Mr. REID. Through the Chair to the distinguished ranking member of the Armed Services Committee, I already gave some remarks on the Senate floor last night about my admiration for the chairman of the Armed Services Committee. My admiration of the senior Senator from Virginia is a volume. I think JOHN WARNER is what a Senator is all about, and I said that last night. I say to my friend from Michigan, I have served in legislative bodies a long time. I have been in public service for more than 40 years. And my respect for the ranking member of the Armed Services Committee is equal to that of the senior Senator from Virginia. There is no better Senator than Carl LEVIN from Michigan—not today or ever. He is one of the best ever.

The working relationship between Senator WARNER and Senator LEVIN is what the Senate should be. But I want to say that what is going on in this Congress is absolutely untoward. We have a Defense appropriations bill that will fund the military, some $450 billion, that is being held up by sticking oil wells in Alaska.

There is a place for that legislation, but it should not hold up this bill, as it has been. As Lord Acton said, "Power tends to corrupt, and absolute power tends to corrupt absolutely." That is what we have a study of in here: The absolute power of the Republicans controlling the White House, the House, and the Senate is leading to a corrupt Congress.

To me, it is not important what the substance of the bill is that the House Republican leadership wants to attach. The important thing is that the conference report is a totally unrelated bill, which is totally unrelated to the subject matter of the Defense Authorization Act.

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Mr. LEVIN. I will be happy to yield.

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

Mr. LEVIN. I will be happy to yield.

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Mr. SESSIONS. I ask the distinguished Presiding Officer, the Senator from Oklahoma.

Mr. COBURN. Mr. President, I want to respond. First, I think it is unfortunate when somebody is in the chair that such a statement was made without the knowledge of somebody else being in the Chamber to allow me the opportunity to respond to it.

There is a lot wrong with the process in the Senate and I am sure the distinguished Senator from Nevada probably has an intellectual heads-up on me. I do not doubt that. But what is wrong is deception, not policy changes, and you have never heard this Senator say anything about problems with putting policy riders on appropriations bills.

What I have been very clear about from the day I arrived in the Senate is that there should not be earmarks that are used in politically beneficial ways for individual Members of the body because what that does, in fact, is put the country second and us first. It puts the next election ahead of the next generation.

To equate that with policy changes that go along and use my position as somebody who is fighting hard to change the appropriations process and say that I am not happy about this because you may not at this time be happy—I am not happy we are here, I am not happy that anything gets stuck on anything, but I also recognize the history of things that have gone on in this body and the other body and the end of the session things get tacked on to lots of things.

I will not be used, nor will I allow my position to be used, to wedge other people into thinking I am inconsistent, and I will defend that. My consistent criticism of the appropriation process is on earmarks and on earmarks alone and us living within the amount of moneys we have and not using the earmark process to advantage your own political career.

I want to make sure everybody in this country understands that what you are talking about is something wholly different than that. This is policy. I am not happy about any additional spending that is not paid for. I don’t care what bill it comes through, and I have made it very clear to my leadership, on any bill that comes out of this end-of-the-year process.

Mr. Reid. Mr. President, reclaiming my time. I say through the Chair to the distinguished Senator from Oklahoma, first of all, I thought I was complimenting the Senator from Oklahoma. If I did not, I apologize. I thought explaining—maybe some people watching this don’t know that you are a medical doctor. I also would say to my distinguished friend that when someone is presiding and their name is mentioned, they always have the capacity to speak, not as a Presiding Officer but as a Senator. So you would have every right to respond if I said something with which you disagreed.

I would say this. The reason I think you should check out what I said is...
that, under the present rules, you cannot put policy on appropriations bills. It is only for money matters. The Senator said he doesn’t object to policy matters on appropriations bills. I do because right now it is not within the scope of the rules. That is what they are about. I am to change here, and I think it is wrong.

I say, Mr. President, if I in any way embarrassed the Senator from Oklahoma or said something that offended him, I apologize because I certainly didn’t mean to do that. I thought just the opposite. I was trying to compliment him. Maybe I need a lesson in how to compliment people, but that is what I was trying to do.

Mr. COBURN. Mr. President, I would tell the Senator from Nebraska I take no personal offense but would also state there hasn’t been an appropriations bill coming out of this body in 20 years that hasn’t had policy changes directed and attached to it. They all do. If you seriously look at them, there are policy directions in every one of them because the Congress spends all its time appropriating rather than authorizing—the very issue the Senator from Michigan is talking about. Consequently, this year we are going to appropriate $190 billion on items that are not even authorized.

The Senator from Nebraska is gracious. I wanted to make sure my point was clear on my position in terms of earmarks and spending. I don’t like this process any more than he does, but I am willing to do what we need to do for our country to get it done. I don’t want us to corrupt the process, but I will tell you that the process needs to completely be revised in terms of appropriations. We should never be in this position that we find ourselves today.

With that, I yield the floor.

Mr. REID. Through the Chair to the distinguished Senator from Oklahoma, one reason I got on this subject is you were quoted yesterday—actually, it is now Friday—we quoted the day before yesterday saying:

It’s wrong for members of Congress to use our troops as political cover for new spending. . . . If Senators want to pass additional funds related to hurricane relief or the avian flu, for example, those measures should be amendable and not attached to must-pass bills that cannot be amended.

That is my whole point. Why change the rules? I would further say that I will not in any way do that. I thought just the opposite. I was trying to compliment him. Maybe I need a lesson in how to compliment people, but that is what I was trying to do.

Mr. GRAHAM. Mr. President, this last hour is a good example of what we have come to as a Senate and a Nation. I come to the Senate to support Senator LEVIN’s statement and Senator WARNER’s statement. We have had a knockdown drag-out over the authorization bill. Everyone gave and we got a product the country can be proud of.

What has happened, as Senator LEVIN has described, we cannot survive politically. This is a defining moment for the future of our country will suffer.

Mr. LEVIN. Mr. President, first we thank the Democratic leader for support, and second the Senator from Nebraska. He has been violated with this authorization bill. It is a very different principle from the one the President feels so passionately about. It is a principle which I have, I believe, never seen violated.

The issue which the President feels so passionately about, which is earmarks on an appropriations bill and items being added on an appropriations bill, raises a whole different issue under a different rule. I believe his passion on this issue is admired by many in this body. But the principle that Senator WARNER and I, through our staff, asked our staffs to go over to the House and...
withdraw our signatures before the ma-
terial could be inserted.

It was the effort to insert it, the threat to insert it which was trans-
mitted to Senator WARNER and trans-
mitted to me through him and through Congre-
ses, this is not an effort on the part of Chairman HUNTER, by the way. As I understand it, it is the Repub-
clican leadership in the House that is determined to find a way to in-
sert material into the conference re-
port after the signature sheets have been signed. That is what I know about it.

Senator WARNER was so disturbed about it, I was so disturbed about it, we decided we were not going to take a chance. We cannot risk this.

Mr. GRAHAM. If the Senator will yield, I wish every American knew what was in the Defense authorization bill. In the Defense authorization bill are provisions to allow guard members and reservists to get health care for themselves and their families. They need it now more than ever. They are authorizing bonus programs for people who are serving worldwide now who are overtasked and underpaid.

To take this bill that will authorize much more to the troops in the field, that will keep our equipment modern, will allow us to aggressively deal with the war on terror, capture the moral high ground with the McCain language, do the habeas reform package we worked on—to have that come down by inserting something after the fact is a low blow. It will eat away at the heart of this body.

Mr. LEVIN. I thank my dear friend from South Carolina.

It is an effort we cannot allow to suc-
cceed. We are in bipartisan agreement on this issue. It is the deepest form of process where we must be able to rely upon each other's commitment and sig-
nature. We cannot let that shake. There are all kinds of differences in this Senate. Sometimes between Demo-
crats and Republicans, sometimes be-
tween Democrats and Democrats, be-
tween Republicans and Republicans. There are differences between us and other Members of the Senate. When a signature is affixed, when a conference report is signed, we cannot possibly contemplate any change in that con-
ference report even if we agree with it.

By the way, as the Senator from South Carolina believed, I am in agreement with the principle of the material which they seek to add. I know Senator WARNER told me he is in agreement with it in principle. It is bedrock principles. You do not go deep-
er than this.

We also have a rule—I know the Pre-
siding Officer is focused on the issue I want to spend 1 minute on—we have a rule relative to legislating on appro-
priations, which the Senator made ref-
ereence to. In his remarks, We also have rule XXVIII which has to do with ma-
terial in a conference report which is out of scope. That rule was abided by so that if anyone ever made a point of

order that material in a conference re-
port was out of scope, if the Presiding Officer ruled, the body would not over-
rule the Presiding Officer.

But we made a mistake in the early 1990s when we overruled the Chair. The Senate conference report all the time, by the way, which has the agreement of conference, which is out of scope that has the agreement of conference. It might not have the agreement of everyone in the body, but in everyone in the report agrees to it. That happens all the time. But what never happened until that one moment in the early 1990s, a point of order was made that there was mate-
rial out of scope in a conference report and the point of order was sustained by the Chair. The Chair was overridden. That created havoc around here. So much so that a few years later we re-
stored the rule and we wiped out the precedent which was created by over-
ruling the Chair.

That is not that the issue is in the de-
fense appropriations bill. That is what this issue is going to be. That is dif-
ferent from legislating on an appro-
priations bill. Forgive me for getting into the detail, but I spent a few days talking to Senator Pakistan, the Senator from Pakistan, and I don't want to waste my effort the last few days to try to understand this distinct-
ion. The issue on the appropriations bill, since all of us are friends and we are sitting here on a Saturday evening talking to each other this way, the dif-
ference on the appropriations bill and not legislating—I forget the number of the rule, but it is not rule XXVIII—there is a different rule from the one that is at issue on defense appropriations.

The issue on the defense appropria-
tions bill is whether we would overrule the Chair who will rule that the Arctic drilling issue is out of scope and out of order, and whether we are then going to override that ruling and put us back in the same morass we were in the early 1990s, which caused us a few years later to reverse that precedent, under that terrible precedent which actually made our rules into mush. We cannot have a rule which sometimes applies and sometimes does not, we override it every other day and restore it every other day. We cannot operate that way and hold our heads up as being legis-
tators.

I thank my Chair and my friends for their patience. Let me close by con-
fiming what the Senator from South Carolina said about the importance of the bill. It increases pay by 3.1 percent, which is half a percent higher than in-
flation. We have been fighting for that a long time. It increases the death gra-
tuity to all active-duty deaths from $12,000 to $100,000, retroactive to the be-
ginning of Operation Enduring Free-
dom. It authorizes a new special pay of $435 a month during hospitalization. It
authorizes new leave for up to 21 days for those who are on active duty and on. The Senator from South Caro-
olina mentioned a few of them and my friend from Alabama knows this be-
cause he works hard on these issues, too.

We are trying to put items in here in this bill which are good for the troops, good for their families, good for the Nation, good for our security. We cannot watch this effort down the drain after it was such a tremendous effort made to finish this bill. We set a record, folks. We had the shortest pe-
riod of time to do an authorization bill and we had the record number of amendments that we were able to rece-
ive. We set two records on this bill. Those records go down the drain unless the House leadership decides they are not going to try to do something that, as far as I know, has never been done before, which is to insert material in a bill somehow after the signature sheets have been signed.

There is a process. If the bill goes to the House and they want to refer it back to conference to consider some-
ting, in scope or out of scope, that is their right. But at some point the House leadership decides they are not going to try to do something that, as far as I know, has never been done before, which is to insert material in a bill somehow after the signature sheets have been signed.

The PRESIDING OFFICER. The Sen-
ator from Alabama.

Mr. SESSIONS. Mr. President, I will follow up on that. I think the House leadership and many on this side do feel the language would be good for the country and it is the right thing to do. And if everybody agrees, a lot of things happen around here. But if Senator LEVIN and Senator WARNER have con-
cluded they do not want to discuss any additional additions, it is not going to happen; it is just not going to happen. Unanimously, if anybody agreed to add something, something that everybody likes, maybe it could occur. Sometimes one side has to push a little harder to make sure the other side understands how strongly they feel about it. But at some point, if Senators WARNER and LEVIN do not agree to this alteration, it is not going to be in the bill.

So as a legal principle, I know they used to always say: There ain't no harm in asking. So this threat came from the leader of his own party and the House of Rep-
resentatives. I commend him for it. I hope the leadership of the House will relent and allow us to move forward with this important bill.

I yield the floor.

The PRESIDING OFFICER. The Sen-
ator from Alabama.

Mr. SESSIONS. Mr. President, I will say something about Senator Reid's, the Democratic leader's, reference to Abu Ghraib, suggesting that this bill, the legislation in this Defense bill has been held up perhaps because nobody wants to do anything about that. It has been going on in Abu Ghraib. Once again, it deeply concerns me. Once again, we are having the suggestion, if