

golden prize—the House wanted 10 years and the Senate had 4 years; the House wanted the compromise on 7, halfway between; we said no, we are not going to do that. This was a matter of great importance to many Senators, especially to Senator CRAIG. So we can review all of this and we can have oversight. I almost thought if we got 4 years, we would get Senator CRAIG. He is nodding in the negative.

Mr. CRAIG. It was third on my list.

Mr. SPECTER. We did not get Senator CRAIG.

Mr. President, when the six Senators wrote a letter with a lot of concerns, we responded with a seven-page letter. When yesterday we received a letter with nine Senators, we responded with an eight-page letter which the staff has worked on. We have had extraordinary staff working on all sides. This goes for my staff, this goes for Senator LEAHY's staff. The Judiciary Committee has not had any time off. We had an August recess for the Senate but not for the Senate Judiciary Committee.

The PRESIDING OFFICER. The time of the Senator is expired.

Mr. SPECTER. In that event, I stop.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:47 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mr. THOMAS).

The PRESIDING OFFICER. Under the previous order, the time from 2:15 until 3:30 shall be equally divided between the two leaders or their designees.

Mr. BAUCUS. I thank the Chair

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 2107 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BAUCUS. Mr. President, I thank the Senators from Oklahoma and Idaho for their courtesy. There were three of us scheduled to speak at the same time. Obviously, that is very difficult to do. These two Senators graciously allowed me to go ahead. I thank them both.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Oklahoma.

LABOR-HHS APPROPRIATIONS CONFERENCE REPORT

Mr. COBURN. Mr. President, I wish to spend a few minutes of my time talking about the Labor-HHS bill and a lot of the comments we have heard in the Chamber over the last couple days as to what we are and are not doing. I thought the American public should have a good perspective about what has happened in terms of the growth of this department since the fiscal year 1998 started.

This is a tight budget. I commend those who are in charge of it. It is a

vast improvement over what we have done in other years. There is no question there are some unmet needs that can be claimed out of this appropriations bill. That is the time we face in our country. The Federal Government cannot meet every need.

In regard to history, Health and Human Services from 1998 to 2005, over that 8-year period, in real dollars has increased at over 10 percent per year. It has actually increased over 13 percent per year, but we have had inflation of 3 percent. So what we have seen is an actual doubling of the size of that component of the Federal Government from September 30 of 1997 to today. It has doubled in size. Education is the same. Actually, education more than doubled in size, net of inflation. That is in terms of real dollars. So when we hear the words that we can't do what we are doing, I would have our fellow colleagues look down the road a little bit. This is just a taste of what we are going to be facing if we don't start making the choices based on priority.

I tell you, we are on an unsustainable path even with this bill. We cannot meet those needs that need to be met if we continue to not prioritize in the functioning of the Federal Government.

Again, I take seriously the claim that we would take away food stamps from people who have no other source of nutrition. But I also take seriously the claim and the knowledge reported by the Department of Agriculture and the Food Stamp Program that last year they paid out \$1.6 billion in food stamps to people who were ineligible, who had other sources of income. And yet they continued to spend \$1.6 billion.

Why is all this important? It is important because this last year, ending September 30, we spent \$538 billion more in that fiscal year than we took in. So the debate has to be in the context of what are we doing to our children and our grandchildren. We have to make a measured balance about how we make these decisions.

The decision of trimming programs that are not effective and doing the hard oversight—the real thing that is lacking is us doing the work of oversight. We have opportunities lost when we don't put money into those programs that are more effective and take money from those programs that are less effective.

The debate is centered about us and our constitutional duties to do oversight but also in terms of the future and what kind of heritage and legacy in terms of debt are we going to leave to our children.

Overall, the Congress has done a good job with this bill. There are still tons of waste in this bill. This bill totaled has \$602 billion worth of spending in it.

I have one last comment, and that is there is \$55 billion for the new Medicare Part D Program, of which only 1 out of every 15 people who are eligible for that program is a new person who

would not have had drugs. So we are going to pay for 14 people who had insurance or other coverage to cover one additional person. And none of that money is paid for. That \$55 billion is coming from our grandchildren.

This is a program on which I did not have an opportunity to vote. I would have voted against it. I also didn't have an opportunity to attach it to a supplemental, which I would have offered, to eliminate or freeze this program because our children and our grandchildren absolutely cannot afford it. It is \$8.7 trillion between now and 2050 that we are going to put into this brandnew program that is starting today that helps 1 in 15. It helps 1 in 15 who need it. And yet we are saying it is OK for our children to pay that bill.

I commend Senator SPECTER on his hard work on the bill. This is the first time in years that the hard choices have been made. I remind our colleagues that as we face the future with Social Security, Medicare, and Medicaid and a war and natural disasters, hard choices is what we are here for. Yes, as Senator KENNEDY said today, we do need to be concerned about those who can't take care of themselves, but I put forward to my colleagues that with \$600 billion—that is \$20,000 per man, woman, and child in this country—we ought to be able to take care of them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. I thank the Chair.

(The remarks of Mr. CRAPO and Mr. THOMAS pertaining to the introduction of S. 2110 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Washington.

SPENDING CUTS

Mrs. MURRAY. Mr. President, I have traveled throughout my home State of Washington throughout the past month. A lot of people have told me time and time again they want our country to be strong again, and to be strong we need to invest right here at home, in our people, in our infrastructure, and in our communities. But today the Republican leadership is trying to push us in the wrong direction by cutting those critical investments. Republicans today are attempting to interpose an across-the-board spending cut that will hurt our families, it will hurt our local communities, and it will even jeopardize the housing and safety of the American people.

I am speaking out today to explain how those misguided cuts will affect housing for vulnerable families and the safety of every American who plans to fly this holiday season.

I thank Senator BYRD for his tremendous leadership and his speaking out about this misguided Republican plan.

As the ranking member of the Appropriations Subcommittee on Transportation, Treasury, the Judiciary, Housing and Urban Development, and related agencies, I am here today to tell my colleagues that an additional 1-percent to 2-percent cut across the board will not be harmless. It will chip away at the Federal safety net that protects our vulnerable neighbors, and it will undermine the safety of our commercial aviation system.

Before I turn to those details, I want to make a broader point about priorities. There is something very wrong with the idea behind these broad, across-the-board cuts. Here is what the leadership in the Republican Party is saying with these cuts: When we need to rebuild in Iraq, we will pay for it out of the Treasury. But when we need to rebuild American cities such as New Orleans and Biloxi, we can only do it on the backs of vulnerable Americans. We can only do it by cutting other priorities at home.

That is the wrong message. It is the wrong priority, and America can do better than that. That Republican idea should offend every American taxpayer who believes that the first and greatest responsibility of our Federal Government should be the well-being of our own people. Nonetheless, that is the position of the Republican leadership in this Congress. As a result, we are now being told that, if we want to help the victims of Hurricane Katrina, we have to cut every Federal program across the board, no matter how much those cuts will hurt our safety, our economy, or our security.

Some Senators may try to suggest that a small cut will not have a big impact. I can tell you, as a member of the Appropriations Committee, that is not the case. Let me talk about some of the specific ways these cuts will undermine American families in areas such as transportation and housing and in aviation. I know those areas well because I have worked on them as the ranking member on the Transportation and Treasury and HUD committee.

First of all, these cuts will mean less progress in reducing highway congestion. We will lose more than \$720 million in highway construction funds, and with that 34,000 good-paying jobs. Americans will waste more time in traffic, businesses will lose productivity, and our economy will suffer.

Second, those proposed Republican cuts will make life harder for the victims of Hurricane Katrina and for the vulnerable families throughout our country. Hurricane Katrina revealed the harsh truth about poverty in America in 2005. Many people lost what little they had. There are still thousands of victims of that hurricane who are without adequate housing. Some of them are living in tents. Some are still in hotels, wondering when they are going to be thrown out. Others are doubled up with their relatives. And still others have been dispersed all across the country, wondering how they are going

to pay for housing when they are earning no income. Neither FEMA nor HUD have done an adequate job addressing the critical housing needs of these Americans.

So here we are trying to address those needs with a supplemental appropriations bill, and Republican leadership is saying if you want to help these Katrina victims, you have to cut housing assistance for other vulnerable families. I think that is the wrong way, to say the only way we will help the victims of Hurricane Katrina is by taking housing away from other needy families. Those cuts would mean that more than 35,000 families will lose the help in housing that they get today through HUD's tenant-based housing assistance program.

Those cuts also threaten to eliminate transitional housing for 1,200 homeless citizens. Think about it. Cutting housing for the homeless, taking help away from 35,000 vulnerable families right before the holidays—that does not reflect my values and that does not reflect my priorities.

In the immediate aftermath of Hurricane Katrina, public housing agencies across America opened their doors and sought to make emergency housing available to the citizens who had to evacuate New Orleans. I saw it even in my home State where housing agencies worked hard, thousands of miles away from the gulf coast, to help these families. Most of those housing agencies already had long waiting lists of low-income families waiting for a unit or for a voucher. By accommodating those Hurricane Katrina victims, those housing agencies effectively pushed their own local citizens further down that very long waiting list.

We should not now make it worse by eliminating vouchers for 35,000 families in order to pay for the additional aid for the Katrina victims. We must not come to the aid of victims of Hurricane Katrina by creating still other victims around the country through these misguided cuts.

These cuts will hurt jobs and transportation. They will hurt the homeless and other families who are living on the brink. And these cuts will affect the safety of our air travel in this country.

I addressed the Senate on this issue of aviation safety on October 6, and I did so because I thought it was critical that all Senators understand the relationship between the funding levels we provide to the FAA and the ability of that agency to ensure that the American people are safe when they board an aircraft.

The holidays are upon us. Thousands of American families are going to board planes shortly to gather with their families across America. When they do, they have the right to expect that we in Congress are doing everything in our power to ensure that they will continue to benefit from the safest aviation system in the world.

Yet the reality is that the FAA is facing an unprecedented budget chal-

lenge in adequately staffing its air traffic control facilities with fully trained professionals. And the agency is also challenged when it comes to deploying an adequate number of fully trained aviation safety inspectors to oversee the safety practices of our Nation's airlines.

As I explained back on October 6, over the last few years our national aviation enterprise, airlines, airports, and the FAA, have been under an unprecedented amount of financial pressure. We now have no fewer than six airlines in bankruptcy, and that number could grow.

In the interest of cutting costs, airlines have been cutting back on staff, renouncing their pension plans, and outsourcing an increased percentage of their aircraft maintenance.

I know many Senators like me who travel home every weekend have noticed those changes in the services the airlines offer. Staffing is leaner than ever, and flight delays and mechanical problems are on the rise.

Airlines are now contracting out their aircraft maintenance work to third parties, including, my colleagues should know, many overseas vendors who are known as foreign repair stations.

Let me say that again.

Aircraft maintenance work is being contracted out to overseas vendors who are known as foreign repair stations.

In the past, airlines maintained their planes with experienced veteran unionized mechanics. Today, they outsource more than 50 percent of their maintenance work to independent operators. Airlines, such as Northwest, send some of their aircraft as far as Singapore and Hong Kong for heavy maintenance. We have one major carrier, JetBlue, that sends a large portion of its all-airbus fleet to be maintained in El Salvador, Central America. That is where those planes have mechanics that work on them. America West Airlines, now merged with U.S. Airways, does the same thing. This outsourced work needs adequate oversight, and it needs inspection if the American people are going to be safe.

How has the FAA responded to this growing threat to aviation safety? Because of across-the-board cuts in the prior appropriations bills, the FAA has actually downsized its safety workforce by more than 300 personnel, including more than 230 inspectors. That is right. We have gotten rid of more than 230 inspectors, the very professionals who are charged with ensuring that maintenance operations are meeting adequate safety standards.

That was not the intent of the transportation appropriations subcommittee in either the House or the Senate. Indeed, just last year the Transportation appropriations bill provided every penny the President requested for the FAA's safety office. But the FAA still had to drop the number of inspectors because of the across-the-board cut that was imposed by the Republican leadership.

It also resulted from the fact that Congress granted all civilian Federal employees a higher pay raise than the Bush administration asked for, but none of the appropriations subcommittees were given adequate funding allocations to fully fund those pay raises.

Now we know the FAA's inspection efforts are falling short. We have troubling reports today from the Department of Transportation's Inspector General, from the Government Accountability Office, and the National Transportation Safety Board.

Yet despite all those dangers, the FAA had to go ahead and decrease the number of FAA safety inspectors dramatically last year because of those across-the-board cuts. No one can stand up today and say that an across-the-board cut has no impact.

Let us fast-forward to right now, this year. I am very proud to say that the House and Senate Appropriations Committees have worked to address this safety vulnerability. Both committees provided increased funds over and above the levels requested by the Bush administration to bring the number of safety inspectors back to reasonable levels.

In the fiscal year 2006 Transportation-Treasury-HUD appropriations bill that the President signed a few weeks ago, we provided \$8 million dollars to boost employment in the FAA safety office by 119 inspectors. That is not going to restore all of the safety inspectors that we lost last year. But it will move staffing in this critical function in the right direction.

But if Congress enacts an across-the-board cut, it will completely eliminate all of the progress we just made in ensuring safety in our skies.

An across-the-board cut that threatens to be included in the final appropriations bill this year could cut the FAA's operations account by over \$160 million and then put the FAA's budgetary situation right back where it was. That will require downsizing of the FAA inspector workforce while the critical workload continues to grow.

The situation is almost identical when it comes to the FAA's efforts to avoid the continued attrition in the ranks of our air traffic controllers. It is estimated that 73 percent of the FAA's air traffic controllers will be eligible to retire over the next decade.

In the fiscal year 2006 Transportation appropriations bill just signed into law, we provided almost \$25 million to hire an additional 1,250 air traffic controllers. That funding is essential in order to replace the over 650 air traffic controllers who are expected to retire over the course of the next year and to build that workforce back up so we can handle retirements in the future.

Another across-the-board cut this year will completely nullify our effort to hire an adequate number of air traffic controllers. Such a cut will put America's flying public at great risk.

As I said, those across-the-board cuts have a meaningful impact, and they

recklessly eliminate initiatives that are critical to the safety of American citizens.

If Senators don't want to take my word for it, they need to listen to the word's of George Bush's FAA Administrator, Marion Blakey. I have had several discussions with her about this topic in the last few weeks. She recently sent me a letter. I will read a portion of it. It says:

Over the past two years, we experienced a net loss of 1,000 controllers and 231 safety inspectors. I don't believe Congress intended that to happen, but that has been the impact of unfunded pay raises.

I am concerned it is going to happen again if Congress adopts an across-the-board reduction in the final bill.

Mr. President, I ask unanimous consent that the letter I received from the Bush administration's FAA Administrator, Marion Blakey, be printed in the RECORD.

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

FEDERAL AVIATION ADMINISTRATION,

DEAR SENATOR MURRAY: Before you complete work on the TTHUD bill, I would like to speak to you about the FAA's budget. Last fiscal year we significantly reduced costs, including contracting our Flight Service Stations and eliminating more than 400 non-safety jobs. Unfortunately, these efforts were not enough to cover our shortfall. Over the past two years, we experienced a net loss of 1,000 controllers and 231 safety inspectors. I don't believe Congress intended that to happen, but that has been the impact of unfunded pay raises and rescissions.

I am concerned it is going to happen again if Congress adopts an across-the-board reduction in the final bill.

MARION BLAKEY,
Administrator.

Mrs. MURRAY. Mr. President, in conclusion, I want to implore my colleagues to heed the warning of the FAA Administrator and me. We have to reject this absurd and reckless policy.

If we can declare an emergency under the Budget Act and provide the funding necessary to rebuild Iraq without offsets, then surely we can do the same when it comes to rebuilding Mississippi and Louisiana.

We certainly should not be cutting essential services to all Americans across the country, especially low-income Americans, for the purpose of funding the needs of the victims of Hurricane Katrina. Those cuts will simply create another wave of victims.

As I just outlined, it will put the well being of Americans at risk.

The PRESIDING OFFICER. The Senator from Illinois.

PATRIOT ACT

Mr. OBAMA. Mr. President, 4 years ago, following the most devastating attack in our history, this Senate passed the USA PATRIOT Act in order to give our Nation's law enforcement the tools they needed to track down terrorists who plot and lurk within our own borders and all over the world; terrorists who, right now, are looking to exploit

weaknesses in our laws and our security to carry out attacks that may be even deadlier than those that took place on September 11.

We all agree we need legislation to make it harder for suspected terrorists to go undetected in this country. And we all agree that we needed to make it harder for them to organize and strategize and get flight licenses and sneak across our borders. Americans everywhere wanted to do that.

Soon after the PATRIOT Act passed, a few years before I even arrived in the Senate, I began hearing concerns from people of every background and political leaning that this law, the very purpose of which was to protect us, was also threatening to violate some of the rights and freedoms we hold most dear; that it does not just provide law enforcement the powers it needed to keep us safe but powers it did not need to invade our privacy without cause or suspicion.

Now, in Washington, this issue has tended to generate into the typical either/or debate: Either we protect our people from terror or we protect our most cherished principles. I suggest this is a false choice. It asks too little of us and it assumes too little about America.

That is why, as it has come to time to reauthorize the USA PATRIOT Act, we have been working in a bipartisan way to do both, to show the American people we can track down terrorists without trampling on our civil liberties, to show the American people that the Federal Government will only issue warrants and execute searches because it needs to do so, not because it can do so.

What we have been trying to achieve under the leadership of a bipartisan group of Senators is some accountability in this process to get answers and see evidence where there is suspicion.

Several weeks ago, these efforts bore fruit. The Judiciary Committee and the Senate managed to pass a piece of bipartisan legislation that, while I cannot say is perfect, was able to address some of the most serious problems in the existing law. Unfortunately, that strong bipartisan legislation has been tossed aside in conference. Instead, we have been forced to consider a piece of rushed legislation that fails to address the concerns of Members of both parties as well as the American people.

This is legislation that puts our own Justice Department above the law. When national security letters are issued, they allow Federal agents to conduct any search on any American, no matter how extensive, how wide ranging, without ever going before a judge to prove the search is necessary. All that is needed is a signoff from a local FBI agent. That is it.

Once a business or a person receives notification they will be searched, they are prohibited from telling anyone about it and they are even prohibited from challenging this automatic gag