

Throughout the country, approximately one-fifth of the Nation's population lives in rural communities. About 7.5 million of the rural population is living in poverty, and 2.5 million of them are children. Nearly 3.6 million rural households pay more than 30 percent of their income in housing costs. While housing costs are generally lower in rural counties, wages are dramatically outpaced by the cost of housing. Additionally, the housing conditions are often substandard, and there are many families doubled up due to lack of housing. Rural areas lack both affordable rental units and home ownership opportunities needed to serve the population.

In Wisconsin, HAC has provided close to \$5.2 million in grants and loans to 17 nonprofit housing organizations and helped develop 820 units of housing. Specifically, since 1972 the South-eastern Wisconsin Housing Corporation has partnered with the Housing Assistance Council to develop 268 units of self-help housing. The presence of the council in Wisconsin has made a huge impact on rural housing development in Wisconsin and other rural communities across the country.

I hope that my colleagues see the importance of this amendment and include it in H.R. 2419.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I am disappointed that we haven't been able to accomplish more on the farm bill. We have asked for amendments Senators want to offer. There have been a number filed. I have asked that Republicans come up with a list of amendments they would like to have considered. It appears there is no effort made to work out arrangements on the farm bill passing. I state for the record that every farm bill we have handled in recent decades has never had nonrelevant amendments. They have all been relevant, with one exception.

In 2002, the last one we did, we had one nonrelevant amendment. It was a sense-of-the-Senate resolution on the estate tax. That is it. So I don't know, maybe the Republicans don't want a farm bill. Maybe they have all cowered as a result of the President saying he was going to veto it.

As you know, the President has developed a new word in his vocabulary, and that is "veto." For 7 years he was not able to mouth that word, but in the last few months, the last year of his Presidency, he has decided to do that. Maybe the Republicans don't want a farm bill. Maybe they want to join with the President and not have a farm bill. That certainly appears to be the case.

We have basically wasted the whole week with my friends on the other side of the aisle pouting about procedure. The procedure on this bill is no different than any other farm bill we have done in recent decades.

The State of Nevada would benefit a little bit from the farm bill but not

much. I hope those constituencies who want a farm bill will start contacting Senators because the time is fast passing.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008—CONFERENCE REPORT

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the conference report on H.R. 3222, the Defense appropriations conference report. I would note that this matter will be managed by Senators Inouye and Stevens.

The PRESIDING OFFICER. Without objection, it is so ordered. The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3222) making appropriations for the Department of Defense for fiscal year ending September 30, 2008, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of today, November 8, 2007.)

Mr. REID. Mr. President, Senator INOUE was called away for a meeting with another Senator. Therefore, it is my understanding the distinguished Senator from Alabama wishes to speak. Does he have any idea how long he is going to talk?

Mr. SESSIONS. Mr. President, I believe 15 minutes.

The PRESIDING OFFICER. The Senator from Alabama.

#### FARM BILL

Mr. SESSIONS. Mr. President, I just have a comment to add to those of Senator BOND about the danger to farmers of making mistakes on energy policy. Energy prices are rising significantly. I saw some numbers recently that indicated for an average family, where one person commuted 29 miles to work every day, \$3-a-gallon gasoline could mean \$60 to \$80 a month more than they would pay for gasoline alone. That is after-tax money out of their pockets. That is a real cost.

We absolutely need to strengthen the energy portion of this bill. We need to do more to have a domestic supply of energy. But we also need to be sure we are not driving up the cost of energy so it falls hard on people such as farmers who utilize a lot of energy and a lot of gasoline and diesel fuel. It could be a real problem for them. I agree with Senator BOND that we need to be careful about this because we should not have as our goal driving up the cost of energy.

A lot of the policies I am hearing about are going to have little impact on the environment but a lot of impact on our wallets. My thoughts about the

Ag bill are that I hope we will be able to pass a bill we can be proud of. I hope to be able to support it. That is what I am looking to do. I will offer an amendment or file it a little later—I know we are not voting on them now—to deal with assisting farmers who suffer losses from disasters in their region. It can be painful for them. I would like to share some thoughts on this.

Our current crop insurance, as valuable as it is, has not proven to provide a fully adequate financial safety net for our farmers. The current system can be too expensive and not flexible enough. Farmers come to me all the time and say: I would like to plow under this crop and replant now, but the insurance people think if I let it go to full maturity, I might make enough money off of it that I wouldn't have to claim any insurance. So you have to wait on the insurance people before making a decision. They come out there. They have to make judgments. This is a burden. It can eliminate quick decisionmaking and can be costly.

According to the Congressional Research Service, the Government-subsidized Crop Insurance Program has expanded significantly over the last 25 years, and that is what we wanted to happen. We wanted more farmers to take out crop insurance. But yet CRS has found that despite this expansion, the "anticipated goal of crop insurance replacing disaster payments has not been achieved." Indeed, CRS reports that since 2000, "the federal subsidy to the Crop Insurance Program has averaged about \$3.25 billion per year, up from an annual average of \$1.1 billion in the 1990s and about \$500 million in the 1980s.

During this same time, from 1999 to 2006, CRS reports that the average per year ad hoc periodic disaster payment to fund persons who need payments in addition to the crop insurance has totaled \$1.3 billion a year. Since 2002, CRS reports that the cost to the Federal Government of Crop Insurance Programs combined with ad hoc supplemental disaster payments has averaged \$4.5 billion per year.

According to the Risk Management Agency, a group that supervises crop insurance, the average subsidy rate for this year—that is the average subsidy rate, the amount of money the taxpayers provide to subsidize a farmer's crop insurance—amounted to 58 percent of a producer's total crop insurance premium. The average amount of the Government subsidy is \$3,359. I am convinced for some farmers—I don't know how many—more flexibility could result in more benefits for those farmers. That is, of course, what we are about, trying to make sure we get the maximum possible disaster risk protection we can for our farmers.

Farmers do have a real need for a viable risk management strategy. Certainly, farmers need some form of protection when disasters strike. But these numbers do demonstrate the traditional crop insurance coverage on a

commodity-by-commodity basis alone often does not provide the kind of adequate risk protection every farmer needs.

In 1999, a committee formed by the Alabama Farmers Federation, our largest farm group affiliated with the Farm Bureau and tasked with developing ways to improve traditional crop insurance, proposed a solution to many of the problems farmers experienced with crop insurance. This is not an idea I came up with; it was an idea the farmers themselves came up with.

Ricky Wiggins from South Alabama has farmed all his life and was one of the people who really captured this idea and has pushed it. So this committee recommended that the farmers be given a choice between traditional crop insurance and opening a new account in which they could deposit some of their own money and then receive a modest contribution from the Government. Money that would normally have gone to subsidize insurance would go into this farm security account.

My amendment would simply direct that the Secretary of Agriculture implement a pilot program creating these accounts. My pilot program would be limited to 1 percent of eligible farmers or approximately 20,000.

These farm savings accounts would allow the farmers to create a whole-farm risk management plan based on the income of the entire farm. Because you have a lot of complications now. If one crop succeeds, and another one fails, or two of them are weak and two of them are the kind of crops for which there is no insurance available at all, then things do not work out fairly for the farmer. Farm savings accounts would serve as a possible alternative or supplement in these instances to traditional crop insurance.

Under this proposal, participating producers would deposit money, previously utilized to buy crop insurance—money they would normally be paying to a crop insurance company—into a farm savings account, a tax-deferred, interest-bearing account. The Department of Agriculture would then contribute to the account rather than subsidizing a portion of the producer's crop insurance premium, which is, on average, 58 percent. The producer would put the government contribution into the same account, subsidizing the account in that fashion. Then there would be no further liability on the Department of Agriculture after this point. The farmer, the producer would be self-insured and would not be calling on the Government for additional disaster relief.

Under farm savings accounts, a minimum contribution by the producer of at least 2 percent of their 3-year average gross income would be required annually, up to a maximum amount of 150 percent. Interest and income to the account would not be taxed as earned income, but withdrawals would be treated as regular income. Account funds would be invested in low-risk guaran-

teed securities such as CDs or Government securities.

Withdrawals from farm savings accounts would be allowed if gross income in any given year falls below 80 percent of the farmer's 3-year average gross income. The amount of the withdrawal would be restricted to the difference between 80 percent of the 3-year average and the actual gross income of that year.

For example, if a producer, who typically earns \$100,000 a year, makes \$70,000, then they would be allowed to withdraw \$10,000 from their farm savings account, their emergency insurance account, to bring their annual income up to \$80,000. However, if the producer made \$90,000 that year, a withdrawal would not be allowed at all.

Catastrophic coverage would still be required to participate in this pilot program, because if you have a total loss, then an individual savings account would not be enough to cover it.

The producer would be eligible to purchase any additional crop insurance, but it would be completely unsubsidized. In addition, farm savings accounts could be used as collateral in obtaining loans connected with the farming operation. These accounts would be closed if the producer ceased farming for nonfarm employment, retirement or bankruptcy. The remaining balance would be taxed as regular income.

The USDA has reported that farm savings accounts may overcome some of the disadvantages of current crop insurance programs. These accounts would encourage farmers to manage risks unique to their operation by saving money in high-income years and using it during years in which income is low.

While coverage would depend on the reserves in individual accounts, these accounts would be applied to a variety of farming situations. In addition, the USDA has found these accounts could encourage greater participation in the agriculture safety net by farmers than is currently experienced. Some producers are not even offered the opportunity to purchase insurance for their crops—because of the nature of their crops and the nature of crop insurance, they cannot get insurance—making them more dependent on the ad hoc disaster payments we wrestle with on the floor of the Senate.

For example, CRS reports that specialty crop and livestock producers are not afforded the same level of protection for their commodities as the major commodities.

Recently, my amendment has been mischaracterized as undermining the level of risk protection provided for farmers. Yet simply taking Government funding previously used as a subsidy for insurance premiums and, instead, using it as an incentive to encourage savings for disasters is not undermining the level of risk protection for the farmers. This is an important distinction. Giving farmers a choice be-

tween traditional crop insurance and a new program based on producers saving their own money in a tax-deferred, interest-bearing account actually increases, I submit, the level of risk protection for farmers, particularly since we would require catastrophic coverage to participate in the Farm Savings Account pilot program.

Allowing for more approaches to risk management actually gives farmers the opportunity to choose the plan they consider to be better suited for their particular operation. By providing a choice between different risk management strategies, our Government can offer more protection to a greater number of farmers at less of a cost by decreasing the need for these ad hoc disaster payments we so often do.

Purchasing crop insurance coverage commodity by commodity, as we do now, may make sense if you grow one or two crops on your farm, but traditional crop insurance may not be the best option if you grow four, five or six commodities in your area of the country.

Instead of countless premium payments that are paid by producers each year but not necessarily used, the participating producer can save that hard-earned money himself and receive a modest Government contribution to assist in providing his own risk protection.

Farm savings accounts can also provide producers much needed flexibility in managing their operation by overcoming some of the constraints of traditional crop insurance. Under the current system, producers who want to make decisions on how to manage their farm operation when a disaster strikes are often forced to jump through numerous bureaucratic hoops before they are allowed to execute their own decision on their own farm about how they want to manage the crops that are being damaged by a disaster—a drought or flood or freeze.

For example, under the current system, producers who want to cut their corn for silage to feed their cattle in a drought year—because they realize the corn crop is not going to be sufficient to actually harvest in the fall—must first get permission from the crop insurance companies and the Federal Government. So you have to have people come out and inspect the farm and argue over whether you should be able to cut the corn prematurely or let it stay in the field in the hope that there will be more rain and maybe a worthwhile crop at the end.

Why not give that decisionmaking authority to the farmer? It would save a lot of overhead, I submit. And there is, as we know, some sizable amount of fraud in the crop insurance program. Farm Savings Accounts would greatly eliminate the risk of fraudulent behavior by those participating in the pilot program.

Farm Savings Accounts will allow the producers to make their own

choices on how to manage their farm operations. If their income drops, they will be able to draw into that account to bring it up to 80 percent of their 3-year average income. I think it has great potential.

Simply put, this plan would offer an alternative to some producers who might choose it, and it could encourage broader participation in risk management plans than we have today because a lot of farmers do not participate in any insurance or risk management plans. In combination with traditional crop insurance, farm savings accounts, I believe, will save the taxpayers money by reducing the need for continual bailouts in the form of ad hoc payments and will give farmers more flexibility. If things go well, the farmer may, indeed, create a savings account that can help take care of them in their retirement years.

I ask my colleagues to consider this pilot project amendment. It in no way represents a major shift in what we are doing now. It represents a pilot project for 1 percent of farmers. The regulations would be set forth by the Department of Agriculture. At the conclusion of the program several years from now, perhaps we will see it was not a very good program. But perhaps we will find it has great potential—and the farmers who are using it like it—and perhaps more farmers might like to participate. We should consider that in the years to come.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

#### VETERANS DAY

Mr. BYRD. Mr. President, this Sunday, November 11, will be Veterans Day. On this Sunday, our Nation will honor all veterans of all wars. It will be a day, this Sunday, to thank every man and every woman who wears or who has ever worn the uniform of one of the U.S. Armed Forces.

It will be a day to remember and to honor the dedication, the professionalism, and the courage of every individual who has been prepared to defend our people, our Nation, and our Constitution by taking up arms against our enemies.

On the 11th hour of the 11th day of the 11th month, 89 years ago, in the dark year of war that was 1918, the armistice began. Tired troops laid down their weapons against muddy trench walls, weary gunners lowered their sights, the thundering cannons fell silent, and the fragile calm of peace was broken only by the crisis of celebration and the prayers of Thanksgiving. The United States had taken part in the largest war that history had ever witnessed, and it was finally over.

The carnage of World War I was of a scope and scale that shattered the soul. Battles took place across the globe and on the seas. It was the first war to take to the skies, the first war to see chemical weapons used on a large scale, the first war to see tanks and other heavy

armored weapons employed. Pandemics of influenza had swept the globe on the winds of war, extending the suffering to new areas and into civilian arenas, taking my mother to her grave.

World War I caused the disintegration of four vast empires: the Austro-Hungarian Empire, the German Empire, the Ottoman Empire, and the Russian Empire. In just over 4 short years, more than 20 million people were killed and more than 20 million people were casualties of that war. It was truly the cataclysmic end of the existing world order. But November 11, then called Armistice Day, became forever a day to be grateful for peace, thankful for democracy, and thankful for the men and the women who had done so much to preserve both.

People called World War I the Great War. They called it the War to End All Wars. Many people believed that no war could have been worse. But, alas, World War I was neither the greatest war in terms of size and complexity, nor was it the war to end all wars. Since World War I, the United States has taken part in World War II, the Korean war, the Vietnam conflict, the first Persian Gulf conflict, and now the second Persian Gulf conflict in Iraq and Afghanistan. U.S. troops have also come under fire in Bosnia, Kosovo, and Somalia. Millions more American men and women in uniform have joined with their battle-hardened brethren from World War I to share in the honored title of "veteran." In 1947, the November 11 Armistice Day celebrations were renamed "Veterans Day" to honor all veterans of all wars.

This Veterans Day, with the Nation's men and women in uniform again in harm's way, the Nation will again mark with a moment of silence the 11th hour of the 11th day of the 11th month. In that silence, during that peaceful moment, we shall send our love, our prayers, and our thoughts to the men and the women who will know no peace in the dust and heat of battle. We will send wishes of strength, of courage, and of luck. We will send our love, we will send our prayers, and we will send our thoughts to their families as well, and we will wish for them the strength to endure the long separation and the strain of worrying about their soldier. In that peaceful moment, we shall give thanks to all who serve and all who have served.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, as a veteran of World War II, I know I speak for other veterans in thanking my colleague, the senior Senator from West Virginia, for his most profound remarks, and I thank him for his words.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUE. 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. INOUE. Mr. President, I rise today to discuss the conference report on H.R. 3222, an act making appropriations for the Department of Defense for fiscal year 2008. The conference report approves funding of \$459.3 billion in new discretionary budget authority which is equal to the subcommittee's 302b allocation. This amount is \$3.5 billion less than the funding requested by the administration, not including supplemental spending for the cost of war. And, it is the same level as recommended by the House. The conference recommendations represent a good faith compromise between the House and the Senate.

I say to my colleagues this is a good bill, one that is critical for our Nation's defense. The bill fully funds a 3.5 percent military pay raise, a half percent more than requested. It recommends adding \$918 million for the Defense Health Program to ensure that the health of our military families is protected. This includes \$379 million more than requested to support our military hospitals which suffer from significant shortfalls and are stressed by our wounded heroes returning from war.

The conference report includes \$980 million to purchase equipment for our National Guard and Reserves recognizing the serious shortfalls that exist in our reserve components. It provides robust funding for the Army's highest priority, the Future Combat System. It supports the purchase of 20 F-22s and 12 joint strike fighters as requested.

The bill includes \$588 million to support a multiyear purchase of the *Virginia* Class submarine, and provides advance procurement for four more ships than requested by the administration.

On the subject of earmarks, this measure includes nearly \$3.4 billion less for earmarks than provided in fiscal year 2006. While many of the items that we call earmarks may not meet the strict definition under the new rules, we have included them in a list in the back of the Statement of the Managers along with the names of the Members of the Congress who requested them in the interest of providing greater transparency.

Today is November 8. Our Defense Department is operating on scaled back funding under a short-term continuing resolution. Each day that the Defense Department operates under a CR adds to cost and inefficiency. It is critical that we expedite the consideration of this measure to allow for better financial management, and more importantly, to ensure that our men and women in uniform and their families have the funding they need for their pay, their hospitals, their housing, and their schools. We can best show our support to the military by completing action on this bill as quickly as possible and sending it to the President. Our men and women in uniform deserve no less.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, the distinguished Senator from Hawaii has managed this bill for many years. He has done an outstanding job. It is an honor and a pleasure to work with the Senator from Hawaii. It doesn't hurt once in a while to remind each of us what a great man he is. I am sure I will embarrass him, and I do this rarely, but for those of us who have the opportunity to serve in the Senate, one of the highlights in all our lives is having the ability to tell our children and our families that we served with DAN INOUE. Here is a man who is a Medal of Honor winner for gallantry during World War II.

This week, the President of France bestowed the highest civilian honor they can bestow on any non-Frenchman—and that is the Legion of Honor—to Senator INOUE. So not only is he a great manager of this piece of legislation before the Senate now, he is a great American. That is an understatement.

I hope we can do this bill as quickly as possible, and 6 o'clock is coming soon. This piece of legislation has attached to it the continuing resolution, as was done last year when we were not in charge but the Republicans were in charge. That is not saying the Republicans did anything wrong. We have a situation where we have to fund the Government, and funding runs out next Friday, a week from tomorrow. So this would fund the Government until the middle of next month. Attached to the continuing resolution—we want all the transparency we can have and should have. A number of items are extremely important. FEMA has run out of money all over the country because all these emergencies have occurred. There is money for wildfires, and it is pretty clear what that is about. There is \$1.9 billion in the bill for veterans. This is what the President requested. It is not as much as we wanted. He requested that. We put his money in the continuing resolution. There is \$3 billion that was requested by the Senators from Louisiana, which is something that is an emergency. The people of Louisiana have suffered a great deal, as have other States in the gulf. This allows people to come back to their homes. If this money is not obtained by the first of the year, then all applications will have to be stopped. So it is important to do this. I hope we can complete this as quickly as possible.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, the Senator from Minnesota wishes to speak for 10 minutes as in morning business. I ask

unanimous consent that he be allowed to do that and, when he completes his statement, that I be recognized.

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

The Senator from Minnesota is recognized.

(The remarks of Mr. COLEMAN pertaining to the submission of S. Res. 371 are located in today's RECORD under "Submissions of Concurrent and Senate Resolutions.")

Mr. COLEMAN. I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, one point I failed to mention in talking about this bill which has been brought to the floor in the form of a conference report is the House of Representatives acted on this conference earlier today. The vote in the House of Representatives was 400 to 15—400 to 15—and here we are in the Senate playing around with this bill today, a bill that gives \$470 billion to our fighting men and women around the country for the next year, and it funds our Government until the middle of December, and we are having some kind of a procedural meltdown in the Senate.

Does this mean the House of Representatives, with their overwhelming vote of 400 to 15, didn't know what they were doing? The House is evenly divided, just as we are, with Democrats and Republicans. The difference is fairly minimal. But Democrats and Republicans, by an overwhelming margin, voted for this conference report. Why? Because it is the right thing to do.

If we don't adopt this conference report today, here are the procedures, everybody. Listen to what we face. We don't have to take it up. We can just drop it. We don't have to have a vote on it today. The word is out that there are individuals who want to take the CR out of this conference report. So they do that, and we decide to move forward on the legislation. Then what would happen is we could pass the conference report, as amended, take the CR out of it. It will go back to the House of Representatives. The House of Representatives could sit on it for the next 6 months or they could pass it during their session tomorrow.

Why do we need to do that? We have to fund the Government. We are not going to shut down the Government. There may only be 51 one of us, but we will always vote to keep the Government open. The Republicans tried shutting down the Government 10, 12 years ago, and it didn't work. We are not going to do that. We just thought it was appropriate—and I don't know who could object. The Democrats didn't do it in the House of Representatives; the Democrats and Republicans in the House of Representatives decided FEMA, the Federal Emergency Management Agency needed money. Why do they need money? There have been emergencies all over the country, and they don't have the money to take care of what is needed. They are out of money.

Have we had wildfires? We have had wildfires. They swept the West. Maybe they were on television a lot, as they were when the wildfires swept southern California, but they have been burning for months, and we are out of money. The Federal Government has obligations. The President has declared a number of emergencies because of these fires. That takes taxpayers' money. So we put that in the bill.

The House also decided in their wisdom, which I support, to take money from what the President asked for veterans—\$1.9 billion—and put it on the CR so he could get that money as early as tomorrow. And we put, as I have already indicated, \$3 billion in for Katrina, which is humanitarian money. It is absolutely necessary. It is for people's homes.

The House passed this outrageous legislation—I guess that is what people think. We have had this bill since about 2:30 this afternoon. It is now approaching 6 o'clock, and people are trying to decide what they want to do with it when it passed the House of Representatives 400 to 15. I am really at a loss as to what the problem is.

We have done nothing on the farm bill, not because we don't want to do something on the farm bill but because we have treated the farm bill the way every farm bill has been treated for the last three decades.

We say we want to vote on the Dorgan-Grassley amendment. No, you can't do that. We are willing to set that aside and do the amendment we know has to be done; that is, the substitute by Senators LAUTENBERG and LUGAR. No, you can't do that. We say: Why don't you give us a list of amendments you might be interested in doing? No, we can't do that.

It appears to me the minority doesn't want a farm bill. Maybe they want to wait until the new year and extend the present farm bill. I personally think the farm bill is something we should do. It has a lot of very good provisions in it, not as far as some people wanted, not as far as I wanted, but it is a good bill, and we should pass it.

I simply was told by my counterparts: We don't like the bill; you are wasting your time; forget about it. Now we hear all these words: We don't like the way you are handling the procedure. Why? Because it isn't right the way you do it, even though it has been done this way for many years.

Mr. President, 400 to 15, and we are spending hours and hours trying to decide what to do. In the meantime, there is other work of the Senate not being done. I can sit in a quorum just as everyone else and waste everyone's time, but I think we should get about the business of this country. It shouldn't be that hard to decide what they want to do. Do they want to override what the House did by a vote of 400 to 15—"they" being the Republicans in the Senate. If they want to raise a point of order to take something out of the bill and sustained by the Parliamentarian, we can vote on that. We

can waive it with 60 votes. I just think we should have a decision made by our friends on the other side of the aisle.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. 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. BYRD. Mr. President, every day that the Defense appropriations conference report is delayed, it delays a \$40 billion increase for the Department of Defense, delays \$11.6 billion for mine-resistant vehicles for our troops in Iraq and a \$2.9 billion increase for our veterans.

The Defense appropriations conference report passed the House of Representatives 400 to 15. I urge all Senators to support the conference report and send the measure to the President of the United States today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask that my colleagues take note of the fact that the Defense appropriations legislation which is before us is critically important for our Nation and for close to 200,000 American servicemembers fighting wars in two foreign countries.

This bill includes salaries for our soldiers, a well-deserved pay raise for them. I am sure that is one of the reasons it received such an overwhelming vote in the House of Representatives. Mr. President, 400 Members came forward to vote for this bill. It is an indication of bipartisan support for our soldiers, our men and women in uniform.

It includes money for training, for aircraft, ships, ammunition, humvees, and, yes, for a new generation of vehicles that will save the lives of many of our soldiers. These so-called MRAPs are much more heavily armed and safer vehicles. There is no reason to delay. The Senator from West Virginia made the point that there is \$11 billion in this bill to start sending those vehicles to our troops so they will be safe and come home safe.

Our men and women in uniform across the world need this bill to pass. They do their duty without any hesitation. Can we do anything less?

There is a fundamental disagreement in this country about the war in Iraq, whether our troops should continue there, as the President would have, or whether we should start bringing them home. We have had many debates on that issue in this Chamber during the last year; there will be many more. But today this bill should not be a casualty of that disagreement in the Senate. This bill is about providing the vital resources our military needs to keep our country strong and safe.

Let me tell you, there is a part of this bill I had at least a small part in

crafting, and I am very proud of it. It is called the Wounded Warriors Act. There were so many involved in it. I don't claim that it was my own exclusively, but each of us tried to put a provision in that would help our warriors coming home from battle be treated better and recover from their wounds more quickly.

This bill includes \$70 million to fund the Wounded Warrior initiative that was included in the Defense authorization bill. That is legislation on which I worked. Having visited veterans hospitals and talked with so many disabled vets, I realized that money was desperately needed to improve treatment for traumatic brain injury and post-traumatic stress disorder and actively support our troops in transition between Active Duty and Veterans' Administration care.

This bill also has \$980 million for equipment for the National Guard. In my hometown of Springfield, IL, is Camp Abraham Lincoln. If you go out to Camp Lincoln, there is a big parking lot. It is empty. It used to be filled with vehicles until 80 percent of the National Guard units in Illinois were deployed. They took that equipment overseas to fight the war. It was destroyed, run down, not worth returning. It has never been replaced. Our National Guard units in Illinois have about a third of the equipment they need. God forbid a crisis in our State or something that requires mobilization; they will be hard pressed because the equipment is not there.

This bill has \$980 million for equipment for the National Guard. Most of our Guard units are lucky to have half the equipment they once had. This is a burden on them when it comes to training and responding when needed.

I have looked at our Guard and talked with our leaders there. They have only half the authorized rifles they need and less than half the authorized vehicles. Our States, every one of them, desperately need this equipment, and this bill provides almost \$1 billion to meet that need. Why would we say no? Why would we wait?

Also included in this bill is desperately needed funding for veterans, the victims of the catastrophic wildfire season, and people who lost their homes because of Katrina.

This bill contains a continuing resolution which keeps the business of Government continuing as we work our way through this appropriations debate. Maybe there are some on the other side, people I have not met, who believe closing down our Government is a good thing. We certainly don't. The Democrats in the majority believe our Government should continue to function. Was it 12, 13 years ago when then-Speaker Gingrich decided he would just close down the Government to see if we would miss it? People such as Rush Limbaugh were crowing on the radio that if the Federal Government went away, nobody would notice. They noticed it in a hurry. There are vital functions that need to continue.

This bill contains a continuing resolution that keeps the lights on, keeps people working, keeps valuable services there for people across America and around the world. We want to pass this along with this Defense appropriations bill. This would fund our Government until December 14, next month, which gives us time to work on agreements on the rest of the appropriations bills.

We are operating under the spectre of a President who has threatened to veto 10 of the 12 appropriations bills, even though we put these bills together in a very bipartisan way, and they had overwhelming majority votes. Those appropriations bills aren't likely to become law in the near future, so the only responsible thing to do is to have this continuing resolution so Government funding will continue.

The President has said he will veto these bills because they are—all the bills, the appropriations bills—roughly \$20 billion over his budget. The President has threatened to delay health care, money for No Child Left Behind, training for workers, even the National Institutes of Health, and even transportation because Congress restored many cuts he has made over the years—\$20 billion, \$25 billion. Sure, it is a significant sum of money, but it represents about 2 percent to 2½ percent of the total Federal budget.

A President who is arguing we can't afford \$20 billion or \$25 billion for America has asked us for \$196 billion for Iraq—\$196 billion for Iraq but we can't afford \$20 billion for America? I don't follow it.

A strong America begins at home, investing in our people, our children, our communities, our neighborhoods, our towns, and our States—our economy—so businesses can grow and good jobs can be there. Why this President opposes these measures I can't understand. But we shouldn't let the business of Government grind to a halt while we work out that obvious difference. That is why the continuing resolution is so important.

I guess 2007 was a banner year at the White House. After 6 years of searching, after turning loose all of the agencies of the executive branch of Government, after bringing in the best investigators the President could find, after literally tearing the White House apart from one end to another, President George W. Bush, in the year 2007, discovered his veto pen. He had been looking for 6 years. He couldn't find it. He never used it. But then he found it in 2007, and I guess he decided this would be part of his relevancy campaign.

You may recall, Mr. President, he gave a speech and said: I have to do some things around here to continue to be relevant. Reuters announced today that 24 percent of the American people approve of the President's job in office. Someone in the White House, I am not sure who, has said to him: If you just start using this veto pen again, I think your numbers will go up. I think you will be relevant.

I think they are wrong because the President has used his veto pen for things that don't help our country. When we tried to change course in policy and direction in Iraq, the President used his veto pen and stopped us. When we tried to promote stem cell research to find cures for diseases, such as diabetes and heart disease and cancer, Parkinson's and Alzheimer's, he found that veto pen and used it to stop the research. He has used that pen to stop Children's Health Insurance, and he used it to try to stop an investment in America called the Water Resources Development Act.

Today, there was a historic vote on the Senate floor. I believe some 79 Members, if I am not mistaken, voted to override the President's veto—many more than the 67 necessary. It was historic because that is only the 107th time in history this has occurred. The Senate, Republicans and Democrats, rejected the President's veto.

So the President continues to take advice and threaten to use that veto pen again. It is a newfound power that he ignored for 6 years as President. Not once did he find a single bill generated by a Republican Congress that he would veto, not one time. Now he can't find a bill generated by a Democratic Congress he wants to sign.

Well, the bills we pass in the Senate take bipartisan support. We don't have 60 votes on the Democratic side. We have 51. We need the help of our Republican friends to pass anything, and we have gotten that help. I hope the President will consider that when he threatens to veto appropriations bills with overwhelmingly positive, affirmative votes.

The continuing resolution assumes an increase of \$2.9 billion for Veterans Affairs. This would allow the VA to spend at a greater rate, and they need to. If you had asked the Department of Veterans Affairs 7 or 8 years ago what they would be doing in the year 2007, I am sure they would have said: Well, we will continue to meet our legal obligation for a lot of aging veterans who have come to us with the problems of aging men and women. But that is not their challenge today exclusively. They have a new challenge, with thousands of returning soldiers and sailors, marines and airmen, who come back broken in body and spirit and need the help of the Veterans' Administration. We give them money for that. That is in this bill.

Will Republicans stop this bill? Will they stop the \$2.9 billion for the Veterans' Administration? How could they possibly justify that?

It also has \$500 million emergency funding for the Forest Service and Bureau of Land Management for wildfires. You don't have to tell our colleagues from California what that is about. It is about the biggest migration in our Nation since the Civil War—people forced out of their homes because of the fires, many of their homes destroyed in the process.

The bill has \$3 billion in emergency funding for the HUD Road Home Program for people whose homes were damaged and destroyed by Hurricanes Katrina and Rita. The Governor of Louisiana, Governor Blanco, came to see me, along with the mayor of New Orleans, Mr. Nagin, and they told me about this program, one that the Federal Government agreed to fund. It has been a program that has been widely subscribed and needs additional money to be completed. It is just for the people who have legitimate claims, and it gives them a chance to come home. It is about time the people in New Orleans had a chance to come home.

Mr. President, our country faces threats on many fronts. Our duty in Congress is to provide the authority and the funding for our military to be equipped and trained to meet those threats. I support this funding bill which gives our soldiers the tools they need to safeguard our Nation. To my friends on the Republican side of the aisle, as they ponder whether to support this bill, I hope they will understand funding our military at this moment in our history is critical; providing continuing resources for our Government to stay in business is the right thing to do.

Saying no to veterans at this moment is a bad decision. Saying no as well to the victims of fires is not defensible. And saying no to those people who have struggled and need a helping hand across America is not consistent with who we are and what we should be.

Mr. President, I yield the floor, 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.

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

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I want to state my support for the Department of Defense conference agreement that is before the Senate today. As we have done for so many years, my good friend from Hawaii, Senator INOUE, and I have worked in a bipartisan manner with our counterparts in the House to draft an agreement that meets the needs of the military. This bill balances our priorities for funding, pay, and benefits to the military and civilian personnel, maintaining force readiness in the operating accounts, and providing significant investment for the modernization of weapons systems. I strongly support the defense side of this bill.

I remain deeply disturbed by what is not included in the bill. What is missing from the conference agreement is what is known as the bridge fund or supplemental appropriations to support

our troops in the field. For each of the last 3 years, and in the current CR, the bridge funding for the costs of operations in Iraq, Afghanistan, and around the world have been included, until a full supplemental bill could be considered has passed the Congress in the Spring.

This has been a difficult matter for us to deal with. I was unsuccessful in the defense conference in adding \$70 billion as a bridge fund. As I understand it, the House has indicated they will bring forth a stand-alone bridge fund bill to be considered by the Congress as early as next week. As a matter of fact, it may be tomorrow that they take it up. I have not seen any action yet to assure that we will get a clean bridge fund bill that can be signed by the President. This bothers me considerably.

The continuing resolution attached to this bill does not contain a bridge fund. As I said, every defense bill since fiscal year 2005 has included a bridge fund that funded contingency operations. Unfortunately, the absence of this bridge fund leaves the Department will be forced to divert money from their regular accounts to fund overseas operations. They will also be forced to reprogram money from the Defense bill itself in order to cover the problems of the men and women in the field.

I have said I would offer a motion to invoke rule XXVIII against this bill, but upon reflection and after talking to the people in the administration, the intention is to allow that this Defense bill to be passed because there are overwhelming problems in the Defense Department itself.

So contrary to my own deep thoughts about the lack of the bridge fund, I think, considering the matter of all of those people who serve us, it is essential we get the Defense bill itself passed. It will give us the basic funds to continue the ongoing operations for a limited period of time.

It bothers me that without the bridge fund—the Congress has failed to recognize the overall process of supporting our deployed forces and replacing worn equipment. These effort are at risk for being delayed, when this bridge fund is not provided. The current CR, which contains funding for our deployed forces, runs out on the 16th of this month.

I say to the Senate, it is a great risk we are taking, a great risk not to fund the people who are serving valiantly overseas. These people ought to be the first under consideration. Unfortunately, we are presented with a dichotomy of protecting the whole of the Department of Defense and getting the bill to the President to be signed, as opposed to having the additional monies necessary to continue to support those overseas.

In the past 3 years, as I said, we have included a bridge fund. Without this funding, the Department of Defense will now have to divert money, reprogram money from this bill we are going

to pass, to fund overseas operations. Those operations cost about approximately \$13 billion a month. That is money that is necessary to keep the people who are in the field now, sustain the rotation of those forces, and ensure that they have the equipment that they need. A significant portion of that money is dedicated to the troops and their families as they come home. It costs much more to bring a soldier or Marine back and put that person back into their unit and take care of all the medical problems associated with returning personnel as it does to send someone over.

The difficulty is without a bridge fund those people are going to be the first ones harmed. We still have time. This is the point just made to me—we still have time before November 16 to pass a clean bridge fund, one without bells and whistles, one without political concepts in it, one without telling the President to end a war he can't end.

I do hope the Senate understands we should not have a political dispute bar us from supporting those people who have volunteered. This is a total volunteer military. They have depended upon us to support them. We have until November 16 to do what we should do, and that is pass a bridge bill.

I do hope the House will keep its word to us and send us a bridge bill. No matter what happens between the White House and the Congress and the parties within the Congress, we should not lose sight of the fact that those people have volunteered to serve this country, they are there, some of them are coming back, and others are going over to take their place until this issue is settled. I, for one, hope it is settled as soon as possible, but I do not believe we can solve the problem by denying the Department the money it needs to support those in the field.

We have men and women in uniform in 146 countries today. It is not just Iraq and Afghanistan. These service-members are still chasing terrorists around the world. I think we send the wrong message to the deployed troops who have volunteered for duty if we neglect them. This will be the first time we have done that.

By not raising the point of order I am relying upon what I believe is a commitment of the House to send us a bridge bill, a bridge bill that can be passed and signed by the President by the 16th, by the time the current CR expires. I do not believe we can ignore our commitments to our forces overseas, and I do hope the Senate will join us in agreeing to pass a bridge bill that is not political.

I know my friend, and I disagreed on the basic concept of entering this war. But after the troops were there, we have set aside any political differences and decided our job was to make sure the volunteers who commit themselves, commit their lives and put them at stake, are going to get what they need so long as the Commander in

Chief orders them to do what he has the power to do under the Constitution, and that is to represent this country in events taking place in Iraq, Afghanistan, and throughout the world.

These are very complicated times. We are reading what is going on in Pakistan, which impacts our operations in Afghanistan. When we were there the last time I was there, the one thing they wanted was support for helicopters and equipment to assist in the war on terrorism.

I remind my colleagues there is more than \$11 billion in this package for mine resistance, ambush protected, or MRAP vehicles. Senator INOUE and I totally support that concept. But force protection for the troops goes far beyond the vehicles in which they ride. It includes everything from body armor to helmets, to ballistic eye protection, aircraft survivability equipment, to improved sensors, communications for better situational awareness—all of that should be in the bridge fund that is not here.

I am disturbed with myself, as a matter of fact, to a certain extent, that I am not going to raise that point of order. But you have to weigh this, now, as to what is in the best interests of the people in uniform.

We are not saying today there is not going to be a bridge fund. We are saying we will pass this bill now, but we are committing ourselves—I am committing myself to do everything possible to get a bridge fund passed by November 16.

We do not want to send the wrong message to our people deployed. The interesting thing about it—I have spent the last few evenings, quite late into the morning, watching this marvelous public television series called “The War.” That was our war, Senator INOUE's war, and my war. As a matter of fact, Senator INOUE has a dramatic presentation in that series, and I applaud him for that. But the difference between that war and this war, these conflicts in which we are involved now, is overwhelming.

I remember leaving Miami and calling my aunt and uncle, with whom I lived, then when I came back from China, calling them from Hawaii, almost 2 years later. There was no communication—no phones, no e-mails, no messages. Once in a while, about twice a month maybe, a letter or a package.

This is a different concept. These people overseas can hear us now. They are going to get e-mails today saying the Senate did not pass that bridge bill. They are watching us—and they should. They have every right to watch us, and their families do too.

I think to do anything less than passing this bridge bill before we go home for Thanksgiving—to me, it would be irresponsible. We have to keep our commitment to these people. The \$70 billion that is available to the Department of Defense under the current CR, it ought to remain available to them until we pass the main supplemental,

which the Congress will take up sometime in March or April.

I do hope the Senate will understand what we are doing. We have a bill today, which includes the Continuing Resolution, that has a great many provisions in it that we didn't have much to do with here in the Senate. The Senate is on warning that it could well become surplusage in the processes of the Congress if we let this happen again. These items were entered into the conference report entirely separate from the defense bill that is before us tonight. Rule XXVIII is supposed to bar that. The exigencies of the situation now are such that we must let the Defense bill go to the President in order to achieve our goal of supporting the activities of the Department of Defense.

It is with reluctance I urge my colleagues to support this bill, send it to the President for his signature—which I am assured will happen. If we don't stand up as a Senate and support our troops, we will be neglecting our duty.

We have duties here too. We support the Constitution, and the Constitution gives the President of the United States power to send troops overseas whether we like it or not. As a matter of fact, we passed the resolution to make sure the President had that power and then asked him to do it.

So under these circumstances, we should not neglect those people who are overseas, who are wearing our uniform and putting their lives at risk on a daily basis. I do hope the Senate will take notice that we cannot let this become a common practice, we cannot neglect our job in terms of having the Congress consider the things we believe are absolutely necessary for our country.

The only reason I do not do it now is this gap between now and a week from now on November 16. We have the time to pass a bridge bill. We have the time to authorize the money that is needed to support these people during our absence on what we call the Thanksgiving recess. I hope and I pray to God we will do it. We must do it. It is on that basis that I do not raise a point of order.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, for the past 30 years, I have been privileged to serve on the Appropriations Defense Subcommittee with my illustrious partner, the senior Senator from Alaska. We have always done this in a bipartisan fashion. It has been so bipartisan that, notwithstanding the controversies involved in the bill, as the Senate knows very well, we passed the bill in the subcommittee in less than half an hour and the full committee in less than an hour and a half.

We should also keep in mind that 4 days from now, we will be saying thank you to the veterans of World War I, II, and the others.

This is a must bill. I think we should take the words of the senior Senator

from Alaska, his words of wisdom, with seriousness because it deserves serious consideration.

•**Mr. McCain.** Mr. President, we are a country at war and yet it is business as usual in the Halls of the Congress. This conference report is chocked full of unrequested and unauthorized funding provisions while actually underfunding the budget requested by the President for the Department of Defense by \$3.5 billion. That is correct, Mr. President. We are underfunding one of the most critical agencies to the safety and security of the American public in order to spend extraordinary amounts on unnecessary, wasteful earmarks and run of the mill porkbarrel projects. There are over 2,000 earmarks in this year's Defense Appropriations conference report and its accompanying Statement of Managers, with 24 earmarks added outside the scope of conference.

Today, we are engaged in a struggle against Islamic fascism and yet it seems that many on both sides of the aisle are placing special interest and pet projects before the urgent funding needs of our troops and providing what they need to succeed in their mission. While this bill has \$3 billion of Katrina relief for Louisiana homeowners, it does not have one dime allotted for bridge funds for the global war on terror. I support doing what we can do to aid in the Katrina recovery. But we must be equally committed to our brave men and women in uniform.

Allow me to highlight some of the earmarks that are taking real money away from our fighting men and women: \$25,000,000 for the Hawaii Federal Health Care Network; \$23,000,000 for the National Drug Intelligence Center, NDIC; \$20,000,000 for historically Black colleges and universities; \$5,000,000 for the United States Olympic Committee, USOC Paralympic Military Program; \$4,800,000 for the Jamaica Bay Unit of Gateway National Recreation Area; \$3,000,000 for "The First Tee," a golf foundation in St. Augustine, FL; \$2,400,000 for the Vertical Lift Center of Excellence-Institute of Maintenance, Science and Technology; \$2,000,000 for brown tree snake eradication; \$1,600,000 for the New York Structural Biology Center; \$1,200,000 for the National Bureau for Asian Research; \$800,000 for extended shelf life produce for remotely deployed forces; and \$500,000 for the Maine Institute for Human Genetics.

I am not questioning the merits of some of these programs and initiatives but they do not belong on a Defense appropriations bill. It is our responsibility to be faithful stewards of the taxpayers' hard-earned dollars. Whatever position you have on the war in Iraq, the global war on terror or this administration, as long as our soldiers, sailors, airmen and marines are in harm's way, it is our responsibility to provide them with whatever is necessary for them to succeed in their missions around the world and come home safely. We can do better than

this for our troops and for the American taxpayer.●

**Mr. Feingold.** Mr. President, I oppose the 2008 Department of Defense appropriations conference report because it provides money to continue the misguided war in Iraq but fails to require the redeployment of U.S. troops. The war in Iraq is the wrong war. It is overstretching our military and undermining our national security. It is long past time for this war to end.

Some may pretend that this conference report does not include any Iraq money. That claim is misleading, at best. This bill provides the regular DOD funding that keeps the war going. In fact, this bill will pay for a significant part of our operations in Iraq. Moreover, there is nothing in this bill to prevent the Defense Department from shifting regular funds to pay for the full costs of the war in Iraq in the event that the Congress does not enact supplemental appropriations for the war.

I strongly support our brave men and women in uniform. We do not do them any favors by giving the President money to keep this open-ended war going with no strings attached. For their sake, and for the sake of our national security, we should use our power of the purse to force the President to bring this war to a close. This bill represents another missed opportunity, and another example of Congress failing to use its power to bring our troops out of Iraq.

**Mr. Akaka.** Mr. President, I would like to urge my colleagues to support the conference report to accompany the fiscal year 2008 Department of Defense appropriations bill. I would also like to thank all of the House and Senate conferees for their hard work and dedication to ensure that our troops and their families have all the necessary equipment and support they need.

As both a senior member of the Armed Services Committee and chairman of the Committee on Veterans' Affairs, I am particularly pleased to support \$70 million in funding for programs authorized under the Dignified Treatment of Wounded Warriors Act, designed to assist members of our Armed Forces and their families in the often difficult transition from battlefield to home. I am also glad to support the inclusion of \$980 million in additional funds to ensure that National Guard and Reserve forces have the equipment they need to train for deployments abroad and to respond to natural disasters at home.

In addition, I applaud the conferees' decision to retain a provision recognizing the dedication and sacrifices made by members of our Armed Forces and their civilian counterparts, by providing a 3.5-percent increase in basic pay for all service members and civilian personnel, 0.5 percent above the President's request. Similarly, I am pleased to support the inclusion of \$2.6 billion to be used for the immediate

needs of our military families. These funds which will be used to hire counselors, teachers, and child care providers are critical for our military readiness and for sustaining our troops by ensuring the well-being of their families.

Once again, let me urge my colleagues to set aside differences and reach the compromises necessary to provide our brave men and women in the armed services with the resources they need.

**Mr. Byrd.** Mr. President, I certify that the information required by Senate rule XLIV, related to congressionally directed spending, has been identified in the conference report to accompany H.R. 3222, Department of Defense appropriations bill, 2008, House Report 110-434, filed on November 6, 2007, and that the required information has been available on a publicly accessible congressional Web site at least 48 hours before a vote on the pending conference report.

**Mr. Enzi.** Mr. President, I rise to express my opposition to the conference report to H.R. 3222, the Defense Appropriations Act for fiscal year 2008. This Defense bill, which I strongly support, unfortunately includes a so-called "continuing resolution" which is full of earmarks.

I am extremely disappointed that our troops must continue to pay the price for political posturing and the inclusion of funding for pet programs in a must-pass military funding bill. Our troops are being used to carry pork projects and this is a text book example of irresponsible legislating.

Let's be clear about what a continuing resolution is. This continuing resolution provides stopgap funding for existing Federal programs at current or reduced fiscal year levels because the majority couldn't get its appropriations bills completed by the beginning of a new fiscal year.

What we should be considering is a straight CR: no earmarks, no plus ups, no new "emergency" spending. This bill has it all. It has a \$3 million earmark for a golf center—an expense clearly not linked to our national defense. There is even \$800,000 to study the effects of sound on marine mammals.

This is a dangerous way to operate.

This Congress has already shown it has zero fiscal discipline. Business as usual is bad enough, but if we, the U.S. Senate, concede on the definition of a CR, this kind of unconscionable spending will be done forever. It will be standard operating procedure. That is not what the American people want.

I want to make very clear my strong support for the members of our Armed Forces and the vital work they are doing around the world every day. I have the greatest admiration for all of them for their commitment to preserving our freedoms and maintaining our national security. They are all true heroes and they are the ones who are doing the heavy lifting and making

great sacrifices in our country's name so that we might continue to be the land of the free and the home of the brave.

We are faced tonight with a vote on a bill that our troops need, but the troops are not the focus of this conference report. This political tactic does our troops and all Americans who want good government, a disservice.

I want to provide our troops with the funding and the resources they need to be successful in all their objectives. I want the Senate to consider the Fiscal Year 2008 Defense Appropriations Act on its merit. Legislating isn't a barter system, or at least it shouldn't be. The men and women of our armed services deserve better than having the funding they need to do their job being used in a horse-trading scheme so a Member of Congress can get funding for his or her own special cause. There is more than \$50 million worth of projects being slipped in this so-called CR. We are moving quickly toward midnight. I guess that's a fitting time to vote on a bill laden with pork slipped in under the cover of darkness. The people of the United States deserve better.

Mrs. MCCASKILL. Mr. President, with great reluctance, I will vote today in opposition to passage of the 2008 Department of Defense appropriations conference bill. This legislation contains \$459 billion in funding to provide the resources needed to run daily military operations.

I supported this legislation when it first came to the Senate floor in October. However, I can not vote in support for the final House-Senate conference report because it contained \$59 million in earmarks that were added during the closed-door conference negotiations. One of those earmarks was for \$3 million to fund a golf center that is in the name of the congressman who requested it. What is a golf center doing on a DOD appropriations bill?

This was a difficult decision because I strongly support most of the provisions in this bill, and I have deep respect for Chairman INOUE and Ranking Member STEVENS and their efforts to craft a good funding bill.

However, I made a commitment during my campaign and when I took my oath of office in January to reform the secretive earmarking process. I thought we had made real progress with the passage and enactment of S.1, the ethics reform bill, that requires far more transparency and disclosure on earmarks than there has ever been. Unfortunately, I have since discovered there are still some gaps in the ethics bill that need to be filled.

One of which has to do with the difficulty of raising a 60-vote point of order on earmarks added during appropriations conference negotiations. S.1 says that we can do that. But in reality, we really can't. Most of these added funding earmarks are contained in the Joint Explanatory Statement of Managers, which, technically, isn't part of the conference report bill text.

What that means is we can't raise a point of order against those earmarks to strike them out of the bill.

Let me give me you some perspective on what we are talking about. The Defense appropriations conference text was 133 pages long. The Joint Explanation of Managers—470 pages long. The JES as they call it, contains all of the earmarks, all kinds of substantive direction and is three times as long as the official conference report, and it is not subject to a point of order? This is wrong. It's not what I believe most of us thought would escape the oversight rules of S. 1 when we voted for it. At the very least, it seems disingenuous in how we sold this bill to the American public as a way to clean up our taxpayer-funded shop and how we do business around here.

I yield the floor, and 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. REID. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### EXECUTIVE SESSION

#### NOMINATION OF MICHAEL B. MUKASEY TO BE ATTORNEY GENERAL

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to executive session to consider Executive Calendar No. 374, the nomination of Michael Mukasey to be Attorney General of the United States; that there be a time limitation of 5 hours of debate equally divided between the chairman and ranking member of the Judiciary Committee, with the Democratic time divided as follows: Senator LEAHY, 45 minutes; Senator DORGAN, 15 minutes; Senator DURBIN, 20 minutes; Senator CARDIN, 10 minutes; Senator REED, 15 minutes; Senator KENNEDY, 10 minutes; Senator HARKIN, 10 minutes; Senator BOXER, 15 minutes; Senator SALAZAR, 10 minutes; that upon the conclusion or yielding back of the time, the leaders be recognized for 10 minutes each, with the majority leader going last; that the Senate then vote on confirmation of the nomination; the motion to reconsider be laid on the table; the President be immediately notified of the Senate's action, and the Senate then resume legislative session; that the Senate then, without intervening action or debate, vote adoption of the conference report on H.R. 3222.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, I wish to put in the RECORD that this has been cleared with the leader on our side also. I have no objection.

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

The majority leader.

Mr. REID. Mr. President, I appreciate the cooperation of everyone. This has been a difficult day. These are very sensitive issues we are dealing with, with the troops and the financing of the country, in addition to the nomination of a Cabinet officer. It is a time when you need cooperation from both sides. That is what we have had. It has not been easy. I extend my appreciation to my colleagues on the other side of the aisle and the cooperation of my Members. I would finally say that for those of you who have had questions asked by Democrats and Republicans, we are going to finish the farm bill. There is some real movement on that with amendments. I feel comfortable we will be able to get that done in the near future. I appreciate everyone's cooperation.

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Michael B. Mukasey, of New York, to be Attorney General.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, the Senate is now taking up the nomination of Judge Michael Mukasey to be the next Attorney General of the United States. It is a nomination which has become controversial. Judge Mukasey has served his country in many different ways. He served as a Federal judge before he retired, then went into private practice and was summoned to serve as Attorney General by this President. I had a chance to meet with him personally in my office. One cannot help but be impressed by the man's intelligence and erudition. He clearly is a person of strongly held beliefs and it takes little time to appreciate that when you meet him.

I left, after meeting him in my office, believing his nomination hearings would be interesting, and they were. On the first day, Judge Mukasey was a great witness, saying things that needed to be said about his plans to change the Department of Justice from the days of Alberto Gonzales, about his feeling of responsibility to the country not to abide by any decisions made by the President that were inconsistent with the law or the Constitution.

He went so far as to say he would resign before he would allow that to occur. I can recall speaking to my colleagues, including Senator SCHUMER, who sat next to me in the Judiciary Committee, and saying: What a breath of fresh air, how refreshing that he would be so candid and forthright. After all the years of Alberto Gonzales dodging questions, refusing to answer, here was a man who answered the questions. That was the first day.

Then came the second day of the hearing. When my turn came to ask questions, I proceeded to ask Judge Mukasey specific questions about torture. His answers to those questions led to a great deal of controversy and lead us to this moment in the Senate debate.