



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 110<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 154

WASHINGTON, TUESDAY, MAY 20, 2008

No. 83

## Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, sovereign Lord of all, help our Senators to remember that they are here because of Your sovereign providence and are accountable to You for their work. Give them Your wisdom to wrestle with complex issues. Provide them with clarity in debate and courage of conviction as they vote. Lord, keep them from compromise that sacrifices principle, as You lead them in making just and compassionate decisions. Free them from judgmental categorizations that make them resistant to listening to people with whom they expect to differ. May Your grace guide their deliberations and Your blessings crown their efforts.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 20, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader time, there will be a period of morning business until noon, with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first half and the majority controlling the second. At 12 noon, the Senate will proceed to executive session to consider the following nominations: Michael McGinn, of Minnesota, to be U.S. Marshal for the District of Minnesota; Ralph E. Martinez, of Florida, to be a member of the Foreign Claims Settlement Commission of the United States; and G. Steven Agee, of Virginia, to be U.S. circuit judge for the Fourth Circuit.

The time from noon until 12:30 is equally divided and controlled between Senator LEAHY and Senator SPECTER. The Senate will recess from 12:30 until 2:15 p.m. for the weekly caucus luncheons. At 2:15, there will be 15 minutes for debate equally divided and controlled between Senators WARNER and WEBB or their designees. At 2:30, the Senate will proceed to a rollcall vote on the confirmation of the Agee nomination. Upon confirmation of the Agee nomination—and I am confident that will take place—the other two nominations will be confirmed by consent.

Following executive session, we expect to consider the House message accompanying H.R. 2642, the 2008 emer-

gency supplemental. As previously announced, the time from 11 a.m. until 12 noon tomorrow will be set aside for tributes to former President Lyndon B. Johnson on the centennial of his birth.

### TEMPORARY EXTENSION OF THE HIGHER EDUCATION ACT OF 1965

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 3035.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3035) to temporarily extend the programs under the Higher Education Act of 1965.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The bill (S. 3035) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3035

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. EXTENSION OF HIGHER EDUCATION PROGRAMS.

(a) EXTENSION OF PROGRAMS.—Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109-81; 20 U.S.C. 1001 note) is amended by striking “May 31, 2008” and inserting “June 30, 2008”.

(b) RULE OF CONSTRUCTION.—Nothing in this section, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S4425

Reconciliation Act of 2005 (Public Law 109-171), by the College Cost Reduction and Access Act (Public Law 110-84), or by the Ensuring Continued Access to Student Loans Act of 2008 (Public Law 110-227) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

#### SUPPLEMENTAL APPROPRIATIONS

Mr. REID. Mr. President, I just finished a meeting to try to lay out to a number of Senators what we are going to be doing on the supplemental appropriations bill. It is going to be extremely difficult for us to get from where we are today to completing this legislation in a timely fashion. There are some very complicated issues, some very strong feelings by a lot of different Senators.

As highly controversial as is this war and this war funding, we are going to have to work together; otherwise, we are going to walk away from here this week with nothing done. That, I assume, is one alternative. It is not one I think most want, but that is an alternative.

The other problem we have, because of longstanding commitments, including the wedding of one of our Members, is we are going to start losing Senators very quickly. Because of that, there are two Senators who are going to leave sometime Thursday. They will not be here. We have, of course, Presidentials out in the country someplace. We are going to have to try to figure out when they need to be here. Senator KENNEDY is still having tests run to determine when he can return.

So, to make a long story really short, we have a complicated path to completing our work, and we have to try to figure out a way to do the budget in this time period also.

So, Mr. President, I wish I could tell Members to just take it easy, everybody can leave, but I think what we are coming to is we are going to have to finish our work Thursday or this war funding bill will not be completed. That may not be the case; maybe we can work with less than 100 Senators trying to get it done, but it is not an easy chore. It is one that is necessary but difficult.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### DEFENSE SUPPLEMENTAL SPENDING

Mr. MCCONNELL. Mr. President, the supplemental spending request that was sent to Congress last year by the President was unambiguous: the funds were to be spent on forces in the field, on the men and women fighting in Afghanistan and Iraq, and on their families here at home.

Last week, the Democratic leadership of the House showed us what they

thought of that request. They took it up, hollowed it out, and filled the shell with a raft of unrelated domestic spending projects and policy proposals that did not include a dime for the troops in the field. House Democrats took a request meant for the troops and used it to fuel their own domestic spending habits. Then they sent this piece of legislation over to the Senate on the eve of Memorial Day and told us to vote for it. The Senate was being asked to vote not on troop funding but on two other amendments. One included unemployment benefits and a Medicaid proposal. The other sought to undermine the constitutional powers of the Commander in Chief by proposing a withdrawal date from Iraq.

Unfortunately, our Democratic friends in the Senate made it even worse. Taking up what they got from the House, they added even more unrelated policy proposals. In the name of combat readiness, Senate Democrats also sought to restrict the ability of our military commanders to deploy forces, ignoring the fact that the surest way to degrade troop readiness is to delay the delivery of funds that are used to prepare and train our forces in the first place.

Taken together, it seems the only issue unaddressed by the Democratic leadership in the House and Senate is the only one that matters: how and when we will fund our forces in the field.

The bottom line is this: Tasked with the responsibility of funding our forces in the field, Democrats in the House and Senate neglected that task in favor of domestic spending and freelance policy proposals that we know in the end will not be signed into law—this despite the fact that the House will soon take up the Defense authorization bill, which is ordinarily the vehicle for the kind of policy proposals our friends on the other side have included in the supplemental spending request. The House has failed in its basic responsibility. It is my hope the Senate will do better.

While some of our friends on the other side seem to be counting on the fact that most Americans are distracted by the ongoing Presidential contest, the families and friends of U.S. soldiers and marines who are fighting overseas are, indeed, paying attention.

The President sent a request to fund these men and women. As long as they remain in harm's way, we have a strict obligation to give them what they need. On this point, there really should not even be a debate. The Senate must pass a bill funding our troops free of restrictions on their ability to win and free of spending unrelated to their mission. And we must try to do it by Memorial Day. In less than a month, the Defense Department will be unable to make payroll for our uniformed Army unless Congress approves the President's supplemental spending request. Less than a month after that, funds for operations and maintenance will also run dry. It may be convenient for those

focused on the political calendar to ignore these pressing needs, but ignoring them really does not make them go away.

I hope the Senate will do its duty this week. The majority leader just indicated it is challenging. Of course, it is always challenging to do that. But we need to do our duty this week. Our forces in Baghdad and Ramadi will not be taking a week off for a recess.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I say respectfully to my friend that the logic of his statement is really without foundation. Keep in mind, the complaint he has is the House sent us a bill that did not have war funding in it. Bingo. Why? Because 132 Republicans walked out—did not vote. One hundred thirty-two Republicans in the House did not vote for war funding. Don't blame it on the Democrats. Had 132 Republicans voted, there would have been war funding. But they decided not to vote.

So don't blame the House for sending us only conditional aspects of the war and sending us some other things, like the GI bill of rights. We have funded this war on borrowed money, spending \$5,000 a second on this war—borrowed money. The House made a decision. They said: Well, don't you think it is a good idea we spend some money on the troops coming home, as we did in World War II, so they can get an education? This bill, written by JIM WEBB, was adopted by the House overwhelmingly. And they did something else: It is paid for, not like the war. The war is not paid for. The GI bill of rights is paid for, as we have it.

So, Mr. President, I know we have a difficult road ahead of us because we do not have war funding in this bill because the Republicans in the House did not vote for it. Don't blame it on the House Democrats. There were enough of them to get a majority to do it. The Republicans walked out.

But I say, Mr. President, is it any wonder that the House Republicans have lost three special elections in districts that are overwhelmingly Republican? In Illinois, the former Speaker of the House, Dennis Hastert's district—they lost that. They lost a seat in a special election in Louisiana that was a slam dunk Republican district. And then in Mississippi, they lost one. Is it any wonder when they do tricks like this: "Democrats didn't fund the war"? "Well, don't check too closely because 132 of us just walked out and didn't vote."

So I am here, Mr. President. We are going to go to this bill this afternoon. I spoke briefly to the distinguished Republican leader yesterday. We are going to have to try to figure out some way to work together to get votes. At the end of the day, we will see what happens. In the past, war funding has been—after a lot of arm-twisting and cajoling, there have been enough votes