

to act on this crucial issue for all American families.

Again, this is not brain surgery. This is economics 101, supply and demand. It is not either/or. We need to do everything we can to lessen demand, and I support those measures to increase efficiency, to increase efforts at conservation, to increase new technology efforts that will lead us to new fuel sources. That is absolutely necessary. But it needs to be coupled with action to increase supply, particularly domestic supply, by tapping those vital reserves, particularly on our Outer Continental Shelf.

I join the Senator in Texas in asking, if we are not going to do it now at \$3.76 a gallon, when are we going to act? Are we going to wait for \$4? Are we going to wait for \$5? We need to act now. This is a serious issue for all Americans. This hits the pocketbook of every American family. We need to act now. We need to act not with political demagoguery, not with pure rhetoric. We need to act with measures that have an impact, both on the demand side and the supply side. I hope the Senate and the Congress move to do that.

ISRAEL'S 60TH ANNIVERSARY

Mr. VITTER. Mr. President, I wish to also speak on Israel's 60th anniversary. It is a very important date for a truly remarkable country and a remarkable people who, in a mere six decades of existence, have built a vibrant, successful, modern democracy out of almost nothing.

When I was still a student, I had the opportunity to visit Israel with my sister. She had a college friend who had moved to Israel after graduation. Even back then—I was very young—I couldn't help be impressed by the determination and perseverance of all the people I met and their effort to build a vibrant, democratic state, to create a safe, secure homeland for all Jews, no matter where they may have originally been from around the world.

I had a second opportunity to visit Israel as a Member of Congress many years later. It was a very different sort of trip, very different itinerary, a very different set of meetings than when I was a student. But I left with the same strong feelings of respect and admiration for all the people of Israel, the same recognition of their determination and unflagging faith in their nation and countrymen. Their belief in the importance of their mission had not faded at all in the years between my visits.

What makes today especially notable is it is the 60th anniversary of the founding of the State of Israel. There is wonderful hope in this celebration of the 60th anniversary, and there is also sober appreciation of the challenges that remain.

On the hopeful side, on the impressive side, is that in a mere 60 years, as I have said, Israel has created a nation characterized by strong democratic

principles, a compassionate and determined people, innovative industry, especially in technology, medicine, and science, a competitive global economy.

In a mere six decades, Israel has built all that tremendous innovation, tremendous economic prosperity and progress virtually out of nothing, virtually out of the sands of the desert. It has become a beacon of freedom and democracy in a region that has very few examples to speak to. Israel is the only fully developed democracy in that sense. It represents to all peoples what can be achieved when people come together in a common cause, set aside differences, work together in a very determined way to make life better for them and their children. I recognize this important anniversary.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 980, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 980) to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

Pending:

Reid (for Gregg-Kennedy) amendment No. 4751, in the nature of a substitute.

Hatch amendment No. 4755 (to amendment No. 4751), to provide for a public safety officer bill of rights.

Alexander amendment No. 4760 (to amendment No. 4751), to guarantee public safety and local control of taxes and spending.

Leahy amendment No. 4759 (to amendment No. 4751), to reauthorize the bulletproof vest partnership grant and provide a waiver for hardship for the matching grant program for law enforcement armor vests.

Corker amendment No. 4761 (to amendment No. 4751), to permit States to pass laws to exempt such States from the provisions of this act.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I see my friend and colleague, Senator ENZI. I will now make a comment about the pending legislation. I thought we did have some good discussion and debate on yesterday. A number of important issues were raised. I will try this morning at least to respond to some of those matters to clear up what I think are some questions we had. Obviously, we are interested in moving this process forward, considering amendments, and getting to the Senate's business.

Once again, I will mention two organizations that support our Public Safety Employee Cooperation Act: the International Association of Fire-

fighters and the Union of Police Associations. We pointed out this week is set aside in our Nation, and has been set aside since 1962, to give special honor to our men and women in the police organizations who have lost their lives in the line of duty. It is a very special, solemn ceremony in which they participate. We are mindful of their service every day but especially this week. We are grateful for their strong support for this legislation. They have studied it, analyzed it, looked into it, and support it.

The National Association of Police Organizations and a great many other organizations have supported this legislation—our first responders. These are the organizations that speak for firefighters, speak for police officers, speak for the first responders.

Yesterday we had a good debate about the bill. I think we are off to a good start. I would like to take some time today to set the record straight as to what the bill does do and what the bill does not do. Fundamentally, this bill is about choice, who should make the choice whether public safety workers get a union—the Federal Government, State government, or the workers themselves.

Right now we have a system where the Government makes the choice—26 States give workers the ability to form a union if they want one; 24 States deny workers that option. These 24 State governments think they know better than the workers themselves what is best.

I disagree. Our public safety officers are on the front lines every day fighting fires, stopping crimes, saving lives. They know best how to protect the public. They know best how to keep safe on the job. They know best whether they need a union to represent their interests.

The Cooperation Act gives this choice to the workers. It says the States have to provide a path that workers can use if they decide they want a union. If the workers do not want a union, fine, they do not have to walk down that path. But the State has to make it available and let the workers choose, just as it is with the right to vote. Individuals do not have to vote, but they have the right to vote. This is the State making that judgment. We recognize that as a fundamental right there and here.

Under current law, States make the judgment decision. With the Alexander amendment it will allow the States to make the judgment and decision. Under the Corker amendment, that is it. Under our Cooperation Act it is the workers themselves who make the judgment—do they want it, don't they want it—and we abide by the outcome. That is a basic, fundamental difference.

It is not going to be hard for the States to build this path. All they have to do is provide for four core rights: No. 1, the right to form and join a union; No. 2, the right to sit down and

talk at the table; No. 3, the right to sign a contract if both parties agree; and, No. 4, the right to go to a neutral third party when they have disputes.

They can make the judgment whether they want arbitration, whether they want mediation, whether they want fact finding. There are no requirements. They can make those judgments; they can make those decisions. They make the judgments.

Apart from these four things, all other details of the collective bargaining system are left up to the States. States have the flexibility to decide whether to exempt small communities. They decide how workers can select a union—through card check, elections, or both. Do we understand? The States make those judgments and decisions.

States can decide how workers and employers should resolve disputes—through arbitration, mediation, fact finding, or some other mechanism. If a State decides not to pass a law providing a framework for bargaining, or if the State law does not provide for the four core rights, the Federal labor relations authority will step in to ensure that workers have these rights. But that is only if the State refuses to act.

We heard a good deal of discussion about the role of this authority and how we do not understand what this is all about and how this is going to change federalism. It is very simple what this legislation does do and what it does not permit. Our first responders sacrifice so much for us each day, the least we owe them is the ability to choose for themselves whether they want a union. We owe them at least that much dignity and respect, and that is what the Cooperation Act provides.

I hope this explanation will ease the minds of many of my colleagues. I think there have been a lot of misconceptions about this bill floating around. I hope this explanation can alleviate some of those concerns. We heard a lot of talk yesterday about this bill imposing Washington's will on the States. Of course that is not true. I happen to think that unions are good for workers, but nothing in this bill imposes my opinion or the opinion of my colleagues on public safety officers. Under this bill, Congress does not make the decision whether public safety officers have a union. Instead, firefighters, police officers, have the choice. That is where the decision will be made.

Several amendments were filed yesterday that would give the State and local governments, the employers, the opportunity to opt out of the requirements of this bill. But these opt-out provisions actually block the rights of the first responders. They would allow the State and local governments to cut off public safety officers' rights. We should let police and firefighters decide whether they want to exercise their rights to have a union. That is what this bill would do.

Senator ALEXANDER and Senator ENZI said people in their States are happy without unions. If that is true, then it is likely nothing will change. If those public safety officers believe their voices are being heard and their concerns are being addressed, then they will choose not to form unions. Nothing in this bill forces them to make a different choice.

Senator ALEXANDER and Senator ENZI should put their assertions to the test and pass this legislation. If they are right, nothing will change. But if they are wrong, public safety officers in Tennessee and Wyoming will vote for unions and get a voice in the workplace.

We also heard that Washington was imposing a one-size-fits-all federal system on the States. This is another misconception. At every turn in drafting this legislation, Senator GREGG and I went out of our way to give States the flexibility to adopt a collective bargaining law that works for them. Under this bill, Congress will not tell Tennessee or Wyoming or any other State how to implement the law. States can choose how to comply.

As I mentioned, States only have to provide the most basic rights. Other than those basic rights, States have the flexibility to adopt the system that works best for them.

I would note that several of the amendments filed yesterday would take these basic choices away from the States and mandate a Federal rule on issues such as right to work or card check. That is not what this bill should be about. The flexibility for States is important as long as the core rights are there.

States also have the flexibility to completely control costs under this bill. This control means there is no risk of unfunded mandates. My colleagues across the aisle love to talk about charges of unfunded mandates, but it simply does not fit.

This bill comes with no—I repeat no—price tag. Nothing in this bill tells the State and local governments to spend any money. Nothing says they have to raise wages. Nothing says they have to improve benefits or shift money from local priorities into public safety. Governments are free to write their own contracts. At the bargaining table, State and local governments are free to offer bargaining proposals that are consistent with their local fiscal needs. They cannot be forced to agree to any terms they do not want or cannot afford.

In addition to being able to protect their interests at the bargaining table, State and local governments can also safeguard their financial interests through the legislative process. The bill explicitly allows State and local legislative bodies to retain the right to approve or disapprove funding for a contract by requiring an agreement be presented to a legislative body as part of the process for approving such contract or memorandum of understanding.

That simply means elected Representatives have the final say on spending. Do we understand that? The bill explicitly allows the State and local legislative bodies to retain the right to approve or disapprove funding for a contract by requiring an agreement "be presented to a legislative body as part of the process for approving such contract or memoranda of understanding." Elected Representatives have the final say on spending.

Remember also that under this bill, public safety officers have no right to strike and no requirement of binding arbitration. That means no one can force a contract on a State and local government under this bill.

The other side's additional argument that there will be costs associated with just implementing any new State law is a red herring. The costs will be minimal. All State and local governments already have human resource departments in place. In addition, collective bargaining often creates new efficiencies that actually save money. In Miami, FL, the local firefighter union worked with the community to reconfigure EMS services and ended up saving taxpayers a great deal of money.

On top of all these safeguards for State and local governments, we have adopted an additional safeguard for the States' smallest communities. In addition to the protections I have just outlined, the bill allows State governments to exempt these smaller communities if they want. If a town has fewer than 5,000 residents or employs fewer than 25 workers, the State can say: Our law does not apply to you.

You can see this bill is a reasonable way to extend the choice of whether to have a union for our Nation's public safety officers. We have taken extensive steps to protect State and local flexibility to ensure they will not be burdened by these procedures.

A final argument that we have heard about States rights yesterday was that this bill violates States rights under the Constitution. This argument is simply false. The bill has been carefully crafted to comply with the current Supreme Court cases on the ability of Congress to regulate State governments. Throughout our history, our Federal Government has set core labor standards, such as minimum wage and overtime rules, that apply also to State workers. Do we understand that? Minimum wage, overtime apply to State workers. They apply to them in Massachusetts. They apply in Tennessee.

Bargaining rights are no different. I do not think anyone in this Chamber would argue that the State government should not have to comply with the basic standards prohibiting them from discriminating against workers based on race or gender. The same is true for collective bargaining rights. Bargaining rights are civil rights too.

Moreover, there is a strong Federal interest in the performance of State and local first responders. We have an

increasingly Federal approach to national security. We have created a Department of Homeland Security and appropriated \$40 billion for that—\$40 billion, for homeland security.

The last time I looked at the map, all the States fell within that criterion, in terms of being protected. In our post-9/11 world, this national response to terrorism increasingly depends on coordination with State and local public safety officers. It is more appropriate than ever for the Federal Government to ensure that public safety officers are working as efficiently and as effectively as possible. By encouraging strong partnerships between public safety officers and the cities and States they serve, this bill advances the Government's interests in improving homeland security.

Finally, my colleagues have tried to scare even those States that have good, solid collective bargaining laws into believing that their laws are on the line. In truth, more than half of the States in the country will not be affected by this bill.

As I described a minute ago, the bill does not require that State laws have specific provisions, only that they provide the basic protections I outlined. The Federal Labor Relations Authority, which will make those determinations, is not some secret society. It is a longstanding Federal agency staffed by dedicated career servants and Presidential appointees who are confirmed by the Senate—not greatly different from the National Labor Relations Board, for example.

In summary, you can see that this bill is not the aggressive intrusion into State government that was portrayed yesterday.

In addition, I wish to address some of the other individual concerns raised about the bill that are misleading and misplaced.

First, this bill will not encourage strikes. In fact, this bill provides additional safeguards to prevent strikes. It specifically says that a public safety officer may not engage in a strike, work slowdown, or any action that will measurably disrupt the delivery of emergency services. There is no room for interpretation. That is an ironclad ban on any action that will impair public safety. This language specifically says that a public safety officer may not engage in a strike, work slowdown, or any other action that will measurably disrupt the delivery of emergency services. More importantly, it creates a mechanism for public safety officers and their employers to communicate and build strong bipartisanship that enhances cooperation, decreasing the likelihood of strikes.

It is an insult—it is an insult to public safety officers to suggest that they will strike. It has been decades since there has been a police or firefighters strike in this country. Police and firefighters in most States already have the right to bargain, and there has been no problem with strikes. These

brave men and women take their duty to serve the public very seriously, so seriously they are willing to die for it. The suggestion that they would shirk their duty in order to argue over a contract dishonors them and dishonors their sacrifices.

Next, I wish to underscore that this bill will not harm communities that rely on volunteer firefighters. This legislation expressly applies only to employees, which means volunteers are excluded. Any suggestion that cities and towns are going to be forced to bargain with and possibly pay their volunteer firefighters is wrong. What is more, we included language supported by the National Volunteer Firefighter Council to ensure that professional firefighters can continue to volunteer in their off-duty hours. This language outlaws contract provisions that would prohibit an employee from engaging in part-time employment or volunteer activities during off-duty hours. That includes part-time or volunteer firefighting. Senator ENZI says that is not clear, but it seems pretty clear to me.

My colleagues across the aisle also attacked this bill yesterday as hypocritical because it is inconsistent with how our Federal Government treats its own workers. Again, this criticism is untrue and misleading. Federal workers have bargaining rights. They also have a say in their wages. The law allows them to petition the Government each year.

Federal law enforcement offices are an example of how well collective bargaining rights and public safety go together. Whether Congress should give Federal public safety officers the right to directly bargain over wages is an issue for another day. We do not need to resolve that question in order to do the right thing for the State and local offices.

We also heard complaints about the process that brought us to this point. Listening to the debate, you might think this bill was a new idea never explored or never debated. That again is simply false. This bill has been around for a long time. It was introduced in 1999, almost 10 years ago, by Senator DeWine, and then by Senator GREGG. It has also had strong bipartisan support.

My colleagues across the aisle would have us go through more hearings and debate before we act. We do not need more hearings. We have already had a hearing in the HELP Committee. In fact, we have marked this bill up twice, once in 2001 and once in 2003. We even voted on this bill before in 2001. Our Nation's first responders have waited long enough for the basic rights in this bill. We should not make them wait any longer. They do not make us wait when we need them. We should not have them wait any longer.

I yield the floor

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, we did have a brief time yesterday to begin exploring the multiple flaws and deception in

this legislation. I believe it would be useful today to begin by touching on a few of those flaws.

I have taken the suggestion of my colleague and friend from Massachusetts, Senator KENNEDY, and looked very carefully at the RECORD of yesterday's proceedings, and here are a few things worth noting.

In response to my remarks and those of Senator ALEXANDER, we were repeatedly told yesterday that it was perfectly all right to federalize the programs of State and local labor relations of States like mine and Senator ALEXANDER's and at least 20 others to, in effect, tell those States that the Democratic decisions of their sovereign governments and their citizens simply did not count, that the Federal Government knows best, that the Federal Government will tell those States what their law must be and how they must conduct their labor relations with their own employees. In essence, the citizens and legislators of a near majority of States are being told by the proponents of this bill that they know better what will work for those States.

As Senator ALEXANDER put it so well yesterday, this bill is really about States like Massachusetts or New Jersey telling States like mine or his, and at least 20 others, how best to deal with their employees and how to fashion their own State laws in the total absence of any need to do so. Now, I completely reject that. However, for those who support it, they owe it to themselves to at least be consistent in their approach. They are not. While they would deny a near majority of States the right to determine what they believe to be the best approach to public sector labor relations within their States, they staunchly defend the right of a small minority of States to deny public employees the most fundamental democratic rights in the workplace.

Five States—New York, New Jersey, Illinois, New Hampshire, and Massachusetts—all home to the sponsors of this bill, have card check laws for their public workers. Those States have decided this is the way they intend to conduct the labor relations among their employees. I respectfully disagree. I believe that approach to be antidemocratic, and it is certainly contrary to the Federal labor policy which preserves for workers in the private sector the right to a democratic secret ballot in deciding the question of unionization.

However, we are told by the proponents of this bill that this fundamental workplace issue is a matter of State choice, while at the same time being told that any State's choice to elect a different system of labor law than that imposed by H.R. 980 is not. Denying workers a secret ballot election on unionization is somehow a matter of local choice, but deciding to utilize and meet and confer on a system of labor management relations or to decide the issue by local option is not.

The inconsistency and hypocrisy of that position is nothing short of stunning. It is utterly indefensible.

At least that issue is addressed by Senator HATCH's amendments. That amendment will at least end that hypocrisy by expressly overturning anti-democratic card check laws for public sector employees in New York, New Jersey, New Hampshire, Illinois, and Massachusetts. While we should not impose Federal law on States at all, if we ought to do it, we ought to do it consistently.

Now, lastly, I want to note that yesterday my colleague and great friend from Massachusetts indicated that if the bill were half as bad—he reiterated it again today—half as bad as I had indicated in my remarks, he would be against it as well. I take my friend at his word but do not ask that he take me at mine.

Late yesterday, the leaders received a letter from Michael Bloomberg, the mayor of New York, regarding H.R. 980.

I wish to remind everyone that New York has a full collective bargaining statute covering public safety officers. I also wish to remind everyone that we are told by all of the proponents of this bill that because of this, New York would not be affected by this law.

Here is what Mayor Bloomberg had to say in his letter to Leaders REID and MCCONNELL:

I am writing to express my serious concerns about legislation before the Senate which would alter the current state of collective bargaining between the City of New York and a number of its unions. The legislation has the potential to harm both New York City and New York State labor relations.

As you are aware, the Public Safety Employer-Employee Cooperation Act of 2007 is a bill that would significantly expand the jurisdiction of the Federal Labor Relations Authority, FLRA, into the labor relations between State and local governments and their public safety officers.

Though the bill may be well intentioned, its fundamental problem from the point of view of New York is that it does not clearly distinguish States like New York that have long provided collective bargaining rights to their employees from States that have not.

Under the bill, States with long histories of collective bargaining face the risk of having their labor relations with public safety officers Federalized to the detriment of long-established public policies.

For over 40 years, the New York City Collective Bargaining Law and the New York State Public Employees Fair Employment Act, also referred to as the Taylor Act, have provided a legal framework for public sector collective bargaining in the City of New York. There has been extensive administrative and judicial review of virtually every aspect of this legal framework. The bill has the potential to undermine this long-established framework.

One problem is the bill's treatment of the ability of public safety employees to strike. The New York State Taylor Law currently contains a clear and unequivocal prohibition on all strikes by public sector employees and explicit penalties, such as substantial fines against the individual members for violations of the no-strike provision.

The language in the proposed language before the Senate is less clear. The City is very

concerned that section 6 of this bill can be read to prohibit only a strike that would measurably disrupt the delivery of emergency services.

This language, while it may not be intended to limit the prohibition in this way, is an invitation to misinterpretation and litigation. In addition, the same section could encourage employees to refuse to carry out services that many believe are not required under the mandatory terms and conditions of employment in situations where the public safety might be immediately affected by such a refusal.

The mayor of New York goes on to say:

Another serious problem with the bill is that it gives FLRA the authority to decide what must be collectively bargained. New York has longstanding legal precedent regarding what are mandatory, permissive and prohibited subjects for collective bargaining. Under section 4 of the bill, such long-established legal precedent could be overturned by the FLRA.

A notable example is that disciplinary procedures for police officers and firefighters, including due process, are provided for in the New York City Charter and administrative code and are prohibited subjects of bargaining. The New York Court of Appeals confirmed as recently as 2006 that these procedures may not be subject to bargaining, but the bill would give the FLRA the authority to decide otherwise.

I think that is a point we made yesterday.

A decision by the police commissioner, for example, as to whether or not discipline should be brought against a police officer involved in a shooting incident is something for which he remains fully accountable to the public. It is of grave concern to the City that it could be forced to bargain over such procedures as a result of an improper finding by the FLRA, and such public accountability would thereby be lost.

Even if the FLRA does not interfere with precedent that restricts bargaining in sensitive areas like discipline, the bill at a minimum would provide an additional means for such precedent to be challenged repeatedly in Federal court, resulting in an extended period of uncertainty.

In the final analysis, the bill could significantly affect the ability of the City of New York to ensure the safety of the public in the integrity of essential government services, and is likely, at a minimum, to involve the city in costly and disruptive litigation in Federal court.

Any remedy of these concerns should be achieved in statutory language, not merely in legislative history. Given the serious concerns the proposed bill raises for the City of New York, I oppose the bill in its current form.

Sincerely, Michael R. Bloomberg, Mayor.

As I showed yesterday, there are more than 20 States that will have their laws overturned by this, and 12 more whose laws could be challenged in court.

They recognize that. Calls we are getting, letters we are having shared with us indicate that is a concern of those out there who have to deal with these kinds of problems and the gaps the bill language leaves and the new authority of this Federal Labor Relations Authority which hardly anybody has had to deal with in the past. It is not even equipped to handle what is in the bill.

This is an ill-conceived and badly drafted bill that would not only overturn the law in a near majority of States and disregard the democratic will of the legislatures and people in other States, it would plainly disrupt the law and labor relations policies of every State. This is the price that is paid when the proponents of a bill pander to special interests and circumvent the regular order of this body in an attempt to advance fundamentally flawed legislation. The sad truth is, I do not believe this bill can be fixed. I certainly do not believe it can be fixed on the floor of the Senate. It should have been addressed in committee, but we are left with no choice. So we will continue today to take up the floor time of the Senate trying to fix an irretrievably broken, totally unnecessary piece of special interest legislation. Is it any wonder the American public holds Congress in such low disregard?

I haven't had a chance yet to even talk specifically on the employee bill of rights amendment and the unfunded mandate option. I will take that opportunity at this point in time. Yesterday, the Senator from Utah, Mr. HATCH, offered a public employee bill of rights amendment. Many of my colleagues have spoken about the tremendous service America's public safety employees give to the public. I believe 100 Senators believe that and want to help, in every way possible, the public safety employees do their job. I am a little concerned that occasionally we think that only through collective bargaining will anybody listen to a suggestion of a public service employee. I have never seen that happen. I am not saying it couldn't happen somewhere in America, but if they are suggesting something for safety, I think people will listen.

A lot of times we don't think of things for safety until after a tragedy such as Charleston. Then we think about what could have been done, and it is shared with the Nation. A lot of that is put into place, not through collective bargaining, through common sense. You want to protect the lives of the people who work for you; that is, the people who work for the people of the United States, work for the people in the communities. The toughest job in America is being a mayor because you are right there with the people. They can grab you by the shirt collar—you usually don't have any kind of security—and explain in no uncertain terms what they are thinking. Usually, they have a pretty good idea, not just a complaint but a complaint coupled with a suggestion.

I know, on any given day, one of these officers could be asked to put his or her life on the line, and they do so courageously. I agree with my colleagues that individuals who choose these careers deserve respect, gratitude, and special treatment. But the underlying amendment would actually

result in diminishing the rights of public safety employees who are not currently unionized. Once a workforce is unionized, even employees who do not wish to be a part of the union will have pay deducted from their paychecks and spent in a manner outside their control. They will have little ability to question or alter the legal representation established with or without their support. The Hatch amendment merely balances that diminution of self-determination by establishing a public bill of rights. The amendment will do three things. It guarantees the right to vote by a secret ballot. It guarantees to limit the right of public unions' dues collection authority to nonpolitical uses. It guarantees that financial transparency will be there. By ensuring that public safety employees in all States have the right to vote on whether they unionize by secret ballot, the Hatch amendment guarantees for public safety employees the same right private employees now have in many States. In a democratic society, nothing is more sacred than the right to vote. It is undeniable that nothing ensures truly free choice more than the use of a private ballot.

The possibility of coercive or threatening behavior toward employees who may not wish to form a union is even more concerning in the context of public safety employees who rely on co-workers to reduce the deadly risks they face routinely in the course of their work. The amendment would also limit the right of public unions' dues collection authority to nonpolitical uses. Those who choose public service often accept lower pay than they might make in the private sector because they are dedicated to public service. Let's not insult that choice by allowing labor bosses to take money from paychecks and spend it on purely political causes the employee does not support. I believe public employees should have the same protections from fraud and abuse as private employees. This amendment would empower public employees by allowing them to observe how their dues are being spent and the other financial dealings of their unions. It does this by bringing public unions under the requirements of the Labor Management Reporting and Disclosure Act. That is a 1959 law enacted with bipartisan support, including then-Senator John F. Kennedy. Public employees who pay union dues, especially those who are compelled to do so against their wishes, are no less entitled to financial transparency and fraud protections than private sector employees covered under the law today.

In regard to the Alexander amendment, I don't think there is any doubt that the bill's mandates would increase costs for States and localities that are either now unionized or do not allow bargaining to the extent required under the law and will, therefore, be subject to new rules. We have heard the argument that this has to be approved

by a legislative body. There is also the clause in there about what the Federal Labor Relations Authority can do with any agreements that come up. I assume that would be if they didn't think they were tough enough. The costs I am concerned about go far beyond any increased pay or work scheduling costs.

The bill's most burdensome mandate falls on small towns that will have to assemble collective bargaining resources and capability on short notice. We keep looking at the 5,000 figure like it is magic. Five thousand is a very small town, and many of them already have difficulty complying with current Federal unfunded mandates. But we are going to impose one more on them. I don't want people to think the small town exemption is really just set at 5,000 population. The bill says 5,000 population or 25 employees. Towns have to hire a lot of people to run the facilities that we take for granted. We expect to turn on our faucet and have the water there. We expect to flush the toilet and have it disappear. We expect to set our garbage out and have somebody pick it up. We expect the streets to be in good condition so they are safe. A lot of places we expect sidewalks to be there so pedestrians don't have to be on the street. We even have in some municipalities the provision of electricity.

Gillette, WY, was so isolated and had so few people at one time that nobody wanted to provide electricity. So the city provided it. That has been a growing entity with employees. But it always required quite a few employees for doing the pole work and the meter work and the electrical work that was necessary. So 25 employees is a pretty easy threshold to get to in a small town. So 5,000 population or 25 employees, don't forget the 25 employees part.

The costs I am concerned about go beyond increased pay and work scheduling costs. This bill will also require them to assemble collective bargaining resources and capability, and on very short notice. I think that means that since the union will be able to bring in a negotiator, the city, the town—in Wyoming, 5,000 is a first-class city—will have to bring in different legal and bargaining experts to help with the negotiations, at least to train them to know how to negotiate. That will happen on both sides.

So this requires actions such as hiring labor law experts and establishing contracts with arbitrators, all resources that may be in short supply since small towns all across the country will be facing the same mandate at the same time.

As the former mayor of Gillette, I know what it is like to balance a municipal budget. When the Federal Government imposes costly new mandates and provides no funds to pay for them, it is frustrating for the mayor and the council and anybody who works for the city. When I became mayor, it was a boom town. The town had recognized the need to have better sewer treat-

ment facilities. We had applied to the Federal Government. We had received a grant. Just as I took office, this new sewer treatment facility went on line. The inspector showed up and said: Your town has grown so much, you are violating the capacity of your sewer system. Since we provided the money for it, we are going to fine you.

So I needed a new sewer treatment facility. I needed several million dollars' worth of new sewer treatment facility. So I went back to the source. The Federal Government said: That one wasn't adequate because of the growth you have had. They said: Sorry, you already got one grant. You wind up at the bottom of the list now. So thousands of communities across the United States, probably rightfully, got to be ahead of my community. But that didn't stop the fines. Fortunately, I got a judge who said: Yes, we have to fine you, but we are going to make you pay that money into a fund to build a new sewer treatment plant. That helped a little bit because we still had the money to do something, but we were still being put under this Federal mandate, which is a good idea. You need to do adequate sewer treatment. That is very important. But how do these small towns afford that? There are thousands of them, and they are all going to be put under that law at the same time. There aren't enough people trained to help them do this. So the burden falls on the taxpayers. The taxpayers elect local officials who will pursue their priorities and collect taxes at a level to cover the cost of those priorities. That is partly right. You don't always have the right to increase taxes. There are State limits in many of the States that say how much a municipality can tax. So that option may be closed down. This bill upsets the democratic order by imposing Federal priorities on local taxpayers with no way to pay for them. Local governments don't have "funny money" gimmicks like the Federal Government. Increased costs have to result in increased taxes, such as sales tax, property tax or decreased services. So which of those 25 employees are we going to get rid of in order to meet the costs of this bill? You can say it is not a Federal mandate because we have some definitions that explain what a true Federal mandate is, but I think the towns will consider it to be a Federal mandate. So will the people who are taxed or lose services or who are taxed and lose their jobs.

This is a choice I believe we should leave to local government. The Alexander amendment would leave it up to them by allowing localities to opt out of the bill's requirements, if they determine it will increase local property taxes, compromise public safety or constitute an unfunded mandate.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from South Carolina.

AMENDMENT NO. 4763

(Purpose: To improve educational assistance for members of the Armed Forces and veterans in order to enhance recruitment and retention for the Armed Forces)

Mr. GRAHAM. I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. KENNEDY. Mr. President, I am sure I will not object, but I would like to see the amendment. If the Senator will give us a moment to see the amendment, we have not seen it.

The PRESIDING OFFICER. Consent is not needed.

The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina (Mr. GRAHAM), for himself, Mr. BURR, and Mr. MCCAIN, proposes an amendment numbered 4763.

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

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

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

CLOTURE MOTION

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. I send a cloture motion to the desk on a first-degree amendment and ask unanimous consent that reading of the motion be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. I object.

The PRESIDING OFFICER. Objection is heard.

The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment No. 4763 to H.R. 980, the Public Safety Employer-Employee Cooperation Act of 2007.

Mitch McConnell, Michael B. Enzi, Johnny Isakson, David Vitter, Jim DeMint, Robert F. Bennett, Pat Roberts, John Ensign, Thad Cochran, Roger F. Wickner, Richard Burr, Larry E. Craig, Lindsey Graham, Saxby Chambliss, Mel Martinez, Kay Bailey Hutchison.

The PRESIDING OFFICER. The Republican leader.

AMENDMENT NO. 4764 TO AMENDMENT NO. 4763

(Purpose: To improve educational assistance for members of the Armed Forces and veterans in order to enhance recruitment and retention for the Armed Forces)

Mr. MCCONNELL. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 4764 to amendment No. 4763.

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

Mr. KENNEDY. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue.

The legislative clerk continued with the reading of the amendment.

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

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

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

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I thought things were too good to be true, that we would have a debate on a bipartisan bill. There are a lot of things we could do to bring the Presidential politics into what is going on here on the floor. I think this is untoward.

This is a bill that has been worked on for a long time. Senator KENNEDY and Senator GREGG have worked in good faith to bring this up to help firemen and police officers. I had a group of police officers in my office today. They were so excited about this bill because we are doing something to help them.

We have been through this before. I told MIKE ENZI last Friday, through staff, that I would not fill the tree on this. I wanted to see if we could work in good faith for once without the Republicans playing their petty politics. But, obviously, we cannot do that.

Now, is it any wonder—I ask: Is it any wonder—that the Republicans have lost three special elections for House seats? It is no wonder. The American people understand what this Republican-led Congress has done, led by this man in the White House.

Now, is it any wonder that in a poll yesterday in the Washington Post, the Democrats have a 21-percent lead on the Republicans on being better able to handle the problems of this country? It is no wonder because this is what we have. They are not serious about anything.

We have had 71 filibusters that have been filed this Congress we have tried to break—we have had to break them—71 filibusters.

So I tell my friend, Chairman KENNEDY, and Ranking Member ENZI, it is obvious we cannot complete this legislation. It is obvious that games are being played.

Now, can you imagine on this bill dealing with people who are first responders—on 9/11, who were the people rushing into that building to die? Firefighters and police officers. They have asked for some help from us. For example, in Nevada, we have a situation where the State legislature said local law enforcement officers can bargain collectively. But isn't it interesting, the State cannot. Highway patrol officers cannot, those people who are capital policemen in Nevada cannot.

That is what this legislation would do. It would direct attention to some of the problems law enforcement has in this country, and we are not going to be able to do it because we are working now and are going to have to vote on whether there should be a holiday on gas prices. I talked to a woman in Pahrump, NV, yesterday, 50 miles out of Las Vegas. She moved to Pahrump because it would be cheaper to live. She works in Las Vegas. Well, that was a bad bet she made because she has a diesel vehicle. Yesterday, it cost almost \$130 to fill it with diesel fuel, and she has to fill it once a week.

So we have a situation here where now we are going to start debating the energy policies of this country. We are happy to enter into that debate because we know the energy policy in this country has been set by Dick Cheney. He met with oil companies. It was all secret. They protected themselves, even through the Supreme Court, that we would not know whom they met with and what they met with. But it is obvious the policies they came up with have been a real big boon to the energy companies, making more money than any companies in the history of the world.

So if my Republican colleagues want to debate energy, we are happy to do it. What we wanted to work on is something to help police and fire. I am very disappointed. We on this side wanted to finish this legislation. But we have a cloture motion filed on the McCain proposal, and I am forced to acknowledge that probably he is trying to do anything he can. He is a flawed candidate, and he is wrong on the war, and he is wrong on the economy. But it is too bad he is still interfering with what we are trying to do here to start doing some serious legislating, "he," meaning JOHN MCCAIN.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, before the leader departs the floor, I wish to thank him again for his strong support for this legislation that is so important to our first responders, to our firefighters, and our police officers in this country.

We have seen this parliamentary gimmick that has taken place offered by the Republican leadership that is a slap in the face to every firefighter and police officer and first responder in the country.

We have bipartisan support for this legislation. We have four amendments that are now pending. We had some understanding that we would have an opportunity to address those amendments during the course of the day. They are all related to this legislation. But oh, no—oh, no—the games are going to be played, and we are saying to the firefighters of this Nation and to the police officers of this Nation and the first responders of this Nation: Your interests, the safety and security of our communities across this Nation,

should be put aside in favor of some political gimmick by the Republican leader in the Senate.

That is what this is about. Make no mistake about it. Every firefighter ought to understand that. We are here now at noontime, ready to do the public's business, ready to take a vote on these issues, but oh, no, the Republican side says: No, you can't do it. You can't do it.

Look, the underlying position the Republicans are talking about is help for our GI bill. Senator WEBB has his proposal. I am all in support of what Senator WEBB is doing. Why not have that done after this bill is over? Why not have it done after then? Why didn't the Republican leader come on up and speak to the Democratic leader and propose: Let's do that at the end of the week. Do it Friday, Saturday, Sunday, and Monday. Maybe Senator MCCAIN will come back for it; maybe he won't. Do it after we finish this bill. But, no, we are going to insult—and this is an insult, make no mistake about it. I have been around here long enough to know when the insults are being played, and this is it. This is saying: Your interests are not as important as a political hit. That is what is happening. That is what is happening.

Who are these individuals? Forty billion dollars we spend on homeland security. Forty billion we are spending on homeland security. Who are the people who implement homeland security? They are our firefighters, our police officers, and first responders in all 50 States. They believe they have ways of doing it better than it is being done at the present time. I do too. So do Democrats and so do a few Republicans. We want to work through the political process to give the opportunity to have that done. But oh, no—oh, no—we are not going to do that. We are going to play games. It is Wednesday. It is noontime. We are just going to play some more games. We did it with you guys in the Senate last week on energy. We are going to do it here.

Listen, we are glad and willing to vote. I have been doing that for 45 years, and I am glad to do that now. But make no mistake about it who the target is—who the target is. The Republicans are saying: We will not take the time. We will not take the time to let the Senate work its will in terms of the firefighters and policemen of this country. That is outrageous. It is a gross insult to each and every one of them. It is a slap in the face to each and every one of them. Make no mistake about it, that is what is going on here. That is what is going on here.

Well, we are not giving up. We are not giving up on them. Maybe the other side wants to give up, but we are not giving up on them. We believe their service—their service—is too important to this country, their lives too important to this country. When are we going to be threatened again? Too important to this country.

Maybe the leadership on the other side can tell us whether Senator

MCCAIN approved this strategy. Maybe we can find that out. I think the police and firefighters of the country would like to know whether Senator MCCAIN—we have Senator MCCAIN's proposal here. It is difficult to believe an effort would be made to bring this up without his approval. I think firefighters and policemen ought to understand whether Senator MCCAIN supports this proposal. You cannot get away without believing that he does and that he has been an architect. You don't just go around and get 16 Senators. You have to go around here and get all those. This thing has been in the cooking for a period of time. This just did not happen, although it looks—they duck in the cloakroom, and then they run out and do that—all that business.

This has been going on. This is a conscious act, and one will have to assume Senator MCCAIN is absolutely against it. I hope he is able to talk to the firefighters and the police officers and the first responders. Why are you interrupting this bill—this bill—that is so essential to the security, homeland security? Why interrupt this bill when we are in the process—at least we thought so—that we were going to be moving ahead to get some votes on these particular measures? Why? No, no effort at all to try and talk to the leadership, certainly not to—I do not expect—although, for the first 20 years or so I was in this body, people used to do that. They used to talk to people and tell them what was going to come on up. But I do not expect that anymore. But you would have thought: At least talk to the leadership who has responsibility.

So I hope each and every one of the firefighters, police officers, first responders who have been working on this legislation for years—I wish to mention about how long they have been working on this. It was introduced on May 12, 1999. On July 25, 2000, we had a Health Committee hearing. On September 19, 2001, we had a committee markup and reported it out. On November 6, 2001, we had a Senate vote, No. 323. On November 24, we had a HELP Committee markup. On February 4, 2004, it was offered as an amendment to S. 1017. On November 13, 2007, it was offered as amendment No. 2419.

For 8½ years this has been before the Senate—8½ years. Two committees, one chaired by the Senator from New Hampshire, the HELP Committee, and the other one by myself, and we supported this bill out. We finally have a chance to debate this. We had a good debate yesterday, and we are prepared to deal with the amendments on a matter of vital national security for our country and for respect for those who are our first responders who have done so much. But the answer is, no.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, all except the 9–10 new Senators we have remem-

ber the time that I lived on the Senate floor. For 6 years I was here from the time we came in session until we left, with no exceptions. I tried at that time to be as fair to the Republicans as the Democrats. If someone asked for more time on our side, with the Republicans not being here, they automatically got that time.

That is what took place today—I want Senator KENNEDY to hear this. I want Senator KENNEDY to hear this. Here this morning I congratulated you and the ranking member, Senator ENZI, because we were having a good debate and we were going to be working from the idea that we would try to improve this bill. I said specifically that Senator ENZI said he wished he had more time to do some committee work, and he wanted to do some work out here.

More power to him. That is what he should be able to do. I complimented everyone for the way this bill was being handled. Do you know the sad part about it, I say to my friends. Senator MCCONNELL was standing right there. We had a conversation walking out the door. Shouldn't he have said to me: Well, maybe you shouldn't feel that way; I am going to file cloture on the McCain amendment to get the tax holiday on gas.

But I am so surprised. I never try to avoid a phone call from my Republican counterpart. I always try to be available. I would say this: I would never do to him what he did to me this morning. It is untoward.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called 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. Because we had so much notice on this, I thought it was the McCain tax holiday amendment. But, no, it is the McCain effort to change the Jim Webb bipartisan GI bill of rights because it is too generous. So this idea is about the same as the gas tax holiday. He doesn't like the GI bill of rights because it is too generous. Now I am wondering if we want to debate Iraq on this bill because we are happy to do it. We are happy to debate an intractable civil war that is costing the American people \$5,000 a second every day of the week, every week of the month, every month of the year, \$5,000 a second. No weekends off, no holidays, \$5,000 a second of borrowed money.

Do we want to debate the Iraq war? Is that what we want to do on this bill that was set aside to deal with firefighters, police officers, and first responders?

Those people came to my office today, some in uniform, some in plain clothes, because that is what they do. Some of them wear their uniform to work every day. Some do other work so they can't wear the uniform. They are

undercover. But no—I apologize to everyone. I thought we were on the McCain tax holiday. But, no, we are now on the GI bill of rights McCain effort because it is too generous.

The bipartisan bill of JIM WEBB that he wrote himself, bipartisan in nature, is too generous according to JOHN MCCAIN. We are happy to debate that. If that is what this body needs to do is to start the supplemental debate a week early, we can do that too.

I note the absence of a quorum.

Mr. KENNEDY. Would the Senator withhold that request?

Mr. REID. Yes.

Mr. KENNEDY. As I understand what the majority leader is saying, he is prepared to see the Senate vote on the McCain amendment as well as have a vote on the Webb amendment, and do it in a timely way. Is that what I am gathering here?

Mr. REID. Yes. We are going to do it next week anyway. Do you want to do it a week early? Fine.

Mr. KENNEDY. The majority leader has indicated they are prepared to go for a time limit on the McCain amendment, a time limit on the Webb amendment, and then have a vote so Members can do it here, and do it in a prompt way. I also understand that we would be able to continue the consideration of this matter but, as I understand, we are not getting any cooperation from the other side.

Mr. REID. I say to my friend not only was an amendment filed, but untoward cloture was filed at the same time on that amendment. Now, what would happen if on every piece of legislation around here, when you offer an amendment, a person walks in and files a cloture motion at the same time? That is a little funny way to do it. But maybe the Republicans love this filibustering so much—they broke the record, the filibuster record, in 10 months. Maybe they really want to in effect break Hank Aaron's record big in the way of filibusters. It is not enough to break it in 10 months, they want to really break it big, so now they are going to start filing cloture motions on their own amendments.

So I think what we need to do is just relax a little bit. We are going to suggest the absence of a quorum in just a second, and we will talk a little bit to see if there is a way out of this. I hope there is a way out of it for the benefit of the police and firefighters and first responders of this country. They are in town this week because there is going to be a memorial for those who were killed this year, police officers who were killed this year in service to their counties, their cities, and their States. They are here. Part of the reason they are here and the reason we scheduled this at this time is because they were going to be here.

So I suggest the absence of a quorum.

Mr. GREGG. Will the majority leader yield for a question?

Mr. REID. I yield for a question without losing the right to the floor.

Mr. GREGG. Mr. President, I would ask the majority leader if I might be recognized to speak after he completes his speech and his statement because I would like to speak.

Mr. REID. As I said, Mr. President, we are going to go into a quorum call and huddle down here and find out if there is a way out of this.

Mr. GREGG. Will the majority leader yield for a further question?

Mr. REID. Yes.

Mr. GREGG. I think the majority leader has made his case as to the status of the situation. But I do believe we should not shut off debate in the sense of not allowing for those of us who would like to express the way we see the situation to also be able to speak. That is why I would like to have an opportunity to speak.

Mr. REID. I say to my friend, and he is my friend, we are not going to have any more discussion on this piece of legislation until we figure out a way to help the police and firefighters. The decision was made by the Republican leader to debate the GI bill of rights, OK? That is where we are now.

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. GREGG. Mr. President, I ask unanimous consent that the quorum call be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GREGG. Mr. President, I ask unanimous consent that the quorum call be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

Mr. GREGG. Mr. President, I ask unanimous consent that the quorum call be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ENZI. Mr. President, I ask unanimous consent to set aside the quorum call so that I can answer some of the questions that have been asked on the other side.

Mr. REID. I object.

The PRESIDING OFFICER. (Mr. MENENDEZ). Objection is heard.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I appreciate the patience of all Senators. I am going to, in a couple minutes, move to table the Graham first-degree amendment. That vote will take place shortly. Following that, I have asked Senators KENNEDY and ENZI to sit down and see if there is a way we can finish this important legislation. We have other things to do this week. We have the farm bill that will be here within the hour from the House. We have the budget conferees we have to appoint. Senator DORGAN is pushing hard on the media cross-ownership. That is something we need to complete this week. I want all Senators to see what they can do to exert influence on their friends to finish this bill. I have talked to the head of the firefighters. He is tremendously troubled that we ran into this roadblock. The underlying bill is very important. I would hope everyone understands that. We have all next week to do whatever needs to be done on the supplemental appropriations bill. We will get into a lot of discussion on the war in Iraq and what is going to happen to returning veterans.

In the meantime, it is my understanding the matter before the Senate is the Graham first-degree amendment. I move to table Graham amendment No. 4763 and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN, I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN.)

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

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—55

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

NAYS—42

Alexander	Craig	Kyl
Allard	Crapo	Lugar
Barrasso	DeMint	Martinez
Bennett	Dole	McConnell
Bond	Domenici	Murkowski
Brownback	Ensign	Roberts
Bunning	Enzi	Sessions
Burr	Graham	Shelby
Chambliss	Grassley	Smith
Coburn	Gregg	Stevens
Cochran	Hatch	Sununu
Coleman	Hutchison	Thune
Corker	Inhofe	Vitter
Cornyn	Isakson	Wicker

NOT VOTING—3

Clinton	McCain	Obama
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The motion was agreed to.

Mr. KENNEDY. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. KENNEDY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Madam President, may we have order? The Senator is entitled to be heard.

The PRESIDING OFFICER. The Senate is in a quorum call.

Mr. KENNEDY. I ask unanimous consent that further proceedings under the quorum call be suspended.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator cannot reserve the right to object. Is there objection?

Mr. GREGG. Then I object.

The PRESIDING OFFICER. Objection is heard.

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

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

Mr. KENNEDY. Madam President, I ask unanimous consent that the next hour be evenly divided between the two parties for the purposes of debate only and at the end of that time, a quorum call be in order.

Mr. McCONNELL. Madam President, reserving the right to object, and I am not going to, but I wish to explain that Members on this side of the aisle are prepared to go forward with the amendments Senator ENZI has been suggesting we vote on. We are having some difficulty achieving that, but we would like to have some more votes on the underlying bill today.

Having said that, I do not object.

Mr. GREGG. Madam President, reserving the right to object, I am happy to agree to this because I have been trying to speak now for 4 or 5 hours, and the last three times I rose to

speak, the majority leader would not allow me to speak. I understood his concern and his pique about what he perceived as to what was happening on the floor, but independent of that, I still think I should have the right to speak. Therefore, since I sought the floor initially and was seeking the floor the last time this exercise took place, I would request that the unanimous consent request be adjusted so that I be recognized first and that I be given 5 minutes to speak.

The PRESIDING OFFICER. Will the Senator so modify his request?

Mr. KENNEDY. I so modify, with the understanding that following the Senator from New Hampshire, the Senator from Virginia be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. I just want to say in terms of the voting that we are prepared to vote on our side on the underlying amendments, but we were notified by the other side that we would not be permitted to vote. There was objection from the Republican side to voting on a Democratic amendment, and we insist on getting that worked out so we can move ahead.

Hopefully, we can put aside the games and get moving on this underlying legislation, which is so important. Madam President, I ask unanimous consent further that after Senator WEBB, the speakers be rotated from side to side and the time, as mentioned earlier, be evenly divided.

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

The Senator from New Hampshire is recognized for 5 minutes—the Senator from Virginia.

Mr. WARNER. Madam President, I ask unanimous consent that I be recognized on this side after Senator WEBB.

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

The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, I wanted to rise earlier to put into context what the exercise we were involved in was about and the fact that the issue of the Graham amendment, in my humble opinion, did not, in any way, adversely affect the capacity to pass and proceed on the underlying bill, which is the firefighter initiative here that I and Senator KENNEDY have brought forward.

I think there were representations from the majority leader that the Graham amendment was some sort of attempt to basically sidetrack the firefighter bill. It was not that at all. It was simply the Senate doing its natural business, which is to amend bills on the floor of the Senate and get votes on those amendments. The Republican leader, in his absolute right, set the matter so it would be voted on. If he had not done what he did, there probably would have been no vote on the

Graham amendment because the majority would have been able to sidetrack that amendment.

I think Senator GRAHAM had every right to come forward with whatever amendment he wanted. Every Member has that right when a bill is open to amendment. That has been a huge debate for quite a while. The majority party, for some reason, has decided to try to run the Senate as if it were the House of Representatives, which means they are trying to proceed in an autocratic way, where they decide for the minority party what amendments will be brought forward. That is not appropriate. That is not the tradition or the purpose of the Senate. The minority party has an absolute, sacred right to bring forward amendments, and there is no right in the majority party to ban the capacity of the minority party to do that, unless the majority party has the capacity to basically bring down the entire operation of the Senate, which is what it consistently has been doing—filling the tree time and time again in an attempt to shut off our party, the minority, from making its points and bringing forward amendments, which can be debated and voted on, and then you can get to the underlying bill—which is the way the Senate worked, by the way, for over 200 years.

Now, another action is occurring here which required Senator GRAHAM to offer this amendment. He didn't, by choice, pick this bill out of his interest in the bill to offer the amendment on. He had to offer it because the majority party is using the rules of the Senate to shut off all amendments to the bill being proposed by the Senator from Virginia.

The bill of the Senator from Virginia will be marked up in a manner that will bring it to the floor so that it would not be amendable. That has been public knowledge around here for weeks—that we were not going to be given the opportunity to amend the Senator's bill. That is inappropriate also. So the only way Senator GRAHAM could protect his rights was to bring this amendment forward at this time. It did nothing to undermine the movement of this bill forward. If this bill doesn't move forward—the firefighter bill—it will be because the Democratic leadership has not been able to schedule the floor in an efficient enough way to get the bill across the floor. That is the reason. It is not the failure of the minority to move this bill across the floor. It is failure of the majority to bring forward the bill in a proper procedure and allow for a proper amendment process to occur.

I think that point needs to be made. It is like the story of the guy who kills his parents and throws himself on the jury's mercy because he claims he is an orphan. The majority party has killed its parents. They are trying to deny the right of the minority to offer amendments to the Webb measure. It is inconsistent with the way the Senate should act.

I think we had a legitimate case with the Graham amendment. I think the Republican leader did the right thing in filing cloture to force a vote on that amendment. We have now had a vote, which was a vote to table. As a practical matter, it hasn't slowed down the firefighter bill. The bill has not been prejudiced by this action. Rather, the activity of the Senate, which is to give the minority the right to amend, has occurred in a proper way. It took work to get it done and huffing and puffing from the other side of the aisle, saying it should not be done. The proper order was done, and I congratulate the Republican leader for following this course.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. Madam President, I ask unanimous consent that I be allowed to engage in a colloquy with the senior Senator from Virginia and the senior Senator from Nebraska.

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

Mr. WEBB. Madam President, I wish to speak for a few minutes about our bill that the senior Senator from Virginia, the Senator from Nebraska, and 58 Members of this body in total have cosponsored because I regret this vote that has just occurred.

I personally did not think it was appropriate that the amendment of the Senator from South Carolina be placed into this particular legislation, particularly at a time when there had been a good bit of discussion about how any suggestions that were viewed as appropriate to our legislation were welcome. They have been welcome for 16 months.

So I don't want the Members of this body, or other people in our country, to think that in any way our GI bill legislation is a partisan measure or a piece of legislation that simply is being driven by the majority party. In fact, as I said, we have 58 sponsors in the Senate—11 of them Republicans—including the senior Senator from Virginia, who, other than myself, is the only person who has served in a policy position in the Pentagon and who is a former chairman of the Armed Services Committee, and including the former chairman of the veterans committee, a Republican, and also including the current chairman of the Armed Services Committee and the chairman of the veterans committee.

This is a strongly bipartisan bill. It is an attempt to give those people who serve and have served since 9/11 equitable opportunities for the future on a level of the people whom we have come to call the "greatest generation," the World War II veterans. That is all this is. I hope the other Members of this body will come together with us to pass this legislation.

With respect to amendments to this legislation, I wish to say a couple things. One, we have worked with all the major veterans groups over a period of 16 months. We have worked

with other Members of this body over a period of 16 months—Democrats and Republicans. We have incorporated many different suggestions. This is a bill that I believe will be dramatically helpful to those who have served, and it will be something of which the American people can be proud.

In that regard, I say, first of all, on the House side, we have 295 sponsors of this identical legislation, including 91 Republicans. So let's all get together and let's set partisan bickering aside and do something affirmative that will allow the people who have been serving in these arduous times to have a true first-class shot in the future.

With that, I yield to the senior Senator from Virginia, whose advice and counsel on this bill has been greatly appreciated and whose support I also appreciate.

The PRESIDING OFFICER. The senior Senator from Virginia is recognized.

Mr. WARNER. Madam President, I stand before this Senate, which I have been in now almost 30 years, with a great sense of humility. I simply say that I would not be here had it not been for previous GI bills. I volunteered and served in the last year of World War II as a young sailor, 17 years old. Subsequently, I volunteered to go into the Marine Corps in 1948 and served on active duty during the Korean conflict, 1950–1952. That modest World War II service gave me a GI bill to get my undergraduate degree then, and my modest service in the Marine Corps on Active Duty—and I stayed in the Reserves for many years afterward—gave me a second GI bill enabling me to get my law degree. I am here because of that education given to me and many other by a generous Nation.

I have joined my distinguished colleague, and dear friend, the junior Senator from Virginia, Mr. WEBB, who was a part of my staff when I was Under Secretary and Secretary of the Navy. We have known each other for many years and have worked together prior to coming to the Senate. I have the greatest admiration for him. He is too modest to talk of his military career, his service in the Department in the Defense, as Assistant Secretary of Defense for Reserve Affairs, and later as Secretary of the Navy. We have collaborated with the Senator from Nebraska, who is another distinguished veteran of the Vietnam period. I think the three of us are highly conscious of what we want to do for today's generation of young men and women in uniform and their families.

In the aftermath of World War II, the first GI bill was passed in 1944. Sixteen million men and women were given that educational opportunity, of which 7.8 million veterans availed themselves of these GI bill benefits.

All those individuals, including this humble Senator, were given the option to go to that university or that college of their choice, and that university or college, because of their academic cre-

entials, would accept them. The dollars were not a subject, because the GI bill largely paid for all the expenses incurred by the veterans.

That is the purpose of the Webb bill, to now give to this very courageous generation the same opportunities my generation had beginning in 1944. I think today's generation will be judged by history as just as great, or greater, than the World War II generation. We should give to this generation nothing less.

I can assure you that, based on my experience—and I think my colleagues will agree—this will be an inducement to bring more high-quality individuals into uniform, knowing that for that service, their Nation would recognize it with the opportunity for them to pursue further education.

Madam President, I will soon ask to have printed in the RECORD a part of the law as it exists today. Much has been said about the transferability of the GI bill rights to a spouse or a child. The Committee of the Armed Services on which I serve, put into law the first option by which a service person could have what is known as transferability of their GI bill to a spouse or child. It is still the law of the day.

I think my distinguished colleague from Virginia, having recognized this as existing law, might well consider it as a part of his legislation. That is a decision he will make and one I will support.

With that, I will yield the floor at this time.

Mr. WEBB. Madam President, first of all, I say to the senior Senator from Virginia, I have raised this piece of existing law a number of times when the individuals who introduced the measure that was just tabled talked about the need for transferability. This option is available to service Secretaries at their discretion under the existing law that the senior Senator from Virginia introduced more than 6 years ago. It would be, I believe, logical and proper to extend that law to the new GI bill.

Mr. WARNER. I thank my distinguished colleague. Might that be in the form of an amendment to the Senator's existing bill?

Mr. WEBB. We would be happy to discuss that as soon as we can meet.

Mr. WARNER. Madam President, I admire the Senator's willingness to accept that. It was my hope that perhaps Senators could have worked together with those who sponsored the bill we just voted to table. But certainly Republicans exercised their right to have this vote on the measures put in by Senator BURR and Senator GRAHAM.

Mr. WEBB. Madam President, the Senator from Nebraska is getting ready to speak. I will point out a couple things. One is that he has served our country with great distinction as an infantry sergeant in Vietnam and was wounded. He has been a great friend for many years, 30 years. He and I came up together working on veterans laws years ago.

Just as importantly, when I mentioned the senior Senator from Virginia and myself were the only ones who served in policy positions in the Pentagon, I believe Senator HAGEL is probably the only Member of this body who has served in a senior policy position in the Department of Veterans' Affairs.

If anyone is looking at the sense of fiduciary responsibility and the wisdom that has gone into our bill, I hope they will consider those sets of experiences.

With that, I yield to the senior Senator from Nebraska.

Mr. HAGEL. Madam President, I thank both of my distinguished colleagues for their service to our country and for their leadership on one of the most important efforts we can make on behalf of those we ask to do so much for our country.

The reality is, today we are asking less than 1 percent of our society to bear all the burden, to carry that burden with tremendous sacrifice, not just for themselves but also a sacrifice called for from their families. They do it willingly, they do it because they love their country, and they care about the future of their country.

What this bill is about, as much as any one thing, is supporting our troops in a time of peace, just as we support our troops in a time of war. These are men and women who have earned this benefit. Every generation of veterans since World War II has been acknowledged by a grateful nation, acknowledged in many ways. Maybe the most important way is a set of educational benefits they have been given in appropriate recognition of their service to our country.

Just as Senator WEBB noted, what we are doing is rotating these benefits forward into the 21st century so they are relevant to the realities of the costs of education today, giving these veterans the same kinds of opportunities and options that Senator WARNER, all of our World War II veterans have had—our Korean war veterans in the Congress, and our Vietnam war veterans, all of them have had.

This is not a new program. This is not a welfare program. At a time when we have no difficulty finding the money to go to war, to place these men and women in war, we are having some debate over whether we have the resources, the commitment in this country to find the resources to do not only what is right but what our Nation has always done since 1944.

Is that the debate? If that is the debate, we should have a debate because it is about the prioritization of our people. These young men and women are expected to go to war, fight and die, many will come back with tremendous scars, ruined families, and then we disconnect? It is not enough to slap a bumper sticker on your car and say, "I support the troops," or for us to stand in the Senate or the House and speak in abstractions about supporting

the troops. This is about supporting the troops.

My goodness, what is a wiser investment in our society, in our future, in our country than giving these special men and women the same opportunities we had to make a better world, not just for themselves but for our country, through helping to educate these men and women.

We have missed some points in this debate so far. I hope the points I have covered briefly will come back into some clarity, in some framework of understanding by the American people as to what this is about because, as I note again, if this is about not having the resources to fulfill the commitments we have made for almost 70 years to America's veterans, if that is the case, then that debate needs to be ongoing throughout this Nation because I think the American people will want to say something about this, will want to have something to say about this, and they should. It is their Nation, their sons and daughters we send off to war.

This, as Senator WEBB has noted, should be an effort to bring our country together, not divide our country, not divide us between Republicans and Democrats or between States. This should be some consensus of purpose to acknowledge these men and women who do so much, who bear all the burden. That is what this is about.

There will be more debate, and there needs to be more debate. I am as proud to be part of this effort with my colleagues from Virginia, Senator WEBB and Senator WARNER, with 57 other colleagues in the Senate, and almost 300 in the House, as I have ever been since I have been in the Senate on behalf of a piece of legislation. This should be an effort to unite our country, and I believe the American people will see it that way.

I appreciate very much an opportunity to express some of these points and for the continued leadership of my friend, JIM WEBB.

Mr. WARNER. Madam President, I say to my good friend and the leader of this effort, and Senator HAGEL, let's clarify what I recommend we consider. That is the insertion of a provision, if it is so decided by Senator WEBB, on transferability, which would be for an individual to serve a second tour of service upon the completion of the first tour of service. This tracks with the 2001 legislation.

Will the Senator from Virginia concur?

Mr. WEBB. Madam President, I say to the senior Senator that I have read the existing law, and the understanding I have of it is, at the discretion of a Service Secretary for military occupational specialties, that as they determine with a reenlistment, that transferability in increments would be allowed. That is in keeping with the statements of concern by the Senator from South Carolina about wanting to use transferability as a retention incentive. It is in existing law. It has not

really been used extensively by the Service Secretaries. But I agree with the senior Senator that we should look for a way to continue that in our legislation as well.

Mr. WARNER. Madam President, I thank my distinguished colleague. I am proud to note that on the Webb bill I think it remains correct at this time that there are 11 Republican Senators who are cosponsors of the bill. This clearly indicates that Senator WEBB has devised legislation which is bipartisan, and does reflect, as our colleague from Nebraska said, the will of the people of the United States to recognize the extraordinary heroism and commitment of the individual in uniform and their family and loved ones at home.

Madam President, I ask unanimous consent to have printed in the RECORD current law enacted in 2001, to which I referred earlier.

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

FY2002 NDA

Subtitle E—Other Matters

SEC. 654. TRANSFER OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL BY MEMBERS OF THE ARMED FORCES WITH CRITICAL MILITARY SKILLS.

(a) AUTHORITY TO TRANSFER TO FAMILY MEMBERS.—(1) Subchapter II of chapter 30 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 3020. Transfer of entitlement to basic educational assistance: members of the Armed Forces with critical military skills

“(a) IN GENERAL.—Subject to the provisions of this section, each Secretary concerned may, for the purpose of enhancing recruitment and retention of members of the Armed Forces with critical military skills and at such Secretary's sole discretion, permit an individual described in subsection (b) who is entitled to basic educational assistance under this subchapter to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such individual's entitlement to such assistance, subject to the limitation under subsection (d).

“(b) ELIGIBLE INDIVIDUALS.—An individual referred to in subsection (a) is any member of the Armed Forces who, at the time of the approval by the Secretary concerned of the member's request to transfer entitlement to basic educational assistance under this section—

“(1) has completed six years of service in the Armed Forces;

“(2) either—

“(A) has a critical military skill designated by the Secretary concerned for purposes of this section; or

“(B) is in a military specialty designated by the Secretary concerned for purposes of this section as requiring critical military skills; and

“(3) enters into an agreement to serve at least four more years as a member of the Armed Forces.

“(c) ELIGIBLE DEPENDENTS.—An individual approved to transfer an entitlement to basic educational assistance under this section may transfer the individual's entitlement as follows:

“(1) To the individual's spouse.

“(2) To one or more of the individual's children.

“(3) To a combination of the individuals referred to in paragraphs (1) and (2).

“(d) LIMITATION ON MONTHS OF TRANSFER.—The total number of months of entitlement transferred by an individual under this section may not exceed 18 months.

“(e) DESIGNATION OF TRANSFEREE.—An individual transferring an entitlement to basic educational assistance under this section shall—

“(1) designate the dependent or dependents to whom such entitlement is being transferred;

“(2) designate the number of months of such entitlement to be transferred to each such dependent; and

“(3) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

“(f) TIME FOR TRANSFER; REVOCATION AND MODIFICATION.—

“(1) Subject to the time limitation for use of entitlement under section 3031 of this title, an individual approved to transfer entitlement to basic educational assistance under this section may transfer such entitlement at any time after the approval of the individual's request to transfer such entitlement without regard to whether the individual is a member of the Armed Forces when the transfer is executed.

“(2)(A) An individual transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred.

“(B) The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.

“(g) COMMENCEMENT OF USE.—A dependent to whom entitlement to basic educational assistance is transferred under this section may not commence the use of the transferred entitlement until—

“(1) in the case of entitlement transferred to a spouse, the completion by the individual making the transfer of six years of service in the Armed Forces; or

“(2) in the case of entitlement transferred to a child, both—

“(A) the completion by the individual making the transfer of 10 years of service in the Armed Forces; and

“(B) either—

“(i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

“(ii) the attainment by the child of 18 years of age.

“(h) ADDITIONAL ADMINISTRATIVE MATTERS.—(1) The use of any entitlement to basic educational assistance transferred under this section shall be charged against the entitlement of the individual making the transfer at the rate of one month for each month of transferred entitlement that is used.

“(2) Except as provided under subsection (e)(2) and subject to paragraphs (4) and (5), a dependent to whom entitlement is transferred under this section is entitled to basic educational assistance under this subchapter in the same manner and at the same rate as the individual from whom the entitlement was transferred.

“(3) The death of an individual transferring an entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.

“(4) Notwithstanding section 3031 of this title, a child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

“(5) The administrative provisions of this chapter (including the provisions set forth in section 3034(a)(1) of this title) shall apply to

the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible veteran for purposes of such provisions.

“(6) The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

“(i) OVERPAYMENT.—(1) In the event of an overpayment of basic educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the individual making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of this title.

“(2) Except as provided in paragraph (3), if an individual transferring entitlement under this section fails to complete the service agreed to by the individual under subsection (b)(3) in accordance with the terms of the agreement of the individual under that subsection, the amount of any transferred entitlement under this section that is used by a dependent of the individual as of the date of such failure shall be treated as an overpayment of basic educational assistance under paragraph (1).

“(3) Paragraph (2) shall not apply in the case of an individual who fails to complete service agreed to by the individual—

“(A) by reason of the death of the individual; or

“(B) for a reason referred to in section 3011 (a)(1)(A)(ii)(I) of this title.

“(j) APPROVALS OF TRANSFER SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—The Secretary concerned may approve transfers of entitlement to basic educational assistance under this section in a fiscal year only to the extent that appropriations for military personnel are available in that fiscal year for purposes of making deposits in the Department of Defense Education Benefits Fund under section 2006 of title 10 in that fiscal year to cover the present value of future benefits payable from the Fund for the Department of Defense portion of payments of basic educational assistance attributable to increased usage of benefits as a result of such transfers of entitlement in that fiscal year.

“(k) REGULATIONS.—The Secretary of Defense shall prescribe regulations for purposes of this section. Such regulations shall specify the manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2) and shall specify the manner of the applicability of the administrative provisions referred to in subsection (h)(5) to a dependent to whom entitlement is transferred under this section.

“(1) ANNUAL REPORT.—(1) Not later than January 31 each year (beginning in 2003), the Secretary of Defense shall submit to the Committees on Armed Services and the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the transfers of entitlement to basic educational assistance under this section that were approved by each Secretary concerned during the preceding fiscal year.

“(2) Each report shall set forth—

“(A) the number of transfers of entitlement under this section that were approved by such Secretary during the preceding fiscal year; or

“(B) if no transfers of entitlement under this section were approved by such Secretary during that fiscal year, a justification for such Secretary's decision not to approve any such transfers of entitlement during that fiscal year.

“(m) SECRETARY CONCERNED DEFINED.—Notwithstanding section 101(25) of this title,

in this section, the term ‘Secretary concerned’ means—

“(1) the Secretary of the Army with respect to matters concerning the Army;

“(2) the Secretary of the Navy with respect to matters concerning the Navy or the Marine Corps;

“(3) the Secretary of the Air Force with respect to matters concerning the Air Force; and

“(4) the Secretary of Defense with respect to matters concerning the Coast Guard, or the Secretary of Transportation when it is not operating as a service in the Navy.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3019 the following new item:

“3020. Transfer of entitlement to basic educational assistance: Armed Forces with critical military skills.”.

(b) TREATMENT UNDER DEPARTMENT OF DEFENSE EDUCATION BENEFITS FUND.—Section 2006(b)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(D) The present value of future benefits payable from the Fund for the Department of Defense portion of payments of educational assistance under subchapter II of chapter 30 of title 38 attributable to increased usage of benefits as a result of transfers of entitlement to basic educational assistance under section 3020 of that title during such period.”.

(c) PLAN FOR IMPLEMENTATION.—Not later than June 30, 2002, the Secretary of Defense shall submit to Congress a report describing the manner in which the Secretaries of the military departments and the Secretary of Transportation propose to exercise the authority granted by section 3020 of title 38, United States Code, as added by subsection (a). The report shall include the regulations prescribed under subsection (k) of that section for purposes of the exercise of the authority.

(d) FUNDING FOR FISCAL YEAR 2002.—Of the amount authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2002 by section 421, \$30,000,000 may be available in fiscal year 2002 for deposit into the Department of Defense Education Benefits Fund under section 2006 of title 10, United States Code, for purposes of covering payments of amounts under subparagraph (D) of section 2006(b)(2) of such title (as added by subsection (b)), as a result of transfers of entitlement to basic educational assistance under section 3020 of title 38, United States Code (as added by subsection (a)).

Mr. WARNER. I yield the floor.

Mr. WEBB. I thank both Senators. I yield the floor, Madam President.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. How much time remains, Madam President?

The PRESIDING OFFICER. There remains 23½ minutes to the Senator from Massachusetts; 12 minutes to the Senator from Wyoming.

Mr. ENZI. Madam President, we had one speaker from my side and then a colloquy with some people from my side who were involved with the Senator from Virginia, but I don't think that can hardly be charged to my side.

Mr. KENNEDY. Madam President, I will be glad to yield 10 minutes—

The PRESIDING OFFICER. Each Senator who spoke was charged with the time based on their party.

Mr. ENZI. I thought I was in charge of half of the time, and I didn't allocate that time. I can see how the rules go here.

Mr. KENNEDY. Madam President, I ask for additional time. I ask unanimous consent for an additional 15 minutes for the Senator from Wyoming.

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

Mr. KENNEDY. And I ask unanimous consent that we will have 10 minutes on our side.

The PRESIDING OFFICER. So the Chair understands, there will be 15 additional minutes for the minority and additional minutes for—

Mr. KENNEDY. I understand we have 22 minutes remaining; is that right?

The PRESIDING OFFICER. Correct.

Mr. KENNEDY. I ask unanimous consent for 10 additional minutes on our side and for 15 additional minutes on the other side—or 20 minutes on the other side.

The PRESIDING OFFICER. Without objection, it is so ordered. There will be 20 additional minutes added to the minority side and 10 additional minutes added to the majority side.

Mr. KENNEDY. Madam President, we have had a very interesting exchange with both Senators from Virginia and the Senator from Nebraska on a matter of enormous importance and consequence, and that is our support for a GI bill that is worthy of the bravery, courage, and valor of those who are serving in the Armed Forces.

The stated legislative purpose of the Senator from Virginia, Mr. WEBB, who is the architect of this program—and I welcome the chance to be a cosponsor—is to try and do for those who are in the service of our country at this time a similar kind of support in education that those who had served in the colors in World War II received. He has explained it in great detail.

I look forward to supporting that proposal when it comes up on the floor of the Senate, probably the early part of next week. I commend the strong bipartisan support that it has been able to receive. I commend my former chairman, Senator WARNER, who led the Armed Services Committee so brilliantly for so many years and has made such an extraordinary contribution to the security of this Nation, both as a serviceman and also as a policy leader, and to Senator HAGEL whom I think for all of us has demonstrated enormous courage in service and outside guiding national security policy.

We are going to, after our next couple of speakers, be moving toward consideration of the farm bill conference report. That is a privileged matter, and it displaces the underlying legislation we have been debating, the Cooperation Act, public service legislation we have been considering both yesterday and today. I expect we will continue through the evening on the farm conference report. Further action on our legislation will be deferred until tomorrow.

In conclusion for this afternoon, on the floor we are considering the service of extraordinary Americans: On the one hand, as Senator WEBB pointed out, those who serve in the armed services of our country, and on the other hand, we are talking about the 659,000 police officers, 262,000 firefighters, who are in the service of our country trying to provide for our national security.

We are mindful that we spend \$40 billion a year on homeland security. What this legislation at its heart is all about is to make sure those service men and women, those police officers, those firefighters, those EMTs, are going to be safe and secure; that they are going to have the best in terms of equipment, and that we are going to listen to those individuals who have dedicated their lives to protecting our fellow citizens all across America. We are going to listen to their recommendations and suggestions on how we can improve their safety and the safety of the American people. We give them a mechanism to be able to do that. That is the framework which is the underlying aspect of the legislation we have before us.

People can talk about unfunded mandates and problems of strikes and all these other items, but nonetheless we cannot and should not and will not get away from the fundamental thrust of this legislation and its importance. We have an extraordinary opportunity to make America safer and more secure—here on the floor of the Senate. Who wants to have that challenge? It is the police officers and the firefighters and the first responders who are prepared to accept that responsibility. All they are asking is to have a voice at the table when judgments and decisions are being made by maybe well-intentioned policymakers, well-intentioned bureaucrats. But we want to make sure those out there on the front lines are at least going to have a voice in these policy judgments and decisions. That is what this legislation is about. That is why it is so important.

We are prepared to deal with the various amendments that come up. We look forward to it. We have gotten off track over the course of the day. With all due respect to others, we find that with the exception of the amendment that was being offered by the Senator from Vermont, Senator LEAHY, on bulletproof vests—about which we don't know there is any substantive objection—all the other amendments have been on the other side; not from our side, from their side. We have not tried to interfere with the order those have been offered.

Senator ALEXANDER has been down here and has spoken eloquently. Many Senators have spoken about their amendments. Senator HATCH was down and spent time talking about his amendment.

We are prepared to move ahead. If there is need for further debate, we will have further debate; if not, we are prepared to move ahead and have the judgment made here in the Senate.

This legislation is extremely important. As I have mentioned, it has been around for some 9 years. It was introduced initially by a Republican. It has strong Republican—has strong bipartisan support. I listened to my friend Senator WARNER talk about the strong bipartisan support there is for the GI bill. There is strong bipartisan support for this legislation as well, as indeed there should be, and as we have attempted to achieve. We will continue to work in that area.

We look forward, I expect, to have further consideration on this tomorrow. I am very appreciative, as always, of my friend and colleague from Wyoming, Senator ENZI. We have a remarkable area of agreement in some public policy areas, but we have sharp areas of differences. This happens to be one of those. This legislation happens to be one of those. But it does not take away the great respect and affection I have for him as a legislator and as a friend.

We look forward to continuing this debate and hopefully a resolution on some of these matters tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, it is my understanding our side has 32 minutes remaining. I wish to yield myself up to 10 minutes of that time.

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

Mr. KENNEDY. Would the Senator yield for a unanimous consent request?

Mr. CORNYN. Yes.

Mr. KENNEDY. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 25½ minutes.

Mr. KENNEDY. I am going to yield 15 minutes—10 minutes to Senator KLOBUCHAR and 10 minutes to the Senator from Washington, Mrs. MURRAY, at an appropriate time.

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

The Senator from Texas is recognized.

Mr. CORNYN. Madam President, this Saturday the people in my home State of Texas will join to celebrate Armed Forces Day and, of course, shortly thereafter Memorial Day. These are the days we set aside to honor the men and women who have worn the uniform of the U.S. military, to honor them for their service and particularly remember those who made the ultimate sacrifice in defense of our freedom.

As I prepare to go home this weekend to join my fellow Texans in celebrating this important event, I am reminded of the immense debt we all owe those who have worn the uniform. Of course, this is a debt we know we can never repay.

From a personal perspective, my father served as a B-17 pilot in World War II, and served honorably for 31 years in the U.S. Air Force. He was shot down and spent 4 months in a German prisoner-of-war camp before General Patton and his army came along and liberated him and his fellow POWs.

Of course he, like so many of that generation, came back to his home and took advantage of the GI bill in order to get an education so he could then become the foundation upon which America would continue to build itself in those postwar years and beyond.

The GI bill has done an incalculable benefit not only to the individual veterans who received those educational benefits but to our country as well. It is important now, many years later, in 2008, that we focus our efforts on modernizing that GI bill to make sure the benefits I know we all want to see directed toward our men and women in uniform are available to allow them, when they return home from the fight, to take their uniform off, to get an education, and to achieve their dreams.

Because I believe we need to modernize the GI bill of rights, when it comes to educational benefits for our veterans, I have chosen to cosponsor a bill called S. 2938, the Enhancement of Recruitment, Retention, and Readjustment Through Education Act. Sadly, and for some inexplicable reason, we saw that bill tabled by the Senate. I do not know why, at a time when we ought to be talking about and acting on our appreciation for our men and women in uniform, the Senate decided to table this important piece of legislation. But I wish to talk about it for a minute, to explain to my colleagues what is contained in this important piece of legislation.

This bill would help our military personnel with an extended range of options under the GI bill to ensure that they get the benefits they deserve. It immediately increases education benefits for active-duty personnel to \$1,500 a month and, to encourage retention and continuation of service in the military, it gradually increases the education benefits to \$2,000 a month after 12 or more years of service.

It expands the authority for servicemembers to transfer—and this is one of the most important elements of this legislation—it allows them to transfer their educational benefits to members of their family, a spouse or a child. After 6 years of service, half of that benefit can be transferred, and after 12 years of service, 100 percent of the benefit can be transferred to a child, to a spouse, or some other loved one.

It increases from \$880 to \$1,200 per month the education benefits for Guard and Reserve members called to active duty since September 11, 2001. It allows servicemembers to use up to \$6,000 per year of Montgomery G.I. bill education benefits to repay student loans, and it provides access to Montgomery GI bill benefits to service academy graduates and senior reserve officers' training corps officers who continue to serve beyond their initial commitment.

This legislation is offered as an alternative to S. 22, a bill produced by my distinguished colleague from Virginia, Senator WEBB, and actually cosponsored by our other distinguished colleague from Virginia, Senator WARNER.

I believe both of these bills are born out of the noblest of aspirations and intentions, but I do believe the alternatives offered in the bill that has been laid on the table here a moment ago would actually provide a better range of services to more of our troops as well as their families. Simply put, I do believe it is a better fit for our Nation and a better fit for the people of my State of Texas.

I mentioned the issue of transferability. This is something not found in the Webb bill that is found in the alternative. To begin with, Senator WEBB's bill fails to recognize the enormous sacrifices our military families make in support of their loved ones who wear the uniform of the U.S. military. Talk to any sailor, soldier, airman, or marine and they will tell you that being able to transfer their GI educational benefits to their spouses or their children is enormously important to them. At a time when we depend on an all-volunteer military, isn't it important that we provide the maximum range of benefits not only to our veterans but also to the military families, the people who stay behind while their loved ones are deployed and whose support they need and depend on, and frankly whose support our Nation depends on—our military families?

According to all the service chiefs and the Joint Chiefs of Staff, transferability of this benefit is their No. 1 priority and something wholly missing from the Webb bill.

As I mentioned, my father served as a bomber pilot in World War II. I have experienced, as have other military family members, the joint commitment military families make in support of their loved one in the military.

In addition to the other benefits, I think this particular provision of transferability recognizes a fundamental fairness issue and impacts directly on our ability to retain our servicemembers. Obviously, we would not want to do anything intentionally which would encourage people to leave the military after 3 years of service. It is in the best interests of the United States of America, our strength and security—it is in the best interests of our all-volunteer military force to actually encourage and facilitate service of our active-duty military beyond just an initial tour of 3 years of service.

While we applaud and honor those who serve any period of time in our military, we do need to make sure we do not create an incentive for people to leave early in order to get a benefit under this bill. That is why, under the legislation I am cosponsoring—Senator GRAHAM's bill, also cosponsored by Senator BURR, Senator MCCAIN, and others—our career military will receive additional GI bill benefits to reward them for their continued service.

This bill clearly recognizes you do not have to get out of the military to be able to continue your education. Like the Webb bill, troops will be eligible for up to \$1,500 monthly benefits

after 3 years of service. However, in order to recognize our career troops as well, benefits would increase to \$2,000 a month after 12 years of service—clearly providing both a benefit and incentive for people to continue in military service and not to feel as if they have to leave after 3 years in order to take advantage of this benefit. Unlike the Webb bill, which caters to those who choose to remain in the service for only 3 years—whose service we earnestly appreciate—the Graham bill I believe provides short-term rewards and also rewards our career troops as well.

According to the RAND Corporation study conducted in January, 2008, Senator WEBB's bill would:

... reduce first-term Army reenlistment by about 12 percentage points from the current rate of 40 percent to about 28 percent.

This is an important point. The unintended effect of Senator WEBB's bill would actually be to reduce retention from 40 percent to 28 percent.

Madam President, I ask for an additional 2 minutes by unanimous consent.

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

Mr. CORNYN. Madam President, why in the world would we want to do anything that discriminates between those military members who serve for 3 years and then decide to leave and those who decide to make the military their career? Why would we want to discriminate against their families, who might benefit from the transferability option contained in this alternative legislation which I am supporting? Why would we want to do anything that would actually damage our ability to encourage people to stay in the military should they choose that for themselves and for their families?

I believe this legislation is important not only to our Nation, it provides an important benefit to our military and their families. It encourages retention and continuation of service, facilitates those who do want to stay longer, and creates an enhanced benefit for them.

In a State such as Texas where 1 out of every 10 people in uniform calls our State home, this is very important to my State and my constituents. But I will tell you, this is even more important to our Nation in encouraging that our strong, all-volunteer military force remain strong and that we meet our commitment to make sure they receive the benefits they need and they deserve and are not limited only to the servicemember but can also be extended to family members as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, please advise me after I have spoken for 10 minutes.

The PRESIDING OFFICER. There is an agreement to alternate sides, Senator.

The Senator from Washington State.

Mrs. MURRAY. Madam President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

REFUELING TANKERS

Mrs. MURRAY. Madam President, when our constituents make decisions about big purchases such as buying a house or buying a car, the first thing they do is consider how much money they have to spend, and then they shop for the best quality they can get for the most reasonable price for the item that best meets their needs. When the Government makes a purchase, they expect it to follow that same sort of analysis, whether it is buying a pencil or jet engines. But that is not what our military did when it made its decision to buy the next generation of refueling tankers from Airbus instead of from Boeing.

Compared to Boeing's 767, Airbus's A330 is massive. The simple truth is that a bigger plane is going to be more expensive. The bigger plane the Air Force wants to buy is going to burn more fuel, it is going to take up more space, and it is going to require more people to maintain it. But our hangars, our runways, and our ramps today are all designed for a much smaller tanker.

I also have serious concerns and questions about how much Airbus's tanker is going to cost in fuel and personnel and maintenance. In the months that have passed now since the military announced it had selected Airbus for this massive contract, I have repeatedly asked the Pentagon whether it considered how it will pay for the extra costs of a much bigger plane. I have been astounded that no one has been able to answer my questions. In other words, the military said it wants to spend more than \$100 billion to buy bigger planes, but it has no idea where it is going to put them, it does not know who is going to maintain them, and it does not know how we are going to pay to operate them. That makes no sense to me. I am very concerned about how much this decision is going to cost us, and that is why I have come to the floor this afternoon. Let me explain why I am troubled about this decision.

First of all, we do not know what the possible military construction costs might be for this purchase. It is estimated that these planes are too big for many of our hangars and that they are too heavy for many of our runways and our ramps. These tankers I am talking about are the backbone of our military. These refueling tankers make our global Air Force possible. Today, they are stationed around the world. So we are not only buying airplanes we can keep anywhere, the tanker has to be able to take off and land from almost anywhere in the world.

The new tankers are supposed to be a replacement for our current fleet of medium-sized Boeing KC-135s. But compared to our current tankers and compared to the 767, the Airbus plane the Air Force has decided to purchase is massive. Airbus's A330 is 32 feet longer than Boeing's 767. The Airbus A330's wingspan is 41 feet wider. The

A330 weighs about 20 percent more than the Boeing plane. Our military experts have said they think the A330 will be able to operate on only about half of the airfields the Boeing 767 can use—about half of our airfields. That means some of our infrastructure in this country and across this globe is going to be torn down and refitted to accommodate these new planes they have decided to buy.

Secondly, oil and gas prices are a major factor of the cost of operating a refueling tanker. I am very concerned because a larger plane is obviously going to burn more fuel and cost dramatically more over the lifetime of these planes. In fact, because the Airbus A330 is larger and heavier than the Boeing 767, it is going to burn 24 percent more fuel. That means that fueling planes the size of the A330 will cost \$30 billion more over the lifetime of this plane. That is astonishing when you think that the initial cost for this contract is \$35 billion. Fuel alone is going to double the cost of these planes. Americans are up in arms today about the cost of gas for their own cars. How do you think they are going to react if our Air Force chooses to use their tax dollars, American tax dollars, to fuel massive airplanes when there is a cheaper option available?

Third, the larger A330 is going to require bigger refueling and ground crews. Because buying a larger plane means it will not be able to use standard-size military pallets, the military, in making this purchase, is now going to need more personnel and airmen to load and unload every A330 tanker.

Finally, these larger planes are going to cost the military more to maintain. Not only will the A330 simply need more maintenance over its lifetime, larger crews are going to be needed to work on them. Because the planes are bigger, they are going to have to be packed in closer at our bases, and packing them in closer is going to make maintaining and getting them off the ground more dangerous for our airmen and airwomen.

Now, I have been asking some pretty tough questions about how we got to this point, how the Air Force chose the Airbus plane over the Boeing plane, because it does not make sense to me that we would send this contract overseas when we have the capability and the right plane right here at home.

I have specifically asked about the military's construction costs. At four hearings now, four hearings in the last 3 months, I have asked our military officials whether they can tell me if they did an analysis of the potential construction costs of buying these larger planes before they reached their decision. Do you know what. I was shocked by their answer. It was: No. No. No. They did not do an analysis of how much it would cost for these larger planes. That means the Pentagon launched a major contract to replace a plane that we will have for decades that is going to cost us billions of dol-

lars, but apparently it never did a complete, independent analysis of the potential military construction costs of buying that much larger plane.

I am concerned that even though I have asked for an estimate of these costs and even though several of my colleagues here in the Senate and the House have asked for the same information, we do not have an answer.

I first asked Air Force Secretary Wynne about these costs on March 12. I asked him: What will be the associated costs for our military construction budget, and can these Airbus planes fit in the hangars we have today? That is what I asked. At the time, Secretary Wynne could not answer me. He only said to me that the RFP did not indicate any size. So I asked again on April 24, this time with two Pentagon officials, Comptroller Tina Jonas and Under Secretary of Defense Wayne Army, and they said they were not part of any decisionmaking process and could not comment. So on May 8 and then again today, I asked what the cost of this larger tanker would be for the National Guard and Reserve. Today, the Guard promised to get back to me with an answer. Well, I hope they do.

I am extremely frustrated that we cannot get this information. We are talking about spending billions and billions of taxpayer dollars, and we are talking about a decision that affects our global military power. I am baffled as to why the Pentagon did not do a top-to-bottom analysis of every aspect of this very expensive decision. "I don't know" is not an acceptable answer when we are asking American taxpayers to foot the bill for purchasing these planes.

Now, this process has been flawed from the start. As a result, it is now being appealed to the GAO. But regardless of the GAO's findings, I think we, as Members of Congress, as representatives of the American people, should be very concerned about the way the military reached this decision. No family would buy an 18-wheeler if all they needed was a station wagon. And the military should not be buying a jumbo jet that is extremely expensive when what it really needs and what it has told us it needs is an agile refueling tanker. It is common sense.

I think we need some real answers about why the Pentagon believes this decision is worth the taxpayers' money. I hope our colleagues will join with me in demanding that we get that information before we make a mistake that will cost us billions of dollars that we cannot afford to waste.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent to change the order. My friend from South Carolina, Senator GRAHAM, has allowed me to go. I ask unanimous consent to speak and then to be followed by the Senator from South Carolina.

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

Ms. KLOBUCHAR. Madam President, I come to the floor today to express my strong support for the Public Safety Employer-Employee Cooperation Act that the Senate is currently considering, legislation that will ensure our public safety officers are treated with the respect and the dignity they unquestionably deserve.

I have always believed the first responsibility of government is to protect its citizens. I believe that responsibility begins right here at the local level in our neighborhoods and in our communities with our law enforcement officers. To fulfill that essential responsibility, our local public safety officers need the support of the Government in Washington.

Before I came to Washington, like you, I served as a prosecuting attorney. I served for 8 years as a chief prosecutor for Minnesota's largest county. During that time, I saw firsthand the critical and courageous contributions our police officers, firefighters, paramedics, and our public safety personnel make on a daily basis. I gained an unending appreciation for their service in keeping our communities safe and secure. When I came to Washington, I made a commitment that I would remember the officers I had worked alongside in Minnesota and that I would do everything I could to see that they received the full resources and support they deserve.

This bill would demonstrate our support by allowing public safety officers to be treated as they should, by promoting basic fairness in their working standards. It does so in a way that allows States to retain the flexibility to craft their own standards to suit their local conditions.

My State of Minnesota is fortunate to be one of 26 States that already grant collective bargaining rights to their public safety employees. Our police officers, firefighters, and paramedics enjoy strong relationships with the State, counties, and cities that employ them, which enhances their ability to protect the communities they serve.

When public safety employers and employees work together, it reduces worker fatalities and improves the quality of service. We need these valuable partnerships to be at their strongest if we are going to be able to properly respond to disasters and emergencies that strike at our homeland security.

Our State is well aware of this. We have had our share of tragedies this year, from the collapse of the I-35W bridge to the floods in southern Minnesota in which several people died, to the fires up in northern Minnesota in the Ham Lake area over through the Canadian border. This week thousands of police officers have come to Washington to commemorate National Police Week. I have had an opportunity to meet with these police officers. I had the opportunity to meet with paramedics when I was home a week ago. I

have had the opportunity to see our firefighters at work. We must respect these hard-working public servants. This respect should be fundamental to the work we do.

I told these officers and paramedics and firefighters that I would come to the floor to speak in support of this legislation and that I was hopeful our colleagues on the other side of the aisle would join us in passing this law. What they want is what they have in our State. They want the right to be treated with the respect of colleagues all across the country. In the last several years, specifically after 9/11, we have placed even greater responsibilities on police and other public safety officers. At a time when State and local budgets are tight, these Federal funds have become more important in assisting local law enforcement to fulfill their duties to protect communities. By passing this legislation and guaranteeing the basic rights it provides and working to deliver the full resources and assistance these officers need to continue their exemplary work, we can demonstrate our acknowledgment and appreciation for the work they do every day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I ask to be notified after 8 minutes.

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

Mr. KYL. First, I compliment Senator WARNER and Senator WEBB for several weeks ago crafting legislation to provide some changes in our GI benefits for educational purposes. I support an alternative measure which has been developed in the weeks since then, among other things, because the Defense Department, led by Secretary Gates, has analyzed the requirements that the Defense Department has and has suggested a different approach than that originally taken by Senators WARNER and WEBB. That approach is embodied in legislation authored by Senator GRAHAM, Senator MCCAIN, Senator BURR, and others. It is S. 2938. I will describe the key point in a moment, but I was very disappointed an hour or so ago when, after Senator GRAHAM had offered this legislation as an amendment, it was tabled. Our colleagues didn't want to have a vote on it. I would think that at least we could have a fair up-or-down vote on the legislation, particularly since it is the approach that has been recommended by Secretary Gates and the Defense Department. I believe it is the approach President Bush would prefer. I believe it would solve the problem we are trying to solve.

Everybody knows that next week, when the supplemental appropriations bill comes before us, the bill that will enable us to fund the troops missions in Iraq and Afghanistan, the Warner-Webb bill will be included as a part of that. We will not have an opportunity to try to amend it. That was the pur-

pose of the Senator from South Carolina offering the amendment today. We have now been foreclosed from voting on that. That is not right, especially since this is the superior of the two approaches.

The key here has to do with the original intent of the GI bill and today's circumstances. After World War II, when most of the members of the Armed Forces had been drafted, came back from the Pacific and European theaters, many of them had been drafted right out of high school or perhaps they were not even in school. They, obviously, saw the importance of getting a college education. A grateful nation said: You have been plucked out of your family circumstance, maybe out of high school. You were not able to attend college, although some were in college when they were drafted. We want to pay something back to you and send you to college, if you would like to do that. That was the GI benefit.

Today the circumstances are much different. We don't have the draft anymore. We didn't have millions and millions of servicemen mustered out of the service, ready to go to college. Today we have exactly the opposite. We need to attract good men and women to serve in our forces, and we need to provide them the kind of benefits that are attractive to them in today's world. They are a very different, diverse group of people. The kind of educational benefit likewise needs to respond to that kind of diversity and circumstance. That is the reason this GI bill is being modernized and updated.

The key point Senator GRAHAM will make and that Secretary Gates has made, as my colleague Senator MCCAIN has said, is that instead of a group of people who have been mustered out of the service, we aren't trying to get people out of the service. Today we are trying to retain folks, good people who have been educated and trained in the military. We want to have as many of those men and women stay in the military as possible.

Clearly, recruitment and retention in an all-volunteer force is critical to an effective military. That is what Secretary Gates was speaking of when he said:

Our first objective is to strengthen the all-volunteer force. Accordingly, it is essential to permit transferability of unused education benefits from servicemembers to family. Transferability supports military families, thereby enhancing retention.

That is the key difference between these two approaches. I would hope that my colleagues who originally wanted to support an approach that Senators WARNER and WEBB wrote would recognize that there has been an improvement to that in the legislation Senators GRAHAM, BURR, and MCCAIN have offered and would support that alternative which provides for transferability.

There are a couple of other differences. I wish to briefly highlight them. The fact that the Warner-Webb

bill costs more certainly should not be necessarily an argument against it, but it certainly should not be an argument for the legislation either. If we can deliver the same services in a more efficient way, that is good, not bad. As to that point, one of the other differences between the legislation of Senator GRAHAM and the previously introduced bill is that this recognizes everyone in a fair way, providing the same benefit. It doesn't discriminate against people who attend a less-expensive, State-sponsored school in favor of one who attends a more expensive private school, for example. You have the same kind of benefit. It is an adequate benefit because of the increases provided for in the bill.

The bottom line, the reason I strongly support the legislation introduced by my colleagues from South Carolina and from Arizona is because it responds to today's circumstances, the all-volunteer force, where we are trying to keep more people in the military as opposed to the other approach, which is an extension of the old GI bill which was provided for people who were leaving the military. That is the key difference and the reason why I urge my colleagues to support the approach Senator GRAHAM is providing. I hope, even though we have had this legislation now tabled, that we will have an opportunity to actually vote on it in the future. I encourage my colleagues to support us in providing an opportunity to vote on the legislation.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from South Carolina.

Mr. GRAHAM. Can the Chair let me know when I have 2 minutes remaining?

The PRESIDING OFFICER. How much time does the Senator request?

Mr. GRAHAM. Fifteen minutes.

The PRESIDING OFFICER. There is 14 minutes remaining. The Senator will be advised when there is 12 minutes remaining.

Mr. GRAHAM. Let's talk about the policy and then the politics. Everything seems to be in the case of politics. Most Members of the body would like to pass some legislation this year that would improve GI benefits for those who serve and leave and for those who continue to serve. Putting this bill, the Webb bill, on the supplemental emergency funding for the war, a mandatory entitlement program put on a supplemental emergency spending bill for the war is not the way to go. Having a supplemental involving spending for the war that can't be amended is not the way to go. Putting the bill on the firefighter-police officer legislation is not the way to go, but it is the only way I had to go. I have sat down with Senator WEBB and his staff. I hope we can find common ground. I have never doubted the desire of Senators WEBB or WARNER to increase the benefit. Senator WEBB's service to the country has been extraordinary in combat, as Sec-

retary of the Navy, as has Senator WARNER's. Obviously, they have a desire and some expertise in this area to upgrade basic GI benefits. I share that desire and hope this body can do something necessary.

But as Senator KYL said, quite frankly, I don't agree with their approach. The need is there, but the first thing all of us in this body should do is not compound a problem our current forces have, and that is retention. In the name of trying to help recruit people to the military, you don't create a benefit that the Congressional Budget Office and the Pentagon say will hurt retention. It makes perfect sense to me that the approach of Senators WEBB and WARNER will hurt retention. It is \$50-something billion of new spending, and it is all geared to the people who leave the military after 3 years. As Senator KYL indicated, this is a different war. Unless we start drafting people, which nobody appears to want, including me, we need to let those who serve and continue to serve know how much we appreciate what they are doing and give them incentives to stay around because every person who will stay in the military to make it a career is a godsend to this country because we are being defended by volunteers.

So how about this idea? Increase the basic benefit, as Senators WARNER and WEBB have proposed but do it in a way that makes the most sense for the entire force. The current amount of money available to someone who leaves the military after 3 years of service to go to college is \$1,100 a month. That used to be the average cost of a State college tuition, including room and board. It is now up to \$1,500 a month as an average cost. What we have done in our approach is raise the benefit to \$1,500, which is the average cost of a State college, room and board. To me, that is a worthy goal for the Nation to pursue.

Senators WEBB and WARNER have a new formula, a new way of delivering benefits that misses the mark. Instead of paying every GI who leaves the service \$1,500 a month, and under our bill \$1,000 a year for books and fees, what Senator WEBB proposes is that you would look at the school, the highest State school, the highest State institution in terms of tuition in each State, and the GI would receive the amount of money that would pay for that school. So in Michigan, the most expensive State school is \$13,000. In South Carolina, it is \$5,000 or \$6,000. So based on where you live, you could have a disparity in how much benefits come to the veteran. I don't think that is the way to go.

What we have tried to do is make the benefit that exists today reflect the reality of today for those who leave.

If somebody wants to go to Harvard or Yale, what we do under the bill is we tell the institution, if you will forgive 25 percent of the difference between what the Government pays and the tui-

tion, we will put an extra thousand on the table. If you will forgive 50 percent of the indebtedness, we will put more money on the table. If you will forgive the entire indebtedness, I think we would go up to like \$3,000, maybe \$3,500 a month. That way the institution can get over \$40,000, and the veteran can go to that school without any debt. So we have a program in the bill to try to get institutions on the higher end, private schools, to work with veterans to get them through their institutions and put more money on the table.

But the big point I am trying to make is, under our approach, we have a component not found in the Webb bill that the country needs. Right now the GI benefits that are earned after 3 years of service under the Webb approach, \$55 billion is spent on that population, not one penny of additional incentive to stay around. Do you know what America needs? We need to take care of those who serve and leave because they have done the country a great service. But as a nation, we need to desperately try to retain people who are willing to serve longer. So what do we do? Senator BURR and myself, Senator MCCAIN, we have listened to the troops. What do the troops want? What do those in uniform want from the GI benefit reform? They would like to transfer their benefits to their spouse or their children.

Under our approach, if you stay 6 years, that \$1,500-a-month benefit, that \$1,000-a-year payment for books and fees, 50 percent of it can be transferred to a spouse or child. That would revolutionize the way this benefit package is being used today. Fifty percent of the people eligible for GI benefits in today's world never use them. If you could transfer those benefits, it would be a higher utilization, and the benefit would be to the family members of the military member, the ones they love and care about the most. If you will stay in 12 years, at the 12-year point under our bill, the benefit goes from \$1,500 a month to \$2,000 a month, and you can transfer all of it.

Now, what does that mean? That means if you will continue to serve our country, at the 12-year point you do not have to worry about your kids' ability to go to college anymore. What does that mean? That means your retirement pay has more value. A lot of people are getting out of the military at the 8- and 10-year point because they have a couple kids and they wonder: Can I send them to college on a military salary? Wouldn't it be wonderful to check that block and say: You can stay in the military, get your 20 years, get your retirement, and also have a benefit to pay for your kids' college that will not come out of your retired pay? This will revolutionize retention.

The CBO says for every \$10,000 of educational benefit increase, you lose a percent in retention. Under the Webb approach, we would lose 8 to 9 percent a year in retention, at a time we need to retain more.

Under our approach, not only are we going to give more money to those who serve and leave—a very generous benefit—we are also going to put money on the table for the first time in the history of the GI program to reward those who stay. Most people who serve 20 years are going to come out with a college degree they earned in the military without ever using their benefits. The ability to transfer the benefit to a family member is enormous. Again, it will allow the retired pay—of those who go to 20 years—to have much more bang for the buck. They will have their college paid for.

When I talk to people in the Guard and Reserve and Active Forces, they tell me they would love to have the ability to transfer their GI benefits once they get their degree to a spouse or a child.

It would help retention. It would help families. It is, in my opinion, the best bang for the taxpayer buck.

Now, where are we going to go? Here is what is going to happen.

Madam President, how much time is left?

The PRESIDING OFFICER. The Senator has 3 minutes more before his 2-minute warning. The Senator has 5 minutes.

Mr. GRAHAM. Madam President, thank you.

We have a choice to make as a body. We can find some middle ground and pass a bill that 100 people would vote for or we can put the Webb amendment on the supplemental in its current form without any changes, table my bill, and say: Go off in the corner and be quiet. Well, that “ain’t” going to happen. I am not going to be quiet. I am going to urge the President to veto the Webb bill in its current form because no matter how well-intended it is, it will hurt retention. It will hurt retention at a time, as a nation, when we need to enhance retention.

I have a different approach, and I think it makes sense. But I am willing to meet people in the middle. I am not going to be put in a box of having to vote no and be accused of not caring. Well, I have another approach. I think it serves the country well. I am willing to meet in the middle. I hope we can find some middle ground. At the end of the day, helping veterans and rewarding those who serve is a shared value—not a Democratic value. It is a shared value by all Americans: Republicans, Independents, and Democrats.

Two things are important to the American people at a time of national crisis, at a time of a two-front war. Let’s come together and help those who are willing to put on the uniform. Count me in for increasing the benefits for those who serve 3 years and leave. You have done your country a great service. I want to make sure you have money to go to college, that you are well rewarded for your service.

But work with me to do something for those who continue to serve. Reward them. That has never been done

before in the GI bill. It is time for the GI bill to change. It is time to have money on the table to reward those families and military members who stay around and keep going back and keep fighting. If you want to help the military, the men and women in uniform who decide to make this a career, allow their benefits to be transferred to their loved ones, allow military members who serve for 12 years and beyond a chance to send their kids to college with GI benefits and not have to use their retirement.

So I look forward to this debate. It is going to be a chance to do some good or it is going to be politics as usual. Well, that is a decision we are all going to have to make. I hope we can do the country some good. To me, the best thing we can do for the country and for those men and women who serve—and continue to serve—is to do something new, something long overdue and new; that is, to allow them to transfer their benefits to their family members. That will help retention. It will reward those families who sacrifice alongside the servicemember. I have talked with enough family members to know how much this would change and help improve family life in the military.

With that, Madam President, I yield the floor.

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

Mr. BURR. Madam President, I thank the Presiding Officer and I thank my colleague, Senator GRAHAM, and I really do thank my colleagues from both sides of the aisle who have come to the floor and talked about the GI bill and the fact that we were asleep for a number of years from the standpoint of making changes in the law that reflect the cost of education.

But what I want my colleagues to understand and the public to understand is that the Department of Defense used what we call education kickers to provide retention tools for our Active-Duty troops. Throughout this whole period, as they saw promising service men and women and they wanted them to stay in the military, they used what we call education kickers. They upped the amount of their education benefit if they would re-up for a period of time—3 years, 5 years, 6 years.

So to say that \$1,100 was the ceiling, that is not accurate. The fact is, we have reached a point in time when we need to change the number in the law, what the base amount is that is the promise this country is making to our service men and women when they serve. I think it is appropriate, given we have gone through a decade—and I am sure most Americans would not find this hard to believe—where the highest area of inflation in America over the last 10 years has not been health care. It has been higher education. For any parent who is going through higher education with a child today, they know exactly what that means—that it costs a whole lot to go there.

Senator WEBB deserves a lot of credit because for 18 months he has talked about changing our financial level of commitment. I have to say that has been healthy for the men and women who are serving. It has been healthy for this Senate to begin the debate on it. I do not want anybody to leave this debate and feel we are not both headed in the same direction. It is just that I have some fundamental disagreements with the way he structured it.

I believe there is a way to fulfill the promise, that if you serve, then we are going to commit to you, we are going to provide you with a quality education. When my dad came back from the Second World War, he had most of his education paid for before he left, but this is not something he went out and shopped. This is not something where he said: Gee, there is a benefit. Let me find the most expensive place I can go, and let me exercise it there. He focused on what he wanted to be and where the tools were that were available to him.

Sometimes we have to stop for a minute and reflect: What are the unintended consequences of what we do in this body? Well, one thing with the Webb bill is we disregard the fact that part of higher education comes out of the Department of Education today. It is called Pell grants. For those service men and women who qualify for them, that goes toward their education. The way this bill is written, we pay for their education, and the Pell grant, if they qualify—which most would—is then available for them after their education to pocket as cash. I am not sure that is the promise we made. I am not sure it is the promise the American people are committed to fulfill. I am not sure it is what our service men and women expect. They want an education.

What we have done is we have structured an alternative, the Graham-Burr-McCain bill, that provides exactly that. It is targeted at the average of the cost of public education in America. Now, fundamentally, I do not believe a student who picks an art and design school in the State of Michigan should be entitled to \$13,000 for that school. Yet if he chooses the University of North Carolina at Chapel Hill, then he is only going to get \$5,300.

Why is there a discrepancy in those two schools? Because States subsidize higher education at a different level because it is a State decision. It is State money that is used to subsidize higher education. In North Carolina, we choose to subsidize higher education to the tune of 70 percent. We do not expect every State to choose to subsidize it at that level.

But by the same token, why would we create a program that disenfranchises North Carolina, that says to North Carolina: Oh, boy, you are going to be cheated because you subsidize higher education so that more of your kids can have an affordable option. And because now the Federal Government

would have paid everything, you are going to lose money because you subsidize higher education. Unintended consequence: We are going to chase States out of the business of subsidizing higher education.

What is the net effect? Every kid in America who does not serve 3 years Active Duty, cumulative, is going to pay more because States are not going to subsidize. I am not sure that is what we are after. I surely do not suggest that is the intent of Senator WEBB's legislation. It is what will happen if, in fact, we pass the legislation.

So Senator GRAHAM and I and Senator MCCAIN looked for: How do we take the existing system—not create a new one; this is not a wheel that is broken; it works, but let's fund it at today's funding needs.

Now, Senator GRAHAM covered a lot of things that are in the bill. For an Active-Duty servicemember who serves 3 years Active Duty, we are going to provide \$1,500 in living expense and tuition every month as a benefit. We are going to provide \$1,000 for books and fees a year. For that individual who stays in the military over 6 years, 50 percent of the education benefit they accrue is transferable to a family member: a spouse or child. If a servicemember chooses to serve for 12 years or more, 100 percent of their GI education benefit is now transferable to a spouse or a child.

I think it is safe to say that for most who make a career out of the military, they have numerous opportunities to enhance their academic achievements on Active Duty. So the likelihood is a 20-year veteran of our services probably has all the education they need, and they have a huge education benefit. I cannot think of a better reward to people who have served their country than to say: Let's make this benefit available so you can educate your children. Let them choose the States that highly subsidize so they get more bang for their buck.

Senator GRAHAM covered the fact that we put the responsibility for private schools to fill the gap on the private schools. We say to an institution: Do you know what. You are willing to retire debt for low-income Americans today. Well, let's see what type of commitment you are going to make for veterans, people who are part of the GI program.

Senator WEBB's bill says to the school, Harvard, Yale, Duke, schools that have \$35,000 tuitions: Do you know what. We are only paying \$5,000 in North Carolina, so, Duke, if you get one of these, that \$20,000-some difference—\$25,000, \$30,000 difference—for every dollar you put in, the Federal Government is going to put in.

What I say, in the legislation, to Duke is: All right. We are putting \$14,400 in the pot for that GI. The difference is indebtedness at the end of his career. If you are willing to retire 25 percent of it, then we are going to put an extra \$1,000 in the pot. If you are

willing to retire 50 percent, we are putting \$2,000 in the pot. If you are willing to retire 100 percent of the debt, we are going to put more money into the pot. We are not going dollar for dollar because I do not think that is our responsibility. There has to be a side of the academic institutions that is willing to also recognize the service of our men and women in uniform.

We were denied the opportunity to have a vote on a piece of legislation earlier today. It is a rule of the Senate that you can offer a motion to table an amendment. What does tabling an amendment mean? It means we were denied the opportunity to vote on a real education package for our service men and women.

What is the reason somebody would do that? Well, fear that we were going to win. Fear that enough Members would look at it and vote for it on the merits of the legislation, that we would win. What is the likelihood we are going to have an opportunity to offer our amendment? Probably none. Because the Webb amendment is going to be masked in an emergency supplemental that is going to be made up of war funding, funding that most Members—this one has no idea what other earmarked programs Members of the Senate are going to stick in it or the House of Representatives.

I would say to my colleagues, we ought to vote against the entire package, except for war funding. We ought to come to the floor. We ought to have a side by side: the Webb bill, the Graham bill. We ought to debate it on the merits, but we ought to take into account the needs of our military. To ignore retention, to ignore the tools the military needs to make sure our Nation is secure and strong, is absolutely ignorant. Now, it may be before it is over we are able to influence the authors of the other legislation to put transferability in theirs. But I have to say to my colleagues that the structure is fundamentally flawed.

I am the ranking member of the Veterans Affairs' Committee. Currently, the GI bill is administered partly out of DOD, partly out of the Department of Education, partly out of the Veterans' Administration. We have a Veterans' Administration today that is challenged to process the amount of disability claims, the appeals to disability claims, the appeals to medical services that are delivered. Now we are saying let's create a big new program and let's dump it in the Veterans' Administration and let's ask them to run it. How incredibly insensitive to the work that is currently going on but how insensitive to the needs of our veterans who are injured—those who come back from Iraq and Afghanistan, those who transition out of Active Duty to veteran status who need a Veterans' Administration that is 100 percent focused on the delivery of health care, the processing of disability claims, and making sure every veteran is matched with a check that they need for their livelihood.

Now we are going to say: But we want you to now run education. We want to take the Department of Education out of it. We want to take DOD out of it. We want the Veterans' Administration to be responsible.

Millions and millions, hundreds of millions of dollars is going to be needed to administer this program, hundreds of millions of dollars. Forget the fact that to write the regulations out of a new agency is probably going to take well over a year. That is why the Webb bill is not proposed to start for some time after this body passes it.

I am sure we are going to have ample time to talk about the education benefit for our military members. I am not sure we are going to have an opportunity to have a choice. I am convinced people asked me to come here and serve to represent North Carolina to make sure we have a choice, and that it wasn't a choice between something and nothing, but that it was a choice between something and something. Every Member of the Senate—100 Members—should have the opportunity to come to this floor and to offer what they think is the solution to a problem. Not on this. We tried to do it because we didn't think we would get an opportunity, and instead of getting an up-or-down vote on a very important piece of legislation that provides and extends and revamps the GI education benefit for our military, it was decided that we were all going to have the opportunity to table consideration. I am not sure that is why we were all elected to be here. I think to some degree it shows what is worse about the institution that we are not willing to tackle.

This is the institution of great debate, and when we have big issues, we run from the debate, hoping that the American people aren't looking, hoping that nobody will read about what we have done, that nobody will see the missed opportunity. I will tell my colleagues, our service men and women aren't going to miss this one. It is not going to be over with a simple tabling vote. This is something that will continue to educate the American people and, more importantly, the men and women who put on a uniform and never ask why but go exactly where our Commander in Chief asks them to go.

I urge my colleagues to pay very special attention as we go through the debate on this legislation. Ask yourself not only is it right, ask yourself are the consequences of what we do the consequences that we would want to have happen. If there are unintended consequences to this, the general public of young people who are looking at higher education as an absolute necessity of their livelihood in the future are disenfranchised in some way by this. If servicemembers aren't allowed to extend an education benefit to their children or to their spouse, and it just goes away, have we really done our job? I think the answer is going to be no.

So I encourage the leadership in the majority to give us an opportunity to

have a fair up-or-down vote. Give us the opportunity to compare two pieces of legislation. Nobody should be scared to do that. Let America decide based upon their representatives in the Senate which one better fulfills the promise we have made to the men and women who serve but, more importantly, what upholds the structure of higher education in this country and doesn't disenfranchise or disadvantage any student now or in the future.

I am convinced we can only achieve that if we recognize a benefit that is uniform and equal across the board, not one that is determined by where you choose to go to school, not a benefit that is determined by where you choose to live, but a benefit that fulfills every promise that we are going to provide an education and put some degree of individual responsibility on how that is exercised. I am convinced that for those who may choose a community college versus a 4-year university, the savings they have should be savings they extend to their children and to their spouse.

That would not happen under the current Webb bill; it will just go away. They will miss out on that opportunity. They will never know that unless we are willing to have a debate on this floor. They are never going to know it unless we are provided the opportunity to present them with a choice between something and something versus something and nothing.

I thank the Chair for the time extended to me.

At this time I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I ask unanimous consent that I may speak in morning business for up to 5 minutes.

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

Mr. SESSIONS. Mr. President, the question of updating GI bill education benefits for our veterans and service personnel is something that we need to do. I think all of us agree on that. I have to say that how we do it, however, is very important.

The Webb-Warner bill, as written, fails in some very important ways, ways that make it poor legislation. We need to be honest about that.

I believe the bill offered by Senators MCCAIN, BURR, and GRAHAM is much better legislation. Frankly, I thank Senator MCCAIN for having the gumption to stand up and see the problems with this legislation. He said he knew it was important and he was willing to take some political heat here to try to do the right thing.

Let me read you what the Congressional Budget Office has said about this legislation.

This is what they say about retention. We heard that in remarks from some Senators earlier, but retention deals with how many people re-up and decide after their initial tour of duty is up to make a longer—a new commitment to stay in the military for a longer period or even make it a career. We are in a career military, and I could not be more proud of them. They are performing so exceptionally well. No person who has been around the military for a few years would ever want to go back to the system we had before. This one is working surprisingly well, beyond our expectations. And even in this war where if you reenlist you are likely to be sent abroad, retention continues to be very high.

What will this bill do? According to the Congressional Budget Office, S. 22, as amended, would, in effect, result in "a 16-percent decline in the reenlistment rate." I am telling you, those of us who have been watching the reenlistment rate as members of the Armed Services Committee—and I have been on that committee since I have been in the Senate, and I know the Presiding Officer, Senator PRYOR, is on that committee and knows these issues—reenlistment is critical. This Webb amendment has the perverse effect of paying people to leave the military. We should not do that. We should create incentives as the Burr-McCain-Graham bill does. It encourages people to stay in and gives even more rewards if they stay in and their family more rewards if they stay in. That is the right thing for us to do. I wanted to mention that point.

I am also troubled by how the money is allocated. We have done a calculation. The way it is set up under the Webb amendment, if a person were to take advantage of this GI bill benefit under his provision, a University of Alabama student could receive \$13,569 per year and a student at Auburn University would receive \$13,355 a year, but a student at the University of Michigan would receive \$22,413. That is an \$8,000 difference. That is a lot. Is this what we want to do? I don't know what they would give somebody who is an Arkansas Razorback. They would probably give them less than that. No, that is a great university. I don't see any need for me to be supportive of a bill that is going to discriminate that much between State universities. In fact, if the McCain legislation were to pass, students at Alabama and Auburn would receive an additional \$400 and \$500 under his bill. It would be more generous to students in my State under the McCain bill.

I say to my colleagues, I think Senator WEBB and others who supported this legislation are on the right track. It is time for us to improve the GI bill benefits for our soldiers and their families. We can do that. We ought to put some money in it. I understand our budget is tight, but I am prepared to vote some resources to improve this idea. But I do not believe we should

ever consider—please understand—ever consider setting a policy that would essentially encourage and pay people through subsidies to leave the military. We ought to create educational benefit programs that affirm them, affirm their families, as they make the military a career. That is what our current involvement is.

Before I yield the floor, I will say that is why I have chosen to not support the Webb approach and have chosen to support the McCain approach. I think it is preferable.

I yield the floor. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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, we have tried very hard. I was here a few hours ago when the Senate opened, congratulating the Senate for moving forward on a very important bill for firefighters and police. I guess my expectations were far too high. I thought we were going to legislate and finish this bill. It is a bill that is so important.

I had the opportunity after the log had been thrown in the road to speak with the head of the firefighters union. I don't run from organized labor. I think it is important that we recognize the good they do in the country, and no one can dispute the work that firefighters do. I talked with Mr. Schneeberger and told him I don't know if we can do this bill; it appears Republicans don't want to do it. They have offered a mini GI bill of rights. Of course, we have been delayed. That is very unfortunate.

I hope Senator KENNEDY and Senator ENZI can work something out to complete the bill in a very short period of time. We have done about the best we can.

I spoke with Senator ENZI last night—I don't know what time it was—4:30, 5 o'clock. I asked if he wanted votes last night. He said no because he didn't get the work done in committee that he wanted and he had some work to get done on this bill. I accepted that. I said fine.

I was hoping we would do more today. We tried to get a vote on an amendment and could not get agreement to get a vote on an amendment. So at this stage, we are going to see if we can invoke cloture on this bill. If it doesn't work, it is just another bill the Republicans brought down.

Mr. President, I said this morning, is it any wonder that three special elections held for House seats have gone to Democrats in districts where no one expected a Democrat to win? The reason is because the American people are seeing what is going on here. They see what is going on at 16th and Pennsylvania Avenue, and it is down here now

where we cannot do anything, nothing. Mr. President, 71 or 72 filibusters. I don't know how many we are at. We are moving up the road. Is it any wonder that a poll came out yesterday in the Washington Post saying that the American people believe Democrats in Congress are 21 percent better able to handle the problems of this country than Republicans? It is no wonder.

In spite of that, in spite of 7 years and almost 5 months for President Bush, I still would like to work for the next 7 months with him to try to get things done. I would hope he would pick up the phone sometime and call down here and maybe help us get Federal aviation reauthorization done, just as an example. That is fresh in my mind because that was legislatively killed last week.

CLOTURE MOTION

I send a cloture motion to the desk. The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Gregg-Kennedy substitute amendment No. 4751 to H.R. 980, the Public Safety Employer-Employee Cooperation Act.

Harry Reid, Edward M. Kennedy, Charles E. Schumer, Joseph R. Biden, Jr., Sherrod Brown, Robert Menendez, John D. Rockefeller IV, Benjamin L. Cardin, Robert P. Casey, Jr., Thomas R. Carper, Sheldon Whitehouse, Barbara A. Mikulski, Blanche L. Lincoln, Amy Klobuchar, Christopher J. Dodd, Tom Harkin, Richard Durbin.

CLOTURE MOTION

Mr. REID. Mr. President, I send another cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 980, the Public Safety Employer-Employee Cooperation Act.

Harry Reid, Edward M. Kennedy, Charles E. Schumer, Joseph R. Biden, Jr., Sherrod Brown, Robert Menendez, John D. Rockefeller IV, Benjamin L. Cardin, Robert P. Casey, Jr., Thomas R. Carper, Sheldon Whitehouse, Barbara A. Mikulski, Blanche L. Lincoln, Amy Klobuchar, Christopher J. Dodd, Tom Harkin, Richard Durbin.

Mr. KERRY. Mr. President, I am here today to speak in support of the Public Safety Employer-Employee Cooperation Act of 2007, for which I am a proud cosponsor. While the vast majority of private and public employees enjoy the right to bargain collectively, thousands of our public safety employees across the country are denied this basic American right. If enacted, this bill would provide our public safety

workers with the right to negotiate for the level of pay and benefits they deserve.

Every day, we rely on the service of these men and women, who risk their lives to provide safety and protection to our communities. Yet many States and local governments deny these workers the right to organize. It is not fair, and it should not be tolerated.

Those who oppose providing public safety employees these fundamental rights claim that the legislation will interfere with existing State and local laws that govern collective bargaining. This is simply false. The legislation ensures that existing collective bargaining units and agreements that have already been issued, approved, or ratified at the State or local level would be maintained. Additionally, this legislation prohibits strikes and work slowdowns by public safety officers and labor unions, as well as lockouts by public safety employers, ensuring that the safety of the public will not be compromised as a result of a work stoppage.

This legislation enjoys broad bipartisan support. Introduced by Senators KENNEDY and GREGG, there are 34 cosponsors, including 11 Republicans. The House version of the bill passed by a vote of 314 to 97, supported by a majority in both parties.

It took a national tragedy in the form of the terrorist attacks of 9/11 to remind us all of the critical role public safety officers play in our lives. Hundreds gave their lives that day, and hundreds more give their life in service each year, to ensure our safety and to protect us from danger. It is inexcusable that workers so dedicated to keeping America safe should be denied the basic and fundamental right to organize.

I urge my colleagues to support this legislation and to stop denying our firefighters, our police, and all of our first responders the right to organize.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—H.R. 2419

Mr. REID. Mr. President, I want to shift gears now and express my appreciation to lots of different people.

I mentioned briefly this morning my congratulations to Senator HARKIN, Senator CHAMBLISS, Senator BAUCUS, and Senator GRASSLEY, but there are other team members who worked so hard to get this most important bill done, the most important bill being the farm bill.

We only do a farm bill every 5 years. There are some who say it took us 5 years to get this bill done. That is really not the case, but we worked on it for a long time, worked very hard.

I mentioned in my caucus yesterday that this was an example of how we should legislate because we had conferences. We have been kind of getting out of the habit of having a public conference where Democrats and Republicans are appointed and sit down and try to work out the differences on a

bill. That is what they did here. I think it was exemplary legislative work.

Was there any side that was more right than the other side? No. But they worked together to come up with a fine piece of legislation.

Mr. President, I ask unanimous consent the Senate now proceed to the conference report to accompany H.R. 2419, the farm bill, and during today's session there be 5 hours of debate—remember, this farm bill deals with food, it deals with energy, and it deals with security—with the time equally divided and controlled between the leaders or their designees; and when the Senate resumes the conference report tomorrow there be an additional 90 minutes of debate divided in the same manner; further, that if any motions to waive are made in response to points of order, then these votes occur in the order in which they were made prior to the vote on adoption of the conference report on Thursday; that on Thursday, upon the yielding back of time, the Senate proceed to vote on adoption of the conference report.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. Reserving the right to object, until I get 5 minutes to rebut a little bit of what the leader said about the collective bargaining bill. I do not need much time, but I was cut out of the process earlier today and I deserve the opportunity.

Mr. REID. Mr. President, my friend can have all the time he wants—10 minutes?

Mr. ENZI. Ten will be plenty. I appreciate it.

Mr. REID. How about doing this then? We will go ahead and have this approved, and you do 10 minutes or however much time you want?

Mr. ENZI. That would be part of the unanimous consent? Do I understand that under the unanimous consent I would get my 10 minutes before the farm bill.

Mr. REID. You would get it as soon as the consent is granted—right now.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, before my friend starts, I have said publicly, I have told him privately—we do not have a Senator, Democrat or Republican, who is easier to get along with and who is a better legislator than MIKE ENZI. He is a very fine man, and I am sorry he was cut off.

There will also be no more votes today as a result of this unanimous-consent agreement.

Mr. ENZI. Mr. President, I appreciate the leader's kind remarks. I have been diligently working on the collective bargaining bill. It is an important part of the process to get the full debate out. We are being precluded from that process now.

We have had three amendments brought up. None of those were mine. I have five amendments that I would like to have debated that address what

I see as serious flaws in the bill, but I am being precluded from even bringing up one of those. I was given the offer, take it or leave it, that there could be two Republican amendments, period, and I could decide from among my own and others which would be the two.

As I pointed out at the very beginning of this bill, this bill is flawed. It did not go to committee. This happens every time a bill does not go to committee. We have a process with bills before the committee where people can sit down and look at amendments and revise the amendments until there is agreement between the two sides. That is the only reason that a committee such as Health, Education, Labor and Pensions can get bills done.

We often take a look at all of the amendments when they are in committee and decide that we will work on those before they go to the floor. Otherwise, as contentious a committee as we have, which handles the volume of work it does, we would get nothing done. But we get a lot done. In fact, last week when we were at the signing with the President of one of the bills we passed, the President said: You know, you are the only committee sending us any bills. It is because we go through the whole process.

Usually Senator KENNEDY and I sit down, we list our principles, we agree on the principles, we plug in some details, and then we talk with the stakeholders. That is everybody with an interest in it. Usually at that point there is someone who says: No, we have one provision we have worked on for 12 years, and we never have gotten that provision. And until we get that provision, we don't care about the rest of the bill. Whoever's constituent it is, Senator KENNEDY or I, we take the lead on it and say: You know, you have been asking for it for 12 years and you got nothing. How would you like to get the other 80 percent that you also claim you like? That is the way we do bills. It is working to get common ground, which is a third way.

There are so many issues around here that have been polarized, so the second they come up people jump into the weeds. They talk about a little glitch here or there that irritated people in the past and that gets us nowhere. So we have been able to elevate that to coming up with a third way to achieve the same thing, the same principles we agreed on.

This bill didn't go through any of that process. We just slammed right over here to the floor of the Senate and then they are surprised at the result, that we want to do a few amendments. I saw the House bill, and then I saw the negotiations with some of the Senate people from our side on some amendments that they thought were critical. A lot of those didn't get in at all, even though I think a few of them thought they were in there. They are not in there. That is what I am bringing up—what were good ideas that ought to be contained in this kind of a bill so the

rhetoric we have had so far actually winds up meeting what is in the bill.

That is our job. It is really supposed to come out doing what we said it would do. This bill does not do what the chairman said it would do. This bill doesn't say what the Republican cosponsors said it would do. It could be clarified. It is not easy to clarify it when we are out on the Senate floor. It is difficult to do out here because it is more of a take it or leave it. In fact, that is what I was offered: take it or leave it on getting two amendments. What kind of a choice is that? I have five germane amendments and many other germane amendments have also been filed and offered. But, of course, I will have to get unanimous consent to bring up my amendments later if at all. Unanimous consent is not the easiest thing to get around here, particularly when it starts getting into this little friction area.

I want to comment on the 71 filibusters. I suspect the two motions that were just filed count as two more filibusters. What they are is two more attempts to protect the rights of the minority. We have a right, just as that side did when they were in the minority, to bring up amendments. They protected their right, and we are protecting our right.

You heard one of the cosponsors of the collective bargaining bill make those same comments earlier today when the big discussion happened on the amendment that was put on the other side of the tree. He voted not to table that because he respects the rights of the minority. That is what has always had to happen around here.

I have to tell you, on filibusters, one of the reasons we get filibusters is because there is still a Presidential campaign going on on one side of the aisle, and that means two of our Members are not here except in unusual circumstances. So the way it has to happen is, on Monday when we come in we vote on a cloture motion. It is not legislation that necessarily needs a cloture motion because a lot of those have been passed 98 to 0, 96 to 0, maybe 95 to 1. That is nowhere near a filibuster. But that allows us—that forces us into a situation where, for the next 30 hours, we debate whether to debate. That way, by Wednesday the candidates can show up so there is enough of a vote to agree to some of the amendments that go on there. So part of it is a tactical procedure being used by the majority, who still has a primary going on in their Presidential race, to assure they will have the votes there when the time comes.

You can see this is 51 to 49, so if two people don't show up on that side, it is 49 to 49 and that gives the Vice President a chance to vote. So far he has always voted with me. So that gives the minority a win, and I understand that.

But I do not stand for being blamed for all of those cloture motions that have been put out here. Some of those have been to protect the majority as a

majority. They need to take credit for those instead of blaming us for it.

This is a kind of do-nothing Congress. If it were not for bills coming out of this committee there wouldn't be a lot of bills passing out here, but a lot of the failed bills come from skipping the process and coming right to the floor, like the immigration bill. The way to get things done is take them through committee and then we don't need to do as many amendments on the Senate floor.

In fact, if you check back on the bills Senator KENNEDY and I worked on, it is very unusual for us to have an amendment on the floor. And they usually pass unanimously here and in the House. That is how they get to the President. There is not a conference committee involved in it. We have already pre-conferenced with the House and found out what their potential objections were with the House and worked it out. But not on this bill. On this bill what we said—not we said; they said—you know, the policemen and the firemen are going to be in DC for this big memorial event this week. We ought to time it so we can really put the crush on the Republicans.

I have to give you congratulations for that. It would not be enough just to recognize the tremendous sacrifices these people make and the difficult jobs they have. No, we can make some points against the Republicans because they may want to make sure Government still works when we are done with the process.

There are a lot of people commenting that there are some problems with this bill. The mayor of New York City—that is a State that requires collective bargaining—sent us a letter that said: Don't pass this bill. This will affect the way that we do business. It is not a one-sided thing, but I tell you, when it gets one-sided, nothing happens and that is kind of the process we are in.

I am going to be asking people to vote with me against the cloture motion because I have not been able to bring up my amendments. I haven't been able to get votes on the other side.

That has an interesting little twist to it too. We have four amendments: three that are germane—those are the three the Republicans put in, which means they relate to the bill—and one offered by Senator LEAHY that is actually a reauthorization bill on some grant money. It doesn't relate to this bill, but I am willing to have votes on all four of them. I am willing to accept the Leahy amendment and get it done. But there will be objections to that because he chairs the committee that handles judges, and we were promised three circuit court judges before Memorial Day. As I understand it, tomorrow morning there is a markup around here that does not have a single circuit court judge on it, which means that deadline cannot be met.

So, again, protecting minority rights, there are some people on the

Republican side who are saying if they are not going to follow their word, we are not going to follow—The Senator from Vermont then says: If they are not going to take my amendment, then I am not going to allow the other three to be voted on. That happened earlier today.

There is plenty of blame to go around. But to stick it on any one party is the wrong thing to do. And to proclaim that we really want to have this bill done without taking it through the regular process is a misnomer—and I need to have my rights—and I appreciate this time to speak. The majority leader was very kind in that. I appreciate the way he let us at least work for a day, an interrupted day and a partial day at that, before the cloture motion went into effect.

I thank the Chair and yield the floor.

FOOD CONSERVATION, AND ENERGY ACT OF 2008—CONFERENCE REPORT

The PRESIDING OFFICER. The conference report will be stated.

The bill 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. 2419), to provide for the continuation of agricultural programs for fiscal year 2012, 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 proceedings of the House in the RECORD of May 13, 2008.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Iowa is recognized.

Mr. HARKIN. Madam President, here we are, finally after a long year and a half. That is how long I have been chairman. Of course, my friend and ranking member was chairman before that, actually started the farm bill when he was chairman. So I guess we can say after about 2 years we are finally here with this farm bill on the floor for final passage and ready to send to the President.

It has been a long road to get to this point. But it has been a road I have had good friends to travel with, good colleagues to travel with. We have had a few bumps along the way, but through it all, we have come here on the floor of the Senate with a strong, good farm bill, and it came from the House today with a strong 318 votes. So the House has passed a conference report with 318 votes this afternoon.

As I said, some people call it a farm bill. Here is the title of it: the Food, Conservation and Energy Act of 2008. Food, Conservation, and Energy Act. We do not have “farm” in it. Farm is subsumed under food and conservation and energy, because all three of those apply to our farmers today. So we have a bill here, a Food, Conservation, and Energy Act, passed with bipartisan votes in the House.

We have a coalition of over 500 farm, conservation, nutrition, consumer, and religious groups all together supporting this bill.

This is my seventh farm bill, counting my time in the House of Representatives and my time here in the Senate. I have never seen a farm bill in all of those years with this much broad support. As I said, over 500 farm, conservation, religious groups, antihunger groups, consumer groups, all are supporting this bill.

This is a food bill. Why do I say that? Because \$10.4 billion of new spending in this bill, every single penny of the new money allocated to our committee by the Finance Committee on this side, the Ways and Means Committee on the House side, every single penny of that \$10 billion was put into nutrition, plus another \$400 million, \$10.4 billion.

Now, with the changes to nutrition program included in this bill, 67 percent of all of the spending in this bill goes to nutrition; 67 percent. Then I will talk on why we call it a conservation and energy bill in a few minutes. But let’s talk about the food aspect of this.

In the last dozen years, we have seen a steady erosion of the food safety net for our low-income families. Let me point to the standard deduction in the Food Stamp Program. This chart indicates what has happened. In 1996, the standard deduction—that is the deduction you take to see if you qualify as a family to get food stamps. In 1996 it was \$134 a month. That was frozen in 1996. It has not moved since. It remains \$134 to this day for the vast majority of families. But think of all of the increases low-income families now have to pay: higher energy prices, higher food prices. Everything else has gone up. So you wonder why so many people have fallen through the safety net of having an adequate supply of food? It is because we froze it in 1996. Twelve years later now, it has not moved. Now we have increased everything else around here for everybody in 12 years but not for low-income Americans. This Congress—I do not mean this Congress, but I mean all of these Congresses—we have not met our responsibility to low-income Americans. We finally do it in this farm bill.

If the standard deduction in 1996 of \$134 had kept pace with inflation, it would be \$188 today rather than \$134. Well, we could not go as high as \$188, so we went to \$144. So now we have increased the standard deduction of \$144 a month. But the single most important thing is we have indexed it for inflation in the future. No more will we have an erosion because of inflation that hurts our lowest income families in America. So that is the important thing. We have indexed it for the future.

Secondly, the asset level. Under current law a family can have no more than \$2,000 in assets and still qualify for food stamps. We did not raise it in this bill, but we indexed that also for

the future. So we have two indexes here for the future; one on the standard deduction and one on the asset level.

For the first time ever, we exclude retirement and education savings from counting against the asset limit. Here I give accolades to my colleague from Georgia, Senator CHAMBLISS. It was his intervention that provided that low-income seniors do not have to dip into their retirement savings to meet their food needs. If they are temporarily out of a job, for example, but they have retirement savings, they can still qualify for food assistance and they will not have to dip into that savings. Again, I compliment my colleague from Georgia for fighting hard for that.

We also did something on childcare costs. Here again is something we have not kept up with, and it hurts our low-income families. Right now the childcare deduction is \$175 a month. It has been there since 1993. Think about childcare costs since 1993. It has been \$175 ever since then. Right now the average cost of childcare per month is \$631 average. We only allow \$175 for food stamp recipients to qualify. So there is a \$456 a month gap and it is growing.

In this bill, we remove the cap. There is no longer any cap on childcare expenses. Whatever your childcare expenses are, that is what you can deduct from your monthly income to qualify for food stamps.

Again, we have also raised the minimum benefit by 50 percent, and we index that to the future.

This bill also provides relief for our food banks. Our food banks in this country provide a backstop for people who may get food stamps but they run out before the end of the month. They do not have enough to get their families through, so a lot of times they go to our food banks.

Well, what has happened? What has happened is that the bonus commodities to our food banks have gone down 75 percent since the 2002 farm bill; 75 percent. That is why we keep hearing from our food banks that they are running out of food. They do not have enough to meet the requirements of people who come in. They need something to get them through the weekend, get them through a holiday, because they do not have enough food and they do not have food stamps.

What we did is put \$1.2 billion of new money into the TEFAP, the Temporary Emergency Food Assistance Program, which provides staple commodities to food banks. This year we have raised it. Current law provides for \$140 million annually. Here we raised it to \$250 million.

As soon as this bill is passed and either signed by the President, which I hope he will do, or we override the veto and it becomes law—as soon as this bill becomes law, immediately \$50 million will go out to the food banks around America immediately. Then we index that for the future. So we have indexed the TEFAP commodities for the future.