

stressed and state legislatures have recognized, the time is now for the protection of confidential sources, and the safeguarding of the public's right to know. This issue is too important to remain unresolved as the year and the congressional session draw to a close. We urge you to press for immediate and favorable Senate floor consideration of the Free Flow of Information Act. Thank you.

If you have any questions or need additional information, please contact Paul Boyle or Laura Rychak of the Newspaper Association of America at 202-783-4697.

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#### HONORING OUR ARMED FORCES

LIEUTENANT SETH PIERCE

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of

U.S. Marine Corps 2LT Seth Pierce of Lincoln, NE. Lieutenant Pierce died on October 21 from injuries he sustained in an automobile accident on base at Quantico, VA, where he was stationed. He was 23 years old.

Lieutenant Pierce graduated from Lincoln Southeast High School in 2002, where he led the relay team to a State championship in 2001. After graduating from Arizona State University in 2006, he was commissioned as a second lieutenant into the U.S. Marine Corps.

All of Nebraska is proud of Lieutenant Pierce's service to our country, as well as that of the thousands of brave men and women serving in the U.S. Armed Forces.

Lieutenant Pierce is remembered as a devoted son, brother, and grandson. He is survived by his parents Larry and Linda; his brother Aaron, and his grandparents, Edwin and Ruth Stefens, and Luther and Esther Pierce.

I ask my colleagues to join me and all Americans in honoring 2LT Seth Pierce.

#### MEDICARE PHYSICIAN PAYMENTS

Ms. STABENOW. Mr. President, if Congress does not act soon, Medicare payments to physicians and health care professionals will be cut by 10 percent on January 1, 2008 as a result of the fatally flawed sustainable growth rate formula.

This does not make any sense. While costs continue to increase, physicians will actually be paid less than they are paid today.

While a 10 percent cut in 2008 is completely indefensible, it does not end there. When combined with the additional cuts required under current law through 2016, physician payment rates will be reduced by approximately 40 percent.

What will be the result? Doctors will decrease the number of Medicare patients they accept, defer purchase of health information technology, and rural outreach services will be discontinued. The Medicare Program, which for more than 40 years has lifted countless seniors out of poverty, and has ensured access to necessary, affordable, quality medical care for our most vulnerable citizens, would be destabilized. The health of the nearly 42 million Americans who rely on Medicare would be threatened.

Physicians are the foundation of the Medicare Program and our Nation's health care system and patients of all ages depend upon them for health care services. Every aspect of our health care system, from hospitals to rural health clinics, relies upon the skills and services of physicians. Yet, on average, physician payments in 2007 are below what they were in 2001.

It defies common sense to think that payment rates that are lower today than they were 6 years ago will be enough to maintain the access to care our seniors need. Very simply put, the projected 2008—and beyond—payment

cuts will place beneficiary's access to health care at risk.

I am proud of the work that over 20,000 M.D.s and D.O.s in Michigan do, providing more than 1.4 million seniors and people with disabilities in Michigan with high-quality medical services under the Medicare Program.

I want them to be able to continue to do that, but there is simply no way that can be expected unless we do something now about the payment system used to reimburse physicians for Medicare services.

Physicians in Michigan will lose \$670 million for the care of elderly and disabled patients over the next 2 years due to the 10 percent cut in Medicare payments for 2008 and the additional 5 percent cut in 2009. My physicians are looking at cuts of more than \$10 billion by 2016 as a result of the SGR formula and 9 years of cuts.

We certainly cannot expect that physicians can continue to provide the same level of care while their payments are cut \$670 million over the next 2 years alone.

Several studies and surveys have shown that payment cuts will result in physicians modifying their participation in the Medicare Program and limiting the number of new Medicare patients they treat.

We also know from the studies that the lack of a predictable and equitable Medicare payment system encourages older physicians to retire, discourages younger physicians from entering specialties that predominately treat Medicare patients, and hinders investment in health information technology.

In addition to the studies that have been conducted, and our own common sense, the Medicare Payment Advisory Commission, an independent Federal body established by Congress in 1997 to advise us on issues affecting the Medicare program, has been telling us since 2001 that the Medicare sustainable growth rate formula is a flawed, inequitable mechanism for controlling the volume of services and that it should be repealed.

It is absolutely critical that ultimately Congress needs to enact a long-term solution to this issue. In the short term, we need to end the practice of dealing with the cuts on a yearly basis in a manner that results in deeper automatic physician payment reductions in future years.

At a minimum, I believe we must pass legislation this year that provides physicians with 2 years of positive Medicare payment updates and do so in a way that does not add to the cost of eliminating the SGR.

By providing 2 years of positive Medicare payment updates for physicians, we would avoid having to come back next year facing the same issue and would instead create the ability for Congress to develop a new, sustainable Medicare physician payment system.

I thank Senator BAUCUS, the Senate Finance chairman, for his work on behalf of Medicare beneficiaries and physicians and I fully support his goal of

providing a 2-year "fix" for physician payments in the package he develops in the coming month.

I share his belief that ultimately we need to repeal the SGR and establish a Medicare physician payment system that will provide stable, positive payment updates to preserve Medicare beneficiaries' access to high-quality care for the long term. I hope we will be able to begin that process under his leadership next year.

#### WAR IN IRAQ

Mr. FEINGOLD. Mr. President, the Senate has spent little time in recent weeks discussing Iraq, but we cannot ignore the latest grim news from this misguided war. The Associated Press reported this week that 2007 is now the deadliest year in Iraq for U.S. troops—even though we still have almost 2 months of this year remaining. I will ask that the article be printed in the RECORD.

According to a recent Associated Press count at least 3,858 Americans have been killed and 28,385 Americans have been wounded in Iraq. We are fast approaching two very grim milestones—4,000 killed and 30,000 casualties. We should stop and consider the implications of these numbers. I grieve for those who are lost and wounded, and I am all the more determined that no more of our brave men and women should be killed in a war that has no end in sight and is not making our country safer.

Instead of acknowledging that these sad milestones are indications of a failed policy, the administration is once again digging it in heels. Lately, it has been talking about the recent decline in U.S. deaths as a justification for continuing its open-ended military policies in Iraq.

The American people are not fooled by these claims of success. They know all too well that the President's policies are simply buying time, and they continue to reject them. A recent ABC News/Washington Post poll illustrates that a majority of Americans are still calling for a change of course in Iraq. 59 percent of Americans think we're not making significant progress in Iraq and 6 out of 10 that's 60 percent of Americans want the level of U.S. forces reduced. And yet, the President ignores the wishes of the public, offering a small, token drawdown of forces in the near future but no timeline as to when significant numbers of troops will come home.

If the goal of the surge was to provide a window for political reconciliation, as the President outlined last January, victory remains elusive. Meanwhile, Al-Qaida has reconstituted and strengthened itself along the Afghanistan-Pakistan border region at the same time while we have been focused on fighting a war in Iraq. The President likes to say that Iraq is the central front in the war on terror instead of fixing all his attention on Iraq,

he needs to address what is happening hundreds of miles to the east.

Again and again, the American people have once again voiced their opinion that this war makes no sense and that they expect us uphold our congressional responsibilities and use our power to end it. It is bad enough to have the President disregard the American people by escalating our involvement in Iraq. Despite the efforts of Democratic leaders, Congress is also ignoring the will of the American people.

And so I urge my colleagues not to allow Iraq to remain on the congressional backburner. We cannot say we've done everything possible to end the war—we cannot say we are acting on our constituents' top concern—when we are not discussing, not debating, and certainly not voting on Iraq.

We cannot afford to sideline this critical issue at a time when we are close to reaching 4,000 American men and women killed and 30,000 wounded in a misguided, never-ending war. It is a war that will continue through the waning days of this administration unless we summon our congressional power to end it. It is a war that we cannot sit back and doing nothing about. It is a war that has cost over half trillion dollars, stretched our military to the breaking point, and made us less safe. It is an unacceptable war.

Mr. President, I ask unanimous consent that the article from the Associated Press to which I referred be printed in the RECORD.

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

AP: DEADLIEST YEAR FOR U.S. IN IRAQ—MILITARY ANNOUNCES DEATHS OF FIVE U.S. SOLDIERS, RAISING YEAR'S TOTAL TO 852

BAGHDAD.—Five more U.S. troops were killed in Iraq, the military said Tuesday—making 2007 the deadliest year for American forces in Iraq, according to an Associated Press count.

At least 852 U.S. military personnel have died in Iraq so far this year—the highest annual toll since the war began in March 2003, according to AP figures. Some 850 troops died in 2004.

The grim milestone passed despite a sharp drop in U.S. and Iraqi deaths here in recent months, after a 30,000-strong U.S. force buildup.

#### DEADLY IEDS

The five U.S. soldiers died Monday in two separate attacks, Rear Adm. Gregory Smith, director of the Multi-National Force-Iraq's communications division, told reporters Tuesday. "We lost five soldiers yesterday in two unfortunate incidents, both involving IEDs," he said, using the military's shorthand for improvised explosive devices—roadside bombs.

Their deaths brought to at least 3,855 the number of U.S. troops who have died since the beginning of the Iraq war, according to an AP count. The figure includes eight civilians working for the military.

At least 852 American military members died in Iraq in 2007, compared with 850 troops in 2004. That year saw mostly larger, more conventional battles like the campaign to cleanse Fallujah of Sunni militants in November, and U.S. clashes with Shiite militia-

men in the sect's holy city of Najaf in August.

#### WIDENING REACH OF U.S. MILITARY

But the American military in Iraq reached its highest troop levels in Iraq this year—165,000. Moreover, the military's decision to send soldiers out of large bases and into Iraqi communities means more troops have seen more "contact with enemy forces" than ever before, said Maj. Winfield Danielson, a U.S. military spokesman in Baghdad.

"It's due to the troop surge, which allowed us to go into areas that were previously safe havens for insurgents," Danielson told the AP on Sunday. "Having more soldiers, and having them out in the communities, certainly contributes to our casualties."

Last spring, U.S. platoons took up positions—often in abandoned houses or in muddy, half-collapsed police stations—at the heart of neighborhoods across Baghdad and nearby communities.

The move was part of President Bush's new strategy to drive al-Qaida from the capital.

It was the first time many residents had seen U.S. troops up close, rather than whizzing by in armored convoys en route to huge bases that house thousands of troops. And it was the first time many U.S. troops went to bed each night outside those fortresses, to the sounds of Iraqi life: gunfire, the roar of helicopters overhead and an occasional explosion.

The move has worked, U.S. officials say. Increasingly, the sounds of Baghdad include children playing on the streets.

"It's allowed Iraqi civilians to get more comfortable with U.S. forces—increasing the number of tips we get from Iraqi citizens," Danielson said. "That leads us to insurgent leaders and cells, and cleaning those up has led to a decline in violence over the past couple months."

Death tolls for Americans and Iraqis have fallen dramatically in recent months, as have the number of bombings, shootings and other violence.

At least 1,023 Iraqi civilians died in September; in October, that figure was just 875. The number of U.S. troop deaths dropped from 65 to 36 in the same period, according to statistics kept by the AP. That's the lowest monthly toll of American deaths this year.

On average, 56 Iraqis—civilians and security forces have died each day so far in 2007, according to the AP count.

#### MASS GRAVE LOCATED

Meantime, Iraqi troops discovered 22 bodies in a mass grave in the Lake Tharthar area northwest of Baghdad, the U.S. military also said Tuesday. The bodies were found during a joint operation Saturday.

It was the second mass grave found in the area in less than a month.

Meanwhile, the United States said it planned to release nine Iranian prisoners in the coming days, including two captured when U.S. troops stormed an Iranian government office in Irbil last January. The office was shut after the raid, but it reopened as an Iranian consulate on Tuesday, Iraqi and Iranian officials said.

#### GATES SAYS IRAN FULFILLS PLEDGE

A military spokesman said Iran appears to have kept its promise to stop the flow into Iraq of bomb-making materials and other weaponry that Washington says has inflamed insurgent violence and caused many American troop casualties.

U.S. Defense Secretary Robert Gates said last week that Iran had made such assurances to the Iraqi government.

"It's our best judgment that these particular EFPs . . . in recent large cache finds do not appear to have arrived here in Iraq after those pledges were made," Smith said.