

Judge Agee is currently a member of the Virginia Supreme Court. His nomination to the Federal bench is supported by both Senators WEBB and WARNER, and I am confident he will be confirmed overwhelmingly.

Several weeks ago, I pledged my best efforts to have, by the Memorial Day recess, three circuit court nominations completed—by Memorial Day, as I said. I explicitly said at that time that “I cannot guarantee” three confirmations because the outcome would depend on factors that are certainly beyond my control. Still, Senator LEAHY and I have worked hard to move three appellate nominees this month. Judge Agee is one of those three. The next two it appears, in line are Sixth Circuit nominees Raymond Kethledge and Helene White, both of Michigan.

These nominees are the product of an agreement between the White House and Senators LEVIN and STABENOW. It took about 5 or 6 years to work out this agreement, but we now have a chance to fill the vacancies on that circuit.

Senator LEAHY expedited consideration of the Michigan nominees in light of the pledge I made. I did that with the full understanding of Senator LEAHY. Unfortunately, though, Senators on the Republican side on the Judiciary Committee have delayed consideration of Judge White.

I do not know what you would say about what took place at our hearing. Senators have a right to ask questions. They can ask questions. There is certainly leeway. They can basically ask anything they want, and they did. They, following the hearing, asked a total of 73 separate written questions, and some of them were very, very time consuming. As I said, every Senator has a right to ask questions of a nominee, but the number and nature of the questions posed to Judge White suggest there was more to it than just the questions. They went into some things very personal in nature that I am not certain were probative as to this good woman's ability to be a circuit court judge.

In addition, Republicans have insisted that the nomination not move forward until Judge White's ABA review is complete. That is fine with us. They have that right. But in this case, it is ironic they would make that request since she was rated qualified by the ABA 10 years ago when Republicans blocked her nomination from moving forward. Since that time, she has been a sitting Michigan appellate court judge.

It is still possible the Senate will consider these two Michigan nominees before the recess. But if it does not happen, it will be despite my best efforts. I indicated I want to do everything I can to complete this. But we have to have the ABA report, and these questions, as I have indicated, have to be completed.

It is pretty clear these 34 numbered questions I have talked about—a num-

ber of them were compound questions, and that is how we arrived at the number 73—some of these are straightforward questions about judicial philosophy, but there are a number of others that are very time consuming and I am not sure bear on her qualifications. But they have a right to ask those questions.

For example, Senator SESSIONS asked Judge White to compile her caseload statistics as compared with other judges on her court, including the median time intervals between case filing and date of disposition. Think about that. That is a lot of work, a lot of math. Senator SPECTER asked her to supply names and addresses of the groups involved in panel discussions, conferences, and meetings she attended, as well as numerous unpublished opinions.

These are not unreasonable questions, but they are time consuming and they were submitted right before the deadline for submitting written questions to the nominee.

In contrast, Republicans asked Mr. Kethledge—the so-called Republican nominee—the other Michigan nominee, only seven questions, and they were all pretty easy; none of them burdensome questions.

Republicans preferred that Chairman LEAHY, I guess, consider other nominees before the Michigan nominees, but nothing in my pledge regarding judicial nominations deprives Chairman LEAHY of his prerogative to determine the sequence of nominations that would come before his committee.

No one presumed to instruct Senator SPECTER about the sequence of nominations during the years he served as chairman of the Judiciary Committee. And certainly Senator HATCH exercised the chairman's prerogatives freely during the years in which more than 60 of President Clinton's nominees were denied hearings or floor consideration.

Chairman LEAHY and I will continue to process judicial nominations in due course, consistent with the Senate's constitutional role. Consideration of Judge Agee's nomination tomorrow is consistent with that goal.

Madam President, is there going to be a period of morning business now?

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SALAZAR. Madam President, I ask unanimous consent I be authorized to speak in morning business for as much time as I might consume.

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

#### SUPPLEMENTAL APPROPRIATIONS

Mr. SALAZAR. Madam President, this week is a very important week for the United States of America and for the Senate because we will begin our dialog about where we are in Iraq today and where we are going in Iraq in the future; where we are in Afghanistan today and where we are going in Afghanistan in the future.

As part of this dialog we will engage in here in the Senate over the next few days, we will also engage in a major discussion about how it is that our Nation should treat those veterans from both Iraq and Afghanistan, those veterans who have served our country since our country was attacked on 9/11.

It is important at the outset, as we begin this discussion, to first of all pause to remember that there has been a great deal of sacrifice on the part of Americans in terms of life and blood in both Iraq and Afghanistan. We must remember these warriors, these fighters who have been fighting for the cause of their country. We must do that every day so their contribution is never forgotten.

As of today, in Iraq there have been 4,078 Americans who have given their lives carrying out the orders of their Commander in Chief. In Iraq, as of today, since the beginning of that war, there have been 30,004 members of our armed services who have been wounded in Iraq. Let me repeat that number one more time: 30,004 members of our armed services who have been wounded in Iraq. In Afghanistan, where we have now been for 7 years, fighting a just war, going after the Taliban—an effort that spearheaded and should have succeeded in going after Osama bin Laden—in Afghanistan there have been 4,097 Americans who have been killed and 1,044 who have been wounded. For these brave men and women who have served our country and who have given their lives or who have been wounded in the cause that has been assigned to them, we should dedicate the debate we will have on the floor of the Senate in the days ahead.

Today, as we begin that debate, I want to speak about two things. First, with respect to Iraq, it has been my view for the last several years that we need to have a new direction in Iraq. In December of 2006, when the Iraq Study Group, headed up by Congressman Lee Hamilton and former Secretary of State James Baker, came forward with

the bipartisan Iraq Study Group recommendations, they came forward with a coherent set of recommendations about how we ought to move forward in the transition of the mission in Iraq. That was more than a year and a half ago when those recommendations were coming together.

Since then, some of those recommendations have been implemented, but by and large the bulk of those recommendations—in what the heart of the recommendations was really all about in the Iraq Study Group report—have not been implemented. The heart of those recommendations was, if the United States did some things right, we would be able to transition in the spring of 2008—which is right now, the spring of 2008—from a mission of combat over to a mission of support, of training the Iraqi forces, of providing protection to the American interests in Iraq, making sure we had special forces on the ground to chase al-Qaida and other terrorist elements.

That is the transition of mission which was called for by the Iraq Study Group, now some time ago, where they said this transition should be completed by the spring of 2008.

We are not there yet. One of the things on which we will engage in a debate on the floor this week is where we ought to go. In my view, that transition of mission is something we should require by law. We should require it because it is the only way in which ultimately we are going to be successful in Iraq. It is the only way in which the baton and mantle of responsibility which the United States of America has assumed for security in Iraq can be handed over and given to the Iraqi Government. It is time for the Iraqi Government and the Iraqi people to stand up for their own nation. The time for the United States of America to be doing it on behalf of the Iraqi people has come to an end. It will be coming to an end.

I hope this debate leads us to find that new direction in Iraq in the days and weeks and months ahead. But there is another element to this debate that we will have this week, and that is how we, as a grateful nation, honor the 1.6 million veterans who have served this country since September 11, 2001, when this country was attacked. This week we will have an opportunity to stand for our veterans in a way that walks the walk, not just talks the talk about how great our veterans are—because they are—but allows us an opportunity to send them an unmistakable signal that we, as a grateful nation, are willing and wanting to pay them for that sacrifice they have made for our country.

Abraham Lincoln, in his second Inaugural Address on March 4, 1865, said the following:

With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne

the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

Today we will begin the discussion about how we move forward with what will be known in time as the 21st century GI bill of rights.

It is, in our parlance, S. 22, which is a formulation of this 21st century GI bill of rights which has been put together by none other than Senator JIM WEBB from Virginia, who himself has been a great contributor to so many causes for American veterans and who, through his own pen and through his own writing and his own work, has taken the lead in making sure we are providing this honor to our veterans who have served since September 11, 2001. For his work, and the work of colleagues who will join him in this effort, we need to pay him tribute for making sure he is making America walk the walk in honoring our veterans.

I also wish to applaud the great leadership of Senator HAGEL, who does so much to bring that voice of independence and authenticity to the floor of the Senate; to Senator JOHN WARNER, who is oftentimes the Moses, with his voice leading us out of the wilderness on tough issues here in the Senate; to Senator LAUTENBERG, who himself was a beneficiary of the GI bill of rights as a World War II veteran and who today speaks so eloquently on behalf of the veterans and the military policy of our country. And also to all of the other Senators, the 58 Senators who have joined us in this legislation, along with Senator AKAKA, who is the chairman of our Veterans Affairs' Committee, who so often is standing to make sure we do not forget what the veterans have done here for us in America, along with Senator INOUE, Senator STEVENS, and others who have been so much a part of this effort.

I am pleased that the bill that was reported out of the Appropriations committee with the 2008 Supplemental Appropriations Act, includes provisions to help a new generation of veterans receive the educational benefits they have earned through their service in wartime. The 1.6 million soldiers and sailors, airmen and marines who have served in Iraq or Afghanistan over the last 7 years, often with multiple deployments which last up to not only a year but 15 months, have given more than their country could have expected of them. It is right and it is proper that their country honor them with the benefits commensurate with their service and with their sacrifice.

The GI bill the Congress passed after World War II proved to be one of the greatest ideas this country has ever had. That GI bill was based on a simple but powerful premise: If you served your country in wartime, your country would pay for your education. If you served your country during wartime, your country would pay for your education—a simple but powerful premise.

For the 7.8 million World War II veterans who took advantage of the GI

bill, this great idea opened the doors of opportunity in civilian life. It eased the difficult transition from wartime service to peacetime employment and equipped the greatest generation—the greatest generation—with the education and skills to lead our country into an era of prosperity and into an era of growth.

Over the last half century, the educational benefits we offer our veterans have evolved from the wartime service benefits of the World War II GI bill to a more limited set of educational benefits known as the Montgomery GI bill. Designed primarily for peacetime, the Montgomery GI bill helps defray the cost of tuition, but it does not cover the full cost of education. Today, almost 7 years into the war in Afghanistan and more than 5 years into the war in Iraq, the educational benefits we offer our veterans should reflect the magnitude of the sacrifices they are making on our behalf.

The 21st century GI bill does this by restoring the principle of the first wartime GI bill. Under S. 22, servicemembers who have answered the call of duty since September 11 will receive an educational benefit that will cover the full cost of a 4-year public education. The benefit will be available to not only the Active-Duty component but also to members of the National Guard and Reserve, proportional to their amount of Active-Duty service since September 11, 2001. It is fitting and it is proper that they be included in this benefit.

Now, in an unfathomable and incomprehensible way, to me, I know there are critics of this bill, including the President of the United States, who said that this bill is too expensive—that this bill is too expensive. To them, I say that providing our servicemembers a comprehensive educational benefit is simply a cost of war.

Since 2003, we have spent over \$525 billion in Iraq alone—that is \$525 billion in Iraq alone. This year, we will spend nearly \$150 billion in Iraq, over \$12 billion a month every month. Compare that to this 21st century GI bill of rights. It will cost between \$2.5 billion and \$4 billion a year—\$2.5 billion to \$4 billion a year. Think of that. The cost of this new GI bill is about the same as a cost of conducting the war in Iraq for 10 days—for 10 days.

As we have a duty to provide our men and women in uniform the equipment they need to do their jobs, so, too, we as a nation and the Senate have a duty to provide them the educational benefits that will assist their transition back to civilian life. This should not even be a close question. This should not even be a debate.

In addition to all the opportunities this bill will create for America's newest veterans, this bill is a smart investment for both our military and our economy. The educational benefits under this legislation would help us rebuild our military.

Over the last several years, the Army has consistently been missing its recruiting goals. As a result, the Army has relaxed its enlistment policies, lowered the standards for signing up new soldiers, and implemented a stop-loss policy to keep soldiers in beyond their contract obligation. This formula is symptomatic of a military in America which today is under severe strain. It is a formula that will, over time—and it already has—erode the quality of our armed services. The benefits under this 21st century GI bill will reverse this trend by attracting a new generation of high-quality recruits who come to the service of their country for the promise of an education in return.

S. 22 is a powerful recruitment tool. It is also a very smart economic investment. Each month it seems we read a new report describing how America is falling behind in education and losing its global competitiveness. With tuition costs rising, more and more young Americans are finding college out of reach. Ask those young Americans in college today or ask their parents today about how far out of reach college has become for them.

Veterans who in another era would have been able to use their Montgomery GI bill to pay for college now find their benefits have not kept pace with tuition growth. After years of service to their country and multiple deployments, college remains out of reach.

By making college accessible again to those who have answered the call since September 11, we will be making one of the smartest investments we can possibly make. By giving veterans a clear path from the military to the classroom, we will be equipping them with the skills and knowledge they need to lead our world. We will be helping them fulfill their destiny as the greatest generation of their time, leaders in their community, leaders in business, and leaders for America and the world in the 21st century.

I am proud of all of my colleagues who are behind this bill. I am proud of the leadership of Senator DANNY AKAKA, the chairman of the Veterans' Affairs Committee. I am proud of Senator WEBB, who has led this. I am proud of Senator HAGEL, whose principled voice serves our soldiers so well; Senator WARNER, whose wisdom and leadership on the Armed Services Committee has been so valuable for so many years; and Senator LAUTENBERG and Senator AKAKA, who both attended college under the GI bill in World War II. I thank each of them for their leadership.

I am proud the 21st century GI bill is included in this fiscal year 2008 supplemental. I am proud we have resisted efforts to weaken the bill. I am proud we have the opportunity to honor the service of our veterans with this GI bill to better reflect their sacrifice.

I yield the floor.

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

#### A NEW GI BILL

Mr. AKAKA. Madam President, I rise to speak in support of a new GI bill for the 21st century.

As chairman of the Senate Veterans' Affairs Committee and as one of the 8 million veterans who took advantage of the opportunity to attend college on the original World War II GI bill, I know first-hand the value of this benefit. It is one of the reasons why I am here today in the U.S. Senate.

Without the generous support I received from the GI bill and the maturity and discipline I gained from my military experience, I am certain that my life would have turned out much differently. Being able to attend the University of Hawaii—with all expenses covered—and receiving an allowance of \$113.50 a month—gave me the start in life that led to me standing here in this body today.

Now we should give that same opportunity to those young people—stepping forward—who put themselves in harm's way for our country. That is why I have given my enthusiastic support to the provisions that will come before the Senate later this week in the supplemental appropriations bill that would establish a new program of educational assistance for veterans and servicemembers.

Those provisions are drawn from S. 22—the proposed Post 9/11 Veterans Educational Assistance Act of 2007, which was introduced by my good friend and colleague from Virginia, Senator WEBB, who serves with me on the committee. This is a bipartisan measure that has already been approved by the House of Representatives.

This legislation will give thousands of young men and women who sacrificed for our country the opportunity to return to civilian life and pursue a full-time college education without worrying about what they will live on. It makes good on our promise of an education in return for volunteering to serve in our military and for honorable service.

To those who have concerns about the impact that this proposal might have on the Armed Forces ability to recruit and retain quality personnel, there are a number of points which must be made.

First, this new GI bill for the 21st century would be a powerful recruitment tool for our military. Our bright, college-bound high school seniors will see this as an attractive way to pay for their advanced education. By completing a 3-year commitment, they will earn a benefit that will allow them to attend school without accumulating thousands of dollars of debt.

As for retention, the armed services cannot retain those who they do not recruit.

In addition, this proposal incorporates a number of tools that the military can use to make longer commitments attractive, including retention kickers and the option of transfer benefits to family members.

I believe that those who would rely on transferability as an incentive to longer service would be disappointed. In 2006, the Army began offering this option to certain soldiers in critical skill areas. Less than 2 percent of the 17,000 soldiers who were given an option to transfer benefits to a spouse accepted it. Now the program has been expanded to permit transferability to children, but much more experience is needed before anyone can positively say that this benefit would have the desired impact on retention.

Finally, I want to say a few words to those who are concerned about the cost of the program. I have long said caring for veterans is a continuing cost of war. This Nation will be paying for the conflicts in Iraq and Afghanistan for many years. The cost of this program is a very small portion of the total funds that have already been spent and will continue to be incurred in the future. As others have pointed out, this program would be an extremely small percentage of what these conflicts are costing us each day.

I have worked very closely with Senator WEBB in developing this legislation. I take this opportunity to thank both Senator WEBB and his staff, especially Phillip Thompson and William Edwards, for their cooperation and collaboration. I also thank Senator JOHN-SON and Appropriations Committee staff, Chad Schulken, as well as Senator HAGEL and his staff member, Sarah Pullen for their cooperation and assistance.

I believe that what the Appropriations Committee has reported, and that will be before us later this week, is a workable and effective proposal and I urge my colleagues to support it and the President to sign it into law.

It is time for a new GI bill for the 21st century.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### GAS PRICES

Ms. CANTWELL. Madam President, I rise today to talk about the out-of-control oil prices we are seeing and what we can do about it right now. I see we have reached another record in gas prices with the national average topping \$3.79 a gallon, and today is the 13th day in a row we have seen an increase in gas prices.

It is time Congress be more aggressive at trying to solve this problem. We have taken some action in the last week, both on the Strategic Petroleum Reserve and on the farm bill, trying to put more teeth into the CFTC. But we need to do more.