

The result was announced—yeas 51, nays 44, as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—51

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

NAYS—44

| | | |
|-----------|-----------|-----------|
| Alexander | Domenici | Martinez |
| Allard | Ensign | McConnell |
| Bennett | Enzi | Murkowski |
| Bond | Feingold | Roberts |
| Brownback | Graham | Sessions |
| Bunning | Grassley | Shelby |
| Burr | Gregg | Smith |
| Chambliss | Hagel | Specter |
| Coburn | Hatch | Stevens |
| Cochran | Hutchison | Sununu |
| Corker | Inhofe | Thomas |
| Cornyn | Isakson | Thune |
| Craig | Kyl | Voinovich |
| DeMint | Lott | Warner |
| Dole | Lugar | |

NOT VOTING—5

| | | |
|---------|-------------|--------|
| Crapo | McCain | Vitter |
| Johnson | Rockefeller | |

The motion was agreed to.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on the motion to instruct offered by the Senator from New Hampshire, Mr. GREGG.

The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, this motion is the opportunity to speak out on behalf of seniors, working Americans, families, and children in this country. If you believe the tax rates should stay in place, which include the \$1,000 child tax credit, marriage penalty relief, the 10-percent income tax bracket, the lower marginal rates for working American families and small businesses, the earned income tax credit for military families, the adoption tax credit, independent care tax credit, the college tuition deduction, the deduction for student loan and interest, the \$2,000 Coverdell—

The PRESIDING OFFICER. The Senate will be in order.

Mr. GREGG. Mr. President, the next two are important—the 15-percent capital gains dividend rate, which helps seniors and people on fixed income and gives our economy a boost, and revenues to the Federal Government a boost, and the death tax, structured along the lines of what Senator KYL's motion put forward—if you believe in those proposals, you will want to vote for this motion to instruct the conferees.

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

Mr. CONRAD. Mr. President, if you like debt, this is your amendment. This

will add \$250 billion to the debt. If you don't want to balance the budget in 2012, vote for this amendment, because we have a balanced budget in 2012 now. If you pass this amendment now, we will not.

The Senator says it is like the Kyl amendment on the estate tax. No, it is not. He preserved part of the estate tax for those at the very highest income level. This eliminates the estate tax.

Please, we have made so many strides to balance the budget by 2012. Let's not have another unbalanced budget, one that adds to the debt.

The PRESIDING OFFICER. The question is on agreeing to the Gregg motion to instruct. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO), the Senator from Arizona (Mr. MCCAIN), and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 44, nays 51, as follows:

[Rollcall Vote No. 161 Leg.]

YEAS—44

| | | |
|-----------|-----------|-----------|
| Alexander | DeMint | Lugar |
| Allard | Dole | Martinez |
| Bennett | Domenici | McConnell |
| Bond | Ensign | Murkowski |
| Brownback | Enzi | Roberts |
| Bunning | Graham | Sessions |
| Burr | Grassley | Shelby |
| Chambliss | Gregg | Smith |
| Coburn | Hagel | Specter |
| Cochran | Hatch | Stevens |
| Coleman | Hutchison | Sununu |
| Collins | Inhofe | Thomas |
| Corker | Isakson | Thune |
| Cornyn | Kyl | Warner |
| Craig | Lott | |

NAYS—51

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

NOT VOTING—5

| | | |
|---------|-------------|--------|
| Crapo | McCain | Vitter |
| Johnson | Rockefeller | |

The motion was rejected.

The PRESIDING OFFICER. Under the previous order, the Chair appoints Mr. CONRAD, Mrs. MURRAY, Mr. WYDEN, Mr. GREGG, and Mr. DOMENICI conferees on the part of the Senate.

MORNING BUSINESS

Mr. CONRAD. 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.

The PRESIDING OFFICER. The Senator from Florida is recognized.

NATIONAL GUARD EQUIPMENT

Mr. NELSON of Florida. Mr. President, it is timely for me to make these remarks because there has been a conversation that has occurred in Kansas today between the Governor of Kansas and the President of the United States over the question of the adequacy of the National Guard and its equipment.

The reason I am making these remarks is that this Senator from Florida has sounded this alarm bell several weeks ago on the basis of a GAO report of the inadequacy of the equipment of the National Guard in each of the States. In my State of Florida, the GAO report says they only have 53 percent of their equipment. In the State of New Mexico, they only have 33 percent of their equipment. You now heard the commentary from both the Governor of Kansas, as well as the head of the National Guard, the adjutant general of Kansas, who state they are short of equipment.

I can tell you that, in Florida, we are 500 humvees short. We are 600 trucks short—that is both 5 ton and deuce and a half. We are 4,400 night vision goggles short. Why I am saying this today as a follow-on to sounding this alarm several weeks ago is we are not far from June 1, which is the beginning of hurricane season. The Florida National Guard is the best trained as a National Guard but especially so for taking care of the aftermath of a hurricane. If we only have category 1, 2, and 3 hurricanes, the Guard tells me they have the equipment. But if the big one hits—the big one being a category 4 or 5 hitting from the water—a highly densely urbanized area of the coast, they will be short. Then the Guard would rely on their compact with other Guard units to supply equipment.

For example, Pennsylvania is one of those States in the compact. But Pennsylvania is short of equipment as well. We are trying to put additional appropriations in this war funding bill for equipment for our National Guard units, but as Lieutenant General Blum, the head of the National Guard for the country, said, they are \$40 billion short of equipment. I will read you a statement from the Florida National Guard in case there is any doubt in anybody's mind:

It is true that we are short of equipment. We need these pieces of equipment to speed up our response to local emergencies and to help save lives.

And he continues:

They can draw on these additional units and equipment through that compact.

But in the case of a major hurricane—

And I continue to quote the Florida National Guard—

we plan to have these other assets repositioned prior to landfall or moving to Florida as soon as possible. However, we cannot afford any additional significant losses of equipment. Losing more equipment from Florida to support our active duty mobilization sites will put us at risk to respond effectively to our State during a time of great need.

We have to be serious all over this country about the equipment needs for our National Guard when it is called on to respond to that aspect of their job, which is to be activated by the Governor of the respective States under statewide emergencies.

HONORING OUR ARMED FORCES

CAPTAIN JONATHAN DAVID GRASSBAUGH

Mr. GREGG. Mr. President, I rise today to pay special tribute to U.S. Army Ranger CPT Jonathan David Grassbaugh of Hampstead, NH. Sadly on April 7, 2007, while supporting Operation Iraqi Freedom, this brave 25-year old leader and three of his fellow soldiers gave their lives for our Nation when an improvised explosive device detonated near their patrol in Zaganiyah, Iraq. Captain Grassbaugh was assigned to Headquarters and Headquarters Troop, 5th Squadron, 73rd Cavalry Regiment, 82nd Airborne Division, out of Fort Bragg, NC, and was protecting our country in his second deployment to Iraq.

Jonathan, or Jon to family and friends, was born in Ohio, but his family moved to Hampstead, NH, when he was in the third grade. He attended Hampstead Central School, graduated from Hampstead Middle School, where his mother Patricia is principal, went on to Phillips Exeter Academy, where he was a 4 year honor student, and then to Johns Hopkins University, where he studied computer science, graduating in 2003. While at Johns Hopkins University he was a distinguished member of the Army ROTC program and Pershing Rifles, served as captain of the Ranger Challenge Team, commanded the ROTC Battalion during his senior year and won the National two-man duet drill team competition.

Following completion of the arduous U.S. Army Ranger School in April 2004, Captain Grassbaugh was assigned to the 7th Cavalry in the Republic of South Korea. He was later assigned to the 3rd Battalion, 505th Parachute Infantry Regiment where he assumed another leadership position serving as an antitank platoon leader. Jon also served as an aide de camp for the 82nd Airborne deputy commanding general, scout platoon leader, and logistics officer for the 5th Squadron, 73rd Cavalry. In July of 2006, he was deployed for a second tour of duty in Iraq in support of Operation Iraqi Freedom. Friends say Jon was laser focused, never questioned his service or his need to be in Iraq, cared deeply for the soldiers in

his command, and always put a 110 percent effort into everything.

Captain Grassbaugh's awards and decorations serve as testimony to his stellar character and performance. They include the Bronze Star Medal, Purple Heart, Meritorious Service Medal, Army Commendation Medal, 4 Oak Leaf Clusters, Joint Service Achievement Medal, Army Achievement Medal, National Defense Service Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Korean Defense Service Medal, Army Service Ribbon, Overseas Service Ribbon, Parachutist's Badge, Combat Action Badge, and the Ranger Tab.

Patriots from the State of New Hampshire have served our Nation with honor and distinction from Bunker Hill to Zaganiyah, Iraq—and U.S. Army Ranger CPT Jonathan Grassbaugh served, led, and fought in that same fine tradition.

My sympathy, condolences, and prayers go out to Jon's wife Jenna, his parents Mark and Patricia, brother Jason, and to his other family members and many friends who have suffered this most grievous loss. All will sorely miss Jon Grassbaugh, the caring husband, dedicated son, loyal brother, good friend, outstanding Ranger. Laid to rest at Arlington National Cemetery, Captain Grassbaugh joins his fellow heroes in eternal peace at our military's most sacred place. In the words of another son of New Hampshire, Daniel Webster may his remembrance be as long lasting as the land he honored. God bless Jonathan David Grassbaugh.

ADDRESSING THE DROPOUT EPIDEMIC

Mr. KENNEDY. Mr. President, education has long been the key to opportunity, progress, and prosperity in America. Our schools and teachers prepare young Americans to compete and succeed in an ever-changing economy. Good schools shape the character of our citizens. They train Americans to participate in our democracy, and to serve our country and our communities. And a strong education system helps protect our national security. Above all, it's a force to move America forward. It is the engine of the American dream.

When we enacted the No Child Left Behind Act 5 years ago, we sought to modernize and reform our public schools, and reaffirm the original commitment made in the Elementary and Secondary Education Act in 1965. The No Child Left Behind Act sets lofty goals for all schools to meet, and requires States to establish strong standards, a rigorous curriculum, and reliable assessments.

Congress should not abandon those fundamental goals as it works to reauthorize the law this year.

Nevertheless, we must acknowledge that too many of America's students still don't receive all that is needed to engage and succeed in school, learn to

high standards, and graduate on time. Each year, approximately 1 million students do not finish high school in time to graduate with their peers.

The Nation's dropout rate is more than a problem—it is a national crisis—and one that a Nation so deeply committed to the fundamental value of equal justice and opportunities for all cannot afford to ignore.

In 1963, President Kennedy decried the fact that four out of 10 fifth graders did not finish high school. At that time, he called it “a waste we cannot afford.”

Forty-four years later, the statistics on high school graduation rates are still staggering. About 1,000 high schools across the country only graduate half their students. Among African Americans and Latinos, only 55 percent graduate on time. Every day, 7,000 young Americans drop out of school.

Reaching these dropouts—and giving them a chance to get back on track—is a national imperative. We have a moral commitment and an obligation to children, to parents, and to our communities to provide each and every one of our students with the chance to attend an excellent public school and graduate with a diploma. Delivering on that basic commitment is a measure of our strength as a democracy, and it's an expression of our values and our belief as a nation that our children are our future.

Reducing the dropout rate in our schools is not just the right thing to do. This epidemic has very real consequences for our country, and addressing it is an economic necessity.

High school dropouts earn, on average, \$260,000 less than high school graduates over the course of their lifetime, and nearly \$1 million less than individuals with a college degree. If each student who dropped out of the class of 2006 had graduated, America's economy would have been \$309 billion stronger in future years.

If the approximately 1.2 million young people who are estimated to drop out of school in the United States this year could earn high school diplomas instead, States could save more than \$17 billion in costs under Medicaid and expenditures for uninsured care over the course of these young people's lifetimes.

Curbing the dropout rate requires a comprehensive solution. Our high schools clearly need greater assistance in supporting and retaining their students.

We must recognize, however, that this problem does not begin in high school. Intervention should start in the elementary and middle school years, when standards and expectations are set. Children who do not learn to read or do basic math in these grades will fall farther and farther behind, and find it increasingly difficult to catch up in the faster-paced high school grades.

Research shows that we can identify students who are most at-risk for not