budget rules define ''emergency'' as something unforeseen, unexpected. We have to question the intellectual honesty of our body when the $18.7 billion that is added on to the defense request in this bill is deemed an emergency.

The first amendment I will talk about is $100 million that is an emergency to fund increased security at the conventions, both in Minneapolis-St. Paul and in Denver. We have known we were going to have conventions every 4 years for a long time. Never before have we funded the security required for these conventions out of an emergency bill. So in essence, what we are going to do is we are going to have two big parties and we are going to send the bill for those parties to our grandkids.

The first amendment I have actually eliminates that $100 million. We have plenty of time under the regular appropriations process with which to supply the money within the budget guidelines. Every billion we spend outside of the budget guidelines means that is another billion which is going to be spent inside, which means we are actually doubling the spending. Something that should have been inside, now we are going to spend outside of the budget. We are going to charge it to our children, and then we are going to spend more money.

How did we get where we are? The important thing to look at as to how we got where we are is to look at what has happened to Defense appropriations every year. There is a requirement that is asked for from the Pentagon in the budget. It is within our budget numbers. What happens when it comes out of here? What happens is, it gets underfunded intentionally. Why does it get underfunded intentionally? So that we can create, in 2003, 2004, 2005, 2006, and 2007, additional spending inside the budget, and then we come back and get the actual defense needs in an emergency. It is a shell game that is being played on the American public that says: We are going to underfund what we know we need in defense. Then we know there is going to be an emergency supplemental, and we will make up for that when the emergency supplemental comes. But because we underfunded defense, we can therefore spend the money somewhere else outside of the budget. It is a game that we continue to play that is unfair to the American public.

AMENDMENT NO. 648

I call up amendment 648.

The PRESIDING OFFICER. The amendment is pending.

Mr. COBURN. Amendment No. 648 removes $100 million. This is not about

being against security for people who are going to attend the conventions. It is ironic that the decisions which are made at the conventions will have already been made probably in February or March. But we are going to charge the American taxpayers $100 million for security outside of the budget. Who are we really charging? We are charging our grandkids. This has never before happened. Always before, if we funded money for convention sites, we have done it within the budget. So it isn't an emergency, and it is markedly unethical to take money that should be inside our budget and place it outside and ask our grandchildren to pay for us to all have a party in August and September.

H.R. 4613, the fiscal year Department of Defense appropriations bill, provided $50 million for discretionary grants for this same purpose associated with the 2004 nominating conventions. We did that in the 2005 bill. We did it within the budget. We have done it before.

Let's talk about the criteria of what is an emergency: necessary, essential, and vital, plus sudden, quickly coming into being, not building up over time, an urgent, pressing, compelling need requiring immediate action, subject to unforeseen, totally unpredictable and unanticipated, not permanent and temporary nature. There is no question the funding for the conventions for the Democratic and Republican parties does not meet any of those criteria. Yet here it is in the bill. Why do we find it in this bill? So we don't have to spend the money inside the budget limitations that are placed on Congress. Here is $100 million outside of that budget limitation that we are then going to spend, another $100 million, because we have not paid for this one, and we should have paid for it within the budget.

This isn't sudden. It is not urgent. It is not pressing. It does not require immediate action, is not unforeseen, not unpredictable, and it was not unanticipated. There have been nominating conventions since 1832. The year 2008 will be the second Presidential election since the 9/11 terrorist attack. There is no question that increased security is required. But this is the first time we have said it is an emergency. It is like saying we don't know the census is coming in 2010. We will have an emergency supplemental for the census. As a matter of fact, we have done that before. The war on terror is an emergency. Having a party for politicians and their political parties doesn't qualify.

We are going to have a vote on this amendment. I expect to lose the vote. But I also expect the American people will ask: Why in the world would we be doing this? Why would we violate their good will by playing games for the political parties? Why would we do that? It comes back to the point of where we are in the Senate, why are we addressing this legislation? Why is there $18.7 billion worth of additional items added to this bill other than to fund the Defense Department?

We will hear all sorts of answers: We need it. We didn't do it. We have emergency agricultural appropriations in this bill.

Actually, I believe there is an emergency in farm country, and we ought to be doing something about it. But we ought to be paying for it. I haven't yet talked to a farmer from Oklahoma who thinks his grandchildren ought to be paying for us to do an emergency supplemental in terms of agriculture. They believe we ought to find it within.

The fact is, Senator CARPER and I held 49 hearings in the last Congress and discovered over $200 billion of waste, fraud, abuse, or duplication within the discretionary budget. That is within $1 trillion, 20 percent. Most Americans probably believe that. The problem is, most politicians don't have the nerve to challenge where that spending is because there is an interest group that wants it spent. There is an interest group, and it is us. It is self-serving that we are going to spend $100 million on increased security for the conventions and not pay for it and spend that money inside the budget on something else. Probably the greatest moral question is, Are we going to have a party on our unborn next generation?

They are going to be the ones who pay back this $100 million. It is not going to be $100 million when they pay it back; it will probably be $500 million or $600 million by the time we get to paying it back with the compound interest.

What would this $100 million do if we were not spending it on security at party conventions? It would buy 31,797 sets of body armor. It would uparmor 658 humvees. It would uparmor 529 ambulances, medic carriers for the guys who are helping our guys in the field.

Instead, we are going to use a bill, intended to cover the cost of winning the war, to protect our national security, fight the war on terrorism, to add $100 million to our national debt that already exceeds $8.7 trillion. We added $1,000 to that debt last year for every man, woman, and child. We added $1,000. If you pass this bill—''emergency''—what we are going to do is add another $400 for every man, woman, and child in this country—the debt just for this bill. So it ought to be about real emergencies.

Federal funding also is already planned for the conventions. The Department of Justice did not request this $100 million. The administration budgeted $15 million for the Secret Service to provide the security at these conventions. Each convention has been designated as a national security, special security event, making security personnel eligible for other Federal tax dollars through grants to cover the expenses. Why are we doing it? There has not even been a security plan for which we are throwing $100 million at formalized for the conventions.

I believe if you are a young person in this country today, what we are doing on this bill, especially with this item, has to be heartbreaking. April 15 is coming up pretty soon. We all look at our pay stubs and see what we are paying in Federal taxes. What you do not see when you get that pay stub is how much additional you are going to owe at the end of the year because we were not responsible. We were not responsible with the taxpayers' money. Yet we play all these shell games of hiding money, underfunding defense so we can bring it back in a supplemental, so we can spend money elsewhere rather than making the tough choices.

Let's read about what was in the news after the last conventions. It is pretty interesting to know. One hundred million dollars of your money for the following: USA Today reported the convention featured more than 200 parties by corporations, lobbyists, trade groups, and other organizations. These were in addition to the high-dollar donor meals, golf tournaments, sporting events held during the convention week. Top sponsorship at these events can cost up to $250,000—golf tournaments, breakfast at Tiffany's, Yankee Stadium fundraisers, champagne and cigar celebration, baseball games.

We are going to spend $100 million of our grandkids' money to protect politicians while they have a party. To me, it is unconscionable. It is even more unconscionable to do it in this bill. There is nothing about this that is an emergency. There is nothing about this that was not foreseen. There is nothing about this that was not anticipated. This is a game.

The last election reminded us—my party—you cannot say one thing and do another, except that is what we are seeing with this bill.

AMENDMENT NO. 649

Mr. President, I wish also to spend some time on amendment No. 649. Over the last 5 years, the University of Vermont has received $400 million in earmarks for things for that university. In this bill is an earmark for $2 million. The first thing we said is we are not going to have earmarks that are not published: who put them in, who sponsored them, and what they are for. This is an emergency bill. There is no question we ought to honor former Senator Jeffords. There is no question we ought to do that. But in an emergency bill that is unpaid for, that does not have anything to do with fighting the war on terror, we are going to send another $2 million to a university that has gotten $400 million over the last 5 years? This is not a place for it. It is not the time for it. It is not the way to do it. Supposedly, we are free of earmarks, and yet here is an earmark for which we do not have the money. We are not going to be able to pay for it, even though the claim is this is offset. It is offset with student loan management money. That is how they have offset it to say it does not

cost any money. Which is more important? More students getting loans and effective management so more people get student loans or giving another $2 million to a university that has already gotten $400 million of the taxpayers' money? I do not think there is any question in the average American's mind in regard to that.

Let me read what the University of Vermont has gotten: year 2000, $54 million for 201 different programs; year 2001, $60 million; year 2002, $69 million; year 2003, $76 million for 249 different programs; year 2004, $70 million; year 2005, $68 million. There is a lot of money that has already gone up there, a lot of it borrowed.

At the present time, the University of Vermont has an endowment of $282,594,000. Now, the interest on that, at 6 percent, gives you about, oh, close to $15 million a year—just the interest off that endowment. I believe they have plenty of money to fund this chair to honor Senator Jeffords.

The endowment grew 16 percent last year. Its growth last year was 20 times the amount of this earmark. Again, it is not unanticipated, certainly not an emergency, certainly it is not something we have to do now.

Again, is it necessary? Essential? Is it not merely useful or beneficial? It is useful. It will be beneficial. Did the demand for this quickly come into being? No. It was part of an earmark in the Labor-HHS bill that was not included in last year's appropriations. Is it urgent, pressing, and compelling, requiring immediate action? No. Was it unforeseen or unpredictable or unanticipated? Is it temporary in nature? No. It is not temporary. It is the start of many years of giving $2 million a year on the same thing.

This project violates the Appropriations Committee's own earmark moratorium. On December 11, Chairman BYRD and Congressman OBEY announced there would be no more congressional earmarks until the new rules were put in place to make the process more transparent and more accountable. Those rules are not in place. The transparency and accountability is not there. Yet we see an earmark.

Here is what the joint statement said:

> We will place a moratorium on all earmarks until a reform process is put in place. Earmarks included in this year's House and Senate bills will be eligible for consideration in the 2008 process subject to new standards for transparency and accountability. We will work to restore an accountable, above-board, transparent process for funding decisions and put an end to the abuses that have harmed the credibility of Congress.

More of the same. There is no end in sight. This earmark was previously included in the report language—not the law, in the report language—for the fiscal year 2007 Labor-HHS appropriations bill. That was on page 251 of that report. It is the first of the earmarks to be resurrected from last year.

I might say as an aside, the Congressional Research Service has refused to honor a request from myself and Senator DEMINT to give us a list of the earmarks in the 2007 appropriations bills—a flat-out refusal. There is a lot of speculation as to why they do not want the American people to know what the earmarks were last year. Come 2008, we are going to get to find out them all under the Transparency and Accountability Act that myself and Senator OBAMA and several others cosponsored, which became law last year.

When we questioned the University of Vermont about this earmark, we asked: What were the estimated costs of the project long term? They could not give us an answer. Who was going to finance it after the program was established? They could not give us an answer. How will the Federal funding be expended? They could not tell us that. Did the university request the funding? We do not know the answer to that either. None of these questions have been answered by the University of Vermont.

This $2 million could be spent for our troops. It would buy 2,857 carbine rifles the National Guard presently does not have so they could conduct training. It would buy 4 mine-protected vehicles or 13 uparmored humvees.

Mr. President, I wish at this time, without giving up my right to the floor, to yield time to the Senator from Virginia.

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

The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank my distinguished colleague.

AMENDMENT NO. 697, AS MODIFIED

Mr. President, the Senate, a few minutes ago, acted on an amendment, the Warner-Byrd amendment. It is a rather unique one. I first thank my distinguished colleague and mentor in many ways, ROBERT C. BYRD of West Virginia. We have collaborated together many times on pieces of legislation.

But I approached him, and he concurred in my observations, that this was badly needed by the Congress, by the country, and indeed by the President and his staff, as well as the Department of Defense.

Our amendment calls for the appropriation of a sum of money to enable a private sector entity to make an independent—independent of all entities, the Pentagon and otherwise, in the Federal Government—assessment of the status of the Iraqi security forces, most specifically the army, the national guard, and other elements which are fighting alongside the coalition forces, and primarily the U.S. forces now in the operations in Baghdad.

I have followed this issue for a number of years, and I have referred to the report to the Congress of May 2006, roughly a year ago. In that report, they talk about the:

> Iraqi Security Forces (ISF) continue to grow in strength and capability as indicated by:
>
> progress in the training and equipping of ISF personnel;
>
> assessed capabilities of operational units; and
>
> progress in assuming responsibility for security of areas within Iraq.

In another part, on page 46:

> With the generation of Iraqi Army battalions now more than 89 percent complete, the focus of the Army's train-and-equip effort has shifted towards building combat support and combat service support forces.

Now, this is a report, as I say, of a year ago. Compare that to the report Congress received this month, March of 2007, and the following paragraph, observation, from page 25:

> By the end of 2006, the United States and its Coalition partners met their force generation targets, while continuing their efforts to expand the size and capability of the ISF—

''ISF'' being Iraqi Security Forces—

> to meet emergent requirements. As of February 19, 2007, approximately 328,700 forces (not including replenishments) have been trained. The actual number of present-for-duty soldiers is about one-half to two-thirds of the total due to scheduled leave, absence without leave—

That is referred to by those of us who served as ''AWOL''—

> and attrition.

So it is not nearly, in 2007, as encouraging as the report in 2006. I felt, together with Senator BYRD and a group of cosponsors on this amendment, it was imperative we get an independent analysis of some of the reports of the Department of Defense and others to determine what is the viability of this force.

Every plan we lay down and discuss here on the floor regarding Iraq—the amendment yesterday adopted narrowly by Senator REID, calling on certain troop deployments and dates; the President's program of January 20 of this year, in which he revised strategy and initiated what we commonly refer to as the surge operation in Baghdad today—every single plan, concept for the future of Iraq is dependent upon the military proficiency, the viability, the capability of the Iraqi security forces. I felt very strongly that we had to go and get a second opinion—a phrase often used in medicine, but it is just as important here in diplomacy. It is just as important in military analysis. Let us get a second independent opinion about these forces.

Drawing on my own modest military career but a lifetime of experience in working with our military and having served in the Pentagon for over 5 years as Under Secretary and Secretary of the Navy, I have had some experience with training of forces. Our great country, since World War II, took recruits, brought them into recruit training, and in 6 to 7 months they were trained, capable individuals. They were then assigned to other units to have additional training, but they were often ready. Today, those same recruits in this generation of forces that we have serving on active duty in the Army and particularly the National Guard, they are trained in a period of 6 to 8 to 9

months, and then they go into combat situations. We have been training these 325,000 people, most of them, for a period of 2½ years. We need to know at what point this heavy investment of American taxpayers' dollars, the work of the U.S. military to train these individuals, at what point are we able to say: This force is able to take on these operations and perform them because all our planning is dependent on that.

I find it most difficult to see how we have trained 325,000—that is over twice the number of U.S. forces in Iraq—we have trained them for these many years. Why are they not able to step up and take on the major operations now being performed by the U.S. forces? Our President has indicated we will continue to embed our forces with Iraqi units and continue to give them certain supplies and logistics and equipment. It seems to me the fighting, the brunt of the fighting ought to be borne by the Iraqi forces, and we, the United States, be it the Congress or the executive branch—but most importantly the people—are entitled to have an assessment of what we have created with the expenditure of these hundreds upon hundreds upon hundreds of millions of dollars to train these forces.

Now, the concept is—and I will be working with the administration and hopefully this becomes law and work through the process of appropriations—this sum of money would go to a private, independent entity to engage individuals to make this report, and then the report comes back to the Congress of the United States.

I thank my colleagues who have supported me, particularly my distinguished, longtime friend and associate from West Virginia, Senator ROBERT C. BYRD. We have done our work to initiate this all-important study because every plan we have is dependent upon a better understanding and knowledge of what has or has not been created in terms of the Iraqi security forces.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. WARNER. I am pleased to yield to the Senator.

Mr. DURBIN. I respect the Senator and his service to our country in uniform as well as the Secretary of the Navy and of course his service in the Senate. I ask him this question:

Let's assume that 120 days from now, the report comes back and says the Iraqi military is not prepared to stand and defend its own country. What responsibility then falls on our shoulders?

Mr. WARNER. Mr. President, it seems to me we have to face the reality of fact. Now, this would be an independent report. Obviously, I think the Department of Defense would come back and provide some rebuttal or some additional information, so we would have to take all the viewpoints and put them together. But what I say to my distinguished colleague from Illinois is we are still relying solely upon these reports that come on an annual basis. I read through them, and I encourage others to do so. It is very difficult to glean from these reports that sound, basic fact: Are they trained? Are they equipped? Are they ready? Most importantly, I say to the Senator, do they have the commitment in their hearts to take orders and fight on behalf of the Iraqi people? That is what concerns me because of the large amount of AWOL, absentees, and all the other types of things that are reflected in this report.

Mr. COBURN. Madam President, reclaiming my time, as the floor is under my control.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Oklahoma is recognized.

AMENDMENT NO. 657

Mr. COBURN. I would like to continue, since my time is going to be limited by what I will be allowed to discuss on my amendments in terms of total time, I wish to spend a minute talking about amendment 657. There is no question we have some critical needs among many of our agricultural suppliers in this country—needs that were unforeseen, needs that were unanticipated, needs that we should have addressed last year but didn't; needs that we should have addressed in the CR, but we were precluded from offering an amendment to offer a way to supply those needs. What this amendment does is it provides farm relief to both our production agriculture individuals, as well as our cattle, in a fiscally responsible manner.

I wish to give some quotes, before I go into the details, from last year's debate with Senator CONRAD and Senator DORGAN. Here are the following quotes:

> I am very much in sympathy with Senator COBURN on the notion of paying for this. I appreciate very much—as the Senator knows, I wish to pay for this all as well. We have a way to do a pay-for, but I am precluded from doing so by the rules. On the question of paying for it, I have complete agreement with the Senator from Oklahoma. I wish the rules permitted us to offer an amendment for pay-for. I don't have disagreements about the issues of paying for it. I suggest we do a unanimous consent. I would do a unanimous consent to pay for it. These things ought to be paid for. We have hundreds of billions of dollars come through here with hardly a blink, none of it paid for. That ought to change. I am with the Senator from Oklahoma. Let's try to change that.

The fact is this does not have a pay-for, not because Senator CONRAD doesn't want it there or I don't want it there; it ought to be there.

Well, here is the chance to put those words into action. What this amendment does is strike all nonessential items in the farm title so the scarce resources we have can be maximized for crop and livestock disaster assistance. The language in this amendment leaves verbatim that language in the underlying bill. It requires, though, the underlying funding for the emergency in this bill to be paid for within existing funds at the Department of Agriculture. You are going to hear all this screaming: They can't do it. You know what. They have $8 billion in the bank right now unspent, unobligated; money that is sitting there from this last year and this year that they haven't spent. This total will come to $4.15 billion, $4.15 billion to take care of the real needs of the consumer, the production agriculture in this country that has had 3 years of drought, has had 3 years of floods, has had 3 years where they didn't produce a crop. Those who actually bought crop insurance are going under anyway. What it would not do is add the other $1 billion to the outside of that for special interests that aren't the heart of agriculture in this country and when we do that, we are going to pay for it.

How dare you take money from the Department of Agriculture. The Department of Agriculture is, if you compared it on size and budget, the sixth biggest business in the United States. There isn't a big business out there that if they had to scrimp, couldn't save 4 or 5 percent on their business. As a matter of fact, they do it every day. As soon as their stocks start getting low, they start trimming, becoming more efficient, better ideas, better efficiency, and they cut their costs. We can do that at the Department of Agriculture.

This body isn't about to vote for this amendment because they don't want to have that fight. They don't want to have the hard work of making the Department of Agriculture efficient and not allowing the waste, fraud, abuse, and duplication that goes on in the Department of Agriculture. The $1.6 billion of food stamp payments that are paid out to people who are ineligible every year, who are ineligible, who have plenty of money, yet they are getting food stamps. All the other programs that have waste, fraud, and abuse in them, we are not going to take the step and say: Department of Agriculture, take the money that you have now—you have almost $8 billion in the bank—work real hard, trim yourself about 2 or 3 percent, save the money and go out and do what is going to make a difference to the production of agriculture in this country. No, we are going to do what is easy when this amendment goes down.

What we are going to do is we are going to say: Grandkids, we didn't have the courage to do what was right in 2007. We didn't have the courage to look at the programs that weren't efficient. We didn't have the courage to challenge somebody when they were being wasteful. We didn't have the courage to find it within ourselves to not lessen your standard of living because we wanted our standard of living taken care of.

So what they are going to see is an extra $5 billion or $6 billion coming out of their pockets 20 and 30 years from now when we attempt to try to pay back this money, and they are going to wonder: What did we do? What were the standards under which we operated?

What was the character trait in us, as a body, that allowed us to not demand efficiency from an agency of the Federal Government and yet go the easy way and demand it out of the livelihood and opportunity of our grandchildren? That is what they are going to ask. What is the character flaw in that? Is it laziness? The Members of this body obviously care about this country. What is it? What is it that would not make them do the hard work of challenging the inefficiency that we all know is out there in the Federal Government and we all know is within the Department of Agriculture? Not that the Department of Agriculture employees aren't great. They are. They work hard. They are dedicated. But there is still enough money in the sixth largest corporation in America, the Department of Agriculture, to find $4.15 billion and bail out the guys and gals who need to be bailed out right now, just like we have tried to bail out Louisiana.

What is the character flaw? Is it self-centeredness? Is it laziness? Is it not willing to fight to make things better? Or is it so easy to put the credit card into the machine and say: I am not going to worry about tomorrow. I am going to think about the short run right now. Long term doesn't have any consequence to it. I am not going to consider that.

Now, what does this amendment get rid of? What it keeps is $2.09 billion in crop assistance and $1.64 billion in livestock assistance. What does it get rid of? It gets rid of individual earmarks for individual Senators. It gets rid of $40 million for the tree assistance program which includes Christmas trees, shrubs, nursery bushes. It gets rid of $30 million in administration for hiring additional Farm Service Agency personnel and computer upgrades. You tell me we can't find $30 million in the sixth largest corporation in this country to finally fix the computers? Sure we can. It will be hard, but we can do it. But it will never happen unless Congress asks for it to happen—demands that it happen. Once you start asking one agency to do that, it will be easy to ask the next agency to do that. Pretty soon, before you know it, Americans are starting to get good value for their money.

If, in fact—it is not ''if, in fact,'' it is actually a fact. Eighteen to twenty percent of all the discretionary funds spent by the U.S. Government are either waste, fraud, abuse or duplicative. Think about that. That means 20 cents out of every taxpayer dollar you pay in the discretionary side of the budget, one-third of the budget—the rest of it is Medicare, Medicaid, and Social Security—is not efficiently managed, spent or directed for the purposes it was intended. So why would we not force this? We are going to hear it is impossible. You can't ask them to find it. I will guarantee, if they were a public company and their stock was tanking and they weren't doing well, they would hire a new CEO and, before you knew it, that would happen. The $4 billion would be made up through efficiency, innovation, and programmatic changes that directed the programs to the most needy at the best time, at the best efficiency, with the least cost and the greatest skill.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COBURN. I thank the Chair.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Madam President, I now ask unanimous consent that the previous order be further modified to provide that the cloture vote occur immediately; that the other two votes with respect to the Wyden and Burr amendments occur at 2 p.m. under the same conditions and limitations; provided further, that notwithstanding rule XXII, the amendments remain in order.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, reserving the right to object, and I will not object, we are working on scheduling additional votes at 2 o'clock beyond those specified in the consent now pending.

I intend to vote for cloture. I hope everyone on my side will vote for cloture. We are going through an exercise that is going to ultimately lead to a vetoed bill that doesn't get money to the troops. The sooner we can get this bill out of the Senate and into conference, get the conference completed, and get the bill down to the President for veto, the sooner we can get serious about passing a bill and getting money to the troops.

Ultimately, I recommend that Republican Senators vote for cloture.

Mr. REID. Madam President, I want to get along, but we are serious about this legislation. We believe it is a good piece of legislation. We understand the President wants a bill. If he wants a bill, we can have final passage in about 10 minutes.

Mr. MCCONNELL. Madam President, further reserving the right to object, if we must debate this now, we will. The fundamental issue before us is whether we are going to get money to the troops, not whether we are going to deal with $20 billion of additional spending over and above the request to get money for the troops.

The only way this bill has a chance of becoming law in time to provide money for the troops, and not send a date for surrender to our enemies, is to get through the process as rapidly as possible.

The leader and I had very cordial conversations earlier today about votes on amendments postcloture. We think we have an understanding that will be satisfactory to both sides.

There will be additional votes this afternoon. There is a possibility that we might finish the bill today but certainly tomorrow. My recommendation is that we invoke cloture and move forward.

The PRESIDING OFFICER (Mr. CASEY). The majority leader is recognized.

Mr. REID. Mr. President, the Republican leader and I had cordial conversations this morning. We will have them this afternoon.

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

The Senator from Washington.

Mrs. MURRAY. Mr. President, we will now move to the cloture vote. Following the cloture vote, it is our understanding that Senators HAGEL and WEBB, under the previous agreement, will speak on the amendment to which they would like to speak. For the information of all Senators, once this vote occurs, Senator HAGEL and Senator WEBB will be speaking, and then we will have votes at 2 o'clock, which were just ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on Calendar No. 84, H.R. 1591, the emergency supplemental 2007 appropriations bill.

Harry Reid, Robert C. Byrd, Jack Reed, Patrick Leahy, B.A. Mikulski, Byron L. Dorgan, Christopher J. Dodd, Dianne Feinstein, Richard J. Durbin, Chuck Schumer, Debbie Stabenow, Barbara Boxer, Herb Kohl, Jay Rockefeller, Joe Biden, E. Benjamin Nelson, Daniel K. Akaka, Ted Kennedy.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 1591, an act making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes, as amended, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Wyoming (Mr. ENZI) and the Senator from Arizona (Mr. MCCAIN).

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

The yeas and nays resulted—yeas 97, nays 0, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—97

Akaka	Domenici	Mikulski
Alexander	Dorgan	Murkowski
Allard	Durbin	Murray
Baucus	Ensign	Nelson (FL)
Bayh	Feingold	Nelson (NE)
Bennett	Feinstein	Obama
Biden	Graham	Pryor
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Roberts
Brown	Harkin	Rockefeller
Brownback	Hatch	Salazar
Bunning	Hutchison	Sanders
Burr	Inhofe	Schumer
Byrd	Inouye	Sessions
Cantwell	Isakson	Shelby
Cardin	Kennedy	Smith
Carper	Kerry	Snowe
Casey	Klobuchar	Specter
Chambliss	Kohl	Stabenow
Clinton	Kyl	Stevens
Coburn	Landrieu	Sununu
Cochran	Lautenberg	Tester
Coleman	Leahy	Thomas
Collins	Levin	Thune
Conrad	Lieberman	Vitter
Corker	Lincoln	Voinovich
Cornyn	Lott	Warner
Craig	Lugar	Webb
Crapo	Martinez	Whitehouse
DeMint	McCaskill	Wyden
Dodd	McConnell	
Dole	Menendez	

NOT VOTING—3

Enzi	Johnson	McCain

The PRESIDING OFFICER. On this vote, the yeas are 97, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. REID. Mr. President, I call for the regular order with respect to amendment No. 690.

The PRESIDING OFFICER. Amendment No. 690 is now the pending question.

AMENDMENT NO. 823 TO AMENDMENT NO. 690

Mr. REID. I now call up my amendment No. 823.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 823 to amendment No. 690.

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 as follows:

At the end of the amendment add the following:

The provision in this section shall become effective 2 days after enactment.

AMENDMENT NO. 707

Mr. REID. Mr. President, it is now my understanding that there is going to be an amendment that is going to be offered by the Senator from Nebraska and the Senator from Virginia; is that right?

The PRESIDING OFFICER. It is appropriate for the Senator to call for that amendment at this time, if he wishes.

Mr. REID. Mr. President, I haven't had an opportunity to speak to my friend from Nebraska, but I have spoken to my friend from Virginia, and I have a statement I would like to give. There is 90 minutes for debate. I don't know what their pleasure is or when they would want me to speak.

Mr. President, the amendment is at the desk; is that right?

The PRESIDING OFFICER. It is pending.

Mr. REID. Mr. President, first of all, I want to acknowledge how pleased I am to join as cosponsor of this extremely important amendment. I applaud Senators HAGEL and WEBB for returning the focus of the Senate to the issue of our troops and their readiness.

There is a lot of talk around here about supporting the troops. Too often we don't take the kind of action that can achieve that goal. Yesterday, when the Senate voted to maintain the language on changing course in Iraq, it was a good day for our country and for our troops who may finally get the new policy they deserve.

With yesterday's vote, the Senate finally acknowledged the reality in Iraq: The President's policy is not working. It is time to change course. This bipartisan position was backed up in the newspapers around the country today. USA Today and the Associated Press have an article today detailing how the surge is not working. Baghdad, in some instances, may be quieter, but according to the news outlets I have just mentioned, insurgents have taken their attacks elsewhere. I quote:

Nationwide, the number of deaths from car bombs has decreased slightly since the Baghdad Security Operation began. However, the death toll from car bombs has more than doubled in areas outside the capital compared to the previous 6-week period.

Violence has not stopped in Iraq. It has gotten worse. Earlier today, Shiite militants, including local police, went on a violent rampage. When it ended 2 hours later, we do not know how many Sunnis have been killed, but at least 60. The victims were men between the ages of 15 and 60, most of them killed with a shot to the back of the head.

These reports fly in the face of what we heard in the Senate yesterday from some quarters, and we hear from President Bush that things are better in Iraq. The idea that the surge is working or that it needs more time is a fantasy. What we see today in Iraq, months into the surge, is more of the same—the same violence, the same chaos, the same loss of life we have seen over the last 4-plus years, with 3,200 dead Americans and $500 billion spent. It is long past time to change course in Iraq.

If, yesterday, the Senate acknowledged the reality of the Iraq war, today we must acknowledge the reality of what the Iraq war is doing to our military and their ability to defend this Nation everyplace.

Mr. President, we have no better advocates to learn about the reality of combat than Senators HAGEL and WEBB. The authors of this amendment have authority on this subject based on their experience in battle, in war—not the classroom. When CHUCK HAGEL and JIM WEBB speak for a change of course, we should all listen.

CHUCK HAGEL is a Vietnam combat veteran. He served with his brother Tom. Both of them were infantry squad leaders with the U.S. Army's 9th Infantry Division. For his service, Senator HAGEL earned many military decorations, including having been wounded twice—two Purple Hearts. When I say CHUCK HAGEL is a combat veteran, I mean it. I mean it. Here is a description from a 2005 Washington Post profile of what Senator HAGEL faced in Vietnam:

In Vietnam, Chuck, 21, and his brother Tom, 19, had fought and nearly died together as infantry squad leaders. In 1968, their armored personnel carrier hit a 500-pound mine. It blew out Chuck's eardrums, set him on fire—''the whole left side of my face bubbled.'' Chuck pulled Tom, unconscious, from the burning gunner turret. Chuck saved his brother's life just months after Tom had saved his [brother Chuck's life], when shrapnel ripped through [Senator Hagel's] chest.

That is only part of the story. JIM WEBB was also in Vietnam. He was a marine with the Fifth Marine Regiment. For his service he was awarded the Navy Cross, the Silver Star, two Bronze Stars, and also two Purple Hearts. Here is an excerpt from his citation for the Navy Cross:

Continuing the assault, [Webb] approached a third bunker and was preparing to fire into it when the enemy threw another grenade. Observing the grenade land dangerously close to his companion, First Lieutenant Webb simultaneously fired his weapon at the enemy, pushed the marine away from the grenade, and shielded him from the explosion with his own body.

WEBB's service did not stop on the battlefields of Vietnam. In 1984, he was appointed the inaugural Assistant Secretary of Defense. In 1987, under President Reagan, he became the first Naval Academy graduate in the history of our country to serve the military and then become Secretary of the Navy.

These two men are authorities on war, authorities on war and the military. All of us would be wise to heed their counsel. CHUCK HAGEL and JIM WEBB are certified heroes. That is all you can say.

This morning I got up early and went to Walter Reed. I met a new generation of heroes, men and women injured serving in Iraq and Afghanistan. I was accompanied by my friend, the distinguished Senator from Washington, Mrs. MURRAY. To say I left depressed is an understatement. We have all heard the stories about Walter Reed.

I have two observations from my visit. I have been there on other occasions, but I have two observations from my visit today.

First, private contracting is destroying the ability of the military to care for our troops. Go to Walter Reed. Listen to the parents. Listen to the people who are there, who are hurt. I was walking into Walter Reed and I introduced myself to a man dressed in civilian clothes. He told me who he was: a college graduate.

I said: What do you do?

He said: I am an industrial hygienist.

I said: What do you do?

He said: I am one of those guys who goes around trying to make sure that these places are sanitary and safe. I check for mold.

I said: How are you doing?

He said: Terrible.

I said: Why?

He said: Because of contracting out we went from 15 industrial hygienists at Walter Reed to 5.

So contracting out is hurting our ability to care for our troops.

No. 2, one soldier said it the best. He was sitting there, leg off midthigh. He said: Everyone thinks that this is my problem. He said: That's not my problem. He said: It's this leg—and he had a leg that was terribly mutilated—the calf blown off, dropped foot, scars all up and down it.

He said: You know, but I'm really fortunate because I'm alive.

He went on to say: We amputees are treated pretty well. It's the people with injuries that you can't see who are having a difficult time.

That is the way it is. One young man from Cincinnati, OH, just turned 20 years old—big, as big as the Presiding Officer—big man. He said: I only got shot once. He said: I had a protective vest. I was shot in the stomach. It didn't hurt me too bad. But I survived multiple explosive devices.

He said: My friend—these are his words—''vaporized sitting next to me.''

He is now in big trouble—emotionally, mentally. He has a lot of problems. He said: I have nightmares, I sweat, I become violent, I can't remember anything. He said: I don't know what I'm going to do. He was one of a number whom we visited with there.

Walter Reed is a metaphor of what is happening to our military as a whole. We don't have a single Army unit that is nondeployed that is battle ready. We hear today from one of the generals that in the National Guard, 40 percent of the units are not capable of anything realistically connected to battle. It will take $40 billion to bring the Guard alone up to what it was before the war. The war has badly strained our military. The administration's policies have reduced our military readiness to levels not seen for a long time. Not a single unit, nondeployed Army unit, I repeat, is combat ready. Multiple and extended deployments overseas have reduced readiness and damaged recruiting, retention, and morale. Units have been sent into battle by this administration without the proper training and equipment, in my opinion. That is not supporting the troops; that is breaking the force. We have to do better.

This is not just my opinion. It is the opinion of current and former senior Army officers.

Colin Powell:

> The active Army is about broken.

Arnold Punaro, Chairman of the Commission on the National Guard and Reserves 15 days ago said:

> We can't sustain the [National Guard and Reserves] on the course we're on.

Peter Schoomaker, Chief of Staff of the Army, said:

> To meet combatant commanders' immediate wartime needs, we pooled equipment from across the force to equip soldiers deploying into harm's way. . . . This practice, which we are continuing today, increases risk for next-to-deploy units and limits our ability to respond to emerging strategic contingencies.

I spoke yesterday to a man in my security detail on his way to Iraq for the third time. Sadly, his story is the norm, not the exception. Of the Army's 44 combat brigades, all but one permanently based in South Korea have been deployed to Iraq or Afghanistan. Of those 43 brigades, 12 deployed once, 20 deployed twice, 9 deployed three times, 2 have been deployed 4 times.

Today we have soldiers serving in Iraq who have been fighting in battle well over a year. We have other soldiers who were on their way to Iraq after having been home with their families for a matter of months.

That is not supporting the troops. It is hurting the troops. Our men and women cannot and should not continue to bear the burden of this mismanaged war. We have to do better. That is why the Webb-Hagel amendment is so important.

This amendment will ensure our troops have the equipment they need before they go to battle—before they go to battle. It explicitly states that our troops must have the training and equipment they need or they cannot be sent overseas.

This amendment will also enhance the quality of life for troops and their families and, as a result, improve recruiting and retention. It says that after our brave men and women serve 365 days in Iraq, they are entitled to a significant period of rest back home before they can be redeployed. In short, this Hagel-Webb amendment will improve readiness and our ability to respond to other threats and project power around the world.

We live, we all know, in a dangerous world. We face many threats. From destroying al-Qaida to deterring Iran and North Korea from gaining nuclear weapons, there are critical challenges around the world that we, the superpower, America, must confront. Unfortunately, we have a military stretched too thin to meet these challenges.

After years of overuse and neglect, we must reinvest in the military. With this amendment we will take the necessary steps to make a downpayment on rebuilding our fighting force and keeping our families safe.

I so appreciate these two combat veterans, these two unique, good Senators leading us down this road on which we must be led.

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

Mrs. MURRAY. Mr. President, it is my understanding that we are now going to turn to Senator HAGEL and Senator WEBB, who are both here. We have time allocated until 2 o'clock, at which time, I remind my colleagues, we will have two votes.

Mr. LEVIN. Will the Senator from Nebraska yield for a unanimous consent request?

Mr. HAGEL. I do yield for that purpose.

Mr. LEVIN. I ask unanimous consent that I be listed as a cosponsor of the amendment, the Hagel-Webb amendment, or the Webb-Hagel. The amendment speaks with real power about what we need to do. They have worked very hard on it. I wish we could adopt it. I know they are going to speak on it now. I just want to indicate my support for their tremendous effort. I ask to be a cosponsor of their amendment.

I think all of us would join in Senator REID's comments. They were eloquent and powerful, and we thank him for them.

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

The Senator from Nebraska is recognized.

AMENDMENT NO. 707

(Purpose: Relating to Iraq)

Mr. HAGEL. Mr. President, I thank the distinguished senior Senator from Michigan who occupies the chairmanship of the Senate Armed Services Committee.

I ask unanimous consent to call up amendment No. 707, offered by Senator WEBB and myself, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Nebraska [Mr. HAGEL], for himself, Mr. WEBB, and Mr. LEVIN, proposes an amendment numbered 707.

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

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

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

Mr. HAGEL. Mr. President, I wish to offer my thanks as well to the distinguished majority leader of the Senate for his comments and his support of the amendment that I am about to address, as well as my friend and colleague, the distinguished junior Senator from Virginia.

The war in Iraq has pushed the U.S. military to the breaking point. Our troops are being deployed longer than they should be, more frequently than they should be, and without full training and equipment. When we deploy our military, the President and the Congress have a responsibility, an obligation to ensure that our troops are rested, ready, fully trained, and fully equipped.

Senator WEBB and I have introduced this amendment to protect and maintain the readiness and strength of our Armed Forces. Our amendment requires, with the force of law, that our

troops are only deployed to Iraq when they meet the military's own standards for readiness and deployment. We are not creating new standards. We are simply requiring that the military's own standards be met so that our men and women in uniform are sufficiently rested, ready, fully equipped, and fully trained when deployed.

That is the President's and the Congress's responsibility. No American wants to allow a single soldier to be deployed without meeting the required standards of readiness. Our amendment gives the President appropriate flexibility. Our amendment has a 4-month delay, before the provisions come into force, to give the President time to comply.

The President can waive the readiness requirement in case of a national emergency and under circumstances where a unit will receive its full complement of equipment in the theatre of operations. Our amendment exempts from the deployment cap all headquarters personnel and any other U.S. military personnel who are needed in Iraq to ensure continuity of mission between rotating forces.

This amendment will help our troops in a way that avoids having unintended operational consequences for our commanders in Iraq. Our amendment is about our troops. It is about readiness. It is about preventing our troops from being extended 3, 4, 5 or 6 months, as has been and is currently the case today. It is about ensuring a minimum time home between deployments.

This amendment is also about addressing deployment rotations of our troops in Iraq. Many are there for their third and fourth tours of duty. The United States will not be able to sustain the greatest all-volunteer military that the world has ever known if we allow the status quo to continue.

We are witnessing a clear and dangerous consequence of the administration's Iraq policy in Army recruitment. To meet recruitment targets, the military is being forced to issue waivers today. These waivers are for violent offenders, criminals, and for drug abuse. We are waving education requirements. The result is a defining down, a defining down of the standards of the U.S. Army. No institution can maintain any aspect of excellence by dumbing down its standards. If we do not stop this dangerous trend, it will affect the entire institution of our military, an institution that has taken great American leaders 30 years to build.

After the disaster of Vietnam, our military was shredded. Ask Colin Powell. Ask Norman Schwarzkopf. Ask other great military leaders who, in fact, after Vietnam said: No more. We are going to build the finest, greatest, most responsible, best force structure the world has ever known, and they did.

The deployment and operations tempo our military has had to endure in both Iraq and Afghanistan over the last 4 years cannot be sustained without inflicting unacceptable costs to our military power and our standing and influence around the world.

As the Washington Post reported today, General Barry McCaffrey, the former four-star commander of the U.S. Southern Command, tours in Vietnam, led a division in 1991 in the Gulf War, he now believes—according to the article in today's Washington Post—that the U.S. military is in, his words, ''strategic peril.''

Yesterday, LTG Steven Blum, the Chief of the National Guard Bureau, testified before the House Armed Services Subcommittee on Readiness. General Blum said the National Guard is, in his words:

> . . . now in a degraded state back at home . . . The Army National Guard has on-hand only 40 percent of its equipment requirement . . . This hinders the ability of our units to train. It also can slow our response to disasters and terrorist incidents in the homeland.

In February, GEN Peter Schoomaker, the Chief of Staff of the U.S. Army, testified before the Senate Armed Services Committee. General Schoomaker said: ''I am not satisfied with the readiness of our non-deployed forces.''

At the same hearing, GEN Peter Pace, the Chairman of the Joint Chiefs of Staff, acknowledged that today our Army units ''do not have the opportunity that they would normally have in a two-year cycle to train for the combined arms that they may be required to execute elsewhere in the world.''

On March 1, the Commission on the National Guard and Reserves issued a report that concluded that: Nearly 90 percent of Army National Guard units are rated as—their words—''not ready.''

There have been repeated reports that senior Army officials now believe there are no nondeployed Army brigades who are rated as combat ready.

Now in our fifth year of the war in Iraq, the Congress must assert itself in a very real and responsible way to fulfill our constitutional responsibilities in matters of war as a coequal branch of our Government.

Over the last 4 years, the Congress has been absent from this responsibility. The American people now expect us to step into this tragedy that we have allowed to happen and begin to reshape our policy in Iraq by placing responsible conditions on our continued military involvement in this war in Iraq.

We are abusing our all-volunteer force in a dangerous and irresponsible way. We are abusing our people. We are abusing their families. We cannot continue to burden our military by continuing to place our military in the middle of a civil war in Iraq and loading onto them, continuing to load onto our military, expectations that they are incapable of fulfilling.

We are asking our military to accomplish things they cannot accomplish, not because they are not brave enough, not because they haven't fought valiantly—they have fought valiantly and we are proud of them—but it is new diplomatic initiatives that must now drive our policies in Iraq. There will not be—nor cannot be—a military victory in Iraq that will achieve peace or any form of stability or security for the Iraqi people or the Middle East.

The future of Iraq will be determined by the political accommodations of the people of Iraq which will result in a political resolution that will be supported by the Iraqi people, its regional neighbors, and other powers, including the United States. Our military should not be asked to do it all. Our military should not be expected to do it all. They have done more than their part.

Our men and women in uniform and their families deserve policy worthy of their sacrifice. I do not believe that to be the case today. Unfortunately, today the Senate will not vote on our amendment. But Senator WEBB and I are committed to this amendment, and we will continue to push for a vote in the Senate in the coming weeks, and we will be back and we will be back.

We have been assured by the majority leader that we will get a vote on this amendment in the Senate. I conclude with this: I often ask myself, who speaks for the rifleman? Who cares about the rifleman? War is not a distraction. Those whom we ask to go fight and die are a very small percentage of our population whom we ask to carry all the burden and make all the sacrifices. But who speaks for them?

Of course, we have a responsibility for a larger geopolitical strategic policy for our interests. We have interests in Iraq. We have interests in the world. We have interests in the Middle East. But do we ever stop enough and listen enough and focus enough on these soldiers, these marines and their families who have nothing to say about policy; but they do what their country asks them to do.

When we frame policy in Washington, part of that prospective of framing that policy must include the right because it must ultimately get to this question: Is the cost worth what we are attempting to accomplish? Is the cost worth the high price we are asking others to pay?

Ultimately, that is the question we should always ask ourselves, those of us who have the privilege and the responsibility to frame policy—if Congress must be part of that—not just constitutionally but morally, but morally.

We each represent constituencies from around this country. We are close to those constituencies. We mirror those constituencies. We are products of those constituencies. We are close to those constituencies. We must do better for our military. We will pay a high price if we do not turn this around. We will pay a high price, indeed, not just in America's blood and treasure but for our future interests and security in the world.

We have not paid attention to our military, we have not paid attention to

the rifleman, and now is the time to start paying attention. I appreciate the time to offer this amendment with my friend and colleague who, as the majority leader noted minutes ago, was one of the most decorated veterans of the Vietnam war. He understands this issue very well. He understands it from the bottom up.

It does not mean Senator WEBB and Senator HAGEL are always right on anything. But we do try to bring a frame of reference to this debate that is relevant, that is important, and focus our attention on the very critical element of who we are. It is our people. Nothing is more important than our people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I would like to first express my profound appreciation for the majority leader's words today. Senator REID likes to say he is not a speaker of eloquence, but I have rarely heard such eloquence of words on this particular issue. They were from the heart, they touched me deeply, and also they were humbling. But most importantly, having the majority leader stand here and bring words to the floor today, as my colleague, Senator HAGEL, and I are attempting to do, in an attempt to inject a reality, a responsible reality to this debate that in many cases has been lacking, is greatly gratifying to me.

I also would like to thank and congratulate my good friend and colleague, the Senator from Nebraska. I greatly respect his service to our country. I greatly admire his courage and his willingness to speak out on this issue over the past several years. I would point out that he and I began our Government service many years ago as people who had come back from a different war and decided we would devote a good portion of our lives to trying to take care of those who had served.

The motivation behind the amendment he and I have worked so assiduously on over the last couple weeks is that same motivation that began nearly 30 years ago. I have seen a lot of comments over the past 3 months, some of it accusatory with respect to people who are trying to bring a different focus to our situation in the Middle East, saying that the people who are doing this were somehow hurting the troops.

The question becomes, how do you support the troops? What does it mean to support the troops? Who is really speaking for the troops? We have a good many Members of this body—and I respect them all—who have come back from multiple trips to Iraq. They have sat down with the military leaders who are charged with the responsibility of carrying out our policies. They have heard in many cases optimistic predictions. In too many cases, they have come back and basically said: If you want to do something different, you are affecting the options of the Commander in Chief, and you are being disloyal to the troops.

Who is really listening to the troops? On the one hand, the people who have been serving in this war are justifiably proud of their military service. On the other, they are carrying out the policies of our political process. If we look at polls—our best way of trying to figure out how the average military person feels about this war—we will see they share the same concerns in the aggregate as everyone else in the country. A little more than a year ago, when I announced for the Senate, there was a poll of our Active-Duty people actually serving in Iraq. Seventy-two percent of those people believed the United States should withdraw from Iraq by the end of last year. This included 70 percent of the Regular Army and 58 percent of the regular Marine Corps.

Our motivation today is to try to put a formula together that will respect the policies of the United States and truly show the best way to take care of the troops.

I note with some irony that the bill before us is called an emergency supplemental appropriation. Beginning the fifth year in this war, we are now calling it an emergency that we need to bring more money to the table. Why? There are a lot of different possibilities, but let's start with this: This has been a war which has been fought without a strategy. You do not have a strategy unless you can clearly articulate the end point of your military operations. I have been saying this for more than 4 years. But what we have had instead of a strategy is the plan of the week. We have had a lot of flailing around from the political leadership that has spilled over into the military leadership—let's try this; let's try that; let's extend our troops; let's deploy our troops early; let's send them back before they have had a chance to rest, recuperate, and refurbish. We are seeing now, as my good friend from Nebraska mentioned, the military cost of that kind of policy. We are also seeing a human cost. Who pays for this lack of clarity? The troops pay. They are sacrificing. They are proud to serve their country, and they can't plan their lives. They have kids being born, weddings to go to, people to visit, holidays to enjoy—all a part of the plan when they were deployed.

This amendment goes to that point, the proper utilization of our military. The first thing that it does is it establishes clearly, as Senator HAGEL and I and others have been saying for a long time, that the primary U.S. policy objective in Iraq should be a political solution that can be obtained through increased, concerted regional and international diplomacy. We have seen the seeds of that over the past couple of months. We are stating that this should be recognized as our primary goal.

The second point is that we are putting in, as the Senator from Nebraska mentioned, legally binding restrictions calling for the certification of any unit in the U.S. military that is going to be deployed, that it be fully mission capable. We have a reality check in this provision. We understand that in terms of heavy equipment, many units deployed fall onto equipment inside the theater of operations. We are not requiring that they have that equipment with them when they first deploy. We also have Presidential waivers in terms of possible national emergencies that might occur. Other than that, we should have unit-ready deployments.

The third portion of this amendment goes to extending deployments. We are basically saying Army units that deploy for a year should come back in 365 days. Marine units that are deployed for 7 months should come back at the end of 210 consecutive days with certain, again, realistic exclusions.

The fourth provision goes to the minimum period between deployments. You are not going to deploy military units until they have been home at least the amount of time they previously were deployed. This goes for individuals as well as units. It is quite possible in today's military for an individual to come back from deployment and, after a very short period of time, be backfilled into another unit that is going. Technically, the unit may have been back here for a year or 7 months, but the individual has not. That has to stop.

We are also saying in terms of the Guard and Reserve that they need a one for five. They need to be able to be home for five times the length of time they have been deployed. On this one-to-one cycle for Active Forces, the military itself, the Commandant of the Marine Corps has said they would like to have a two-for-one cycle—for every year you have been gone, 12 years home. In my experience in the Pentagon, as Assistant Secretary of Defense and as Secretary of the Navy, we looked at a two-for-one ratio for our ships, for our troops, a period of time deployed, a period of time to come back, get reacquainted with your family, get some down time, and then an equal period of time to refurbish and get ready to go again. All we are asking for here is a one-for-one.

If you look at what has happened in the conduct of this war, it has not been operational demands that have created the situation for our troops; it has been a lack of proper leadership. There is nothing in Iraq that would require this sort of chaotic planning. There is no emergency right now that can justify the unpredictability we have built into these deployments.

At the right time, when the Senator from Nebraska is able to negotiate this with the leadership—and I will pursue this as well—we want a vote. We are working to get a vote.

I urge all of my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I believe we have until 2 o'clock; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. HAGEL. Seeing no other Senators on the floor wishing to speak on this amendment, unless the Senator from Virginia has additional colleagues that need time, I would, without objection, yield back our time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I am aware of at least one other Senator who wants to speak, Senator NELSON of Florida. I don't know procedurally how we would go about that. I assume we could get a call from the cloakroom and see if he could come down. If we could reserve 10 minutes for the Senator from Florida at the time he arrives.

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

Mr. HAGEL. With that understanding, and without objection, I yield back the remainder of our time.

The PRESIDING OFFICER. Time is yielded back.

The Senator from Ohio.

AMENDMENT NO. 762

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up Voinovich amendment No. 762.

The PRESIDING OFFICER. In my capacity as a Senator from Montana, I object.

Mr. VOINOVICH. I understand. Therefore, I would like to speak on behalf of the amendment.

This amendment would strike section 1502 from the underlying bill. I am pleased to be joined by Senators INHOFE, WARNER, HUTCHISON, ENZI, CRAIG, and COBURN in offering the amendment.

Section 1502 would allow State and local governments to trump the Federal Government in matters of national security involving privately owned chemical plants. Concerns have been raised by many about the security of chemical facilities since the tragic events of 9/11. After 5 years of negotiation and several unsuccessful attempts to pass meaningful legislation, a carefully crafted compromise was included in the fiscal year 2007 Department of Homeland Security Appropriations Act.

This act authorized the Department of Homeland Security for the first time to establish and implement risk-based performance standards at our Nation's high-risk chemical facilities. In order to meet its statutory deadline, the Department of Homeland Security has begun the process of implementing that language and will publish its final interim regulation within the next 2 weeks. Effectively changing recently passed legislation giving DHS the long-sought authority to regulate chemical facilities is premature at best.

In other words, what this amendment would do is strike some language that is going to try to amend this piece of legislation which we passed less than 6 months ago and which was signed by the President 6 months ago. It hasn't even really been implemented thus far. My colleagues do not want to further delay the process of securing our Nation's chemical facilities from future attack.

The legislation we passed less than 6 months ago to protect our chemical facilities from attack anticipated the need for flexibility in setting standards to protect our chemical facilities. The law specifically states that the Secretary "may approve alternative security programs established by private sector entities, Federal, State, or local authorities, or other applicable laws if the Secretary determines that the requirements of such programs meet the requirements of this section and the interim regulations."

Basically what that means is that if a State or other local jurisdiction would come to the Department of Homeland Security and ask that they be able to enforce other rules and regulations, this legislation says they have an entree to the Department of Homeland Security, at which time they would be able to discuss what they would like to do.

Along those lines, the draft regulations issued by the Department of Homeland Security in December 2006 invite Federal consultation with any States or localities that want to enact their own chemical facility requirements. For example, the State of New Jersey has some very robust chemical security regulations. I heard the woman that runs that department talk about them. I would suspect that under those circumstances, the Department of Homeland Security would grant the State of New Jersey the right to regulate what they have been regulating for the last couple of years. Specifically, the regulations state that it would "permit State or local governments and/or covered facilities to seek opinions on preemption from the Department." This process fosters collaboration among parties and prevents unnecessary or unforeseen Federal preemption from occurring. I would argue that this flexibility alleviates the concerns expressed—I repeat—by the Senator from New Jersey on this issue.

I believe Federal preemption is necessary to give the chemical industry a single set of comprehensive national standards that are uniformly applied. Without the Department determining the applicability of Federal preemption, we would end up with a confusing situation.

Somebody has to decide whether—if this legislation is passed in the respective States, if they do it—it fits in and is consistent so we do not end up with an inconsistent patchwork of security regulations.

I understand the National Governors Association has sent a letter arguing against preemption. I think many of my colleagues know that as a former mayor and Governor, I do not advocate lightly Federal preemption of State and local action. I usually am a staunch advocate of States rights and have opposed legislation, such as No Child Left Behind, because I believed it was an intrusion by the Federal Government in policy areas that have been traditionally left to the States.

But the security of our Nation from foreign attack is not an arena traditionally left to the States. Article I, section 8 of the Constitution clearly states that Congress is delegated the power to provide for the common defense. We in the Congress have the duty to provide for the security of our States and our people. If there were ever a case for the Federal Government determining the applicability of preemption under the Constitution, the defense of the homeland certainly is the best example of that.

There is ample precedent for Federal preemption in regulatory matters dealing with security of industry. I think some of my colleagues are not aware of this. When Congress developed the Nuclear Regulatory Commission in the interest of national security, it gave the Federal Government exclusive regulatory authority. The Hazardous Materials Transportation Act explicitly preempts State action and authorizes a waiver only if the State regulation is "not an unreasonable burden on commerce." The preamble to the final rule implementing the Maritime Transportation Security Act of 2002—another act we put in place to protect our ports—explicitly states that it preempts State regulations relating to the security of facilities if such regulations would "conflict or would frustrate an overriding federal need for uniformity."

I would say to my colleagues, the chemical security legislation provides the Secretary with greater flexibility than the three examples I have just discussed. In other words, the ability to grant preemption is a lot more liberal in the Department's regulations dealing with the issue of chemical security in this country than in the cases that dealt with the Nuclear Regulatory Commission, the Maritime Transportation Security Act, and the Hazardous Materials Transportation Act, where one of them specifically preempts only if the State regulation is "not an unreasonable burden on commerce."

So the fact is, granting State and local governments authority to supplant Federal chemical manufacturing law is not just a minor carve-out. This preemption language in the bill before us overhauls 30 years of settled law regarding the Federal-State relationship on industrial chemical manufacturing laws as established under section 18 of the Toxic Substances Control Act. The Toxic Substances Control Act gives EPA the ability to track the 75,000 industrial chemicals currently produced or imported into the United States.

I want to ask my colleagues: Does it make sense to undermine the critical work of Congress last fall to enhance

our Nation's security by eliminating our ability to set and enforce a single national standard for chemical security? Really, fundamentally, what this is about is to give the Department of Homeland Security the option of determining whether a State or locality that comes in and says: We want to regulate chemical security—it gives them the final say as to whether preemption will occur.

As to the language that is inserted in the supplemental, what it does is leaves it in the hands of the court to determine. For goodness' sake, the last thing we want right now—after 5 years of negotiation and several unsuccessful attempts to pass legislation, is to hinder the implementation of the regulations governing chemical security in the country. Why would we want to throw it up in the air and cause a lot of controversy and court action?

I want to read the words of Section 1502, which was put in the supplemental bill, in regards to the Chemical Security language that was included in the Fiscal 2007 Department of Homeland Security Appropriations Act, which came out of the conference committee less than 6 months ago. It says:

> This section shall not preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance with respect to chemical facility security that is more stringent than a regulation, requirement, or standard of performance issued under this section. . . .

Now, the issue is, who determines whether it is more stringent? Let's say I am the Governor of a State and I come in and say: My State laws are more stringent than Federal laws. Then Homeland Security comes back and says: We don't agree with you. Who decides? The Federal court.

Section 1502 goes on to say:

> . . . or otherwise impair any right or jurisdiction of any State with respect to chemical facilities within a State, unless there is an actual conflict between this section and the law of that State.

Again, it just throws the issue about who determines whether a State is going to be allowed to do what they want to do into a court's hands rather than letting the director of Homeland Security make that determination.

I think what we are arguing for today is sensible. I would also like to quote from Section 550 of the Homeland Security Appropriations Act, which gives direction to the Department of Homeland Security on how the regulations are to be implemented. The law says:

> No later than 6 months after the date of enactment of this act, the Secretary of Homeland Security shall issue interim final regulations establishing risk-based performance standards for security of chemical facilities and requiring vulnerability assessments and the development and implementation of the site security plans for chemical facilities.

That basically talks about how they go about developing the regulations. Then the law goes on to say:

> The Secretary may approve—

Very important: ''The Secretary may approve''—

> alternative security programs established by private sector entities, Federal, State or local authorities, or other applicable laws if the Secretary determines that the requirements of such programs meet the requirements of this section and the interim regulations.

In other words, there is room for the Department to sit down with other people and say: Let's hear what you want to do, and if we think it makes sense, go ahead and do it.

Additionally, in the regulations issued to implement Section 550 it says:

> To meet this need, the proposed regulations at section 27.405, would permit State or local governments, and/or covered facilities to seek opinions on preemption from the Department. Such a process has been used by Congress in other contexts.

They make reference to other sections of the code:

> In most cases, the Department would utilize the process to address quickly a specific conflict between a particular application of State law or local law with an approved site security plan or other elements of the section 550 program. Note the Department has the authority to make preemption determinations as it administers the chemical security program under section 550.

So I think the Department, through the regulations, is carrying out the legislation that was passed last October. We should let the law go into effect and not tinker with it today, particularly in the supplemental bill, which, quite frankly, has not a single thing to do with chemical security. It does not make sense to have this into the supplemental bill because Congress has already acted on chemical security.

I suspect that this discussion may become moot because we are going to pass this bill, it will go to conference, the conference will do their thing, they will send it back here, it will be voted on in both Houses, it will go to the President, he will veto it, and then—in basketball parlance—it will be a jump ball in determining what we are going to do at that stage of the game.

I wanted to come to the floor and share my concern about the language which was inserted in the supplemental. Again, it should not have been put in the supplemental. I have spent hours of my time in the Senate on chemical security in the United States. We worked this through the committee and thought we had it taken care of it, and here we are again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, the underlying bill, supplemental appropriations, is a must-pass piece of legislation. Attached to it is the language that has caused some controversy because it is an attempt at defining what the policy of the U.S. Government is with regard to the beginning of a redeployment from Iraq.

This Senator from Florida will vote for the funding bill with this legislation attached because America needs a new direction in Iraq. For 4 years, what we have been doing has not been working. It has not been working because—and I am not talking about all the mistakes of why we went into Iraq under misinformation and lack of intelligence and, in some cases, I think massaged intelligence. I am not talking about that. I am talking about that we did not have a sufficient understanding of the history of Islam and the history of that part of the world to understand how much enmity there is between the different sects of Islam and how, ever since 680 A.D.—the Battle of Karbala right in what is, today, Iraq—the Sunnis and the Shiites have been at each other's throats, and we are seeing that played out in gruesome detail right now.

Our men and women in uniform and not in uniform—because we have a lot of people over there defending the interests of the United States who are not in uniform: CIA, DEA, FBI, the State Department; you can go on and on—our men and women are right in the middle of that crossfire, particularly in Baghdad.

Now, when you talk about Iraq, you are talking about multiple differences in the country.

The northern part of the country is predominantly Kurd. They, for all intents and purposes, have an autonomous government. They even had that while Saddam Hussein was in power because the northern part of Iraq was protected by American air cover. They can basically provide for their own protection and their own governance.

The central part of Iraq is predominantly Sunni. It was from the Sunnis that the Baathist Party, the party of Saddam Hussein, dominated the rest of the country.

The south of Iraq is predominately Shiite. This is a Shiite kindredship which we now find—with the disintegration of Iraq—the kinship, the commonality of interests between the Shiites in Iraq and the Shiites in Iran. The big difference between the two is in Iran, they are Persians; in Iraq, they are Arabs.

Now, it took, for years, the hand of a brutal dictator who was gruesome beyond any measure to keep all those factions together because he was so brutal in his tactics. We are certainly glad Saddam Hussein is gone. Nobody like that who would just murder people at will deserves to be in power. You can understand it was a dictator who kept that power and kept that country, with all of its centrifugal forces, together. We as occupiers, as an occupying military force, thought we could keep it together, but we didn't understand the centrifugal forces of Iraq. Instead of being hailed as liberators, as there definitely was a lot of personal thanks toward the generosity of America for deposing the hated dictator, yet you see what started to kick in was the natural centrifugal forces. Will a democracy work in a country such as that? It would be nice if it would, but

I think now, after 4 years, we are seeing it is going to be very difficult.

That is why in a political settlement, at the end of the day there is probably going to be some separation of those sects with autonomy and, hopefully, with a national government that can provide for the common defense and the distribution of the oil revenues according to population. But how do you get there? We thought as an occupying force we could keep the country under control until those seeds of a representative government could start to sprout. But that was one of the mistakes the United States made, because the Secretary of Defense would not listen to the top general, General Shinseki, when he answered the question in our Senate Armed Services Committee: How many and for how long are the American forces in occupation? He said: Several hundred thousand for several years. So with too little forces, you see the results. The question is: What do we do now?

That brings us to the present moment. People criticize what we are doing here and say: You don't have a plan. We most certainly do have a plan. The plan was laid out in a bipartisan commission, unanimously; five very prominent, erudite Republicans and the same, five Democrats, led by the former Secretary of State and the former chairman of the House International Relations Committee, unanimously, and they laid out a plan. They said to start a redeployment, and in the process of that redeployment, still have the American Army present so you are protecting the forces, those who are there, protecting the infrastructure. I would interpret that also to mean helping to control the borders of Iraq. Then they said, No. 2, train and equip the Iraqi Army. The Iraq Study Group even gave specifics of how you could embed advisers and then have a method for protecting the advisers embedded in the Iraqi forces. They said also to continue to go after al-Qaida. It is al-Qaida we are seeing, particularly in the western part of Iraq, that is getting insurrection among the predominant ethnic group there, the Sunnis, and they are causing mayhem all over. That is a mission we should continue.

It also said: Go aggressively after an international and diplomatic initiative, bringing all the countries in the region that would then enforce a political settlement that could be brought about. This is, in essence, what is a part of this bill. I suspect we are going to be able to pass the bill because the funding for the military is absolutely necessary, so it is going to be hard for people to vote ''no'' on this. We already had the real test vote that was a two-vote margin yesterday that kept basically the language in the bill I have just outlined. So I think we are going down the right road. This isn't a mandate. This sets as a goal over a year from now a redeployment of those troops with those three main statements of purpose to continue, and it says we ought to have a comprehensive strategy, a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community. That is exactly what the Iraq Study Group brought to us unanimously.

This Senator from Florida wanted to state very clearly that is why I think the Senate ought to support this funding bill, not only for the purposes of the funding, but also for the statement of what should be the policy of the United States Government with regard to Iraq.

I yield the floor.

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

Mr. DORGAN. I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, I have offered an amendment to the underlying bill, the supplemental appropriations bill. I wish to describe it for a moment, and then I wish to respond to some comments that were made earlier by my colleague from Oklahoma who is offering an amendment dealing with the agriculture disaster piece I included in this bill as well.

First, an issue I am very familiar with and concerned about. It is an issue called country-of-origin labeling. For those who don't know what that means, it means in 2002, 5 full years ago, the Congress mandated we would have country-of-origin labeling for beef, lamb, pork, fish, fruits, vegetables. Essentially, what you eat shall be labeled. If people walking around this Chamber would take their shoes off, they would find their shoes are labeled. If they took off their T-shirts, they would find they are labeled. Almost everything is labeled these days—made in Taiwan, made in China, made in wherever—so you can get a sense of where things are made. Go to the grocery store and pick up a package of pasta, linguini, spaghetti, take a look on the side and you will see what is in it. You will see where it was made. Labeling.

The only problem is we don't require labeling, for example, on a piece of steak. One day some while ago I brought to the floor of the Senate a piece of steak. I held it up and I said, I challenge anybody in the Congress to tell me where this piece of meat came from. Of course, no one tried and no one could. No one knows where that meat came from. As I asked about where this meat might have come from, I read from an inspector's report who went to a processing plant in Hermosillo, Mexico, the first time any inspector had ever been there to inspect the conditions of the processing of meat in that plant that was being shipped to American consumers. I read from the report. It said:

Carcasses of meat were hanging in rooms that were not refrigerated, layered with feces and flies, and some from diseased animals ready to be put back into the same vat where they were going to grind it for beef and so on. I read the description of what the inspector found.

They shut down that plant. They shut down that plant in Mexico. Then it was reopened because it had new ownership. They made a few changes, reopened the plant, and still ship meat from Mexico to the United States from that plant, and there has never been an inspector back to take a look.

I asked the question: Can anybody tell me this piece of meat didn't come from that plant? Well, of course, nobody could. So you might ask why, if 5 years ago we mandated that there be country-of-origin labeling for meat in this country, why is there no labeling on meat? Well, the majority party in recent years apparently cared a lot about what the big packers thought and all the folks who were opposed to labeling these meat products. I was in a conference committee over in the middle of this Capitol in a small room. We were all packed into this little conference, an Appropriations Committee conference, and it was November of 2005. Country-of-origin labeling, remember, was supposed to have gone into effect on September 30, 2004. But then the majority party got involved and they extended it once.

In November of 2005 I was part of a conference on the Agriculture appropriations bill and I was prepared to debate this issue on country-of-origin labeling. The chairman of that conference banged the gavel, recessed the conference, and we never met again. The next time we saw the results of what those folks had done in a smoky back room some place, they had further extended country-of-origin labeling to September of 2008. They keep extending it and extending it. The law says meat must be labeled by September 30, 2004. It is not now labeled. Why? Because it has been extended and extended again, always done in the dead of night, always done in an amendment that is brought up not in the House or the Senate, but stuck in a conference some place—an unbelievable practice.

The result is we come now to this piece of legislation, an emergency supplemental appropriations bill, and I say: You know what. Let's decide that country-of-origin labeling for meat takes effect this September, several months ahead. Let's decide it does that.

One of the culprits here has been the U.S. Department of Agriculture too, because they almost wore out their shoes by dragging their feet. They have no interest in doing anything this aggressive, even though the Congress said: You must do it. They drug their

feet, got their heels stuck in the ground. That gave their friends here in Congress enough time to do these extensions. The result is in this country today there is no labeling of meat products.

It is interesting. The other day I was listening to news reports, tragic news reports about pet food in this country—millions, tens of millions, I guess, of people who have fed pet food to their pets, apparently containing ingredients they had no notion of, filler wheat from China, apparently rat poisoning, and pets have died. A tragedy for those pet owners. But how would they have known? There is no label. They don't know what is in it. They don't know where it comes from. I assume even if it had a label, it wouldn't say rat poison. I don't know how rat poison would get into pet food. But in any event, as I was listening to the news and watching some owners of pets who had described the terrible, agonizing death of their pets from eating contaminated pet food, it reminded me again of this issue of labeling and of my description of the investigator who went to the one processing plant in Mexico, processing meat for this country.

Why in these circumstances and in this day and age, do we not have labeling on meat that is sold to the American consumer?

Up north in Canada—my heart goes out to those livestock producers in Canada. They are trying hard. They are trying to make a living like everybody else is, but the plain fact is they have had 10 cases of mad cow disease in Canada. Nine of them in Canada, one recently, and one Canadian cow discovered in the State of Washington. That is 10 cases of mad cow disease, including the most recent case a couple of months ago. Yet, even at that point, it seems as if the Secretary of Agriculture wants to do a mad cow cattle drive from Canada to the United States. He is all anxious about opening this market right now; got to do it right now. I am wondering why his inclination isn't first to protect our domestic industry. We have other countries that say, we want to trade with you. We want to buy some beef from you, but we are not interested in buying beef that is intermixed with other kinds of beef. We want beef that is certified as American beef. Why? It is the safest in the world. But if you open this border wide open to the Canadian cattle at this point, especially at this point, given what we have known about BSE in Canada, how can we tell other countries without country-of-origin labeling that we have segregated and we know exactly where this meat comes from?

I think the USDA is making a business mistake. I say to the USDA Secretary this: If you are going to do this, at least be consistent and say you cannot do it without implementing country-of-origin labeling immediately; you must argue for both. Yet he has not been willing to do that.

I don't want, by talking about this, to suggest in any way that people in this country should be concerned about their supply of meat. They should not. We have a lot of ranchers and folks in this country who do a lot of work to keep our beef, lamb, pork, and poultry supply safe. But the American consumer wishes to purchase that which comes from American ranchers. That is why country-of-origin labeling is important, to give the American consumer the choice and the opportunity. I am telling you something. It is long past time when this should have been done. Those who serve in this Congress who want to continue to prevent the consumer from knowing where this meat comes from do no favor to the American consumer, and they certainly do no favor to the producer who is producing the best quality of supply that exists in the world but are told it doesn't need to be labeled because the consumer doesn't need to know. Boy, I think that is dead wrong.

So I have introduced a piece of legislation that will move country-of-origin labeling up to September of this year. It is long past time for this Congress to take action to undo what others have done in the appropriations process in the dead of night to extend this country-of-origin labeling.

Let me also talk for a moment about amendments that will likely be offered to strike from the emergency legislation some assistance to family farmers who suffered weather-related disasters. Almost all of us were here when we debated what to do about Hurricane Katrina, which came roaring onto the shore in this country and devastated a significant part of this country. It flattened it, killed people, ravaged houses, destroyed a city, and then another city. It rendered the gulf coast in shambles. Included in that is the crop that the farmers planted, the crop they put in the fields, hoping it would grow—the destruction of all that crop that was put in for that year by those farmers.

What do we do about that? What we decided to do was to provide emergency help, billions and billions of dollars of help, to those people who were injured by Hurricane Katrina. At least one part of that was to help family farmers who lost everything in the gulf. We said: You are not alone, you didn't cause this hurricane, you are the victims of it. Just like the other victims of this weather-related disaster, we want you to know we are with you and we want to help you.

And we did. Family farmers in that region got disaster assistance and got it with my help. I insisted on supporting that, and I know my colleagues did as well. We had a responsibility to say to those farmers: You lost everything. You are the victims of this weather-related disaster. We want to help you get back on your feet and recover. We want you to be able to continue living and working on a family farm.

So we did that. But that was not the only weather-related disaster. In the last 2½ years, we have had torrential flooding in my State, for example. At one point, we had 2 million acres of land that was planted and completely washed away, or not planted at all. If you are a farmer who owns land in that 2 million acres, you didn't have a crop, or didn't plant one, and you don't have any hope.

Last year, we were the epicenter of a devastating drought. The pasture down near Zeeland, ND, when I drove there to go to a meeting with ranchers and farmers, looked exactly like a moonscape. Nothing was growing at all. Under the best of circumstances—I come from a semiarid area, where 17 inches of rain fall a year. Put that in the epicenter of a drought and you have real trouble. We had farmers who lost everything and not just us, but in other parts of the country the same was true.

We name hurricanes but not droughts or floods. The drought didn't have a name. It wasn't ''Drought Kenneth'' or ''Drought Irma.'' Because these farmers lost everything to disasters that didn't have a name, are they any less deserving? Do we think any less of the interest in keeping them on the land and giving them help to continue farming? The answer ought to be, no, of course not. That is why I added a disaster piece for family farmers in this appropriations bill.

My colleague, Senator CONRAD, and I, and so many others, on a bipartisan basis—Senators BOND, FEINSTEIN, BOXER, and others—have all worked together to try to reach out to family farmers and say: When trouble visits your farm and you have lost everything, you are not alone. This Congress wants to help. This is not a recent urge of ours. We have always done this. We have always done it. So I was proud to be a part of putting this in the appropriations bill. It is on the floor. It should not be controversial. I spoke to President Bush last night and said: Mr. President, do not call this pork; it is not pork. You don't legislate pork, you eat pork. We understand about meat and pork and so on. This is not pork, but some want to call it that. Say that to a farmer and the farmer's family living under that yard light 10, 15 miles from town who lost everything; say to him: By the way, when the Congress wants to help you, somebody believes it is pork. It is not pork; it is in this country's interest to help those family farmers. It is simply in our interest. That is why we have added this, and I know we will have amendments to strip it out or make changes.

The fact is this is a worthy and a noble thing for the Congress to do. I hope that when the amendments are offered, we will be able to defeat them.

Mrs. BOXER. Will the Senator yield for a question?

Mr. DORGAN. Yes.

Mrs. BOXER. I thank the Senator for his leadership on behalf of family

farms. I will ask the Senator a couple of questions because he has been here a long time in Congress and we have served together for many years. I see Senator CONRAD coming to the floor as well. The fact is—I want the Senator to let me know if he agrees with this—that the whole purpose of these emergency supplementals, if you look at the Web site that explains to people who want to know more about what we do on emergency supplementals, they have always been used—at least my research shows—is for emergencies, including especially natural disasters. Doesn't it strike the Senator as odd that the President of the United States would support $100 billion for the country of Iraq but tell us he doesn't support anything in this bill for the American people? Isn't that an odd thing?

Mr. DORGAN. Mr. President, the Senator from California is absolutely correct. It has always been the case that there are certain things you cannot predict in the coming year. You can budget for expected expenditures and programs you want to fund, but there are some things you probably cannot predict; for example, Hurricane Katrina is probably the prime example or a devastating drought or torrential rains or ice storms in California this spring. So what we have always done is we have always done emergency supplemental bills to try to respond to those. Only in this Presidency have those emergency bills overwhelmingly been defense bills because the President decided to move our armies overseas. We got involved with respect to Afghanistan and Iraq, and we asked for no expenditures, except he would later ask for emergency funding for it. We have passed roughly $450 billion in emergency funding for defense. That is not the basis, generally, of what emergency supplemental bills have been about. They have been to respond to the unanticipated events in this country, such as agricultural disasters and other things.

I said yesterday, when I spoke on the floor, I thought it curious that in the Senate, when we did an $18 billion emergency funding for reconstruction of Iraq, nobody stood up, that I am aware—and Senator WYDEN and I cut it by about $1.8 billion—and said: OK. You are going to invest in health clinics. If you do that in Iraq, it is national security; if you do it in America, it is pork. You are going to invest in road programs. In Iraq, it is for national security; in America, it is called pork. You are going to invest in any number of dozens of other things, and as long as it is in Iraq with the reconstruction programs, that is OK, that is part of our national security issue. But if it is doing it in this country, they say, no, no, no, no, you cannot do that.

I observe one thing. Some of what we do is flatout spending. I understand that. We need to tighten our belts. But some of what we do is investing in this country's future. I think investing in this country's future includes saying to family farmers that this country values having you on the farm. You are the seedbed of family values that nourishes our country from the small towns to the big cities. Culturally and economically, you matter to this country.

When we pass a disaster bill that includes disaster help for family farmers, I think it represents the best instincts of this country and, frankly, it is what we must do if we are going to maintain a network of family farms producing America's food. Finally, we understand, all of us, that big corporations could probably farm from California to Maine—buy up the whole country and farm it. We know what would happen to food prices. Our country is much better served by having a network of family farmers out there, with their families living under yard lights, producing America's food supply. That is why I think the best instincts of this Congress is to do what we did in this legislation, to provide disaster help for those who need it.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I say to my friend from North Dakota, thank you for being here to talk about this issue because there is a huge misconception out there that is being perpetrated by the administration and that is that there is something wrong with the Democrats in Congress who are insisting the emergency needs of the American people be met in this bill.

Mr. President, in my question to the Senator from North Dakota, I was trying to make the point that history will show these emergency supplementals have always been used to help the American people. After all, it is their taxpayer dollars being used. The reason I wanted to take the floor this afternoon is because there are a number of amendments coming that will strip from this bill the help for the American people they deserve. Many of these people are the ''salt of the Earth'' people that we all know, that we visit, and I will talk about them in a minute. I will talk about the hardships they have gone through.

Here is something interesting. If you look at the Senate's Web site—this is not part of my Web site; this is the Senate's Web site, so it is written with Republicans and Democrats—you will find a glossary of terms that is intended to help the public understand what it is we are talking about when we use terms of art on the floor, such as ''emergency supplemental appropriation.''

The Senate glossary—and remember it is bipartisan—states this:

> Supplemental appropriations generally are made to cover emergencies, such as disaster relief, or other needs deemed too urgent to be postponed until the enactment of next year's regular appropriations act.

So the supplemental appropriations are meant to cover emergencies in America. Now, the President has tried to lead people astray when he says: No, no, this is only about the war in Iraq; I want all of the money to go to Iraq. I don't want any money to go to the people of America because this isn't the right vehicle to take care of those problems. Not true.

Mr. CONRAD. Will the Senator from California yield for a question?

Mrs. BOXER. I am delighted to yield for that purpose.

Mr. CONRAD. I ask the Senator, is it not a curious thing that the President, in his proposal on the supplemental appropriations bill, has a plan to rebuild Iraq but has no plan to rebuild parts of America that have been devastated by disaster? Is that not a curious thing?

Mrs. BOXER. It is not only curious, it is wrong. That is why I am so proud of the work that Senator CONRAD and so many others did to make this bill a balanced bill that meets the needs of our people. Yes, we are giving the President what he is asking for in Iraq. We have been critical that the President has not funded Iraq in the regular budget. So we are saying: OK. We are not happy about it, but, yes, we will give you every penny, plus what you ask for, for Iraq. But for goodness' sake, you are getting $102 billion for Iraq. How about $20 billion for the needs at home? I think my friend is right. It is curious, and it is wrong that he didn't balance his request.

Mr. CONRAD. And isn't it the case, I ask the Senator from California——

Mrs. BOXER. Mr. President, I ask unanimous consent for an additional 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection to the request?

Mrs. MURRAY. Mr. President, if I can inform our colleagues, we are in the process of working to get a unanimous consent agreement to move the two votes that were scheduled for 2 o'clock to 2:30 p.m. We are going to be putting that together. We should have it in just a few minutes. If our colleagues will allow us to let Senator BOXER continue for a few minutes, we will have that put together.

Mr. GRAHAM addressed the Chair.

Mrs. BOXER. Mr. President, I believe I have the time. I ask unanimous consent for the additional time, if there are no objections.

Mr. GRAHAM. I have no objection. I wish to make a request. Is it possible for me to speak for 5 to 10 minutes before 2:30, after the Senator from California speaks?

Mrs. MURRAY. Mr. President, I inform the Senator that we have about eight Senators here who are all wanting about 5 minutes between now and 2:30 p.m. If the Senator wouldn't mind withholding, we will try to accommodate him after the votes.

Mr. GRAHAM. Absolutely.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from California is recognized for an additional 10 minutes.

Mrs. BOXER. Mr. President, I am going to yield to my friend for a question. But I say to my friend, Senator

MURRAY, when she has that agreement, I will be happy to suspend at that time.

Mr. CONRAD. I ask the Senator, in conclusion, isn't it the case that the history in the Senate has been that emergency matters, of whatever type—whether they flow from a war or whether they flow from natural disasters—in this country are dealt with in a supplemental appropriations bill? There is nothing new in this at all. Isn't that the case?

Mrs. BOXER. My colleague is not only correct, but as I said, if we look at the Senate glossary written by both sides, its agreement on defining what a supplemental appropriations bill is—and I am going to quote it exactly for my colleague:

> Supplemental appropriations generally are made to cover emergencies, such as disaster relief, or other needs deemed too urgent to be postponed until the enactment of next year's regular appropriations act.

So it is absolutely in the definition on our Senate Web site.

Mr. CONRAD. I think that is clearly the case. I have served here—I am in my 21st year. This has always been the case with supplemental appropriations bills, that disasters are dealt with in this manner. Here we have a case where we had damage from Katrina that is addressed in this bill; where we have had devastating natural disasters affecting agricultural producers, whether it was drought or flooding or freeze, that are dealt with in this supplemental appropriations bill, which is the regular order, is it not, in the Senate?

Mrs. BOXER. My colleague is exactly right. All we are saying as Democrats to our friends is: Take care of the American people. Take care of them. They deserve it.

I am waiting for some photographs of the freeze that occurred in my home State. I see they have arrived. I need to share these with my friends.

There is a song called ''Strawberry Fields Forever.'' I want my colleagues to look at what happened to the strawberry fields in California as a result of the freeze. When we look at this, I say to my colleague from Washington—I want to get her attention just to look at this and to thank her for helping us. This is a strawberry field. It looks like an ice rink. The strawberries are destroyed.

I want to show my colleagues our oranges. This is an orange tree. This is what has happened because of the frost. This picture is of an orange. You can hardly see it beneath the frost. A picture is worth a thousand words. I say to the President and my Republican friends: Don't turn your backs on these good people who endured these losses. And, by the way, in my State, in the most Republican part of my State, what are you doing? We need to help people. We need to help the workers. That is what is in this bill.

Yes, we provide all the funding for the troops and more. And, yes, thanks to the leadership of the Senator from Washington and the Senators from Hawaii and the majority leader, we have funds in this bill for Walter Reed Army Medical Center. And, yes, we look at what happened in Louisiana. We look at what happened with the levees, and we tried to help those living in FEMA trailer parks.

Why would this President turn his back on the people of Louisiana once again? Once again. We saw the lack of response, and now in this bill we are saying help the people, Mr. President. You went down to New Orleans. You stood there—I will never forget the speech—and you said: We will stand with you. Yet he says he doesn't want help for the people of Louisiana in this bill.

My farmers have suffered $1.3 billion in losses. I showed the pictures of the freeze. We know about the drought that hit the Midwest. So instead of pledging to work together, we find this administration threatening to veto this bill.

I say to this President: If you veto this bill, then you come to my State and you look into the eyes of these farmers and you look into the eyes of these workers and you tell them they didn't have an emergency. You tell them they don't qualify for assistance from a country they love, to which they are devoted. It isn't right.

And, yes, we added some language to the bill that says: We are not going to have an open checkbook forever for Iraq, and we are not going to have this continuous stream of wounded and dead coming back. Yes, we want to have a timeline that is fair and just.

If the President vetoes that, he is ignoring the will of the people.

I will suspend, Mr. President, withhold my time, not lose the floor, and let the Senator from Washington make her request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Washington.

Mrs. MURRAY. Mr. President, if the Senator from California will yield for a minute for a unanimous consent request.

Mrs. BOXER. I yield.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the previous order be further modified, for the last time, and that the votes slated to occur at 2 p.m. be delayed until 2:40 p.m., and that the time until 2:40 p.m. be divided 30 minutes in opposition to the Coburn amendments Nos. 657 and 648, and that Senator COBURN control 5 minutes; that upon disposition of the Burr amendment, the Senate proceed to vote in relation to the Coburn amendment No. 657, to be followed by a vote in relation to amendment No. 648; that no amendments be in order to either amendment; that there be 2 minutes for debate prior to each amendment covered under this agreement; and that after the first vote, the time be limited to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, for the information of all Senators, we will then have four votes beginning at 2:40 p.m.

I thank the Senator from California.

Mrs. BOXER. I was happy to yield. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. Under the new consent agreement, the Senator could control 30 minutes.

Mrs. BOXER. I won't do that, of course. I will complete in 5 minutes.

Mrs. MURRAY. I yield 5 additional minutes to the Senator from California.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, we have spent half a trillion dollars from our Treasury on the war in Iraq, and we know there are 3,000-plus dead, 20,000-plus wounded. I think it is instructive to listen to what President Ronald Reagan once said. He said:

> History teaches that war begins when governments believe the price tag of aggression is cheap.

Let me say that again:

> History teaches us that war begins when governments believe the price tag of aggression is cheap.

Well, the Bush administration thought the price of this war would be cheap. They were wrong. We heard Secretary Rumsfeld tell Congress: The war will last 6 days, 6 weeks, I doubt 6 months. Budget Director Mitch Daniels said Iraq ''will be an affordable endeavor.'' And we remember the President saying, ''Mission accomplished,'' when it wasn't anywhere near accomplished. We remember Vice President CHENEY proclaiming ''they're in the last throes, if you will, of the insurgency.''

They were all wrong, and Congress has to weigh in. That is what this last election was about. We were weighing in with the help of a couple Republicans yesterday. We said to this President: Your one-man show in Iraq is over, Mr. President. You need to deal with the people of this country through their elected representatives. And don't issue these veto threats because that doesn't move us forward.

Senator REID has asked the President to please meet with us; we can talk, we can work things out. So it is really up to him. He is wielding a veto pen because he doesn't like the fact that Congress has finally a spine to say, no, we are not going to have an open checkbook anymore for Iraq, we are not going to keep sending our troops over there to die, we are not going to put them in the middle of a civil war, we are going to change the mission in Iraq from a combat mission to a support mission.

We say to this President: Accept reality, please; it is time you do that. If you love the troops, you have to give them a mission they can accomplish. If you love the troops, you don't send them to moldy hospital rooms to recuperate from their injuries. And thanks

to the Senator from Washington, we have money in this bill to fix Walter Reed. If you love the troops, you don't send them back to fight with a post-traumatic stress disorder and a bottle of antidepressants.

We will give the troops what they need, but we will also be heard when we say: Don't put them in the middle of a civil war, Mr. President. Give them a mission that works, a support mission, to train the Iraqis. It is their country. They have to stand up and fight. We can no longer do it for them. And that was the importance of yesterday's vote.

In this bill, we do a lot of good things. We deal with the problems we are facing in Iraq. We say we ought to change the mission and make it binding and give a date that says, yes, start bringing the troops home and a goal for when we will bring them all home, except for those limited missions.

It is a smart piece of legislation, I say to the President.

And, yes, don't forget America. Don't forget the people, the ''salt of the Earth'' people who are suffering because of this freeze. I will show a few more pictures as I wind down on my time.

My State was devastated by the freeze. It left thousands of farm workers without employment. One of my constituents, a 46-year-old single mother of two in Tulare County, spent years working in the citrus fields and now has no job.

In this picture we can see the ice icicles near these avocados.

A look at this picture tells a thousand words. We can't turn our backs on these people. We can't turn our backs on our salmon fishermen who have been suffering so much. We can't turn our backs on the American people.

In conclusion, we have to serve as a check and balance on the Executive. When this Executive says it has an open checkbook for Iraq, nothing for America, we say: Whoa, whoa, whoa, Mr. President. That is not right for the American people. Look at the people who have been suffering because of natural disasters. Look at for what we are supposed to use emergency appropriations bills. Come to the table with us. Don't wave your veto pen because we have a spine and we stand up for these people and we stand up for our fighting men and women. Come to the table, we say, let's work things out.

If we read the Constitution, that is exactly what we are supposed to do.

I was interested to hear Senator HAGEL talk about the fact that this is not a monarchy, and he is right. We already had one King George, and that was enough.

It is my sincere hope that the President will respect the rule of the people and come to the table. I strongly support this bill, and I will vote against any amendment that hurts the people.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, I now yield 5 minutes to the Senator from Minnesota, Ms. KLOBUCHAR, and 10 minutes to the Senator from Colorado, Mr. SALAZAR.

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

AMENDMENT NO. 648

Ms. KLOBUCHAR. Mr. President, I wish to speak briefly about the security funding the State of Minnesota and the State of Colorado need to prepare for the Presidential and Republican National Conventions. The Republican Convention is going to be held in Minnesota in September of 2008. I know the Senator from Oklahoma disagrees with our efforts to get funding for this important convention, for its security, but today I stand tall to protect the security of Republicans across the country when they come to my State.

The need for funding is obvious and urgent. As my colleagues on the other side of the aisle are well aware, preparations for the convention have already begun. I imagine they would want security to be a high priority on the list of preparations. As a former law enforcement person, and someone who was a prosecutor, I know you have to plan ahead for these things. Delaying this funding until the normal appropriations process would prevent Federal, State, and local law enforcement agencies from conducting the proper planning they need to do. This is an enormous effort that involves law enforcement from all over our State. We have to be reimbursed or taxpayers all over our State will have to foot the bill.

The Secretary of Homeland Security has already designated next year's event to be held in Minnesota a national special security event based on threat assessment. There is clear precedent for Congress providing convention cities with security funding. Four years ago, Congress gave $50 million each to New York and Boston, the two cities hosting Presidential nomination conventions, to help them defer their security costs. This included a total of $50 million designated as emergency spending.

The bill provides an equal amount of money this year to Minnesota and Colorado, and nothing more. The funding was approved by the Appropriations Committee with bipartisan support, including Chairman BYRD and Ranking Member COCHRAN. Senator COLEMAN also supports this funding.

I support this funding, and I join my Minnesota colleague and my friends from Colorado in insisting that the States we represent receive support equal to that support which Congress has provided in the past, and that the funding for security for the Republican Convention in Minnesota be protected in this bill.

Mr. President, I yield the floor.

Mr. SALAZAR. Mr. President, I rise to speak in opposition to amendment No. 648 offered by my friend from Oklahoma. I commend the Senator from Minnesota for her comments and standing tall for security for the national Republican Convention in Minneapolis, and I am here to stand tall in support of that Republican Convention in Minneapolis as well as to say we have to do the same thing in Denver, CO, where we will have the national Democratic Convention in November 2008.

Why is this money important, and why is it important at this point in time? We are living in a new world, as everybody in this Chamber recognizes. In these days after 9/11, we have to realize targets in America are vulnerable areas that would likely be hit by those who wish to do our Nation harm. If you are one of the bad people and you say, where am I going to do the most harm in this Nation, you would want to focus on those places where you have the national leadership assembled. In the conventions for both the Republican Party and the Democratic Party in these two cities, you will have the President of the United States, you will have the Vice President of the United States, you will have 100 Members, I am sure, of the Senate, and you will have 435 Members of the House of Representatives, as well as the national leadership all located in one place. Therefore, it makes sense to have these events designated as security events, as Secretary Chertoff has already done on March 5 when he said these are security events we ought to provide funding for so we can provide the kind of security that will protect the Americans who will be attending these events.

I wish to look back at what has happened in the past, in terms of what happened in Boston and New York, and I will make a couple of points. The first is for those conventions, back in 2004, when President George Bush was elected to be President of the United States, this Congress provided emergency funding to take care of the security needs in both Boston and New York. We did that in an emergency supplemental attached to the Department of Defense appropriations bill back in 2004. If it was good enough to do it in 2004, it ought to be good enough to do it in 2008.

Secondly, there is an enormous amount of planning that is required when you put on these kinds of events where you have hundreds of thousands of people who are watching and coming to these events in both of these cities. As the former attorney general for the State of Colorado, and having been involved with local, State, and Federal law enforcement, and planning for these kinds of events in the past, I can tell you the enormity of planning that has to take place is something that boggles the mind.

We are not that far away from these national conventions. These national conventions are going to happen in August of 2008. That is a little more than

a year away. How can we provide the security needs for these two conventions, how can we provide the security needs that are required to protect this country and the leadership of America, unless we provide the funding now? It is necessary for law and order to be able to take every precaution and to provide security at these events.

Third, I say to my friend from Oklahoma, who has said we can do this in the normal course of the appropriations cycle, if we look at what happened in 2006, there was a failure of the appropriations cycle in this Congress. If that were to occur again in this Congress, which I dearly hope does not happen under this leadership, but if it were to occur again, that we are not able to get to the normal appropriations cycle, we simply would not have the resources and the time to be able to put together the kind of security plan for the 2008 conventions in Minneapolis and Denver.

It is important to this country that these two historic events, which will ultimately lead to the election of the next President of the United States in 2008, have the kind of security that is required to make sure all of the people in the communities which are hosting these conventions have the kind of security we can all be proud of.

I ask my colleagues in this Chamber to join me in opposition to amendment No. 648, the amendment that is offered by my friend from Oklahoma.

Mr. President, may I inquire as to the time remaining for myself?

The ACTING PRESIDENT pro tempore. The time under general allotment retained for the majority is about 12½ minutes.

Mr. SALAZAR. Mr. President, I ask unanimous consent to have an additional 5 minutes to speak about another amendment, No. 657, which has been offered by the Senator from Oklahoma.

The ACTING PRESIDENT pro tempore. Is there objection?

The Chair hears none, and it is so ordered. The Senator may proceed.

AMENDMENT NO. 657

Mr. SALAZAR. Mr. President, I rise also to speak in opposition this afternoon to amendment No. 657, which again my friend from Oklahoma has offered to strip out agricultural disaster emergency assistance to our farmers and ranchers across this country.

I came to this Senate 2 years ago and began at that time to work with Senator KENT CONRAD and Senator BYRON DORGAN and a number of other Members of this Senate, both Democrats and Republicans, to try to figure out how it is we could help out those areas of our country that were facing agricultural disaster emergencies. We saw it in the places of North Dakota and South Dakota and in many States across our country, but we certainly have seen it in my State of Colorado as well.

In many places in my State, across the vast eastern plains, we are now in the seventh year of what is an unprecedented drought—the seventh year of what is an unprecedented drought—including one of those years being the driest year of record in the entire history of the State of Colorado. On top of that drought, we also saw this last year in the State of Colorado, in January of this year, a blizzard that came in unexpectedly and ended up killing approximately 15 million cattle across all of the eastern plains. So today, I stand with my colleagues who say that kind of emergency and that kind of disaster requires us to act, to take some action to help those farmers and ranchers of America who are often forgotten by Washington simply because Washington can't connect to those farmers and ranchers and to those small rural communities across America.

This is our opportunity to make sure we are providing the kind of emergency disaster assistance that will help these ranchers and farmers see their way through the disaster they are currently facing. If we fail to act, what will end up happening is these ranchers and farmers across rural America are going to be so hurt that many of them are going to be driven off their farms and their ranches.

As I have traveled the eastern plains of my State, I have met with ranchers who have lost upwards of 50 percent of their herd. I am sure they are wondering, and we should be wondering in this body today as well, how are they going to pay off their bank note? How is it they are going to continue to provide for their livelihood? Are they going to have to sell off their farms or their ranches in order to continue?

Today, we have an opportunity to stand for rural America, for the forgotten America, and to say we believe in the food security of this Nation, we believe in our rural communities and in those farmers and those ranchers who are out there struggling every day to make sure we have the food on the table that feeds this Nation. I ask my colleagues to join me and others, both Democrats and Republicans in this Chamber, in casting a ''no'' vote against amendment No. 657, which would strip the agricultural emergency disaster assistance from this legislation.

Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, under the order, how much time remains on our side?

The ACTING PRESIDENT pro tempore. About 14 minutes.

AMENDMENT NO. 707 WITHDRAWN

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Hagel amendment, No. 707, be withdrawn, as outlined under a previous order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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

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

REGIONAL IMPACT OF DARFUR CRISIS

Mr. FEINGOLD. Mr. President, I thank my colleague for yielding me the time. I don't think I will need to use all of it, but I appreciate it.

Time and time again, history has taught us that preventing a crisis is much less complicated and costly than ending and repairing the damage caused by a humanitarian tragedy. The clumsy and irresolute response to the current crisis in the Darfur region of Sudan, however, shows we still have not learned this painful lesson. While the world's leaders condemn the atrocities but delay taking strong action, the vile hatred and unspeakable violence that has resulted in the death and displacement of hundreds of thousands of innocent people in Darfur has now spread to actually infect nearby areas, destabilizing neighboring countries and fueling a downward spiral of conflict and insecurity throughout the region.

I am especially disturbed by evidence that the brutal tactics of Darfur—and their tragic consequences—have now, in part, been transferred across the distant western border into eastern Chad and the Central African Republic. Last week I held a hearing in the Foreign Relations Subcommittee on African Affairs to examine the regional impact of the Darfur crisis. The overwhelming message from our distinguished witnesses was that the victims and perpetrators of the Darfur conflict are no longer simply confined within Sudanese borders, so both our humanitarian response and our strategy for peace need to incorporate these new regional dimensions.

Nearly a quarter of a million Darfur refugees have fled into eastern Chad, compounding an existing political and humanitarian crisis in that country. Lax security along Sudan's porous border has also allowed weapons and Darfur-based rebel groups to spread violence into Chad. Both the Chadian and Sudanese Governments accuse each other of supporting rebel factions seeking to overthrow the neighboring state. Last Saturday, the Chadian Government claimed Sudanese aircraft had shelled four Chadian towns. Ironically, the UNHCR has now begun moving Chadian refugees into Darfur for their safety.

Even before the recent outbreak of hostilities in the north, the Central African Republic was suffering extreme poverty and was deemed by the UN as ''the world's most silent crisis.'' Displacement—much of it the result of house-burning and other cruel tactics by Government forces—rose fourfold in the past year, with more than 200,000 unable to return to their homes. Since the displacement has been more gradual than in Darfur or eastern Chad, the growing humanitarian crisis has received little attention and the response of aid agencies has been slow and limited.

There is not yet a humanitarian emergency in the CAR, but if the fighting between the Government and rebel

forces continues and the UN doesn't begin to respond more effectively, conditions could worsen dramatically. Rather than allow another crisis to break out, we could help avert massive starvation and disease with a relatively minor intervention now. That is why I have proposed to include $10 million for the Central African Republic in the fiscal year 2007 supplemental so as to provide seeds and tools, basic shelter materials, and medicine now, a month or two before the rainy season, to reduce the risk of a widespread humanitarian disaster.

While U.S. attention to Darfur is essential, the expansion of this crisis now requires a more comprehensive approach that addresses the interrelated emergencies and underlying causes of instability in this volatile region. Conflicts in these countries will continue to simmer and spread unless the international community musters the political will and material resources to act upon the conviction so often expressed.

As the violence in Darfur worsens and spreads, we cannot pretend we did not see this coming. For nearly 3 years now, my colleagues and I have stood on this floor and called for an end to the genocide in Darfur. It makes me ill to think of how many lives have been lost and civilians displaced since then, but I become even more upset when I consider how much worse this crisis could still become. There is no excuse for the persistent reluctance of the U.S. Government and the international community to begin applying the economic and military leverage at their disposal to end the violence in Darfur and beyond.

I will continue to call for courageous U.S. leadership to defend these innocent people and demand accountability for the perpetrators of the atrocities that have been allowed to continue for far too long.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I rise to speak in opposition.

Mrs. MURRAY. Mr. President, may I ask how much time do we have on our side?

The ACTING PRESIDENT pro tempore. Almost 9 minutes.

Mrs. MURRAY. I am happy to yield that time to the Senator from Minnesota.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized for 8 minutes 42 seconds.

AMENDMENT NO. 648

Mr. COLEMAN. Mr. President, I rise to speak in opposition to amendment No. 648, offered by my colleague, the Senator from Oklahoma. The Senator from Colorado and my colleague from Minnesota have already spoken in opposition to the amendment. I wish to add one other perspective and that is the perspective as a former mayor of the city of Saint Paul.

I have in my hands a letter from the Secretary of Homeland Security, Michael Chertoff, dated March 5, 2007, in which he says: After careful consideration, this letter is to advise you that the Republican National Convention, which will be held in St. Paul, MN in 2008, will be designated as an NSSE. That is a National Special Security Event.

As a result of being designated a National Special Security Event, done by Presidential directive which was established in 1998, you will have the Secret Service designated as the lead agency for design and implementation of the operational security plan, you will have the FBI designated as lead agency for crisis response, you will have FEMA designated as the lead agency for crisis or consequence management, working hand in hand with folks at the local level.

The bottom line is what we have here is designated a National Special Security Event. In effect, I view this almost as an unfunded mandate—very similar to that; that local agencies in St. Paul, Minneapolis, and Denver will face the responsibility of dealing with the national security event, working hand in hand with the Secret Service, the FBI, and FEMA, who will be leading the way. They simply do not have the resources to deal with the magnitude of security that will have to accompany this convention.

In conventions in Boston and New York, I was looking at some of the data, you are looking at 165,000 people passing through magnetometers, almost 10,000 packages screened, dealing with demonstrations, 9,500 U.S. Secret Service credentials be issued to local law enforcement, 200 Members of Congress, 20 to 30 Governors, national delegates, and obviously Presidential candidates.

The bottom line is some have characterized this as booze rather than bullets. This is not about booze. This is about security at an event in which there will be 14,000 international media present, in which much of the leadership of each of our parties will be present across the board, Federal, State, local.

In the past in this post-9/11 world, it has become very clear that local communities do not have the capacity to deal with this, so this Congress acted wisely in providing resources to the city of New York, acted wisely providing resources to the city of Boston.

I have trouble with the underlying bill. I oppose the language calling for withdrawal. I hope, after the President vetoes this bill, that this bill then comes back to us and we can vote on it without that language in it.

But this is a security issue. This is something that has to be done in a timely fashion. You can't wait until next year to develop these security plans.

I am raising my voice in concert with my colleagues on the other side of the aisle. I am raising my voice in opposition to amendment No. 648, which seeks to strip out the funding for this National Special Security Event. As a former local elected official, I understand folks at the local level simply do not have the capacity for what would be imposed on them in many instances, with national law enforcement directives telling them you have to do this and you have to do that. That, as we said before, was what we used to call unfunded mandates. It is something locals cannot do. Every dollar will be focused on security. There will be an accounting process for it.

The beginning of that process dealing with the security issues has to be now. This is something that should be dealt with. I think it is appropriate to be in this supplemental. Again, I have problems with other parts of the supplemental, other language. I suspect we will have a chance to vote on it again. But in whatever form it leaves this body, this language should be there. It is the right thing to do if you care about national security.

I ask unanimous consent to have printed in the RECORD the letter from the Department of Homeland Security, Secretary Chertoff, declaring the Republican National Convention to be a National Special Security Event.

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

DEPARTMENT OF HOMELAND SECURITY,
Washington, DC, March 5, 2007.

Hon. TIM PAWLENTY,
Governor of Minnesota,
Saint Paul, MN.

DEAR GOVERNOR PAWLENTY: On January 31, 2007, you requested that the Republican National Convention (RNC), occurring in the City of St. Paul, Minnesota, from September 1–5, 2008, be designated as a National Special Security Event (NSSE). After careful consideration, this letter is to advise you that the RNC will be designated as an NSSE.

The U.S. Secret Service, Federal Bureau of Investigation, and Federal Emergency Management Agency serve as the Federal agencies with lead responsibilities for NSSEs. Those agencies will partner with other Federal, State, and local law enforcement and public safety organizations in the development of a comprehensive strategy addressing all security and incident management related aspects of the NSSE. Additionally, at the appropriate time prior to the convention, I will assign a Principal Federal Official.

I would like to commend you, your staff, and the event planners in the City of St. Paul for the detailed security planning that has been accomplished thus far.

Sincerely,

MICHAEL CHERTOFF,
Secretary.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time is remaining to both sides?

The ACTING PRESIDENT pro tempore. The Senator from Washington has 4 minutes; 5 minutes for the Senator from Oklahoma.

Mrs. MURRAY. I don't see the Senator from Oklahoma. He has some time. I assume he will be coming to the floor, since we will be going to a vote shortly.

I yield the remainder of our time to the Senator from Oregon.

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

Mr. WYDEN. Mr. President, I thank my friend and colleague from Washington. When we go to the two amendments on the Secure Rural Schools Act under the order, I have a couple of minutes and the distinguished Senator from North Carolina, Senator BURR has a couple of minutes. But since there was this opportunity as a result of the graciousness of Senator MURRAY, I wish to mention a letter that came in from the sheriff of Douglas County, which is in southwestern Oregon. This is an area he is policing, the sheriff notes, that is slightly larger than Connecticut. In other words, his county is extraordinarily large.

If this money is not forthcoming, funds that would be made available under the county payments, this is what the sheriff says will take place:

> There are no Troopers. We are running out of deputies. And, if we lose access to this Federal funding, the people will essentially be left to provide their own public safety. There is no fallback position for the citizens.

The sheriff goes on to say:

> This is not a matter crying wolf or exaggerating our problems. This is quite simply the fork in the road where we make a choice. Does local government in rural Oregon cease to exist, or are we partially and temporarily spared in hopes of securing some means of providing for ourselves?

I think the comments from Chris Brown, the Douglas County sheriff, which just came in, say it all. What the legislation we are going to be voting on in a few minutes is all about is ensuring the Federal Government keep its obligation to rural communities, where the Federal Government owns most of the land. This is not welfare. I have tried to go into how this came about several times in the course of the debate over the last couple of days. The reality is that when the Federal Forest System was created more than 100 years ago and these rural communities were in a position where they could not maximize their revenues from these lands, the Federal Government struck an agreement. The Federal Government said: We will be there to at least partially offer funding for the essential services such as those that Chris Brown, the Douglas County sheriff, has written to us about.

The reality is, the distinguished Senator from Washington knows—and we are very pleased that she is a cosponsor with 18 other Senators in the bipartisan ''county amendments'' legislation—we have huge problems in our part of the world, with serious drugs, particularly methamphetamine. What Chris Brown is saying, this Douglas County sheriff, with respect to his area—which is, as he notes, as large as the State of Connecticut—is that he is going to be essentially defenseless in terms of protecting public safety for his folks in southwestern Oregon without this funding. He is not alone. The sheriff of Grants Pass told me recently that without this funding he is looking at the prospect of calling out the National Guard.

We will have our debate for 2 minutes each when we go to this amendment.

I yield the floor.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I yield back all time on both sides.

AMENDMENT NO. 709

The ACTING PRESIDENT pro tempore. All time has been yielded back. There will now be 2 minutes equally divided prior to a vote in relation to the Wyden amendment.

The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I urge the Senate to support the bipartisan group of 19 Senators and vote for the Wyden amendment and reject the Burr amendment. In voting for the Wyden amendment and rejecting the Burr amendment, Senators will be standing with the National Association of Counties, the National Governors Association, the 1,500 member organizations of the National Forest Counties and Schools Coalition and labor groups from across the land.

The Burr amendment purports to affect only the increase in funding but, as was pointed out in this morning's debate, the Burr amendment affects all funding, new and existing. As a result, the Burr amendment would stand in conflict with numerous State laws. The new formula in the bipartisan Wyden amendment is fair, fully paid for, and would ensure that America's rural communities can survive. I urge my colleagues to not walk away from the Federal Government's 100-year promise to rural America. Support the Wyden amendment and reject the Burr amendment.

I yield the remainder of my time to my friend and cosponsor, Senator CRAIG.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. CRAIG. Mr. President, the Senator from Oregon has spoken well to this issue. It is critical we vote now, that we vote for the amendment offered by the Senator from Oregon and reject the amendment of the Senator from North Carolina for micromanaging a decision that ought to be made at the local school district level when it comes to the allocation of these resources. The Federal Government and this Senate should not be telling the local school district in Nezperce, ID, or in a county such as Idaho County, ID: Here is how you are going to spend your money. We know better than the local school district or the local patrons of that district.

I hope you vote no on Burr and support the bipartisan amendment.

The ACTING PRESIDENT pro tempore. All time has expired. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays.

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

The question is on agreeing to the amendment.

The clerk will call roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Wyoming (Mr. ENZI) and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

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

[Rollcall Vote No. 118 Leg.]

YEAS—75

Akaka	Domenici	McConnell
Alexander	Dorgan	Menendez
Allard	Durbin	Mikulski
Baucus	Ensign	Murkowski
Bayh	Feingold	Murray
Bennett	Feinstein	Nelson (FL)
Biden	Graham	Nelson (NE)
Bingaman	Harkin	Obama
Boxer	Hatch	Pryor
Brown	Hutchison	Reed
Burr	Inouye	Reid
Byrd	Isakson	Rockefeller
Cantwell	Kennedy	Salazar
Cardin	Kerry	Sanders
Casey	Klobuchar	Schumer
Chambliss	Kohl	Smith
Clinton	Landrieu	Specter
Cochran	Lautenberg	Stabenow
Coleman	Leahy	Stevens
Conrad	Levin	Sununu
Corker	Lieberman	Tester
Craig	Lincoln	Warner
Crapo	Lott	Webb
Dodd	Lugar	Whitehouse
Dole	McCaskill	Wyden

NAYS—22

Bond	Grassley	Shelby
Brownback	Gregg	Snowe
Bunning	Hagel	Thomas
Carper	Inhofe	Thune
Coburn	Kyl	Vitter
Collins	Martinez	Voinovich
Cornyn	Roberts	
DeMint	Sessions	

NOT VOTING—3

Enzi	Johnson	McCain

The amendment (No. 709) was agreed to.

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

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

Mr. MENENDEZ. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 716

The ACTING PRESIDENT pro tempore. It is now in order to consider the

Burr amendment, with 1 minute of debate on each side.

Who yields time?

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, in a moment, we are going to hear from Senator BURR and Senator WYDEN on this amendment. I would tell our colleagues that we have three more votes that will be limited to 10 minutes.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from North Carolina.

Mr. BURR. Mr. President, let me ask my colleagues to listen because I think there are some misconceptions about what I am trying to do.

In 1908, we created this program. We reauthorized it in 2000. It was supposed to sunset a year ago. We have decided to continue the program. I supported the Wyden amendment.

There are three areas that receive funds from this amendment: Forest Service payments, BLM land, and the third fund is payments in lieu of taxes. I am only affecting one title of the first item, which is Forest Service payments. It is not doing anything to payments in lieu of taxes or BLM land.

Title 1, since 1908, has said the money could be used for schools or roads. That one title has 177 million new dollars in it. My amendment says 80 percent of the new dollars will go to education, to educate our children. It does not affect title 2, which is forest programs; it does not affect title 3, which is law enforcement, search and rescue. It is basically saying: At this time, our investment is going to go to our children.

I urge my colleagues to support the amendment.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Mr. President, I urge the Senate to vote against the Burr amendment because it significantly undermines what the Senate just voted for. The Burr amendment purports to affect only the increase in funds, but, as was pointed out in this morning's debate, the Burr amendment would affect all funding, new and existing, and as a result, the Burr amendment would stand in direct conflict with numerous State laws.

What the Burr amendment would do is disrupt funding decisions and local government operations around the country. In many localities, county governments and school districts operate separate and distinct budgets. Under the Burr amendment, local government decisions would, in effect, be overturned and we would go to a one-size-fits-all Federal mandate instead of local communities deciding about their future and their kids' education. Their hands would be tied in Washington, DC.

I urge the Senate to reject this bureaucratic straightjacket and vote no on the Burr amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from North Carolina.

Mrs. MURRAY. I ask for the yeas and nays.

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

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Wyoming (Mr. ENZI) and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 8, nays 89, as follows:

[Rollcall Vote No. 119 Leg.]

YEAS—8

Alexander	Coburn	Martinez
Bunning	Dole	McConnell
Burr	Gregg	

NAYS—89

Akaka	Durbin	Murray
Allard	Ensign	Nelson (FL)
Baucus	Feingold	Nelson (NE)
Bayh	Feinstein	Obama
Bennett	Graham	Pryor
Biden	Grassley	Reed
Bingaman	Hagel	Reid
Bond	Harkin	Roberts
Boxer	Hatch	Rockefeller
Brown	Hutchison	Salazar
Brownback	Inhofe	Sanders
Byrd	Inouye	Schumer
Cantwell	Isakson	Sessions
Cardin	Kennedy	Shelby
Carper	Kerry	Smith
Casey	Klobuchar	Snowe
Chambliss	Kohl	Specter
Clinton	Kyl	Stabenow
Cochran	Landrieu	Stevens
Coleman	Lautenberg	Sununu
Collins	Leahy	Tester
Conrad	Levin	Thomas
Corker	Lieberman	Thune
Cornyn	Lincoln	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeMint	McCaskill	Webb
Dodd	Menendez	Whitehouse
Domenici	Mikulski	Wyden
Dorgan	Murkowski	

NOT VOTING—3

Enzi	Johnson	McCain

The amendment (No. 716) was rejected.

Mrs. MURRAY. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 657

The PRESIDING OFFICER. There will now be 2 minutes evenly divided on amendment No. 657.

The Senator from Oklahoma, Mr. COBURN, has 1 minute.

Mr. COBURN. Mr. President, the amendment we are considering says the agriculture supplemental we put forward is going to be paid for. The Agriculture Department is the sixth largest corporation in the United States, when you look at it. What it says is we ought to be able to use some of the $8 billion they have sitting in the pot now and we ought to be able to find a way to make them 3 percent more efficient so we can actually pay $4.1 billion to help in the agricultural emergency we have in this country.

It does not add it. We do not charge it to our grandchildren. We say we are going to be responsible, and we are going to take it out of the money that is in there now that is easily findable. We will actually pay for helping our farmers who need our help today.

It is the exact same language the appropriations bill has for both cattle producers and grain producers. It just says: Find it within the agency, pay for it, and we will do it.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I hope the Senate will oppose this measure. The agricultural disaster program that was put in the supplemental bill is a bipartisan piece of legislation. Senator CONRAD, myself, Senator KIT BOND, Senator DIANNE FEINSTEIN—many of us worked together to put this in the legislation.

It is very simple. It reaches out a helping hand to those farmers, in many cases who lost everything, to say: You are not alone. This country wants to help you during tough times.

We have always—we have always—provided disaster relief on an emergency basis, except for the last several years; it has been blocked. This is the opportunity, on a bipartisan basis, for us to say to family farmers: You matter to this country. We want to help you. When you have had a weather-related disaster, we are here to help.

I hope we will turn down the amendment offered by my colleague from Oklahoma.

Mrs. MURRAY. 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 amendment No. 657.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Wyoming (Mr. ENZI) 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 23, nays 74, as follows:

[Rollcall Vote No. 120 Leg.]

YEAS—23

Alexander	Dole	McConnell
Bunning	Ensign	Sessions
Burr	Graham	Shelby
Carper	Gregg	Sununu
Coburn	Inhofe	Thomas
Corker	Kyl	Voinovich
Cornyn	Lugar	Warner
DeMint	Martinez	

NAYS—74

Akaka	Bennett	Boxer
Allard	Biden	Brown
Baucus	Bingaman	Brownback
Bayh	Bond	Byrd

Cantwell	Hutchison	Obama
Cardin	Inouye	Pryor
Casey	Isakson	Reed
Chambliss	Kennedy	Reid
Clinton	Kerry	Roberts
Cochran	Klobuchar	Rockefeller
Coleman	Kohl	Salazar
Collins	Landrieu	Sanders
Conrad	Lautenberg	Schumer
Craig	Leahy	Smith
Crapo	Levin	Snowe
Dodd	Lieberman	Specter
Domenici	Lincoln	Stabenow
Dorgan	Lott	Stevens
Durbin	McCaskill	Tester
Feingold	Menendez	Thune
Feinstein	Mikulski	Vitter
Grassley	Murkowski	Webb
Hagel	Murray	Whitehouse
Harkin	Nelson (FL)	Wyden
Hatch	Nelson (NE)	

NOT VOTING—3

Enzi	Johnson	McCain

The amendment (No. 657) was rejected.

Mrs. MURRAY. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Ms. LANDRIEU. Mr. President, on the previous vote, vote No. 120, I voted ''yea.'' I wish to change my vote to ''nay.'' I ask unanimous consent that I be permitted to change my vote from ''yea'' to ''nay.''

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

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 648

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on amendment No. 648.

The Senator from Oklahoma is recognized.

Mr. COBURN. This is simple. It is not an emergency. Eighteen months from now we are going to have the Presidential nominating conventions. In Atlanta, during the Olympics, for a month the entire security was $10 million. If we triple that amount for a month, you have $30 million. This bill allows $100 million for conventions and for decisions that are already going to be made prior to that so that the political parties can have a good time. Yet we are going to ask our children to pay for it. You are going to vote to ask your grandchildren to pay for a party you aren't having now, when the President already has $15 million in his budget for Secret Service for both of these conventions, which they feel is adequate at this time.

The question is not whether we should do it. If we are going to do it, we should do it inside the confines of the budget. Two, it is not an emergency. We have 18 months. We have plenty of appropriations bills to pay for this.

Mrs. MURRAY. I yield a minute to the Senator from Minnesota and then a minute to the Senator from Colorado.

Mr. COLEMAN. Mr. President, the world has changed since Atlanta. Since 9/11, this type of funding was available to Boston and it was available to New York City. There is absolutely no flexibility in scheduling the security in these cities. This month, the Director of Homeland Security declared Minneapolis-St. Paul a National Special Security Event. Secret Service will be the lead agency for one part of it, the FBI will be the lead for another, and FEMA for another part.

I say to my conservative colleagues, this is an unfunded mandate. These cities don't have a choice. The Feds tell them what they have to do. There is no flexibility in scheduling. This money needs to be put into place. We know the uncertainty of the appropriations process.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. In a March 5 letter from Secretary Chertoff, he indicated the Republican National Convention in St. Paul, MN, will be designated a National Special Security Event. In a March 9 letter, Senators ALLARD, COLEMAN, KLOBUCHAR, and myself asked for this assistance in appropriations, and it was included in there.

We have to remember we are living in a post-9/11 world. We are going to have 100 Senators, 435 Members of Congress, the President of the United States, and the Vice President all in this place at that one time. It is important for us to make sure we are providing the kinds of security they need.

I urge my colleagues to vote no on this amendment.

The PRESIDING OFFICER (Mrs. MCCASKILL). All time has expired.

Mrs. MURRAY. Madam 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 amendment.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Nebraska (Mr. NELSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Wyoming (Mr. ENZI) and the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 45, nays 51, as follows:

[Rollcall Vote No. 121 Leg.]

YEAS—45

Alexander	Ensign	McCaskill
Bayh	Feingold	Murkowski
Bingaman	Graham	Obama
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hagel	Shelby
Chambliss	Harkin	Smith
Coburn	Hatch	Snowe
Collins	Hutchison	Sununu
Corker	Inhofe	Tester
Cornyn	Isakson	Thomas
Craig	Kyl	Thune
Crapo	Lincoln	Vitter
DeMint	Lugar	Voinovich
Dole	Martinez	Warner

NAYS—51

Akaka	Boxer	Casey
Allard	Brown	Clinton
Baucus	Byrd	Cochran
Bennett	Cantwell	Coleman
Biden	Cardin	Conrad
Bond	Carper	Dodd
Domenici	Leahy	Reid
Dorgan	Levin	Rockefeller
Durbin	Lieberman	Salazar
Feinstein	Lott	Sanders
Inouye	McConnell	Schumer
Kennedy	Menendez	Specter
Kerry	Mikulski	Stabenow
Klobuchar	Murray	Stevens
Kohl	Nelson (FL)	Webb
Landrieu	Pryor	Whitehouse
Lautenberg	Reed	Wyden

NOT VOTING—4

Enzi	McCain
Johnson	Nelson (NE)

The amendment (No. 648) was rejected.

Mrs. MURRAY. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

Mrs. MURRAY. Madam President, I ask unanimous consent that the Senator from Iowa be recognized for 10 minutes; that immediately following the Senator from Iowa, the Senator from South Carolina be recognized for 5 minutes, and then we immediately return to regular order.

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

Mr. GRASSLEY. Madam President, the Durbin amendment is a perfect example of why authorizing on an appropriations bill ought to be discouraged. I know many Members are under extreme pressure from their hospitals to support the Durbin amendment, but I would encourage you to read the actual language and consider the consequences of what this amendment actually does.

This amendment will lead to anarchy in the Medicaid financial arrangements. As a result of the amendment, CMS will be prohibited from banning bad-actor States from reinstating the questionable schemes Congress has been trying to root out since 1991. This is because the Durbin amendment broadly—very broadly—prevents CMS from taking any action relating to this rule or any rule that would affect Medicaid or SCHIP in a similar manner.

For years, Medicaid was plagued by financial gamesmanship. States used so-called intergovernmental transfers to create scams that milked taxpayers out of millions, even billions of dollars. 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, then, to the $25? In the days before Congress and CMS cracked

down on the behavior, the money could go to roads or to stadium construction. That is right, Medicaid paid for roads and stadiums instead of health care for the very poor. Because of the way the Durbin amendment is written, States could return to the financial schemes where they used Medicaid funds for porkbarrel projects.

In 1991, 1997, and again in the year 2000, Congress took specific action to limit a State's ability to use payment schemes to avoid paying a State's share of Medicaid. The Durbin amendment blows all that away.

I would like to read from a letter from Leslie Norwalk, Acting Commissioner of CMS, released today:

> The Durbin amendment is so broadly drafted that it would seriously limit the agency's ability to do the normal program oversight to ensure program integrity. If enacted, it could prevent CMS from disapproving State plan amendments that violate, for example, the 1991 provisions on taxes and donations, the 1997 limitations on limiting Federal expenditures to the State plan, and the 2000 phase-down of upper payment limits.

She goes on to say:

> We are deeply concerned that if enacted, the Durbin amendment would reverse this progress and reopen the Federal Treasury to the abuses of the past.

Madam President, it is one thing to complain about the CMS rule; it is quite another thing entirely to overturn 16 years of congressional action with this amendment.

Let us talk for a moment about the rule in question. The core goal of the rule is to limit provider reimbursement to actual cost. What is wrong with just paying 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 the cost so that they can be part of these scams which rob the taxpayers to fund State pork.

Restricting payments to cost is not exactly a new idea. In 1994, the Government Accountability Office recommended that payments to Government providers be limited to cost. This is a fundamental issue of program integrity.

What did the GAO find in their 1994 report leading to that conclusion? The State of Michigan used these questionable transfers to reduce its share of Medicaid programs from 68 percent, which is what it should have been, to 56 percent. The GAO found evidence that in October of 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 million in Federal matching funds without putting up the State's share.

Congress and CMS have spent the last 15 years combating this behavior. It makes no sense for Congress to roll back the clock and allow these crazy practices to come back.

Over the past 4 years, CMS has been working with States to try to limit these scams. 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 to the Government Accountability Office and asked them to look into what CMS has been up to. We have been concerned that there has not been enough transparency in what CMS has done.

CMS has now published a rule. It is out there in the—government for everybody to look at. The rule stops improper transfers. The rule limits providers to cost. The rule requires payments matched up to claim. Just good accounting.

Let me speak to that last one specifically—matched up to claim. Too often in Medicaid, States are allowed to bill for services without being able to document that an actual service occurred. We have a program which spends hundreds of billions of taxpayer dollars. We have a rule which requires that the program better document where the money is spent.

What on Earth is going on that I have to come down to the floor to object to an amendment on an appropriations bill that tries to prevent a rule that protects the integrity of the Medicaid Program from going into effect, especially a responsible rule?

In 2005, the Finance Committee held a 2-day oversight hearing on the Medicaid Program. As a part of that hearing, we focused on continuing problems of States recycling funds. CMS has acted to stop that. 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.

I want us to ask tough questions about the definition of ''Government provider.'' I want to make sure that requiring schools to file claims isn't going to impede access to care for kids. I would like to know if the rule overturns arrangements such as the one the State of Iowa has created to provide a lump-sum payment to the University of Iowa and Broadlawns Hospital in Des Moines to care for the Medicaid patients. That is the right way to operate. We should deal with it in the Finance Committee.

That is why I have, as a general rule, objected to moving legislation in our jurisdiction on appropriations bills. The issues here are extremely complex. They deserve thorough consideration so we can assure the right action. Instead, we are here with this amendment. No hearings have been held, no testimony submitted, nothing.

This amendment throws the baby out with the bathwater. Then the bathtub goes out, and then the bathroom—this is the whole house. It undoes 16 years of sound public policy.

My amendment allows CMS to move forward to protect the Medicaid Program from fraud, to protect Medicaid integrity, and to ensure payments are not made inappropriately. We should stop an amendment that gives CMS a 2-year holiday from stopping fraud. We should stop an amendment that gives CMS a 2-year holiday from protecting program integrity. We should stop an amendment that gives CMS a 2-year holiday from stopping inappropriate payments.

Members should vote on my amendment so that it forces us to sit down and take a serious look at what we are doing here before we make a serious mistake we will all regret.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. Forty-five seconds.

Mr. GRASSLEY. At this time, then, I would ask unanimous consent to set aside the amendment before the body and that we take up Grassley amendment No. 701 to the Durbin amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRASSLEY. I heard the objection. I can't believe anyone would object. So we are objecting to protecting Medicaid from fraud? We are objecting to protecting the integrity of the Medicaid Program? We are objecting to stopping inappropriate Medicaid payments?

We are making a mistake. I hope this gets fixed in conference, and I am going to work to do that. I regret the objection, but I understand why.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Madam President, this bill is moving along very fast, and I compliment the majority and minority leaders for allowing the process to move forward in a quick fashion, because we understand the outcome. The bill most likely will pass in its current form, maybe with some changes, but at the end of the day, it will be vetoed.

I was listening earlier in the day to Senators HAGEL and WEBB discuss an amendment they had proposed. I am not sure whether it is germane, but the two Senators, who do deserve the respect of everyone in this body because they have been in combat, they have been in harm's way, had an amendment talking about force structure, how you would change the rotations, and the concerns this war has placed on the military. Well, those concerns are real, and I understand what they are trying to achieve there.

The reason I wanted to speak before we went to final passage is I know why the veto is coming. There are two components to this bill that the President should veto the bill over: No. 1, the restrictions we are placing on our military, and the deadlines and the timelines and the benchmarks all add up to making it impossible for the new

strategy of General Petraeus to be successful, if it became law. This is a constitutional encroachment upon the power of the Commander in Chief which I believe is unprecedented. There is an honorable path for Congress to take; that is, just stop funding a war that you think is lost. But the combination of deadlines, benchmarks, timelines, and micromanaging troop rotations all adds up to Congress really taking over wartime activity in a way that was never envisioned before. I don't think any other commander is going to have to go through what General Petraeus would have to go through if we did pass this bill and it were not vetoed.

I have been a military lawyer for 20-some years. The combat folks in here have been in harm's way. As a military lawyer, I have had some clients who wanted to kill me, but that is about it. So my hat is off to the warfighters. I have been in a support role, and there are thousands of doctors and nurses and lawyers and other support personnel serving in Iraq, and they are very much needed. There is no front line in Iraq or Afghanistan, so my hat is off to all of them. But the warfighter's point of view is what we need to be thinking about.

From the commander's point of view, General Petraeus has been assigned to a mission. He has come up with a new doctrine. Even the worst critic cannot say it is not something new. It is clearly something new. Whether it works I can't promise, but I think it has a good chance and there are early signs of success. It is making up for past mistakes.

The President is going to veto this bill because Congress has come up with a constitutional construct that, if allowed to exist, I believe would create dangers for future Commanders in Chief and future wars that are just unnecessary. I know the political moment for Iraq is not popular. I know people are frustrated and upset and we have made tons of mistakes, but the biggest mistake would be to throw the constitutional balance we have enjoyed for 200 years out of kilter and try to take over this war in a way we are not built to take over as a Congress.

There is a way to cut off this funding. We just haven't chosen to go down that road, and I don't know why. If you think it is lost, then that is the road to go down.

The second part of the bill that has met with objection is the number of projects unrelated to the war—for lack of a better word, porkbarrel spending. And it may not be porkbarrel spending. Some of these projects are probably very worthy. I just don't believe this is the way to fund them.

The emergency supplemental appropriations process for the war is needed, but we shouldn't have an emergency appropriation. This war has been going on for 4 years, so hopefully next year we will not find ourselves in this spot. If we do not get the funds over to our commanders and into the DOD pipeline, then readiness is hurt, the ability to prosecute the war is compromised beginning April 15, and every month thereafter, it gets more difficult.

So the President is going to veto the bill for two sound reasons. The construct Congress has created is taking the Congress in an area we have never gone before that I believe would be devastating to future wars. It would undermine General Petraeus' ability to be successful in his mission. The spending practices this bill embraces is what has put Congress in such low standing with the American public.

Republicans lost for a reason. We didn't treat the process in a respectful way. Our Democratic friends, with some Republican help, are making the problem worse when it comes to fiscal matters. So I do hope that once the veto is rendered we can find a way to get the money to the troops who are desperately in need of it over time, and we can find a way to come together and give General Petraeus a decent opportunity to turn Iraq around.

I end on this note. What drives my thinking and what makes me disagree with Senator WEBB and Senator HAGEL—people who have experienced combat—is that I believe the outcome in Iraq is part of the overall war on terror. If we lose in Iraq—and I think this bill would ensure a loss if it ever became law—the ripple effect is catastrophic; the war gets bigger, not smaller. A failed state in Iraq is a huge loss in the war on terror. It compromises our national security for decades.

That is the way I see it, and I will take every vote in this body viewing Iraq as a central battlefront in the war on terror, one we cannot afford to lose.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent the Senator from Kentucky be allowed to speak for up to 10 minutes on the underlying bill, and at the end of that time or yielding back of that time we return to the regular order.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kentucky is recognized.

Mr. BUNNING. Madam President, I rise today to voice my strong opposition to the emergency supplemental bill. The supplemental bill on the floor today is irresponsible. Since coming to the Congress 20-plus years ago, I have pushed for accountability and fiscal responsibility. When the Democrats took a page from the Republican playbook and said they would be responsible with the taxpayers' money, I wanted to believe them. I can see now that all the Democratic promises to the American people last fall were only empty words.

This bill is an insult to our men and women in uniform and every single American taxpayer. To me, this is not a political game. I came to the floor last year to oppose additional spending in the emergency supplemental bill. It had nondefense spending like $20 million for oyster fishermen in New England and $4 million for erosion control projects in California and Michigan, and that draft was put together by a Republican Congress.

The extra funds I opposed last year pale in comparison to what the Democrats have done this year. Unfortunately, it has become routine to see emergency spending bills on the Senate floor. I understand the pressing need for this legislation to defend America from terrorism and support our ongoing efforts in Iraq and Afghanistan. The purpose of the President's request is to protect and pay the men and women serving in our Armed Forces.

It also provides the funding needed to restore damaged military equipment and to purchase new state-of-the-art technology. This emergency supplemental is important to provide for American armed services the additional funds they need right now. However, this legislation goes far beyond necessary emergency defense spending. The majority is using budgetary gimmicks to pay for political handouts and entitlements on the backs of our fighting men and women. Mixed in the defense spending is a complicated list of earmark legislative language and program expansions.

Let me walk you through part of the bill. The hurricanes of 2005 were truly devastating, and I have supported the Government's rebuilding efforts in the region. But this bill before us today includes $1.45 billion in unrequested and unnecessary funding for the Corps of Engineers. It also eliminates a 10-percent local matching requirement for FEMA funds and eliminates the prohibition on forgiving community disaster loans.

These are two provisions Congress has supported in the past to ensure responsible spending. These provisions are not only inappropriate for a wartime supplemental, but they are also bad policy.

Another area of extra spending relates to agriculture. I have been a strong supporter of America's farms, but the programs in this bill are routinely funded through the regular process. I cannot justify supporting $3 million for Hawaiian sugar cane co-ops or $20 million for insect damage in Nevada on a wartime supplemental bill. This bill is about our troops, not our farmers.

There are even more glaring examples in this bill. There is $3.5 million for Capital Guide Services to provide service for tourism in this very building. It adds $100 million for dairy production losses; $13 million for a lamb replacement and retention program; $40 million for the tree assistance program; $6 million for flooded croplands in North Dakota; $25 million for asbestos abatement at the Capitol powerplant; $23 million for geothermal energy research. The list goes on and on.

I cannot support requests like these on the backs of our fighting men and

women. I will support every effort to strip all the nondefense funding out of this bill. It is time to show fiscal restraint and use emergency wartime spending legislation for precisely that purpose—to pay for the war and not for domestic pork projects.

Finally, I want to address the single most important issue in the supplemental, the shortsighted and political call for troop withdrawal. This bill includes similar language to that which was rejected by the Senate 2 weeks ago. It calls for the withdrawal of troops starting 120 days after passage of the bill and sets an arbitrary goal of full withdrawal from Iraq by March 31, 2008. I voted against this language 2 weeks ago, I voted against it yesterday, and I will continue to vote against it. As I have stated repeatedly, I do not support micromanaging the war. It is counterproductive and sends a detrimental message to our troops and emboldens our enemies.

I want my colleagues to understand that without the U.S. military, Iraq would become a vacuum that would threaten the stability of the entire Middle East. I share the desire to have the Iraqis defend themselves, and our military is providing them with important training. But that cannot happen based on an arbitrary deadline.

I want to warn the other side of the aisle, if you try to force the American military out of Iraq, you will be responsible for the chaos that will ensue. Without the United States, Iraq would emerge as a training ground for all al-Qaida and terrorist organizations. I believe the power vacuum would lead to genocide and murdering far worse than the terrorist attacks that are now occurring in Iraq.

Without the United States, there would be greater threat to Israel, and Iran would become the dominant country in the Middle East.

I want my colleagues to think about the path this troop withdrawal language takes us down. I stand for the men and women serving in Iraq by supporting their mission, but this bill does the opposite. It undermines the military's ability to act.

We need to listen to the commanders on the ground instead of pulling the rug out from under them. This supplemental is not a strategy for success. It is a recipe for defeat. Now is precisely the wrong time to send this message. I believe we may be turning the corner in Iraq. We may already see some success, based on recent reports from General Petraeus. Sectarian killing has been lowered in Baghdad over the last several weeks, and many Iraqi families have been returning to their homes. Some of my colleagues would rather ignore these small signs and the opportunities to succeed in Iraq by pursuing a partisan political agenda.

This bill should be a commitment to General Petraeus and our soldiers. It should be a mandate for them to secure democracy in Iraq and protect America from terrorism. I rise to ask my colleagues to join me in opposing this bill. This may be the most important legislation we address all year. It is an opportunity to tell General Petraeus and our fighting men and women in uniform that we support them. It is an opportunity to tell the people of Iraq that we will not cut and run and will not give in to political pressure, allowing us to affect our decisions on the floor of the Senate. It is an opportunity to defend America from terrorism.

This bill is a mistake that we cannot afford, and I urge my colleagues to vote against it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent the Senator from Nevada be given 10 minutes to speak, and after using his time or yielding back his time we revert to the regular order.

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

The Senator from Nevada.

AMENDMENTS NOS. 752 AND 753

Mr. ENSIGN. Madam President, I appreciate the Senator allowing me to speak. There is an amendment being negotiated and, hopefully, we will be able to have a vote on what I believe is a very important amendment.

In this emergency bill there are some things that some might consider an emergency, and there are others that I would not classify as an emergency. But there are things in the country that truly are an emergency. My amendment attempts to address one of the most pressing issues happening in our country today.

My amendment provides additional funding for the Adam Walsh Act that we passed last year. As each Senator knows, the Adam Walsh bill provides law enforcement with the tools to go after child predators. It also gives parents the tools they need to protect their own children. My amendment provides funding for the Adam Walsh bill. Simply, my amendment provides $12.5 million in funding for U.S. Marshals to track down the estimated 100,000 convicted sex offenders who have failed to register as a sex offender. It provides $12.5 million in funding for the U.S. Attorneys Offices to prosecute child pornographers and people who exploit children.

This amendment does not include any new spending. This amendment is offset by eliminating the $25 million in funding in this bill for the Department of State's Educational and Culturing Exchange Program. While that might be a worthy program, certainly I do not believe it compares to the priority of locking up sexual predators and protecting the children of the United States. Earlier this year, just less than 2 months ago, we provided over $445 million for this same exchange program.

There are many true emergencies, but this Congress is required to make difficult decisions. We were elected to make sure that we spend money on what is most important. For a parent, protecting their child from harm is one of their top priorities. It certainly is for myself and my wife. Protecting children from an online predator has to be absolutely one of our nation's top priorities. That is why I believe my amendment is necessary.

According to the National Center for Missing and Exploited Children, we know there are about 100,000 unregistered sex offenders in the United States.

The dangers these predators present to our children are very serious. Last year, I chaired a subcommittee hearing at the Commerce Committee about this very issue. What we discovered—what the testimony revealed was shocking. The average sexual predator who targets females will molest, on average, 130 young girls over the predator's lifetime. Let me say that again, on average one predator will victimize 130 young girls.

If the predator targets males, the predator will molest 180 young boys. I know that these statics sound so unbelievable that they could not possible be true, but sadly they are. That is why the dangers these predators present to our children is very real.

Giving law enforcement the tools to track down unregistered sex offenders, to give prosecutors the tools to prosecute people who exploit these children is critical.

I have heard from law enforcement agencies in my home State, that the Adam Walsh bill is making a real difference in our neighborhoods and communities.

Our children are safer for it. We need to continue to do everything in our power to eradicate child predators in our communities or as parents we won't be able to have a moment of peace. Too many families and children have been victimized by these predators who leave wounds that do not heal. That is why we must commit the resources necessary to protect our children. That is why I believe that funding the Adam Walsh bill is so important. I urge my colleagues to adopt this important amendment.

Now, I am sure that cultural exchange is important, but can we compare cultural exchange programs to the importance of protecting the American children? Madam President, I think not. I would urge my colleagues to adopt this amendment unanimously.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

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

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

The Senator from Wyoming is recognized.

AMENDMENT NO. 675

Mr. THOMAS. Madam President, I have an amendment at the desk. My amendment deletes unrelated measures to the spending bill. It includes a number of things, as you know, that we have talked about some. It includes the Transportation Department backlog of $389 million; fisheries, $216 million; conservation security, $115 million; tree assistance, $40 million; asbestos abatement, $25 million; Presidential nominating conventions, $180 million; MILC programs, $31 million; LIHEAP, $640.

As you know, the purpose of this bill is an emergency spending bill. I came to the floor during the budget debate to express my displeasure about the process and specifically with emergency spending. The bill before us now is a prime example. It started out as $100 billion in emergency spending for ongoing combat, added another $18 billion of additional nonemergency spending and a host of other things.

So I simply wish to make it clear that these provisions—many of them have merit, no question about that but, unfortunately, this bill is not where they belong. It is the wrong vehicle. I have tried for a number of years to get drought relief in the normal course of funding and will continue to do that for agriculture. But it does not make it emergency spending.

So, in any event, in the beginning of the fiscal year, Members of the Senate have said they were going to get our financial house in order. We are hoping to do that. I think this is not the way to do that. The American public deserves to know whether Members of the Senate who have committed themselves to get their financial house in order will back up their words with action.

So these are extraneous provisions that have little or nothing to do with meeting the supplies needed by our troops. I urge my colleagues to support this amendment.

Madam President, I ask unanimous consent to set aside the pending amendment. I have amendment 675 at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. THOMAS. Madam President, I am disappointed that the majority has not allowed me the chance to offer my amendment. We have a long tradition of Members debating and considering amendments. I have been denied the opportunity, and other Members have been denied the opportunity. I am very sorry for that.

I think it is fair to say the majority party in the Senate is attempting to turn the body into the House where the rights of the minority are ignored.

It is a sad day for the body. The American public wants Congress to debate these tough issues. In any event, after the election, the new majority indicated it will not be business as usual.

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

The PRESIDING OFFICER (Mr. OBAMA). 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.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senator from Colorado be recognized for 7 minutes and that upon the completion of his remarks or yielding back of his time we revert to the regular order.

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

The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank the Senator from Washington for allowing me to speak and granting me the time right here in my schedule.

I rise today to reflect on the current emergency supplemental bill that is before us. I believe, as many do in this body, the current situation in Iraq is not sustainable but that it requires positive change, not defeatism. I think the worst thing we could do would be to give the terrorists of the world an opportunity to declare victory. In the long run, that would make it more difficult to assure Americans will be safe.

This bill includes conditions that do not support the commanders on the ground and sets artificial deadlines for troop withdrawal. I have consistently said we should give the President's plan time to work. There are signs it is.

I read today General McCaffrey's assessment. While not upbeat, he did find that ''the situation on the ground has clearly and measurably improved.'' He says we have ''little time left.'' I agree. But ''little time'' is not to set a deadline. Doing so changes the entire strategic picture. If you will forgive me some frivolity, it is the difference between the 2-minute warning and the ninth inning. We do not want to let the insurgents know they just have to let the clock run down. The insurgents might not be actually watching C–SPAN, but they do know what we do here, what we say here and can plan accordingly. This is not the time to micromanage the war from Washington and the Congress.

Outside this body, decisions have been made for a new direction in Iraq. The President has laid out his new strategy to the public. ADM William Fallon is in place as CENTCOM commander whose area of responsibility is Iraq. We have a new commander of our forces in Iraq, and that is GEN David Petraeus. Let me remind those who need to hear it that we sent him to Iraq by a vote of 81 to 0 to win, not to withdraw. Soon we will have a new diplomatic team on the ground in Baghdad as well.

This shift in strategies also includes something I believe is absolutely imperative to success: a real commitment from the Iraqi Prime Minister to get his Government to play a much stronger role in the destiny of Iraq. The President is confident we now have that commitment. I hope we can move on to more pressing issues in the Senate rather than repeating the same ones time and again.

One reason I do not support the withdrawal language is I believe it is based on an assumption that by leaving Iraq Americans will be safer. The terrorists have made it abundantly clear that Iraq is central to their war against the civilized world. They are committed to fighting there and will not stop unless we defeat them. If we have to fight, it is preferable not to fight on our own soil.

We are also facing a credible veto threat. This bill is going nowhere—at least nowhere beyond the President's desk, which means we are delaying the needed funds for our military. This is no surprise. The President has been very clear. When he has been this clear, he has not deviated from his described track that he will follow.

I hope we can get past this and move on to more pressing issues such as passing a bill that will provide our troops the money they need.

Finally, I will not support this bill because the last thing we need to do in Congress is hurt the morale or the mission of our men and women fighting in Iraq, especially when we have adopted the President's plan, which is a brandnew plan to succeed in Iraq. I believe it is the right course for our troops on the ground at this time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senator from Idaho be allowed to speak for 5 minutes, that the Senator from Vermont be allowed to speak for 1 minute, and that the Senator from Illinois be allowed to speak for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, first of all, I thank the manager of the bill, the Senator from Washington.

Mr. President, I rise today to speak about the dangers of congressional micromanagement of war and the dangers of a precipitous withdrawal from Iraq. Yesterday, the Senate cast a historic vote to withdrawal our troops from a field of combat. I believe that this vote was a mistake of enormous proportions. Now both the Senate and House have included language in an emergency supplemental funding bill to micromanage the war and take the authority from our commanding officers and our Commander in Chief. The President has rightly expressed his concern over this legislation, stated that he will veto this legislation, and I will vote to uphold his veto.

The commanding general in Iraq, General Petraeus, had a large part in drafting this new plan forward. Yet now, numerous Senators have called to override his expertise and pull out our troops before this plan has time to work. We are not a body of generals, but of policy makers, and therefore we should not be in the business of setting arbitrary deadlines for retreat, deadlines which are rejected by our military commanders and the Commander

in Chief. It is the responsibility of the civilian leadership to set the political goals of an engagement, but leave the strategy decisions to the experts, the military leadership. It is clear to me that the majority leadership in the House and Senate see fit to preempt our military experts and inject their own political ideals into our Nation's military strategy. I believe that such actions are a great disservice to our men and women fighting in Iraq and Afghanistan, and I will continue to oppose their continued efforts to command our military tactics from the U.S. Capitol Building.

This bill contains critical funding for our military to ensure that our soldiers do receive the body armor, up-armored HMMWVs, and other necessary equipment to keep them safe in combat and allow them to seek out and destroy our enemies. The majority party is using this bill to play politics and score points with their base, delaying these necessary funds from reaching our troops. It is absolutely regrettable that my colleagues on the other side of the aisle voted to include this defeatist language on this critical funding bill for our soldiers.

I have heard a lot of my colleagues speak out against this war because of the duration of the war, that we have been in Iraq longer than in World War II, and that because of the duration of our efforts, we should simply retreat and come home. The fact is, we are not engaged against a standing Nazi German Army. While the United States continues to base large numbers of soldiers in Europe and on the DMZ in South Korea, we are told by some of our colleagues in the majority that we need to remove our footprint from Iraq completely and immediately, and allow these radical fundamentalists to butcher each other in our wake and create a new safe haven for terrorism in the Middle East.

Our soldiers in Iraq are fighting an insurgency that wears no uniform and fights with remote-controlled devices so they remain hidden on the battlefield making the job of our soldiers that much more difficult, but also making it that much more important that our Government continue to support their mission. No, this is not World War II. But the seriousness of this war is just as critical to the security of our country and the world.

I have stood on this floor several times this year talking not only about the implications to Iraq if we were to suddenly pull our troops out without a stable government and security forces in place, but about the implications to our own national security and the larger Middle East. If we were to pull our troops out tomorrow, the kind of humanitarian crisis we would see in Iraq, which would spill into neighboring countries in the form of violence and refugees, would be astronomical.

What then? Do we send more troops back in? Do we rely on an ineffective United Nations to send in corrupt officials and peacekeepers in an attempt to regain some sort of control? No, I do not believe that the United States should nor can afford to do that, and I will not cast a vote on this floor to allow that to happen.

Stability in Iraq, my colleagues say, is merely a pipe dream. However, we have already seen this new strategy start to work. Violence is down in Baghdad and the insurgence and terrorists are pulling out of the capital city and fleeing to the outskirts. Without a stable Baghdad, the Iraqi Government cannot rule. Our soldiers, aided by the reinforcements sent to Iraq by President Bush, are working very hard to provide the stability they so desperately need. Like every Member of this Chamber, I believe that we need a political solution to the situation in Iraq. However, a political situation cannot be met if there is not stability in the capital city of Baghdad. Some of my colleagues believe that if we pull our troops out of Iraq immediately, the violence will cease and the Government will stand up. It is my belief that the exact opposite will occur.

As I mentioned, our success in Iraq does not contain itself within the borders of Iraq. Our moderate allies in the Middle East are also counting on our success in the region to ensure that radical states, such as Iran, do not expand their powerbase to the entire Middle East. Without success in Iraq, and stability in the Middle East, our security and that of our allies will be in serious jeopardy.

We are already seeing what an instable leader of Iran is capable of doing. After defying U.N. resolution after resolution, the Iranian Government is moving forward with the enrichment of uranium; a move that could someday soon give them nuclear weapons. Can we trust the Iranian Government not to use those weapons against Israel, a country that their President has blatantly stated should be ''wiped off the map'', or Europe, or elsewhere around the world? No, I do not believe we can trust their Government to live peacefully with nuclear weapons. And our presence in the Middle East, along with success in Iraq, will go a long way to prevent that and keep the Iranian Government contained.

To those who contend that the United States does not have a very real interest in the Middle East and in a stable Iraq, I would say you are wrong. We have both security and economic interests in this part of the world and we cannot ignore that fact. I have been actively engaged in our Nation's energy debates to break our dependency on foreign oil. However, I recognize that this is not a problem that can be achieved over night. Our Nation has a real dependency on Middle Eastern oil, and a destabilized Iraq or a Middle East dominated by Iran would cause serious turmoil in the world's oil market and the economies of the United States and the world. I am working very hard to move our economy away from this dependency on foreign oil, and move towards more domestic production; but I also realize that if we leave Iraq before it can be stabilized and allow the Middle East to fall into the hands of radical fundamentalists, our economy will be in very real trouble.

We live in very serious times, a world where our enemies do not observe internationally recognized sovereign boundaries or governments, but instead choose to rule by terror and fear. If we allow these tactics to govern our way of life instead of standing up to them, we are essentially inviting the fight to our own backyard. We have the battleground established and we are taking the fight to our enemies; yet we are being pushed by the Democrats to pull back from the fight, come home to our shores, and hope that our enemies do not cross the oceans and follow us home. In our modern world, the vast Pacific and Atlantic Oceans are not the barriers they once were, and we need to ensure we do not end up fighting our enemies at home, when we could fight them abroad.

I would like to close by saying, again, unequivocally, that I believe the vote yesterday to retreat from Iraq was a serious mistake. Our enemies now look upon the United States as a country with no resolve, a country that will cut and run when things get tough. That, I firmly believe, is a very dangerous message for this country to be sending to our enemies and our friends. The Congress has a responsibility to conduct oversight over wars and to provide the necessary funding for our soldiers; but Congress does not have, nor should it have, the responsibility to dictate war strategies and tactical decisions. Those decisions should and must be left to the Commander in Chief and our expert military commanders. The President has made very clear that this bill will be vetoed, and I will vote to uphold that veto. The Senate cast a dangerous precedent yesterday with a vote to play general in war, and I hope that future Congresses choose not to go down this path.

AMENDMENT NO. 672

Mr. President, the senior Senator from Washington, the manager of the bill, and I have worked cooperatively together over the last several years for VA funding. But as to the VA funding that is in this bill, while I am not going to quibble with the amount, I am going to discuss with you for a moment what it does and how it does it.

Before I explain to my colleagues the amendment I was going to offer—amendment No. 672 that the majority will disagree with, and I will not offer that amendment—I wish to talk about the context of what is being offered. Does that sound technical? Well, it is, and it is not.

Under the current appropriations law, VA's health care system is funded through three separate accounts: the medical services, the medical administration, and the medical facilities accounts. That may sound simple

enough. However, similar to a lot of things in health care, it is not simple at all.

Consider paying a chief of radiology at a VA hospital. You might say: Well, he is a health care provider and, therefore, should be paid out of the medical services account. However, some of what a chief does—monitoring credentials, overseeing reviews, ordering equipment, et cetera—is administrative in character. So some portion of his salary is literally charged to that account.

That is not simple accounting. It is literally two financial transactions from two separate accounts—just to pay one person's salary.

VA has tens of thousands of employees just like this one who must be paid out of at least two accounts. How cumbersome is this three-account structure? Consider this: Prior to the enactment of the three-account structure that we currently operate under, about 5 years ago, VA averaged 25,000 financial transactions each year to run its health care system—25,000 transactions.

Since we enacted the three-account structure, VA is averaging 70,000 transactions per year in operating the same system. I know some of my colleagues believe that three accounts help Congress better track VA spending in certain areas. However, we can track spending very effectively through VA's budgeting process; we do so on a quarterly basis today, and we are doing it effectively. We do not need 70,000 financial transactions to do that.

When you are talking bureaucracy, folks, this has become one of the biggest bureaucracies of the Federal Government. What is being offered in this supplemental is simply going to make it more bureaucratic.

Unfortunately, the legislation before us would exacerbate the problems associated with the three-account structure. That is because the bill carves out more accounts for specific types of care or care to specific populations.

For example, while the bill provides $454 million for the medical services account, it requires that VA ''quarantine'' $202 million of that money for use only in treating veterans of OIF and OEF. Further, the bill requires that $100 million be fenced off and used only for mental health care, $30 million only for substance abuse treatment, and $20 million on readjustment counseling.

That all sounds great. But here is the problem: The problem is that as the money makes its way down to the VA facilities in all our States, be it in Spokane or Walla Walla or Boise, ID, all the States and local managers will be confronted with the task of trying to find out which account to charge when, for example, providing care to an OIF veteran for substance abuse treatment and anger management counseling.

Which account do I charge? If I charge the wrong account, I complicate the process. Does that visit get charged to an OIF or an OEF account? The mental health account? The substance abuse account? The readjustment counseling account? Who knows?

Under what is happening tonight, we are complicating that process dramatically, and the issue goes on and on.

I respect very much the right of Congress to give direction to the executive branch on how to spend the public's money. But I would respectfully suggest that specificity of this type in the operations of a health care system belongs more appropriately in report language, not in bill language.

I realize that this is a small amount of money in the larger scheme of a $36 billion VA budget. But, it sets a precedent for funding that I believe is wrong and we must stop. Unfortunately, Republicans have been complicit in this type of budgeting already—over my objections.

A few years ago, the House of Representatives sent the Senate an Appropriations bill that required at least $2.2 billion of VA's overall budget be spent on mental health treatment. In spite of my private objections to the Appropriations Committee at the time, that language was retained. Congress just had to show it cared about mental health treatment.

Well, here we are now carving out money not just for mental health care, but also substance abuse, blind rehabilitation, readjustment assistance, et cetera.

Where does it end? I think it should end here. If we do not stop this type of appropriating, we are very soon going to find ourselves inundated with special funding requests for ''politically popular'' types of health care. What we must remember is that VA clinicians provide comprehensive medical services to all of their patients—even the kind that isn't considered ''politically special care''.

We simply should not get in the business of feeding the politics of health care by carving out specific accounts for certain types of care. I realize it is good politics. But it is bad government and very bad medicine. And it creates even more complications with the actual financial operations of the VA health care system. We will soon approach 100,000 transactions to do the same job.

I urge my colleagues to stop this bad trend from continuing.

Mr. President, the reality is, I was not going to change the money; I was simply going to simplify the process. To be politically correct, we are making this process so complicated the question is: What account do I charge so I am not in violation of the law?

I yield the floor.

The PRESIDING OFFICER. The time of the Senator from Idaho has expired.

The Senator from Vermont.

AMENDMENT NO. 649

Mr. LEAHY. Mr. President, I am sorry I even have to be on the floor, but I know the Senator from Oklahoma, Mr. COBURN, offered an amendment to strike a $2 million provision in the supplemental designated for the James M. Jeffords Institute. That is something, incidentally, that is already 100 percent paid for. It is not like the $1 trillion the Senator from Oklahoma supports for a needless war in Iraq.

The money, the $2 million identified to fund this center, is not designated as emergency or new. It is funded through a rescission to already existing dollars for the current fiscal year. It was going to be appropriated last year, but we never finished our appropriations bills and had to go to a continuing resolution.

These funds were included because Senator Jeffords championed policy initiatives and investments that focused on the long-term well-being and educational needs of all Americans. It was put in in a bipartisan way by Senators from both parties reflecting that.

Along with the leadership of the Appropriations Committee and the Senate, on both sides of the aisle, I felt this would be a fitting way to honor Senator Jeffords' service to our country while there is still time. Clearly, Senator COBURN does not feel that way. Sadly, that is not going to happen today. I think it is a disgrace.

Mr. President, as I said, I am disheartened that I need to come to the Senate floor to debate an amendment this afternoon that would strike a $2 million provision in the supplemental designated for the James M. Jeffords Institute that is 100 percent paid for already.

The U.S. Senate has many important issues to deal with right now. And this is just not one of them.

The Senator from Oklahoma has every right to offer this amendment. It is interesting, however, that he does not find it a priority to question the $1 trillion that our country has spent to fight the war in Iraq.

I can comfortably conclude, and this will be no surprise to the Senator from Oklahoma, that we share a different view about what the U.S. Senate should take time to debate on the floor.

The fiscal year 2007 supplemental appropriations bill includes $2 million to further the establishment of the James M. Jeffords Institute, a center for educational excellence at the University of Vermont. This is an effort to acknowledge the long and distinguished service to Vermont and our Nation of our former colleague and friend, Senator Jim Jeffords, in promoting educational and policy excellence in the fields of education, environment, health, and agriculture.

As a tribute to Senator Jeffords for his 32 years of service in both the House and Senate, $3 million was included in the fiscal year 2007 Labor-HHS Appropriations bill to support the UVM Education in Excellence program. However, because the fiscal year 2007 appropriations bills were left uncompleted by the last Congress, and

due to the need to wrap up the process with a continuing resolution, this program, which had been the work of Senator Jeffords, was not funded.

Senator Jeffords did not seek reelection last fall so he could spend more time with his family and to address ongoing health issues. I am sad to note that these health issues continue.

In light of these developments with his health, I have worked with the chairmen of the Appropriations Committee and Labor-HHS Subcommittee and Senate leadership to include funding for the Jeffords Institute in the bill we now consider.

I will note that the $2 million identified to fund the center is not designated emergency or new. The project is funded through a rescission to already existing dollars for the current fiscal year and therefore does not increase the overall spending level of this bill or existing fiscal year 2007 spending levels.

Throughout his life in public service, Senator Jeffords championed policy initiatives and investments that focus on and enhance the overall well-being and educational success of individuals from early childhood through later years.

He championed legislation to strengthen our Nation's education system and increase the opportunities for individuals with disabilities. In 1975, he entered the House of Representatives as a new Member wearing a neck brace—as Jim was fond of saying, he was the walking wounded from a tough election—and went on to coauthor what would later be known as the Individuals with Disabilities Education Act, IDEA. That landmark legislation has provided equal access to education for millions of students with disabilities, students who otherwise would have been shunted aside and this country would not have had the value of their achievements. As chairman of the Senate Health, Education, Labor and Pension Committee, he continued to work tirelessly on education, job training, and disability legislation.

The Jeffords Institute continues those efforts by identifying and developing research and best practices that inform educational and social policies on early childhood, literacy, and youth development. A major focus of the institute will include collaboration with and preparation of teachers, administrators, and policymakers in the development and implementation of programs, policies, and practices that lead to positive, demonstrable outcomes in education and policy practices. Beyond the initial focus, which Senator Jeffords has been instrumental in shaping, the institute will expand its efforts to address policy and practice in the fields of environmental, health, and agriculture and their interrelationship with one another, with education being the overarching mission.

Senator COBURN's amendment to strike this provision from the supplemental appropriations bill is ill-considered. I think my colleagues will agree that Senator Jim Jeffords served Vermont well and, just as importantly, he served the House, Senate, and our Nation well. Were circumstances different, I would say that we could wait and find regular appropriations vehicles through which to fund this project.

I, along with the leadership of the Appropriations Committee and the Senate, believe this would be a fitting way to honor Senator Jeffords' service to our country while there is still time. Clearly, Senator COBURN does not feel that way. Sadly, that will not happen today. But I expect that the Senate will in due time give proper recognition to Senator Jeffords who we are so proud of in Vermont.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, earlier today, when I was at a hearing, my friend and colleague from Iowa, Senator GRASSLEY, came to the floor to speak about a provision which I have added to this bill. I would like to address Senator GRASSLEY's remarks.

Senator GRASSLEY said that an amendment which I added in the Appropriations Committee, in his words, would ''lead to anarchy in the Medicaid financial arrangements.'' He said it would prevent CMS from taking any action relating to the rules related to Medicaid reimbursement and SCHIP reimbursement.

Senator GRASSLEY recounted a time not that long ago when there was abuse of the Medicaid Program; where, in fact, States had figured ways to receive Medicaid funds and multiply them through accounting methods and use them in many instances for other purposes. In fact, Senator GRASSLEY talked about the fact that under this behavior of the past, the money the States managed to multiply through accounting techniques could be used for roads or for stadium construction. That is true. I thought it was an outrage. As a result, there was a hue and cry on Capitol Hill for a change in the law or more enforcement and these abuses were rooted out. I am happy to say my State of Illinois did not participate in any of these scams. I am proud they did not. Other States did, and it stopped, as it should have.

Then there was a negotiation between the Federal Government and States about this Medicaid formula. It is extremely complex. I wish it were as easy as some would portray, but it is not. So many States had negotiated with the Federal Government to reduce the Medicaid payments or to adjust Medicaid payments to acceptable levels. Many provisions of Medicaid reimbursement that had been agreed to by the Federal Government were changed and amended. That happened. The Federal Government, through CMS, had the authority to do that, and they did.

There are still several States in negotiation about this reimbursement from the Federal Government. I am hoping that negotiation will end in a positive way, as others have in the past, and I think it will. In the meantime, the Department of Health and Human Services comes in with a rule, a proposed rule, and says: Well, we would like to change the law in terms of these Medicaid reimbursements. Unfortunately, this rule they proposed is so sweeping it would cut off in my State of Illinois some $600 million in reimbursement to Medicaid providers, primarily public hospitals serving poor people.

I want this negotiation to continue. Clearly the Federal Government has the authority to continue this negotiation. I will not stand and defend any misuse of Federal funds or fraud. My concern, and the reason I offered this amendment, was the rule is so sweeping it goes too far.

Senator GRASSLEY has made a point, and others have backed him up, that this is probably the jurisdiction of the Finance Committee of the Senate, not the Appropriations Committee that brings this bill to the floor. I will acknowledge that point, but I also want to make it clear, this isn't the first time we have talked about this issue. In fact, it has been 2 years now when Senator GRASSLEY was chairman of the Finance Committee that we appealed to him to have Congress take the initiative and work out this problem. Unfortunately, Senator GRASSLEY couldn't schedule it in his busy schedule on the Finance Committee, and nothing was done.

The purpose of this amendment is simply to declare a moratorium on the new rule until we can put together this new approach through the Finance Committee. That is it. I am not standing here to defend any fraudulent practices. I don't want to take away from our Government any powers to enforce the law to stop any waste of taxpayers' dollars, but I want to make one point clear as well. When our State of Illinois entered into an agreement with the Federal Government about Medicaid reimbursement, it wasn't so we could use some backhanded accounting approach to build a road or a stadium. No. What we tried to do was to use accounting methods which would increase our opportunity to provide medical services to poor people and uninsured people. Our money we are receiving through Medicaid is used for health care and health care exclusively. This is the way it should be. It is a Medicaid program for health care. What we have done in Illinois with these funds is extend the reach of health care to uninsured people and provide services that otherwise would not be provided, such as specialized services many poor people never have a chance to receive.

I am proud our State has used this opportunity to expand care to people who need it: neonatal care for children who were born too soon and need the absolute best care immediately, and specialized care for those in every stage of life that otherwise wouldn't be available to them.

I say to my colleagues first, Senator GRASSLEY is right, we should not tolerate fraud in any way in Medicaid. This amendment does not. Secondly, we should urge every State to negotiate their accounting standards so they are consistent with the Federal Government, and I think that is taking place and should continue. In addition, I think this rule needs to be stopped at this point in time. Let the Finance Committee step in. Let us come up with an approach that works. In the meantime, some States that could be affected by this rule are concerned. If there is a cutoff of funds from the Federal Government to treat poor people, we know what will happen. These people will fall between the cracks, they will come to an emergency room for charitable care if they are lucky, they won't have the preventive care they need to keep themselves and their families happy, and they will pay a price in their life in terms of the quality and length of their own lives that are at stake here.

I urge my colleagues: Let's keep this provision in this supplemental appropriations bill. I urge my colleague Senator GRASSLEY, whom I dearly respect as a real leader here in the Senate, to work with Senator BAUCUS and others. Let us address this issue, not with this sword hanging over our heads about a rule that could come down and cut off hundreds of millions of dollars worth of funds for health care for poor people, but in a rational way that gives to each State what it is entitled to, and no more.

Mr. President, I ask how much time I have remaining on the time allocated.

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

AMENDMENT NO. 784

Mr. DURBIN. Mr. President, I also wish at this moment to mention an amendment I am going to offer to this supplemental appropriation to increase funding for international peacekeeping by $50 million. It is amendment No. 784, cosponsored by—I am not offering it at this time, but I will at a later time—Senators BIDEN, MENENDEZ, LEVIN, and others, to meet the urgent needs in Darfur, Sudan, and the surrounding region.

I believe these urgent peacekeeping needs constitute a true emergency by definition in this bill and should be funded. That was the amendment I originally filed and my colleagues joined in cosponsoring. I also recognize we are under severe budgetary pressure and I have been told I have to find an offset for the $50 million.

I do this with reluctance, but let me share with my colleagues a few numbers. The United States has spent $592 million in the construction of a gigantic Baghdad embassy—$592 million. For 2007 and 2008, the administration has requested $2.8 billion for mission operations in Iraq. To put this in perspective, the State Department's request for diplomatic and consular operations for the rest of the world for fiscal year 2008 is $5 billion. So $2.8 billion for Iraq, $5 billion for the world. This supplemental as passed out of the committee contains over $700 million for diplomatic and consular operations intended for Iraq.

This amendment, as I modified it, would shift $50 million from this sum to peacekeeping. Why do we need the peacekeeping? Because there are 7,000 African Union forces who are doing their best to protect hundreds of thousands, if not millions, of poor people in Darfur. I think this $50 million is not too much to ask. A slight trim, a little trim on the money that might be available for the $592 million Baghdad embassy, is not something that is unreasonable. They will have time to come back for more money if they need it.

At the appropriate moment I will offer this amendment. I hope my colleagues will join me in supporting it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, a few moments ago the Senator from Idaho came to the floor to talk about an amendment he had regarding the language in the underlying bill covering veterans and he described it as ''too prescriptive.'' I think it is imperative that we keep the language the way it is written.

For 4 years, the Bush administration has conducted this war with very little regard for the tremendous strain it is putting on the VA and it is putting on veterans and their families. Last month we saw this horrible reality exposed at Walter Reed. So today, in this supplemental bill, we are helping to put an end to that neglect. We are not going to wait for the President to fix these problems. We have waited too long. We are facing the cost of war in the supplemental, and we are putting the money where it is needed.

This supplemental does include $1.7 billion for veterans health funding. We put this money in because this administration has fallen short in meeting the needs of our returning veterans. The supplemental does direct the VA to prescriptively put in $50 million for new polytrauma centers, as we have learned of the traumatic brain injury impact to many soldiers and their families. It does direct $100 million for mental health care, because we know more than a third of our soldiers who are returning home are suffering from post-traumatic stress syndrome and too often are being turned away for care. It does include $201 million to treat these recently returning veterans, because we know they are waiting in line and cannot get their benefits, and too many of them today are ending up homeless simply because they can't get the check they need to be able to pay for basic costs for themselves.

It does include $30 million for research on the best prosthetics for amputees. We were at the VA hearing a few days ago and heard from a wonderful woman, Tammy Duckworth, talking about our veterans today who are coming back who need prosthetics, not just to be able to walk but to be able to ski or to be able to rock climb. Those are the kinds of prosthetics that take a great deal of training. We want to make sure those young men and women who are coming back today who have lost limbs have the best prosthetics available for what they need in their lives. It does include $870 million to fix those problems that were uncovered at the VA facilities across the country, not just at Walter Reed, but for tiles falling off ceilings, bats that haven't been eliminated in Oregon, facilities that have peeling paint at care facilities that would not be accepted by any of us in this country. It does include $46 million to hire new claims processors so our veterans don't have to wait for their benefits.

Why are we being so prescriptive? Well, we are here today because we have seen the VA not spend the dollars wisely, to move the dollars around in different accounts to cover the lack of funding they have needed, and we are going to make sure in this bill we take care of the needs we have heard so vividly about from so many men and women who have returned from Iraq and Afghanistan and around the globe, and who are facing long lines, who aren't getting the mental health care they need, who need access to care for traumatic brain injuries, the signature injury of this war, and we are going to make sure we hold this administration accountable by finally being prescriptive so it is spent wisely.

I reject the Senator from Idaho's arguments on our amendment, and I think we have wisely held the administration and ourselves accountable to make sure the men and women who have served us so well are treated with respect when they come home.

Mr. President, we have a number of amendments we are going to go through at this time. I believe we are ready to accept them. I ask unanimous consent to set aside the pending amendment.

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

AMENDMENT NO. 655

Mrs. MURRAY. Mr. President, I call up amendment No. 655 on behalf of Senator HUTCHISON and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mrs. HUTCHISON, proposes an amendment numbered 655.

Mrs. MURRAY. 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 as follows:

(Purpose: To authorize the conveyance of a parcel of land for use for purposes of a prison in the State of Texas)

On page 28, between lines 18 and 19, insert the following:

SEC. 13___. (a)(1) Notwithstanding any other provision of law, the Secretary of Veterans Affairs (referred to in this section as the ''Secretary'') may convey to the State of Texas, without consideration, all right, title, and interest of the United States in and to the parcel of real property comprising the location of the Marlin, Texas, Department of Veterans Affairs Medical Center.

(2) The property conveyed under paragraph (1) shall be used by the State of Texas for the purposes of a prison.

(b) In carrying out the conveyance under subsection (a), the Secretary—

(1) shall not be required to comply with, and shall not be held liable under, any Federal law (including a regulation) relating to the environment or historic preservation; but

(2) may, at the discretion of the Secretary, conduct environmental cleanup on the parcel to be conveyed, at a cost not to exceed $500,000, using amounts made available for environmental cleanup of sites under the jurisdiction of the Secretary.

Mrs. MURRAY. Mr. President, this amendment has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 655) was agreed to.

AMENDMENT NO. 666

Mrs. MURRAY. Mr. President, I call up amendment No. 666 on behalf of Senator CLINTON.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mrs. CLINTON, proposes an amendment numbered 666.

Mrs. MURRAY. 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 as follows:

(Purpose: To link award fees under Department of Homeland Security contacts to successful acquisition outcomes under such contracts)

At the end of chapter 5 of title I, add the following:

SEC. 1503. LINKING OF AWARD FEES UNDER DEPARTMENT OF HOMELAND SECURITY CONTRACTS TO SUCCESSFUL ACQUISITION OUTCOMES.

The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

Mrs. MURRAY. Mr. President, I believe this amendment has been cleared on both sides.

Mr. COCHRAN. Mr. President, what is this amendment?

Mrs. MURRAY. Amendment No. 666 on behalf of Senator CLINTON.

Mr. COCHRAN. We have no objection to this amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 666) was agreed to.

AMENDMENT NO. 685, AS MODIFIED

Mrs. MURRAY. Mr. President, I call up amendment No. 685 on behalf of Senator KENNEDY, with a modification, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. KENNEDY, proposes an amendment numbered 685, as modified.

Mrs. MURRAY. 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, as modified, is as follows:

On page 93, between lines 9 and 10.

SEC. ____. Notwithstanding any other provision of law, none of the funds in this or any other Act shall be used to reorganize or relocate the functions of the Armed Forces Institute of Pathology (AFIP) until the Secretary of Defense has submitted, not later than December 31, 2007, a detailed plan and timetable for the proposed reorganization and relocation to the Committees on Appropriations and Armed Services of the Senate and House of Representatives. The plan shall take into consideration the recommendations of a study being prepared by the Government Accountability Office (GAO), provided that such study is available not later than 45 days before the date specified in this section, on the impact of dispersing selected functions of AFIP among several locations, and the possibility of consolidating those functions at one location. The plan shall include an analysis of the options for the location and operation of the Program Management Office for second opinion consults that are consistent with the recommendations of the Base Realignment and Closure Commission, together with the rationale for the option selected by the Secretary.

Mrs. MURRAY. This amendment has been cleared on both sides.

Mr. COCHRAN. We have no objection to this amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 685), as modified, was agreed to.

AMENDMENT NO. 674

Mrs. MURRAY. Mr. President, I call up amendment No. 674 on behalf of Senator COCHRAN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. COCHRAN, proposes an amendment numbered 674.

Mrs. MURRAY. I ask unanimous consent that reading of the amendment be dispensed with.

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

(Purpose: To require the reports on the progress of the Government of Iraq in meeting benchmarks to be submitted jointly by the Commander, Multi-National Forces-Iraq, and the United States Ambassador to Iraq)

On page 28, beginning on line 14, strike ''the Commander, Multi-National Forces-Iraq shall submit'' and insert ''the Commander, Multi-National Forces-Iraq and the United States Ambassador to Iraq shall jointly submit''.

Mrs. MURRAY. This amendment has been cleared on both sides.

Mr. COCHRAN. Mr. President, there is certainly no objection to the Cochran amendment.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 674) was agreed to.

AMENDMENT NO. 687, AS MODIFIED

Mrs. MURRAY. Mr. President, I call up amendment No. 687 on behalf of Senator KERRY and send a modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. KERRY, and Mr. HAGEL, proposes an amendment numbered 687, as modified.

Mrs. MURRAY. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 70, between lines 5 and 6, insert the following:

SEC. 2403. RESERVIST PROGRAMS.

(a) DEFINITIONS.—In this section—

(1) the term ''activated'' means receiving an order placing a Reservist on active duty;

(2) the term ''active duty'' has the meaning given that term in section 101 of title 10, United States Code;

(3) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(4) the term ''Reservist'' means a member of a reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code;

(5) the term ''Service Corps of Retired Executives'' means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(6) the term ''small business concern'' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(7) the term ''small business development center'' means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648); and

(8) the term ''women's business center'' means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

(b) APPLICATION PERIOD.—Section 7(b)(3)(C) of the Small Business Act (15 U.S.C. 636(b)(3)(C)) is amended by striking ''90 days'' and inserting ''1 year''.

(c) PRE-CONSIDERATION PROCESS.—

(1) DEFINITION.—In this subsection, the term ''eligible Reservist'' means a Reservist who—

(A) has not been ordered to active duty;

(B) expects to be ordered to active duty during a period of military conflict; and

(C) can reasonably demonstrate that the small business concern for which that Reservist is a key employee will suffer economic injury in the absence of that Reservist.

(2) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a preconsideration process, under which the Administrator—

(A) may collect all relevant materials necessary for processing a loan to a small business concern under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) before an eligible Reservist employed by that small business concern is activated; and

(B) shall distribute funds for any loan approved under subparagraph (A) if that eligible Reservist is activated.

(d) OUTREACH AND TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Veterans Affairs and the Secretary of Defense, shall develop a comprehensive outreach and technical assistance program (in this subsection referred to as the ''program'') to—

(A) market the loans available under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) to Reservists, and family members of Reservists, that are on active duty and that are not on active duty; and

(B) provide technical assistance to a small business concern applying for a loan under that section.

(2) COMPONENTS.—The program shall—

(A) incorporate appropriate websites maintained by the Administration, the Department of Veterans Affairs, and the Department of Defense; and

(B) require that information on the program is made available to small business concerns directly through—

(i) the district offices and resource partners of the Administration, including small business development centers, women's business centers, and the Service Corps of Retired Executives; and

(ii) other Federal agencies, including the Department of Veterans Affairs and the Department of Defense.

(3) REPORT.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter until the date that is 30 months after such date of enactment, the Administrator shall submit to Congress a report on the status of the program.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include—

(i) for the 6-month period ending on the date of that report—

(I) the number of loans approved under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3));

(II) the number of loans disbursed under that section; and

(III) the total amount disbursed under that section; and

(ii) recommendations, if any, to make the program more effective in serving small business concerns that employ Reservists.

AMENDMENT NO. 687

Mr. KERRY. Mr. President, I wish to speak to an amendment that, if enacted, will serve to fix a program at the Small Business Administration, SBA, that was designed to help small businesses dependent on a military reservist who is called to active duty. Since 2002, fewer than 300 loans have been made to these businesses, despite seemingly ever-increasing numbers of reservists sent overseas. Reservists and their small businesses have been asked to sacrifice enough without having to incur the financial hardships associated with business failure, and we should be doing everything we can to help these businesses stay afloat.

According to a February 2007 report by the General Comptroller's Office, there are approximately 1.1 million reservists serving our country today, which represents about 44 percent of the Nation's entire military force. On March 1, 2007, the Independent Commission on the National Guard and Reserves issued an interim report stating that, since September 11, 2001, the deployments of U.S. military reservists have risen from approximately 12.7 million days of annual service to an estimated 63 million days in 2006.

Additionally, a recent Congressional Budget Office, CBO, analysis finds that only about 6 percent of businesses employ reservists. Smaller firms—those with fewer than 500 staff—employ 35 percent of all reservists. Eighteen percent of reservists work for firms with fewer than 100 employees. This report concluded that reservist activations are creating vacancies that firms would not otherwise have had, and, while larger businesses may absorb the loss of personnel at little cost, many small firms struggle to compensate for the absence of a key employee who has been called to active duty.

In an attempt to help reservists and businesses that incur economic hardships as a result of an essential employee or small firm owner being deployed, I authored legislation to create the Military Reservist Economic Injury Loan Program, MREIDL, in 1999. The program's goal is to assist reservist-dependent small businesses with the ordinary, day-to-day operating costs of running a business. The law provides these employees access to low interest loans from the SBA when they are called up to active duty.

Unfortunately, the intent of the law has not been put into action. Due to poor marketing of this program and the inability of a business to apply for a loan prior to a reservist's being called to active duty, as well as a very limited window of time in which a business can apply for a loan following a reservist's discharge, businesses are either reluctant to take on additional debt due to already declining revenues or are unaware of the program altogether.

My amendment serves to address these issues. First, my amendment extends the window of time for a reservist dependent business to apply for a loan from 90 days following the date of discharge to 1 full year. Reservists need ample time to return and get their feet underneath them. Often 90 days is not enough time to realize that the business is in need of assistance. This extension will allow a returning reservist to better understand the financial situation and to act accordingly in a reasonable amount of time.

Second, this amendment directs the SBA to create a preapproval process for reservist dependent businesses so that businesses can begin to draw down funds immediately upon the reservist being called to duty. Businesses that depend on reservists should not have to wait until they are failing in order to receive the financial assistance they require to stay afloat.

Third, this amendment establishes a coordinated, proactive marketing plan to be conducted by the SBA, the Veterans' Administration, and the Department of Defense to more effectively get information in the hands of reservists and their families. This program is of little help unless reservists and their families are aware of its benefits, and this provision addresses that simple fact.

Finally, the amendment directs the SBA to report back to the Small Business Committees of the Senate and the House of Representatives on the status of this program, as well as additional steps that may be taken to improve the program for reservist-dependent small businesses.

Mr. President, this is a noncontroversial amendment that simply seeks to fix a program that is not serving its original intent. The provisions in this amendment, including the extension of the application period and the preapproval process, were created in response to testimony heard earlier this year during a hearing in the Senate Committee on Small Business and Entrepreneurship, which I chaired and at which the administration testified. These are commonsense solutions for fixing this program and for helping our small business owners who have sacrificed the service of a key employee to military service. These small businesses are serving their country in a time of war. They should not be asked to sacrifice their livelihood as well. I would like to thank Senator HAGEL for his support of this important amendment. I ask my colleagues to support this amendment as well.

Mr. LEAHY. Mr. President, Senator SPECTER and I have joined together to offer amendment No. 755 the supplemental appropriations bill to authorize a cost-of-living adjustment, COLA, for the salaries of Justices and judges of the United States for fiscal year 2007.

I thank my friend, Senator SPECTER, for his leadership on this issue. I also thank the chairman of the Financial Services Appropriations Subcommittee, Senator DURBIN, and the chairman of the full Appropriations Committee, Senator BYRD, for working with us on the modifications made to this amendment.

This is a step I supported taking—and that we should have taken—in the last Congress. As the chairman of the Senate Judiciary Committee, I have worked diligently to preserve the independence of our Federal judiciary and to treat its members fairly.

At the beginning of this Congress, Senator SPECTER and I introduced legislation, S. 197, to authorize this COLA.

It passed the Senate by unanimous consent and now awaits consideration by the House. That bipartisan effort—designed to protect and strengthen the integrity and independence of our co-equal branch of government—is a modest step towards addressing the issues raised by Chief Justice Roberts in his ''Year End Report on the Federal Judiciary.''

In 1975, Congress enacted the Executive Salary Cost-of-Living Adjustment Act, intended to give judges, Members of Congress and other high-ranking executive branch officials automatic COLAs as accorded other Federal employees unless specifically rejected by Congress. In 1981, Congress enacted section 140 of Public Law 97–92, mandating specific congressional action to give COLAs to judges. During the 21 years of section 140's existence, Congress has always accorded to the Federal judiciary co-equal respect by suspending section 140 whenever Congress has granted to itself and other Federal employees a COLA.

The modified bipartisan amendment offered by Senator SPECTER and I today authorizes a COLA for Federal judges consistent with the law and with fairness. The fiscal year 2007 joint funding resolution approved by Congress and signed into law by the President earlier this year increased the Judiciary budget by $250 million over fiscal year 2006 levels. It did not, however, suspend section 140, thus ensuring that no COLA would be provided for Federal judges during the current fiscal year unless other action is taken. Our amendment will rectify that situation.

I thank my colleagues for agreeing to this amendment to authorize the annual judicial COLA in fiscal year 2007. With it, we take another step toward preserving the judicial independence critical for upholding our system of government and protecting the rights of all Americans.

Mrs. MURRAY. This amendment also has been cleared on both sides.

Mr. COCHRAN. It has been cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 687), as modified, was agreed to.

AMENDMENT NO. 727

Mrs. MURRAY. Mr. President, I call up amendment No. 727 on behalf of Senator STEVENS.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. STEVENS, proposes an amendment numbered 727.

Mrs. MURRAY. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To make a technical correction regarding the availability of funds from the Iraq Freedom Fund)

At the end of chapter 3 of title I, add the following:

SEC. 1316. REDEVELOPMENT OF INDUSTRIAL SECTOR IN IRAQ.

Of the amount appropriated or otherwise made available by this chapter under the heading ''IRAQ FREEDOM FUND'', up to $100,000,000 may be obligated and expended for purposes of the Task Force to Improve Business and Stability Operations in Iraq.

Mrs. MURRAY. This amendment has been cleared on both sides.

Mr. COCHRAN. We have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 727) was agreed to.

AMENDMENT NO. 732, AS MODIFIED

Mrs. MURRAY. Mr. President, I call up amendment No. 732 on behalf of Senators LANDRIEU, VITTER, and INHOFE and send a modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Ms. LANDRIEU, for herself, Mr. VITTER, and Mr. INHOFE, proposes an amendment numbered 732, as modified.

Mrs. MURRAY. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in title II Chapter 3 General Provisions, insert the following:

Section __. The Chief of Engineers shall investigate the overall technical advantages, disadvantages and operational effectiveness of operating the new pumping stations at the mouths of the 17th Street, Orleans Avenue and London Avenue canals in the New Orleans area directed for construction in Public Law 109–234 concurrently or in series with existing pumping stations serving these canals and the advantages, disadvantages and technical operational effectiveness of removing the existing pumping stations and configuring the new pumping stations and associated canals to handle all needed discharges; and the advantages, disadvantages and technical operational effectiveness of replacing or improving the floodwalls and levees adjacent to the three outfall canals: Provided, That the analysis should be conducted at Federal expense: Provided further, that the analysis shall be completed and furnished to the Congress not later than three months after enactment of this Act.

SEC. __. Using funds made available in Chapter 3 under Title II of Public Law 109–234 (120 Stat. 453), under the heading ''Investigations'', the Secretary of the Army, in consultation with other agencies and the State of Louisiana shall accelerate completion as practicable the final report of the Chief of Engineers recommending a comprehensive plan to deauthorize deep draft navigation on the Mississippi River Gulf Outlet: Provided, That the plan shall incorporate and build upon the Interim Mississippi River Gulf Outlet Deep-Draft De-Authorization Report submitted to Congress in December 2006 pursuant to Public Law 109–234.

SEC. __. (a) Section 111 of Public Law 108–137 [117 Stat. 1835] is amended by—

(1) adding the following language at the end of subsection (a):

'Such activities also may include the provision of financial assistance to facilitate the buy-out of properties located in areas identified by the State of Oklahoma as areas that are or will be at risk of damage caused by land subsidence and other necessary and closely associated properties otherwise identified by the State of Oklahoma; however, any buyout of such properties shall not be considered to be part of a Federally assisted program or project for purposes of 42 U.S.C. 4601 et seq., consistent with section 2301 of Public Law 109–234 [120 Stat. 455–456].'; and

(2) striking the first sentence of subsection (d) and inserting the following language in lieu thereof:

''(d) Non-Federal interests shall be responsible for operating and maintaining any restoration alternatives constructed or carried out pursuant to this section.' ''

Mrs. MURRAY. This amendment is cleared on both sides.

Mr. COCHRAN. I confirm that it has been cleared on this side of the aisle.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 732), as modified, was agreed to.

AMENDMENT NO. 755

Mrs. MURRAY. Mr. President, I call up amendment No. 755 on behalf of Senators LEAHY and SPECTER.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. LEAHY, for himself and Mr. SPECTER, proposes an amendment numbered 755.

Mrs. MURRAY. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide a cost of living adjustment for the Federal judiciary, and for other purpose)

At the appropriate place, insert the following:

CHAPTER ____—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For an additional amount for ''SALARIES AND EXPENSES'' for the salaries of Justices of the Supreme Court, $27,000, *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For an additional amount for ''SALARIES AND EXPENSES'' for the salaries of the judges of the United States Court of Appeals for the Federal Circuit, $29,000, *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For an additional amount for ''SALARIES AND EXPENSES'' for the salaries of the judges of the United States Court of International

Trade, $18,000, *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For an additional amount for ''SALARIES AND EXPENSES'' for the salaries of the judges of the Courts of Appeals and District Courts, $5,279,000, *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

GENERAL PROVISIONS—THE JUDICIARY

SEC. _____. (a) Pursuant to section 140 of Public Law 97–92, justices and judges of the United States are authorized during fiscal year 2007 to receive a salary adjustment in accordance with section 461 of title 28, United States Code.

(b) This section shall be effective as of January 1, 2007, and shall apply only with respect to the salaries of justices and judges for whom appropriations are made available under this chapter, notwithstanding section 603 of title 28, United States Code, or similar provision of law.

Mrs. MURRAY. This amendment has been cleared on both sides.

Mr. COCHRAN. Yes, this amendment is cleared. We urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 755) was agreed to.

AMENDMENT NO. 772

Mrs. MURRAY. Mr. President, I call up amendment No. 772 on behalf of Senator SNOWE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Ms. SNOWE, proposes an amendment numbered 772.

Mrs. MURRAY. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To relieve burdens on small business concerns operating on Federal disaster projects and for other purposes)

On page 69, strike line 5 and all that follows through page 70, line 5, and insert the following:

(b) TERMINATION OF PROGRAM.—Section 711(c) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by inserting after ''January 1, 1989'' the following: '', and shall terminate on the date of enactment of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007''.

Mrs. MURRAY. This amendment has been cleared.

Mr. COCHRAN. Yes, the amendment has been cleared.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 772) was agreed to.

AMENDMENT NO. 776

Mrs. MURRAY. Mr. President, I call up amendment No. 776 on behalf of Senators LANDRIEU and COCHRAN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Ms. LANDRIEU, for herself and Mr. COCHRAN, proposes an amendment numbered 776.

Mrs. MURRAY. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide funds to recruit and retain teachers, principals, and other school leaders to areas impacted by Hurricane Katrina or Hurricane Rita)

At the appropriate place, insert the following:

HURRICANE EDUCATION RECOVERY

For carrying out activities authorized by subpart 1 of part D of title V of the Elementary and Secondary Education Act of 1965, $30,000,000, to remain available until expended, for use by the States of Louisiana, Mississippi, and Alabama primarily for recruiting, retaining, and compensating new and current teachers, principals, school leaders, and other educators for positions in public elementary and secondary schools located in an area with respect to which a major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) by reason of Hurricane Katrina or Hurricane Rita, including through such mechanisms as paying salary premiums, performance bonuses, housing subsidies, and relocation costs, with priority given to teachers and school leaders who were displaced from, or lost employment in, Louisiana, Mississippi, or Alabama by reason of Hurricane Katrina or Hurricane Rita and who return to and are rehired by such State or local educational agency; *Provided*, That funds available under this heading to such States may also be used for 1 or more of the following activities: (1) to build the capacity of such public elementary and secondary schools to provide an effective education, including the design, adaptation, and implementation of high-quality formative assessments; (2) the establishment of partnerships with nonprofit entities with a demonstrated track record in recruiting and retaining outstanding teachers and other school leaders; and (3) paid release time for teachers and principals to identify and replicate successful practices from the fastest-improving and highest-performing schools: *Provided further*, That the Secretary of Education shall allocate amounts available under this heading among such States that submit applications; that such allocation shall be based on the number of public elementary and secondary schools in each State that were closed for 19 days or more during the period beginning on August 29, 2005, and ending on December 31, 2005, due to Hurricane Katrina or Hurricane Rita; and that such States shall in turn allocate funds, on a competitive basis, to local educational agencies, with priority given first to such agencies with the highest percentages of public elementary and secondary schools that are closed as a result of such hurricanes as of the date of enactment of this Act and then to such agencies with the highest percentages of public elementary and secondary schools with a student-teacher ratio of at least 25 to 1, and with any remaining amounts to be distributed to such agencies with demonstrated need, as determined by the State educational agency: *Provided further*, That, in the case of a State that chooses to use amounts available under this heading for performance bonuses, not later than 60 days after the date of enactment of this Act and after consultation with, as applicable, local educational agencies, teachers' unions, local principals' organizations, local parents' organizations, local business organizations, and local charter schools organizations, such State shall establish and implement a rating system for such performance bonuses based on strong learning gains for students and growth in student achievement, based on classroom observation and feedback at least 4 times annually, conducted by multiple sources (including principals and master teachers), and evaluated against research-validated rubrics that use planning, instructional, and learning environment standards to measure teaching performance: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

HURRICANE EDUCATION RECOVERY

PROGRAMS TO RESTART SCHOOL OPERATIONS

Funds made available under section 102 of the Hurricane Education Recovery Act (title IV of division B of Public Law 109–148) may be used by the States of Louisiana, Mississippi, Alabama, and Texas, in addition to the uses of funds described in section 102(e) for the following costs: (1) recruiting, retaining and compensating new and current teachers, principals, school leaders, other school administrators, and other educators for positions in reopening public elementary and secondary schools impacted by Hurricane Katrina or Hurricane Rita, including through such mechanisms as paying salary premiums, performance bonuses, housing subsidies and relocation costs; and (2) activities to build the capacity of reopening such public elementary and secondary schools to provide an effective education, including the design, adaptation, and implementation of high-quality formative assessments; the establishment of partnerships with nonprofit entities with a demonstrated track record in recruiting and retaining outstanding teachers and other school leaders; and paid release time for teachers and principals to identify and replicate successful practices from the fastest-improving and highest-performing schools: *Provided, further*, That in the case of a State that chooses to use amounts available under this heading for performance bonuses, not later than 60 days after the date of enactment of this Act, and after consultation with, as applicable, local educational agencies, teachers' unions, local principals' organizations, local parents' organizations, local business organizations, and local charter schools organizations, such State shall establish and implement a rating system that shall be based on strong learning gains for students and growth in student achievement, based on classroom observation and feedback at least 4 times annually, conducted by multiple sources (including principals and master teachers), and evaluated against research-validated rubrics that use planning, instructional, and learning environment standards to measure teaching performance: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Mrs. MURRAY. This amendment has been cleared.

Mr. COCHRAN. Yes, this has been cleared.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 776) was agreed to.

AMENDMENT NO. 793

Mrs. MURRAY. Mr. President, I call up amendment No. 793 on behalf of Senator KLOBUCHAR.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Ms. KLOBUCHAR, proposes an amendment numbered 793.

Mrs. MURRAY. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide effective rural and small community assistance by the Environmental Protection Agency)

At the appropriate place, insert the following:

SEC. ____. In providing any grants for small and rural community technical and compliance assistance under the Fiscal Year 2007 Operating Plan of the Environmental Protection Agency, the Administrator of the Environmental Protection Agency shall give priority to small systems and qualified (as determined by the Administrator) organizations that have the most need (or a majority of need) from small communities in each State.

Mrs. MURRAY. This amendment has been cleared on both sides.

Mr. COCHRAN. Yes, it has been cleared on our side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 793) was agreed to.

AMENDMENT NO. 807

Mrs. MURRAY. Mr. President, I call up amendment No. 807 on behalf of Senator PRYOR.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. PRYOR, proposes an amendment numbered 807.

Mrs. MURRAY. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To increase by $5,000,000 the amount available for the Department of Homeland Security for State and Local Programs and make the increase available for the Domestic Preparedness Equipment Technical Assistance Program and to provide an offset)

At the end of chapter 5 of title I, add the following:

SEC. 1503. DOMESTIC PREPAREDNESS EQUIPMENT TECHNICAL ASSISTANCE PROGRAM.

(a) ADDITIONAL AMOUNT FOR STATE AND LOCAL PROGRAMS.—The amount appropriated or otherwise made available by this chapter under the heading ''STATE AND LOCAL PROGRAMS'' is hereby increased by $5,000,000.

(b) AVAILABILITY FOR DOMESTIC PREPAREDNESS EQUIPMENT TECHNICAL ASSISTANCE PROGRAM.—Of the amount appropriated or otherwise made available by this chapter under the heading ''STATE AND LOCAL PROGRAMS'', as increased by subsection (a), $5,000,000 shall be available for the Domestic Preparedness Equipment Technical Assistance Program (DPETAP).

(c) OFFSET.—The amount appropriated or otherwise made available by this chapter under the heading ''UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES'' is hereby reduced by $5,000,000.

Mrs. MURRAY. This amendment has been cleared.

Mr. COCHRAN. This amendment is cleared on this side of the aisle.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 807) was agreed to.

AMENDMENT NO. 835 TO AMENDMENT 700

Mrs. MURRAY. Mr. President, I call up amendment No. 835 on behalf of Senators COLEMAN, COCHRAN, and KLOBUCHAR.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. COLEMAN, Mr. COCHRAN, and Ms. KLOBUCHAR, proposes an amendment numbered 835 to amendment No. 700.

Mrs. MURRAY. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for a hospital in Cass County, Minnesota and Kemper County, Mississippi)

In lieu of the matter proposed to be inserted, insert the following:

(b) MEDICARE CRITICAL ACCESS HOSPITAL DESIGNATION.—Section 405(h) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2269) is amended by adding at the end the following new paragraph:

''(3) EXCEPTION.—

''(A) STATE OF MINNESOTA.—The amendment made by paragraph (1) shall not apply to the certification by the State of Minnesota on or after January 1, 2006, under section 1820(c)(2)(B)(i)(II) of the Social Security Act (42 U.S.C. 1395i-4(c)(2)(B)(i)(II)) of one hospital that meets the criteria described in subparagraph (B) and is located in Cass County, Minnesota, as a necessary provider of health care services to residents in the area of the hospital.

''(B) CRITERIA DESCRIBED FOR HOSPITAL IN MINNESOTA.—A hospital meets the criteria described in this subparagraph if the hospital—

''(i) has been granted an exception by the State to an otherwise applicable statutory restriction on hospital construction or licensing prior to the date of enactment of this subparagraph; and

''(ii) is located on property which the State has approved for conveyance to a county within the State prior to such date of enactment.

''(C) STATE OF MISSISSIPPI.—The amendment made by paragraph (1) shall not apply to the certification by the State of Mississippi on or after April 1, 2007, under section 1820(c)(2)(b)(i)(II) of the Social Security Act (42 U.S.C. 1395i–4(c)(2)(B)(i)(II)) of one hospital that meets the criteria described in subparagraph (D) and is located in Kemper County, Mississippi, as a necessary provider of health care services to residents in the area of the hospital.

''(D) CRITERIA DESCRIBED FOR HOSPITAL IN MISSISSIPPI.—A hospital meets the criteria described in this subparagraph if the hospital—

''(i) meets all other criteria for designation as a critical access hospital under section 1820(c)(2)(b) of the Social Security Act (42 U.S.C. 1395i–4(c)(2)(B));

''(ii) has satisfied the requirement of the certificate of need laws and regulations of the State of Mississippi; and

''(iii) will be constructed on property that will be conveyed by the Kemper County Board of Supervisors within the State of Mississippi.''.

Mrs. MURRAY. This amendment has also been cleared.

Mr. COCHRAN. This amendment has been cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 835) was agreed to.

Mrs. MURRAY. Mr. President, I move that the votes by which the last 13 amendments were agreed to be reconsidered en bloc and that my motion be laid upon the table en bloc.

The motions to lay on the table were agreed to en bloc.

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

Mrs. MURRAY. Mr. President, I now call for the regular order, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

Mr. REID. Madam President, I have been working for a little bit this afternoon—Senator MURRAY has been working all afternoon—trying to come to a conclusion on this legislation. Just a few moments ago, I spoke to the Republican Leader, Senator MCCONNELL, and we are very close to having an agreement on the universe of these amendments. We do not have it done yet, but we are close to doing that.

I think in fairness to everyone we should announce that there will be no more rollcall votes tonight. We are working on finishing this bill at a very early time tomorrow. Again, we do not have that done yet, but that should not prevent us from announcing that there will be no more rollcall votes tonight.

I appreciate very much Senator BYRD, and especially Senator PATTY MURRAY, working so hard on this all day. We have made great progress. We have a ways to go.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

AMENDMENT NO. 739

The PRESIDING OFFICER. The Senator from Delaware is recognized.

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

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

Mr. BIDEN. Madam President, I apologize for my formal dress. Like many here, including, I suspect, the two Senators from Washington, I am supposed to be attending the correspondents dinner tonight.

I am informed that my amendment will actually be called up tomorrow as part of a series of votes. I would like to speak tonight as I have been told there will not be adequate time tomorrow.

For my colleagues' information, the amendment I will be discussing is No. 739. I ask unanimous consent to add as cosponsors Senator BYRD of West Virginia, Senator BOND, Senator PRYOR, Senator KENNEDY, Senator DURBIN, and Senator KERRY.

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

Mr. BIDEN. Madam President, I wish to begin by stating very simply that this amendment is literally, not figuratively, a matter of life and death. I have been here for many years. I have never begun a discussion of an amendment—and I have sponsored some serious amendments and pieces of legislation—by saying something as graphic and drastic as this is literally a matter of life and death. But it is. This is not hyperbole. This is not an exaggeration.

What my amendment will do is allow the military to put 2,500 more mine resistant ambush protected vehicles—known in the military by its acronym, MRAP—in the field by the end of this year.

Now, let me explain what I am talking about. First, I want to point out that the committee acknowledged the need for these vehicles and included $2.5 billion in this bill. But what I propose in this amendment is forward-funding money from next year's 2008 budget into this supplemental. In that way, we can build more of these vehicles which have one purpose—the specific purpose of saving lives, American lives.

The fact is, as most of my colleagues know, 70 percent of American casualties in Iraq are caused by improvised explosive devices, or IEDs.

Many of my colleagues, including the Presiding Officer, have been to Iraq. They have had the same experience I have in my seven trips—visiting field hospitals. There, you see amputees and people with serious head injuries who, because of the incredible skill and triage capability of our military doctors and nurses, are able to be kept alive. Most of those injured at Walter Reed and at Bethesda naval hospital are victims of these devices, sadly now familiar to all Americans from the nightly news. We have tried very hard—although this administration has done so belatedly—to better equip our troops to withstand IEDs. God forbid they find themselves victim of an IED attack, but if they do, we want them to be able to survive.

MRAP vehicles provide four to five times more protection to our troops than up-armored HMMWVs. That statement, that these MRAPs provide four to five times more protection than up-armored HMMWVs, is not my estimate. That is the judgment of our military leaders. The Commandant of the Marine Corps, GEN James Conway, with whom I spoke as recently as this afternoon, wrote on March 1 to the Chairman of the Joint Chiefs of Staff. He said:

> Multi-National Forces—West [that is, the Marines in Iraq] estimates that the use of the MRAP could reduce the casualties in vehicles due to IED attack by as much as 80 percent.

He went on further and said that even though the MRAP is not expeditionary:

> It is, however, the best available vehicle for force protection.

He concluded by saying:

> Getting the MRAP into the Al Anbar Province is my number one unfilled warfighting requirement at this time.

Let me repeat that:

> Getting the MRAP into the Al Anbar Province is my number one unfilled warfighting requirement at this time.

He went on to tell me today that although there is some disagreement in terms of priorities within this building, he was speaking to me from the Pentagon, he said, ''I believe this is a moral imperative.''

How many generals with four stars or three or two or one on their shoulders have you heard use that phrase? How often is something so fundamental it is called ''a moral imperative''? This is a man who is heading back out to Iraq soon. He is talking about protecting his kids, his troops.

On my last trip into Anbar Province last summer, I went to Fallujah. I met with the commanding Marine general and roughly 30 to 40 of his commanders and noncommissioned officers. I was taken outside a building to see what they were trying to do to diminish the casualty rate of American forces required to patrol Fallujah. They showed me what they called a rhino, a big vehicle, looks like a Caterpillar bulldozer with a great big proboscis on it, a great big arm that is used when an IED is identified, to disarm it. It was interesting. I observed for the first time—maybe others knew about it—the hull. The bottom of it looked like a ship out of water. It had a V-shaped bottom. A humvee, like your SUV or your automobile, has a flat bottom. In a humvee, even if it is reinforced, it is still flat. The rhino had a V-shaped bottom or floor. I asked why. They said it made them much more blast resistant and it could protect the troops inside. That is the first time I heard about this concept. They did not have MRAPs yet, but they had this rhino, a much bigger vehicle for a different purpose.

As I talked to them, I remember asking the question, why aren't we building more of these things? You know, the folks on the ground, these kids and many not so young women and men who are climbing into these coffins, know that even in an up-armored vehicle if they are struck, deadly force may be exerted, scrambling their brains or outright killing them. The number one requirement of the Commandant of the Marine Corps is to get more of these vehicles. I respectfully suggest to all who care—and every one of us cares about the fate of the troops—if there is any place we should not consider the cost—emphasize again, not consider the cost—it is when there is a consensus that what we are purchasing can save lives. We have made no sacrifice in this country to fight this war except for the families of those who have gone to the war. We should not hesitate to save the lives of those who are sacrificing because of cost.

A couple of my colleagues off the floor, none of whom are on the floor at this moment, have told me it might not be cost effective because the military is working on a new vehicle. Give me a break. Cost effective? I wonder how many people asked, when we were talking about the invasion of Normandy in World War II: You know, we better be careful. We may build too many landing craft. We might have some left over. What are we going to do with them after the war?

We have no higher obligation than to protect those we send into battle. We have received a pretty good dose of this administration's willingness to send people into battle not prepared. Rumsfeld's famous comment: You go with the Army you have, not the Army you like or need. That is paraphrasing him from a couple of years ago. When we find a way to protect people better in battle, then it seems to me we have an overwhelming obligation to act.

Let me explain the specifics of the MRAP. Each vehicle can hold 4 to 12 troops. Like the rhino, these vehicles have raised steel, V-shaped hulls and chassis. The raised hull is valuable because it gives the blast more time to expand, lessening the impact. The V-shape pushes the blast up the sides of the vehicle and away from the occupants. With an up-armored HMMWV or any humvee, the flat bottom sends the blast through the floor right into the occupants. In addition, the vehicles have side armor and bulletproof glass, and they also have tires that can be driven when flat.

Ever since the military began using MRAPs in Iraq, the requirement has grown, as commanders realize how much better they are at protecting their personnel. In May of last year the requirement was only 185. By July, it had risen to 1,185. By November, it had risen to 4,060. By February of this year, after the supplemental request was submitted, it rose to 6,738. One month later, the requirement went up again to the current level of 7,774. At this point every one in the military agrees, we need 7,774 MRAPs.

The Marines are the executive agents for this program, meaning they are

managing it for themselves and the other services. Every service has a need for the vehicle for explosive ordinance units as well as regular patrols. The Marines need 3,700 of them. The Army needs 2,500. The Air Force needs 697. The Navy needs 544, and the Special Operations Command needs 333. The cost of 7,774 MRAPs is $8.4 billion. This administration's current plan is to spend $2.3 billion this year and $6.1 billion next year. But I believe we can and must do much better, and so do the Marines. If we simply put more funds up front, spend them in the supplemental rather than allocate them a year later in the 2008 budget, the same money that we are going to spend anyway next year, if we move it up, we can accelerate production drastically.

Some have said the extra production capacity does not exist. Again, speaking to the Commandant of the Marine Corps today, he indicated that there are eight companies they are dealing with and he has confidence that they can build all they can purchase, all they can afford. That is also what the Chief of Staff of the Army thinks.

On March 14, General Peter Schoomaker told the Appropriations Committee that with the MRAPs, ''We can build what we get the funds to build. It is strictly an issue of money.''

Let's assume the Commandant of the Marine Corps and General Schoomaker are wrong. Let's assume they have made a mistake. Let's assume we can't build as many as the money we give them. So what. So what. We are not talking about building a highway on time. We are talking about an informed judgment by the United States military, to build not a new weapons system, but to build a new protection system for their forces.

I respectfully suggest, if we are going to err on one side or the other, for God's sake, for a change, let's err on the side of doing something that will protect American fighting women and men.

Quite frankly, if the Marines believe we can do it, then my money is on the Marines getting it right. If General Schoomaker says he needs it, and more money will get the vehicles, then I take him at his word. I would rather take a chance, and I believe the American people would also, to protect more Americans under fire than not.

What does this mean specifically? Well, by adding $1.5 billion, which my amendment does, to the supplemental today, the Marines will have $4 billion to work with. Based on their estimates, that will mean 2,500 vehicles get to the field 6 months sooner than under the current plan. You may say: What is 6 months? Ten of thousands of lives is what 6 months is. Figure it out: Four to twelve people in 2,500 more vehicles. Add up the numbers. That's 10,000 to 30,000 Americans. Look at the casualty rates that come from IEDs striking uparmored HMMWVs. Do the math, and tell me if their lives are not worth taking a financial risk to protect.

If we move this money forward, on October 1 of this year, instead of having only 2,000 MRAPs, we would have 4,500 in the field. On January 1, 2008, instead of 3,500 MRAPs, we would have 6,000 in the field. By February, we would fulfill the entire requirement, instead of waiting until next July. We are still going to spend $8.4 billion, but spending it faster will make a major difference.

If you want to be callous about this, it would also save the American taxpayers a whole lot of money because for every one of those injured soldiers who comes back—to put it in Machiavellian terms—who needs a lifetime of medical care, there are hundreds of thousands of dollars committed per casualty.

I can find no logical argument for delaying this.

Let me end where I began. This is a matter of life and death. Madam President, 2,500 more vehicles means literally that 10,000 to 30,000 more Americans will have a four to five times greater chance of surviving a hit with an IED while on patrol than exists today if we do not act. Madam President, 10,000 to 30,000 Americans will not be added to the casualty and death numbers if we move this money up.

To use the phrase of the Commandant of the Marine Corps, at 3 or 4 o'clock today, on the phone with me:

This is a moral imperative.

I agree. It is a moral imperative that we protect these troops as soon as possible.

So tomorrow, when I have my 1 or 2 minutes to speak to this issue before we vote, I will urge all my colleagues to vote for this amendment.

I thank the Chair and yield the floor.

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

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

AMENDMENT NO. 808

Mr. SANDERS. Madam President, I would like to briefly discuss amendment No. 808 which will be voted upon tomorrow. This amendment deals with a very serious problem facing our country; that is, we have millions of low-income Americans who lack the resources to properly weatherize their homes.

I know, coming from a cold-weather State such as Vermont, this is a very serious problem. It gets cold in Vermont, sometimes 20 or 30 below zero. It is a real shame we have people who simply lack the financial resources to put in the proper insulation, roofing material, windows, doors to keep heat from literally disappearing. The result of that is low-income people are forced to pay a higher and higher heating bill, at a time when many of them do not have the funds to do that.

The other aspect to this issue, which is equally or even more important, is if the U.S. Congress and the American people are serious about dealing with the issue of global warming, then we have to make a major effort to retrofit homes all over this country so we are not wasting enormous amounts of energy.

We cannot come here and say we have a major global warming crisis and not be serious about energy efficiency and not be serious about making sure all our homes, especially those of lower income people, are properly weatherized.

As part of the continuing resolution, Congress level-funded the weatherization program at $242.2 million. Unfortunately, the administration's spending plan for fiscal year 2007, which came out about 2 weeks ago, reduced funding for the weatherization program by $38 million compared to what it received in fiscal year 2006.

In other words, despite the global warming crisis, despite the increase in poverty, despite the need to spend substantially more to weatherize homes throughout this country, the administration is actually lowering the funds available for weatherization. This makes no sense to me at all.

Tomorrow, I am going to be offering an amendment which is cosponsored—it is a bipartisan amendment—by Senators SUNUNU, BINGAMAN, JACK REED, MENENDEZ, KERRY, HARKIN, DODD, WYDEN, and CLINTON.

This amendment will add $25 million more to the weatherization program compared to last year's level. I hope we will have strong support for this effort. It will help us address global warming, and it will provide real assistance to many low-income families throughout this country.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 835 AND 755

Mrs. MURRAY. Mr. President, I ask unanimous consent that action on amendment No. 835 be vitiated and the amendment be modified with the changes at the desk, the amendment, as modified, be agreed to, and the motion to reconsider be laid on the table; further, that action on amendment No. 755 be vitiated and the amendment be modified with the changes at the desk, and the amendment be agreed to, as modified, and the motion to reconsider be laid on the table.

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

The amendments (Nos. 835 and 755), as modified, were agreed to, as follows:

AMENDMENT NO. 835, AS MODIFIED

On page 85, after line 7, insert:

(b) MEDICARE CRITICAL ACCESS HOSPITAL DESIGNATION.—Section 405(h) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2269) is amended by adding at the end the following new paragraph:

''(3) EXCEPTION.—

''(A) STATE OF MINNESOTA.—The amendment made by paragraph (1) shall not apply to the certification by the State of Minnesota on or after January 1, 2006, under section 1820(c)(2)(B)(i)(II) of the Social Security Act (42 U.S.C. 1395i-4(c)(2)(B)(i)(II)) of one hospital that meets the criteria described in subparagraph (B) and is located in Cass County, Minnesota, as a necessary provider of health care services to residents in the area of the hospital.

''(B) CRITERIA DESCRIBED FOR HOSPITAL IN MINNESOTA.—A hospital meets the criteria described in this subparagraph if the hospital—

''(i) has been granted an exception by the State to an otherwise applicable statutory restriction on hospital construction or licensing prior to the date of enactment of this subparagraph; and

''(ii) is located on property which the State has approved for conveyance to a county within the State prior to such date of enactment.

''(C) STATE OF MISSISSIPPI.—The amendment made by paragraph (1) shall not apply to the certification by the State of Mississippi on or after April 1, 2007, under section 1820(c)(2)(b)(i)(II) of the Social Security Act (42 U.S.C. 1395i–4(c)(2)(B)(i)(II)) of one hospital that meets the criteria described in subparagraph (D) and is located in Kemper County, Mississippi, as a necessary provider of health care services to residents in the area of the hospital.

''(D) CRITERIA DESCRIBED FOR HOSPITAL IN MISSISSIPPI.—A hospital meets the criteria described in this subparagraph if the hospital—

''(i) meets all other criteria for designation as a critical access hospital under section 1820(c)(2)(b) of the Social Security Act (42 U.S.C. 1395i–4(c)(2)(B));

''(ii) has satisfied the requirement of the certificate of need laws and regulations of the State of Mississippi; and

''(iii) will be constructed on property that will be conveyed by the Kemper County Board of Supervisors within the State of Mississippi.''.

AMENDMENT NO. 755, AS MODIFIED

On page 105, insert between lines 2 and 3 the following:

SEC. ____. Pursuant to section 140 of Public Law 97–92, justices and judges of the United States are authorized during fiscal year 2007 to receive a salary adjustment in accordance with section 461 of title 28, United States Code.

Mrs. MURRAY. I ask unanimous consent that when the Senate resumes consideration of H.R. 1591 on Thursday, all time postcloture be considered expired; that the only amendments remaining in order to be the following, and that they may not be subject to second-degree amendment: The Ensign amendment, No. 752, to be modified; DeMint amendment No. 704; Coburn amendment No. 649; Sanders amendment No. 737, to be modified; Biden amendment No. 739; that the Reid second-degree amendment to the Lugar amendment No. 690 be withdrawn and the Lugar amendment be agreed to; that all other pending amendments be withdrawn, that there be 4 minutes equally divided and controlled in the usual form prior to each vote; that a manager's amendment be in order, provided it has been cleared by the managers and the two leaders; that upon disposition of the amendments, the bill be read a third time and the Senate proceed to vote on passage of the bill.

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

Mrs. MURRAY. I ask unanimous consent that the votes occur in the order of the amendments I just listed.

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

VOTE EXPLANATION

Mr. NELSON of Nebraska. Mr. President, I was unable to attend rollcall vote No. 121. Had I been present, I would have voted in the negative.

MINIMUM WAGE IN THE U.S. TERRITORIES

Mr. BINGAMAN. Mr. President, as chairman of the Committee on Energy and Natural Resources which has jurisdiction regarding the insular areas of the United States, I am concerned about provisions in the House passed supplemental appropriations bill, H.R. 1591, that would alter the way minimum wage levels are set in the U.S. territories of American Samoa and the Commonwealth of the Northern Mariana Islands, CNMI. Senators AKAKA and INOUYE share my concern and we would like to enter into a colloquy with the distinguished manager of the bill regarding our concerns.

Mr. BYRD. Yes, I would be pleased to enter into a colloquy.

Mr. BINGAMAN. As the Senator may know, in recognition of the special challenges that the territories face in promoting economic development, the Fair Labor Standards Act. FLSA, provides that the transition from the territories' historic subminmum wage levels up to the national minimum wage is managed by special industry committees. These committees convene ever 2 years, carefully analyze the islands economies, and recommend incremental increases toward the national minimum wage based upon those analyses.

Mr. BYRD. Yes, that is my understanding.

Mr. BINGAMAN. This process has worked well and has successfully raised the minimum wage in Puerto Rico and the U.S. Virgin Islands up to the national minimum wage. The process currently applies in American Samoa which continues to have regular increases in its minimum wage toward the national level. However, this Special Industry Committee process does not apply in the Commonwealth of the Northern Mariana Islands, CNMI, because the minimum wage provisions of the FLSA have never applied there. Section 503(c) of the Covenant to Establish the CNMI in Political Union with the United States—approved by P.L. 94–241—specifically authorized Congress to extend the national minimum wage to the CNMI and, in 1998 the Committee Energy and Natural Resources favorably reported legislation Senate Report 105–201 that would have extended the national minimum wage as authorized. That legislation would also have extended the FLSA's Special Industry Committee transition provisions to the CNMI just as they apply to American Samoa.

On March 1, 2006, the Committee on Energy and Natural Resources held an oversight hearing to examine economic conditions in the islands and we found the situation in both the CNMI and American Samoa very worrisome. More recently, I met with the Governor of American Samoa, Togiola Tulafono, and with a delegation from the CNMI headed by the resident representative, Pete Tenorio, and the Lieutenant Governor, Tim Villagomez, who expressed their concern about the House-passed minimum wage legislation that would increase their islands' minimum wages based on a fixed schedule, and without the periodic economic analyses conducted by the Special Industry Committees under the FLSA. These island leaders asked for my support in assuring that the FLSA's transition process will be used to assure a smooth transition from the local territorial minimum wage to the national minimum wage.

Mr. INOUYE. Mr. President, I would like to associate myself with the comments of my colleague from New Mexico. I have also met with the Governor of American Samoa regarding his concerns on proposed changes to the minimum wage law as it applies to American Samoa. In addition, I have met with the distinguished delegate from American Samoa, ENI FALEOMAVAEGA, who has been working with his colleagues in the House, Chairmen OBEY and MILLER, on this matter and he has their assurances that they will continue to work with him as this bill is considered in the conference committee. I have joined the delegate on a letter to the HELP Committee urging continuation of the current FLSA policy of having Special Industry Committees periodically determine the rate of increase in the territorial minimum wage.

Mr. AKAKA. Mr. President, I share the concerns of my colleagues. I have met with representatives of the Commonwealth of the Northern Mariana Islands, CNMI, on this matter and understand the risks that their economy is currently facing. We in Hawaii are particularly concerned that an inflexible approach to minimum wage increases in the CNMI and American Samoa could seriously disrupt those economies, cause unnecessary hardship, including the need for residents to emigrate to Hawaii or the mainland to find new job opportunities.

Mr. BINGAMAN. We share the concerns that these island leaders have brought to our attention and recognize that they have no representation here in the Senate. Accordingly, we ask the distinguished manager and chairman of the Appropriations Committee, as this legislation is reconciled with the House bill in conference committee, that he

seeks an agreement that the FLSA's Special Industry Committees will be used in these two territories, as they were used in Puerto Rico and the U.S. Virgin Islands. We believe that this is important to assuring a smooth transition to the national minimum wage in these islands, and to avoiding unnecessary economic disruption.

Mr. BYRD. I thank the Senators and want to assure them that I understand their concern. Although I cannot commit to any particular outcome, I will work with them during the conference committee to address their concerns, and those of the American Samoa and the CNMI leadership, regarding their desire for Special Industry Committees under the FLSA to assure a smooth transition from the current local minimum wage to the national minimum wage.

Mr. BINGAMAN. I thank the distinguished manager and look forward to working with him to develop appropriate language as H.R. 1591 is considered in the conference committee.

Mr. INOUYE. I also thank the chairman and manager for his understanding and cooperation on this matter.

Mr. AKAKA. Mr. President, I too appreciate the willingness of the distinguished manager to consider our concerns, and his willingness to work with us during conference to find an acceptable solution.

AMENDMENT NO. 697

Mr. BYRD. Mr. President, today Senator WARNER and I have introduced an important and potentially landmark bipartisan resolution. My good friend and colleague from Virginia has correctly highlighted what is one of the most critical issues before us as we debate our continued occupation of Iraq: the capacity of the Iraqi Government to take responsibility for the security of its own country. The President said in November 2005 that ''as the Iraqis stand up, we will stand down.'' But are the Iraqis standing up? If, in the President's formulation, our continued military occupation of Iraq is dependent on the readiness of the Iraqi security forces, is it not crucial that we know what kind of progress those Iraqi forces are making? The Warner-Byrd resolution will hopefully provide the Congress with the unvarnished truth about this issue, instead of more of the same rhetoric and obfuscation doled out to the Congress since the war began. Under Warner-Byrd, within 120 days of passage of this Act, a designated independent private sector entity will report to Congress on the readiness of the ISF to assume responsibility for maintaining the territorial integrity of Iraq, denying terrorists a safe haven, and bringing an end to sectarian violence. The report will also address whether continued support by U.S. troops is likely to contribute to the ISF's readiness to take on those missions in the coming months.

We have had 4 years now of rosy reports coming from the Pentagon and the White House about the steady progress being made in Iraq, but events on the ground regularly belie those sunny assessments. Our soldiers have been training and equipping Iraqi troops and police for several years, and the White House continues to tout the ''real progress'' made by the Iraqi security forces. However, an article in the February 5 edition of the New York Times noted that the Iraqi units arriving in Baghdad are showing up at 55 to 60 percent of their full strength. Even more problematic, the Iraqi police force is itself seen by many in Iraq as simply an extension of the sectarian militias, terrorizing the population with rape, extortion, and murder.

Considering the record to date of the Iraqi troops, will any amount of training produce a reliable and capable national army? If this is what we are waiting for—if we are truly planning to ''stand down'' once the ISF ''stands up''—I, for one, want to know when we can expect that to happen. And if it is not going to happen, we should know that as well. How long will we continue to spend American lives and treasure training Iraqi troops that can't be counted on? Six months? A year? Five years? If this is an ultimately hopeless endeavor, we should find out now, and change our strategy accordingly.

The situation in Iraq has devolved into a full-blown civil war, as sects which have been battling for centuries continue to attack each other—and us—in an ever-widening bloodbath. In the words of the President's own National Intelligence Estimate, the term ''civil war' accurately describes key elements of the Iraqi conflict,'' which has become a ''self-sustaining intersectarian struggle between Shia and Sunnis.'' U.S. troops have no constructive role to play in fighting another country's civil war. Increasingly in Iraq, there is no clearly defined ''enemy'' for our soldiers to engage, only various indigenous groups that hate us almost as much as they hate each other. The President's plan calls for the Iraqi troops to assume responsibility for halting this death spiral, but the NIE again casts doubt on this strategy. It states that ''the Iraqi security forces—particularly the Iraqi police—will be hard-pressed in the next 12–18 months to execute significantly increased security responsibilities.''

I suspect that further training is not really the answer. We can train a soldier how to fire a weapon; we can give him communications equipment; we can teach him how to conduct a raid or defend a post. But we cannot give him a sense of national identity. We cannot provide him with allegiance to government and country that transcends ethnic or sectarian hatreds. The bottom line is that the violence in Iraq requires a political solution. Everyone—everyone—now acknowledges that. Only when the Iraqi people, through their government, are able to overcome the sectarian divisions that are splitting the country apart, will stability and peace be achieved. U.S. Central Command Commander Gen. John Abizaid said it himself in testimony before Congress on November 15, 2006: ''I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future.''

The Warner-Byrd resolution seeks to address that issue head-on, with an unbiased, nonpartisan report on the likelihood that continued U.S. involvement will contribute to the capacity for the Iraqis to take responsibility for their own future. This report will provide us with a clear-eyed view of what is going on in Iraq, and whether the President's plan has any realistic hope of success.

AMENDMENT NO. 740

Mr. CASEY. Mr. President, yesterday I filed amendment No. 740, which allows dairy farmers in Pennsylvania to receive a one-time emergency assistance payment of $2.50 for every hundredweight of milk they produced over the past 6 months. Because the Senate invoked cloture on this spending bill and we are quickly wrapping up our work to get funding to our troops in Iraq and Afghanistan, I will not have the opportunity to offer my amendment today. I will, however, continue to pursue this critical emergency funding for our dairy farmers.

Dairy farmers in my home State and other Northeastern States are at the end of their rope. They have cut corners and pared their operations down to the absolute necessities, but they simply cannot make ends meet. Prices for feed and fuel have more than doubled over the past year and a half, but the price farmers get for their milk has not kept pace. Consequently, dairy farmers in Pennsylvania are losing about $5 on every hundredweight of milk they produce. For a small dairy farmer with 75 or so cows, this could mean a loss of around $20,000 year.

During the last congressional recess, I toured two dairy farms in different regions of Pennsylvania and talked to dozens of farmers. I heard stories about draining savings accounts, trying to patch repair broken equipment, leaving bills unpaid, and selling cows just to keep the farm going. Our farmers are doing everything in their power to keep their businesses going. Unfortunately, many of them are now faced with their last option—to sell everything and shut down the farm. I want to be sure colleagues understand that this is happening right now, today. The prospect of mass closings of dairy farms is not something off in the distant future. Pennsylvania is losing 250 to 350 dairy farms every year. Today, dairy farmers in my home State are sitting down with their families and making tough decisions about the future of their farms. Many of them won't be able to stay in business while they wait for Congress to finish work on the new farm bill.

The result would be devastating. Dairy is Pennsylvania's top agricultural commodity, contributing $4.2 billion annually to the State economy

and employing 40,000 people. This is what we stand to lose if we stand by and watch as our dairy farmers close down. I am not willing to risk it.

I also want to point out that the impacts of the loss of Pennsylvania's dairy industry will be felt throughout rural communities. As farmers go out of business, feed stores, fertilizer stores, and milk haulers go out of business, feed stores, fertilizer stores, and milk haulers go out of business. Without the economic engine provided by dairy, people are left out of work and our rural towns and counties will crumble.

I will do everything in my power to prevent that from happening.

I am committed to finding short-term relief to keep Pennsylvania dairy farmers in business while we make long-term fixes in Federal dairy policy in the next farm bill. I hope that all of my colleagues will support our hard-working dairy farmers and work with me to find commonsense solutions to avert an impending crisis in rural America.

Mr. DODD. Mr. President, last December, 10 of America's most distinguished senior statesmen and -women made public a blueprint for success in Iraq and in so doing opened up the possibility for the administration and the Congress to come together on a bipartisan basis to begin a new direction in Iraq. The Iraq Study Group, led by former Secretary of State James Baker and former Congressman Lee Hamilton, presented our Nation with a fully bipartisan Iraq strategy—a strategy that all of America could get behind, with clearly defined benchmarks, realistic goals, and a sensible approach for protecting U.S. security interests.

Today, the U.S. Senate is finally considering legislation that would help take us in the direction outlined by the Iraq Study Group, over 3 months ago. Under the leadership of Senator BYRD, the Senate Appropriations Committee has presented this body with a chance to get the mission right, namely by beginning the phased redeployment of our combat units from Iraq.

Thanks to additional language spelling out a clearly defined benchmarks for Iraqi authorities to meet, from Senator BEN NELSON, Congress has finally put the Iraqi Government on notice that it is time for them to step up to their responsibilities. It is time for the government of Prime Minister Nouri al-Maliki to start providing for Iraq's own security and making the difficult but necessary political compromises to bring all parties in Iraq to the table, thereby ending the untenable situation of American troops being forced to referee a civil war there. Iraqi compromises will only emerge through serious diplomatic engagement by the U.S. State Department, Iraqi politicians, and neighboring countries in the region.

But this isn't just my view. This is also the view of Iraq Study Group co-chair, Congressman Lee Hamilton. Before the Senate bill was made public in its entirety, Congressman Hamilton had an opportunity to comment on the House's version of the supplemental appropriations bill. In a Washington Post op-ed, he pointed out that ''The House Bill lays out the steps that the Iraqi Government must take . . . At issue is the conditionality of U.S. support. Time and again, Iraqis have missed deadlines. Time and again, deadlines have been extended, and U.S. political, economic and military support has continued and even increased. The House bill breaks that cycle.''

Most crucially, Congressman Hamilton went on to say that the House bill, ''by tying continued U.S. support—including the presence of U.S. troops—to benchmarks, uses the strongest possible leverage to press Iraqi leaders to meet their commitments.''

Clearly, in the view of Cochair Hamilton, the current majority in Congress is taking the necessary steps to address our national security needs, and doing so in a manner consistent with the recommendations of the Iraq Study Group.

Without such a strategy, U.S. Iraq policy amounts to little more than an open-ended commitment which has not translated to progress on the ground in Iraq; and is causing significant long-term costs to our military and to our national security.

We have already lost over 3,200 brave American servicemembers in Iraq, and regrettably, that number continues to grow.

We have spent over $400 billion since the war began, with an additional $121 billion in the underlying bill being debated today.

And our Armed Forces have been left so depleted of combat gear due to the war in Iraq, that vast segments of our military are reporting ''not ready'' for duty—including two-thirds of the Army in the United States and nearly 90 percent of our National Guard.

As these figures demonstrate, our Armed Forces and America's national security simply cannot afford the Bush administration's ''stay the course'' policy in Iraq any longer. It is quite literally breaking our military. And it is endangering our Armed Forces' ability to respond to future challenges to America's national security—whether on the Korean Peninsula, the Middle East, or elsewhere in the world.

As Army Chief of Staff GEN Peter Schoomaker testified to the Senate Armed Services Committee: ''We have a strategy right now that is outstripping the means to execute it.'' His deputy, GEN Richard Cody, further stated: ''The readiness continues to decline of our next-to-deploy forces.''

Yet, today, we find the administration still engaging in its smoke and mirror campaign to purposefully downplay the monetary and human costs of this war. They do it by forbidding the taking of photos of our honored fallen heroes coming back to Dover Air Force Base and by funding the war through emergency supplementals that are used to obscure the war's impact on our budget deficit. They do so by shamefully neglecting the needs of our returning heroes, too many of whom have come home broken in body or spirit.

Despite all of these efforts, the impact of the Iraq war has been so transparently damaging to America's security that it has been impossible even for this White House to keep the facts from the American people—particularly in terms of our military's combat readiness.

According to a March 19 Washington Post report, ''it will take years for the Army and Marine Corps to recover from what some officials privately have called a 'death spiral,' in which the ever increasing pace of war-zone rotations has consumed 40 percent of their total gear, wearied troops and left no time to train to fight anything other than the insurgencies now at hand.''

We are over 4 years into this war, and the administration is still decrying those of us trying to help address these serious concerns. And all the while, it is the administration who is still continuing to propose budgets, with too few resources for our deployed troops.

In fact, the President and the Vice President have continued their disingenuous claims that Democratic proposals would actually cut funding for our troops even while they are the ones proposing budgets with shortfalls in critical combat equipment, military hospital upkeep, and veterans health priorities.

It is time for Congress to finally say ''enough is enough.''

The Iraq Study Group was very clear on the need to restore our own military's combat readiness, as spelled out in recommendations 48 and 49 of its report. According to that report, ''the defense budget as a whole is in danger of disarray, as supplemental funding winds down and reset costs become clear. It will be a major challenge to meet ongoing requirements for other current and future security threats that need to be accommodated together with spending for operations and maintenance, reset, personnel, and benefits for active duty and retired personnel. Restoring the capability of our military forces should be a high priority for the United States at this time.''

I wholeheartedly agree with this statement.

As my colleagues know, since the war began in 2003, I have to come to the Senate floor time and again to offer amendments to spending bills to address shortfalls in the administration's proposed budget—largely over the objections of the White House and its congressional allies.

In 2003, I offered an amendment to the emergency supplemental appropriations bill to add $322 million for critical protective gear identified by

the Army that the Bush administration had failed to include in their budget. But it was blocked by the administration and their allies.

In 2004 and 2005, I authored legislation, signed into law, to reimburse troops for equipment that they had to purchase on their own because the Rumsfeld Pentagon failed to provide them with the body armor and other gear they needed to stay safe.

And last year, working with Senators INOUYE, REED, and STEVENS, I offered an amendment to help address a $17 billion budget shortfall to replace and repair thousands of war battered tanks, aircraft, and vehicles. Without these additional resources, the Army Chief of Staff claimed that U.S. Army readiness would deteriorate even further. This provision was approved unanimously and enacted in law. But much more remains to be done.

A recent report by the independent National Guard Commission says that 88 percent of our National Guard is reporting ''not ready'' for duty. To address this concern, I introduced S. 756 to provide the $38 billion over the next 5 years the National Guard says it needs to restock its depleted equipment inventories and restore its preparedness, for both wartime and homeland security missions. Doing so is critical to our national security, and we owe our country and our troops no less.

Thankfully, here again, Senator BYRD and the Appropriations Committee have demonstrated their leadership by adding $1 billion to address critical equipment shortfalls for our National Guard in 2007. This is a good first step as we work to ensure that America's citizen soldiers are fully prepared to fight our enemies abroad and respond to domestic emergencies here at home. I am joining my colleagues, Senators LEAHY and BOND, in offering an amendment to add another $1 billion to meet other immediate National Guard short-term needs. In addition, I intend to work throughout this year to ensure that we address all of the Guard's critical equipment needs.

In the meantime, this supplemental appropriations bill will begin to put us on the right track, to reverse 4 years of the administration's mismanagement of a war, and 6 years of its reckless battering of America's great Armed Forces. We should have no higher priority than the safety and well-being of our troops. Plain and simple.

But a great deal more remains to be done. We need to redeploy our combat forces out of Iraq's urban areas to Kurdistan, other rural areas of Iraq, and to bases in Kuwait and Qatar, where they can focus on counterterrorism operations, train and equip Iraqi security forces, and offer force protection to U.S. personnel and infrastructure which remain in Iraq after the redeployment of combat forces has been completed early next year.

But more than that, we need to stop allowing ourselves and our Nation to be cowed by the administration's fear-mongering. We must embrace the many recommendations of the Iraq Study Group and engage in a ''New Diplomatic Offensive'' in Iraq and the wider region because, as the Iraq Study Group wisely concluded, only a political solution which the Iraqi people buy into can salvage Iraq.

Mr. President, the United States has a moral obligation to assist Iraqi and Afghan refugees and those internally displaced by violence. I commend the Appropriations Committee for beginning to effectively do so, by increasing such assistance by $50 million for Iraq, and $18 million for Afghanistan.

The Brookings Institution estimates that nearly one-quarter of all physicians have fled Iraq. There are nearly 2 million Iraqi refugees in Jordan and Syria. These refugees have placed a tremendous strain on the essential social services and infrastructure of those two countries, which have begun to close their border crossings. Emergency funding is necessary to provide these individuals with basic medical care, food, housing and to ensure that their children are able to attend school.

We cannot afford to miss another opportunity to change our course in Iraq and to support the men and women sacrificing their lives there—opportunities this administration has resisted at every step of the way. The new Democratic majority in Congress has already begun doing so. The passage of this bill will represent another step toward a stronger and safer America, and more secure and stable Iraq.

If President Bush is wise he will reconsider his threat to veto this measure and begin to embrace the call for change embodied in this legislation. If not, I will continue to do all that I can to keep the pressure on the administration. I know that the majority of the Members in this body will as well. That is our responsibility as the people's representatives.

Ms. MIKULSKI. Mr. President, during the last election, the American people spoke loud and clear: they want a new direction in Iraq. In my own state of Maryland, I have heard from a strong grassroots movement—they want Congress to act now to end this war. I will vote for this emergency supplemental bill because it: fully funds the needs of our warfighters on the battlefield; adds $454 million to ensure veterans get the health care they need when they come home; requires the President to immediately change our mission in Iraq; and sets the goal of bringing our troops home by March 31, 2008.

This bill states clearly that Congress and the American people will continue to support and protect our troops. Our troops must understand that Congress will never abandon them: not while they are fighting on the battlefield and not when they come home. The best way to support our troops is to bring them home—swiftly and safely.

I am not new to this position. I never wanted to go to war in the first place. I was one of the 23 who voted against this war, 4 years ago, on October 11, 2002. I opposed giving the President unilateral authority to launch a preemptive attack. I said the United States had to exhaust our diplomatic options. I encouraged the administration to stick with the United Nations, U.N., to let the U.N. meet its responsibility to deal with the threat from Saddam. The day of the vote, I said, we don't know if we will be greeted with flowers or landmines. Well, now we know: when we got to Iraq, there were no weapons of mass destruction, but the destruction happened, and it happened fast.

The United States went to war with Iraq, but today we are at war within Iraq. Saddam is gone, but we are still there, mired in a civil war. No one could ask more of our troops. They are brave and courageous and have fought valiantly. And it is time to bring them home.

We need a way forward in Iraq. The Iraq Study Group gave us 79 recommendations as a way to go forward, but the President has completely ignored this report. Surely out of 79 recommendations, there are 50 we can agree on. The Iraq Study Group report calls for new and enhanced diplomatic and political efforts in Iraq and a change in the primary mission of U.S. forces in Iraq to enable the United States to begin to move our forces out of Iraq responsibly. It provides a direction for the U.S. and Iraqi governments to follow that could lead to withdrawal of American forces by first quarter of 2008.

This is exactly the approach called for by this supplemental bill, which will have most of our troops out of Iraq by March 31, 2008. What are we voting for? This bill contains a binding resolution that directs the President to promptly transition the mission of U.S. forces in Iraq and begin a phased redeployment within 120 days. It sets a goal of bringing U.S. combat forces home by March 31, 2008, except for a limited number of troops essential for force protection, training and equipping Iraqi troops, and targeted counterterror operations. It also requires the President to develop a comprehensive diplomatic, political and economic strategy for Iraq, including greater U.S. engagement with Iraq's neighbors and the international community to work together to bring stability to Iraq.

This resolution also says success in Iraq depends on the Iraqi Government's ability to meet important benchmarks, including: the training and equipping of Iraqi security forces so they can control the capital city of Baghdad; giving Iraqi military commanders the authority to conduct operations without political interference; disarming sectarian militias and ensuring that Iraqi security forces are loyal to Iraq's Government; drafting and implementing

legislation to ensure the equal division of Iraqi oil revenues; drafting and implementing legislation to reform the de-Ba'athification process; implementing a fair process for amending the Iraqi Constitution to ensure minority rights are protected; and implementing new rules to protect minority rights in the Iraqi Parliament.

I support this Iraq resolution. It says what the Iraq Study Group has already told us: the problems in Iraq cannot be solved by the U.S. military—they require a political solution by the Iraqis and diplomatic engagement with Iraq's neighbors. It says Congress and the American people will not only support the troops but continue to protect them as well.

I want to end this war, and the resolution in this bill will do just that. Yet in ending the war, it is my responsibility as a Senator to ensure that our troops are brought home not only swiftly but safely. I will not vote to end funding for the pay that supports military spouses and children; body armor and armored humvee's our troops need for survival; tourniquets and surgical hospitals on the battlefield; jet fuel for the airplanes that take injured troops from Baghdad to Germany and then home; or the medical care they need when they get here.

In the last few weeks, we have all been shocked and awed by the conditions facing our wounded warriors. We know that more than 22,000 Purple Hearts have been awarded in Iraq. Yet our troops are being twice wounded. We know that acute care for our injured troops has been astounding, with historic rates of survival from even the most brutal battlefield injuries. Yet while we have saved their lives, we are failing to give them their life back. Outpatient care, facilities, social work, case workers, disability benefits—the whole system is dysfunctional.

I thank Senator INOUYE and Senator BYRD for their leadership in providing funding in this bill for military and veterans' health care. This supplemental includes an additional $20 million to improve conditions at Walter Reed Army Medical Center and an additional $100 million for research and treatment of traumatic brain injury, posttraumatic stress disorder, and other physical and mental trauma. It also adds $454 million for veterans health care, including $73 million for new polytrauma facilities and services and $100 million for mental health treatment.

We know this is only a downpayment for our troops and veterans. We need to overhaul the disability benefits system that is outdated and adversarial. We need a better system for transitioning our troops from active duty to the Veterans Administration to ensure they get the health care, job training, and educational benefits they deserve. We need to hear the recommendations of the Dole-Shalala Commission on how to fix the problems in our military and veterans' hospitals. And I look forward to working with Senator MURRAY, Senator LEVIN, and Senator INOUYE on a comprehensive reform package that will ensure our troops have the medical care they will need for the rest of their lives.

This supplemental supports our troops, follows the will of the American people, and follows the advice of the Iraq Study Group. It is time to change our direction in Iraq and bring our forces home. Let's send in the diplomats and bring our troops home safely and soon.

MORNING BUSINESS

Mrs. MURRAY. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

SENATE CAMPAIGN DISCLOSURE PARITY ACT

Mr. BYRD. Mr. President, today the Senate Rules Committee reported S. 223, the Senate Campaign Disclosure Parity Act. I am a cosponsor of this legislation, and I voted in favor of reporting the measure.

This bill would require Senate candidates to file election-related designations, statements, and reports in electronic form with the Secretary of the Senate. It also would require that the Secretary of the Senate forward a copy of those filings to the Federal Election Commission within 24 hours so that they can be made available to the public.

I note for the RECORD that the bill as introduced and reported would require that Senate candidates file directly with the Secretary of the Senate, and not the Federal Election Commission. I support continuing this policy, and ensuring that the Senate as an institution retains custody of these campaign-related filings. According to testimony before the Rules Committee last month, the office of the Secretary of the Senate is fully capable of implementing this requirement and ensuring that these documents are made available to the public expeditiously.

I support the efforts of the Rules Committee on this matter

VOTE EXPLANATION

Mr. BROWNBACK. Mr. President, I regret that I was unable to vote the afternoon of March 27 on the confirmation of the nomination of George H. Wu, of California, to be United States District Judge for the Central District of California. I wish to address this confirmation so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 115, I support the confirmation of George H. Wu. My vote would not have altered the outcome of this confirmation.

NSL INSPECTOR GENERAL REPORT

Mr. FEINGOLD. Mr. President, I wish to speak today about the recent report by the inspector general of the Department of Justice on the FBI's use of national security letters. According to the inspector general's testimony before the Judiciary Committee, there was ''widespread and serious misuse of the FBI's national security letter authorities''—misuse that violated statutes, Attorney General guidelines, and internal FBI policies. I was deeply concerned by the findings in that report. Unfortunately, I was not surprised.

The national security letter, or NSL, authorities were dramatically expanded by Sections 358 and 505 of the PATRIOT Act. Unfortunately, in its haste to pass this flawed legislation, Congress essentially granted the FBI a blank check to obtain some very sensitive records about Americans, including people not under any suspicion of wrong doing, without judicial approval. So it is not surprising that the inspector general identified serious problems with the implementation of these broad authorities. Congress gave the FBI very few rules to follow. As a result, Congress shares some responsibility for the apparently lax attitude and in some cases serious misuse of these potentially very intrusive authorities by the FBI.

This inspector general report proves that ''trust us'' doesn't cut it when it comes to the Government's power to obtain Americans' sensitive business records without a court order and without any suspicion that they are tied to terrorism or espionage. It was a grave mistake for Congress to grant the Government broad authorities and just keep its fingers crossed that they wouldn't be misused. We have the responsibility to put appropriate limits on Government authorities—limits that allow agents to actively pursue criminals and terrorists but that also protect the privacy of innocent Americans.

But let me back up a few steps. What are NSLs, and why are they such a concern? I am going to spend a little time on this because it is important. I believe there should be a legislative response to this report, so I want my colleagues to understand what we are dealing with here.

National security letters are issued by the FBI to businesses to obtain certain types of records. So they are similar to the controversial section 215 business record orders but with one very critical difference. While section 215 involves an application to the FISA Court, the Government does not need to get any court approval whatsoever to issue NSLs. It doesn't have to go to the Foreign Intelligence Surveillance Court or any other court and make even the most minimal showing. Under the PATRIOT Act, the FBI can simply