

the amounts determined for each shortfall State under subparagraph (A).

“(4) PRORATION RULE.—If the amounts available for additional allotments under paragraph (1) are less than the total of the amounts determined under subparagraphs (A) and (B) of paragraph (3), the amounts computed under such subparagraphs shall be reduced proportionally.

“(5) RETROSPECTIVE ADJUSTMENT.—The Secretary may adjust the estimates and determinations made to carry out this subsection as necessary on the basis of the amounts reported by States not later than May 31, 2009, on CMS Form 64 or CMS Form 21, as the case may be, and as approved by the Secretary.

“(6) AVAILABILITY; NO REDISTRIBUTION OF UNEXPENDED ADDITIONAL ALLOTMENTS.—Notwithstanding subsections (e) and (f), amounts allotted to a State pursuant to this subsection for fiscal year 2009, subject to paragraph (5), shall only remain available for expenditure by the State through March 31, 2009. Any amounts of such allotments that remain unexpended as of such date shall not be subject to redistribution under subsection (f).”.

SEC. 202. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA) AND ABSTINENCE EDUCATION PROGRAM.

Section 401 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109-432, 120 Stat. 2994), as amended by section 1 of Public Law 110-48 (121 Stat. 244) and section 2 of the TMA, Abstinence, Education, and QI Programs Extension Act of 2007 (Public Law 110-90, 121 Stat. 984), is amended—

(1) by striking “December 31, 2007” and inserting “June 30, 2008”; and

(2) by striking “first quarter” and inserting “third quarter” each place it appears.

SEC. 203. EXTENSION OF QUALIFYING INDIVIDUAL (QI) PROGRAM.

(a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking “December 2007” and inserting “June 2008”.

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g)(2) of the Social Security Act (42 U.S.C. 1396u-3(g)(2)) is amended—

(1) in subparagraph (G), by striking “and” at the end;

(2) in subparagraph (H), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(I) for the period that begins on January 1, 2008, and ends on June 30, 2008, the total allocation amount is \$200,000,000.”.

SEC. 204. MEDICAID DSH EXTENSION.

Section 1923(f)(6) of the Social Security Act (42 U.S.C. 1396r-4(f)(6)) is amended—

(1) in the heading, by inserting “AND PORTIONS OF FISCAL YEAR 2008” after “FISCAL YEAR 2007”; and

(2) in subparagraph (A)—

(A) in clause (i), by adding at the end (after and below subclause (II)) the following:

“Only with respect to fiscal year 2008 for the period ending on June 30, 2008, the DSH allotment for Tennessee for such portion of the fiscal year, notwithstanding such table or terms, shall be $\frac{3}{4}$ of the amount specified in the previous sentence for fiscal year 2007.”;

(B) in clause (ii)—

(i) by inserting “or for a period in fiscal year 2008 described in clause (i)” after “fiscal year 2007”; and

(ii) by inserting “or period” after “such fiscal year”; and

(C) in clause (iv)—

(i) in the heading, by inserting “AND FISCAL YEAR 2008” after “FISCAL YEAR 2007”; and

(ii) in subclause (I)—

(I) by inserting “or for a period in fiscal year 2008 described in clause (i)” after “fiscal year 2007”; and

(II) by inserting “or period” after “for such fiscal year”; and

(iii) in subclause (II)—

(I) by inserting “or for a period in fiscal year 2008 described in clause (i)” after “fiscal year 2007”; and

(II) by inserting “or period” after “such fiscal year” each place it appears; and

(3) in subparagraph (B)(i), by adding at the end the following: “Only with respect to fiscal year 2008 for the period ending on June 30, 2008, the DSH allotment for Hawaii for such portion of the fiscal year, notwithstanding the table set forth in paragraph (2), shall be \$7,500,000.”.

SEC. 205. IMPROVING DATA COLLECTION.

Section 2109(b)(2) of the Social Security Act (42 U.S.C. 1397ii(b)(2)) is amended by inserting before the period at the end the following “(except that only with respect to fiscal year 2008, there are appropriated \$20,000,000 for the purpose of carrying out this subsection, to remain available until expended)”.

SEC. 206. MORATORIUM ON CERTAIN PAYMENT RESTRICTIONS.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to June 30, 2008, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to coverage or payment under title XIX of the Social Security Act for rehabilitation services or school-based administration and school-based transportation if such restrictions are more restrictive in any aspect than those applied to such areas as of July 1, 2007.

TITLE III—MISCELLANEOUS

SEC. 301. MEDICARE PAYMENT ADVISORY COMMISSION STATUS.

Section 1805(a) of the Social Security Act (42 U.S.C. 1395b-6(a)) is amended by inserting “as an agency of Congress” after “established”.

SEC. 302. SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES AND INDIANS.

(a) SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES.—Section 330B(b)(2)(C) of the Public Health Service Act (42 U.S.C. 254c-2(b)(2)(C)) is amended by striking “2008” and inserting “2009”.

(b) SPECIAL DIABETES PROGRAMS FOR INDIANS.—Section 330C(c)(2)(C) of the Public Health Service Act (42 U.S.C. 254c-3(c)(2)(C)) is amended by striking “2008” and inserting “2009”.

CONSOLIDATED APPROPRIATIONS ACT, 2008—Continued

Mr. GREGG. Mr. President, I ask unanimous consent that the Senator from Idaho now be recognized for 5 minutes and that at 5:20, it be deemed that all time be yielded back by all sides relative to the motion.

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

Mr. GREGG. Mr. President, I note for those people listening, under this agreement, there should be a vote beginning about 5:20 p.m.

Mr. LEAHY. Mr. President, I have no objection.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, the Senator from Washington and all of us recognize that this may be the conclusion this evening of this session of Congress, and there may be a lot of issues out there that will be brought to a final vote. I think for all of us, as any session concludes, we have to look at the work product and say that is a job well done or a job not so well done. Frankly, for those of us on the Republican side who stayed together and fought the fight and exchanged our differences with those on the Democratic side, to bring a budget back into constraints that are at or near the President’s proposal is without question a victory. Some of us will recognize that and honor that tonight as we conclude this first session of this Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to proceed until the vote occurs, which is 2 minutes from now.

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

Ms. COLLINS. Mr. President, I rise to discuss the funding for the Low Income Home Energy Assistance Program. This program is absolutely vital to the people of my State. This winter we have seen record-high prices for home heating oil.

I want to thank the appropriators for including additional funding for the LIHEAP program as part of the omnibus spending bill, but, Mr. President, I was hoping we would proceed to consideration of the amendment offered by the Senator from Vermont, of which I am proud to be a cosponsor, which would have provided 800 million additional dollars for the LIHEAP program.

Mr. President, this is a real crisis. I consider the amount of money in this bill to be a significant step forward, but it is not adequate to meet the overwhelming needs for the constituents that live in cold weather States and are struggling and literally choosing between paying their bills, buying food, purchasing prescription drugs, and staying warm. That is a choice that no family in this country should have to make.

I am pleased with this downpayment on the LIHEAP program. It is a major step forward that is going to make a significant difference, but, frankly, it is simply not adequate to meet the overwhelming need.

Nationwide, over the last 4 years, the number of households receiving LIHEAP assistance increased by 26 percent from 4.6 million to about 5.8 million, but during this same period, Federal funding increased by only 10 percent. The result is that the average grant declined from \$349 to \$305. In addition, since August, crude oil prices quickly rose from around \$60 barrel to nearly \$100 per barrel, so a grant buys less fuel today than it would have just 4 months ago. According to the Maine Office of Energy Independence and Security, the average price of heating oil

in our State is \$3.26 a gallon. That is a record in our State.

This large, rapid increase, combined with less LIHEAP funding available per family, imposes hardship on people who use home heating oil to heat their homes. Low-income families and senior citizen living on limited incomes in Maine and many other States face a crisis in staying warm this winter.

The Sanders amendment would have provided an additional \$800 million as emergency funding for LIHEAP. The term "emergency," could not be more accurate. Our Nation is in a heating emergency this winter. Families are being forced to choose among paying for food, housing, prescription drugs and heat. No family should be forced to suffer through a severe winter without adequate heat.

I understand we may consider this proposal again after the holidays. When we reconsider it, I urge all my colleagues to support the Sanders proposal to provide vital home energy assistance for the most vulnerable of our citizens.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the following cloture motion which the clerk will report.

The assistant 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 motion to concur in the House amendments to H.R. 2764, State, Foreign Operations Appropriations, 2008.

Harry Reid, Jeff Bingaman, Barbara A. Mikulski, Byron L. Dorgan, Daniel K. Inouye, Patrick Leahy, Max Baucus, Mark Pryor, Debbie Stabenow, Kent Conrad, Patty Murray, Bill Nelson, Jack Reed, Ken Salazar, Blanche L. Lincoln, Tom Carper, Herb Kohl, Ben Nelson, Dick Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendments to the Senate amendment to H.R. 2764, the Department of State, Foreign Operations, and Related Programs Appropriations Act, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

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

The yeas and nays resulted—yeas 44, nays 51, as follows:

[Rollcall Vote No. 436 Leg.]

YEAS—44

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

NAYS—51

Alexander	Crapo	Martinez
Allard	DeMint	McCain
Barrasso	Dole	McCaskill
Bayh	Domenici	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Roberts
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burr	Gregg	Smith
Chambliss	Hatch	Snowe
Coburn	Hutchison	Specter
Cochran	Inhofe	Stevens
Coleman	Isakson	Sununu
Collins	Kyl	Thune
Corker	Landrieu	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner

NOT VOTING—5

Biden	Dodd	Obama
Clinton	Feinstein	

The PRESIDING OFFICER. On this vote the yeas are 44, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

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

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

The Republican leader is recognized.

AMENDMENT NO. 3874

(Purpose: To make emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008)

Mr. MCCONNELL. Mr. President, I move to concur in the House amendments with an amendment which I send to the desk on behalf of myself, Senators LIEBERMAN, INOUE, STEVENS, COCHRAN, and WARNER.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself, Mr. LIEBERMAN, Mr. INOUE, Mr. STEVENS, Mr. COCHRAN, and Mr. WARNER moves to concur in the House amendment No. 2 to the Senate amendment to H.R. 2764, with an amendment numbered 3874.

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

Mr. MCCONNELL. Mr. President, under the consent agreement, how much time do we have? I will use my leader time.

The PRESIDING OFFICER. The agreement contemplates a second-degree amendment, the Feingold amendment, where there will be 1 hour of debate equally divided on that amendment.

Mr. MCCONNELL. Mr. President, I will use leader time now.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, a lot has changed since last December. At this time last year, America and its allies were desperate for good news out of Iraq. The security situation was dire, and getting worse. An all-out civil war threatened to undermine the heroic work of U.S. forces and frustrate the hopes of millions of Iraqis.

Then General Petraeus stepped forward with a bold new plan. We confirmed General Petraeus unanimously for what seemed like one last effort at salvaging the mission. And we sent him the troops and the funds he needed to carry out the job.

Since the implementation of the Petraeus plan, the security situation in and around Baghdad has changed dramatically. Attacks on troops are down. Civilian casualties in Baghdad are down 75 percent. Iraqi refugees are streaming back over the borders. Outside the city, the local leaders are forging agreements among themselves and with U.S. forces to ensure even greater security.

There is simply no question that on the military and tactical levels the Petraeus plan has been a tremendous success. So as we stand here today, we have new hope that U.S. service men and women are beginning to return home with a sense of achievement. A lot has changed in Iraq, and here in Washington, we should take notice.

Before us is an amendment sent to us by the House of Representatives that underfunds our troops and only provides for those fighting in Afghanistan. It leaves the troops in Iraq to fend for themselves. That is unacceptable.

What is the difference between funding the troops in Afghanistan and funding the troops in Iraq? They are both our troops. Even those of us who have disagreed on the war have always agreed on at least one thing, and that is the troops in the field will not be left without the resources they need.

So the amendment I sent to the desk provides for our men and women in uniform in Iraq and Afghanistan because I believe it is our duty to protect all of those who are putting their lives on the line. It is also important to understand—I hope everybody in the Chamber and anybody listening gets this fundamental point: If this amendment does not pass, the McConnell-Lieberman amendment does not pass in its current form, the underlying bill will not become law. The passage of the McConnell-Lieberman proposal is essential to getting a Presidential signature on the Omnibus appropriations and Iraq funding.

The Petraeus plan provides for a gradual reduction of our forces and a

transition of the mission. Iraqi security forces will eventually shift from partnering with coalition forces to leading forces on their own. We must not impose an arbitrary timeline for withdrawal or accelerate this timeline at an unrealistic pace.

This is a moment of real hope for our Nation and for the people of Iraq. It is a moment of real urgency in the Senate. We need to pass the spending bill with troop funds without any strings and without further delay.

At the risk of being redundant, the President has made it absolutely clear that to get a Presidential signature, to wrap up this session, having succeeded in passing all of our appropriations bills, will require the passage of the McConnell-Lieberman amendment.

So when we get to that amendment—we will have a couple of votes before then, but when we get to that amendment, it is essential. We want to complete our work in a way that implements the appropriations process as all of us feel it should be implemented on a yearly basis. The success of the McConnell-Lieberman amendment is essential.

I yield the floor.

Mr. LEAHY. Mr. President, not counting leader time, what is the provision of time once Senator FEINGOLD has introduced his second-degree amendment?

The PRESIDING OFFICER. There will be 1 hour of debate equally divided.

Mr. LEAHY. Mr. President, I see the Senator from Wisconsin. I ask, of the half hour on this side, that 15 minutes be given to the distinguished Senator from Wisconsin, 10 minutes to the senior Senator from West Virginia, 5 minutes to the distinguished senior Senator from Massachusetts, and that the Senator from Vermont who is a cosponsor be allowed to submit a statement as though read for the RECORD.

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

AMENDMENT NO. 3875 TO AMENDMENT NO. 3874

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. REID, Mr. LEAHY, Mr. DODD, Mrs. BOXER, Mr. KENNEDY, Mr. KERRY, Mr. HARKIN, Mr. WHITEHOUSE, Mr. WYDEN, Mr. DURBIN, Mr. SCHUMER, Mr. OBAMA, Mr. SANDERS, Mr. MENENDEZ, Mr. LAUTENBERG, and Mr. BROWN, proposes an amendment numbered 3875 to amendment No. 3874.

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

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

The amendment is as follows:

(Purpose: To provide for the safe redeployment of United States troops from Iraq)

At the appropriate place, insert the following:

SEC. ____ SAFE REDEPLOYMENT OF UNITED STATES TROOPS FROM IRAQ.

(a) TRANSITION OF MISSION.—The President shall promptly transition the mission of the

United States Armed Forces in Iraq to the limited and temporary purposes set forth in subsection (d).

(b) COMMENCEMENT OF SAFE, PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the safe, phased redeployment of members of the United States Armed Forces from Iraq who are not essential to the limited and temporary purposes set forth in subsection (d). Such redeployment shall begin not later than 90 days after the date of the enactment of this Act, and shall be carried out in a manner that protects the safety and security of United States troops.

(c) USE OF FUNDS.—No funds appropriated or otherwise made available under any provision of law may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after the date that is nine months after the date of the enactment of this Act.

(d) EXCEPT FOR LIMITED AND TEMPORARY PURPOSES.—The prohibition under subsection (c) shall not apply to the obligation or expenditure of funds for the following limited and temporary purposes:

(1) To conduct targeted operations, limited in duration and scope, against members of al Qaeda and affiliated international terrorist organizations.

(2) To provide security for United States Government personnel and infrastructure.

(3) To provide training to members of the Iraqi Security Forces who have not been involved in sectarian violence or in attacks upon the United States Armed Forces, provided that such training does not involve members of the United States Armed Forces taking part in combat operations or being embedded with Iraqi forces.

(4) To provide training, equipment, or other materiel to members of the United States Armed Forces to ensure, maintain, or improve their safety and security.

Mr. FEINGOLD. Mr. President, I rise to offer an amendment with the majority leader, Senator REID, and Senators LEAHY, DODD, BOXER, KENNEDY, KERRY, HARKIN, WHITEHOUSE, WYDEN, DURBIN, SCHUMER, OBAMA, SANDERS, MENENDEZ, LAUTENBERG, and BROWN to H.R. 2764, the fiscal year 2008 Omnibus appropriations bill.

The amendment is one I have offered before. I will not hesitate, if I must, to offer it again and again and again.

The 17 cosponsors is the greatest number we have ever had for this amendment.

It requires the President to begin safely redeploying U.S. troops from Iraq within 90 days of enactment, and requires redeployment be completed within 9 months. At that point, with the bulk of our troops safely out of Iraq, funding for the war would be ended, with four narrow exceptions: providing security for U.S. Government personnel and infrastructure, training the Iraqi security forces, providing training and equipment to U.S. service men and women to ensure their safety and security, and conducting targeted operations limited in duration and scope against members of al-Qaida and others affiliated with international terrorist organizations.

Some of my colleagues complain that we spent too much time debating Iraq this year. They would rather talk about other issues. Well, we have a lot of important priorities, but nothing is more important to me or my constituents than ending this disastrous war.

As I do every year, I held a town hall meeting in every county in Wisconsin this year. That is 72 meetings for those of you who are not from the Badger State. I heard a lot from my constituents at the meetings about health care and education. But the No. 1 issue I heard about was foreign affairs, particularly the war in Iraq.

But the No. 1 issue I heard about was foreign affairs, particularly the war in Iraq. Let me tell you—they weren't asking why Congress is spending so much time on this issue. They weren't asking us to give the President more time for his so-called surge. Like Americans all across the country, they want an end to this war, and they want to know what is stopping us.

The Senate needs to address the concerns and demands of our constituents, who more than a year ago voted for a change in congressional leadership in large measure because of the debacle in Iraq. But we have yet to follow through and end this misguided war, before more Americans are injured and killed. And we are about to adjourn for the year and let the war drag on even longer.

We hear a lot from supporters of the President that violence in Iraq is down right now, and therefore we are on the path to victory. That argument would be a lot more convincing if the administration had a viable strategy for success. The surge may buy time, but as long as there is no political solution to Iraq's problems, we are just postponing the inevitable resurgence in violence, and our brave troops will continue bearing the brunt of it.

That is not a strategy for success. It is not even a strategy. It is a way of pushing this problem off to the next President and the next Congress, while our troops put their lives on the line, and our constituents foot the bill. Or, I should say, our constituents' children and grandchildren foot the bill, because we can't even be bothered to figure out a way to pay for the war. We are just handing the tab to future generations, sticking them with hundreds of billions of dollars of more deficit spending.

I am certainly pleased that violence in Iraq has declined in the last few months. Once again, our troops have showed they excel in any challenge with which they are tasked. This doesn't change the fact, however, that this year was the bloodiest year for Americans since the war began, and there are still a few weeks to go in 2007.

Indeed, let us remember that nearly 4,000 Americans have died, and almost 30,000 have been wounded in a war that has no clear strategy and no end in sight. While the President is bringing home a token number of troops, over 160,000 remain as the war drags on into its fifth year. What are we supposed to tell them, and their families, to wait another year until a new administration and new Congress finally listen to the American people and bring this tragedy to a close?

Mr. President, Iraq appears to be no closer to legitimate political reconciliation at the national level than it was before the surge began. Equally worrisome is that, as part of the President's plan, we appear to be deepening our dependence upon former insurgents and militia-infiltrated security forces with questionable loyalties. Supporting the sheiks in al Anbar—and elsewhere—may help to reduce violence in the near term, but by supporting both sides of a civil war, we are risking greater violence down the road. Such tactics are likely to undermine the prospects for long-term stability, as they could lead to greater political fragmentation and ultimately jeopardize Iraq's territorial integrity. Again, without legitimate national reconciliation, violence may ebb and flow, but it won't end, and we will be no closer to a settlement, no matter how long we keep a significant military presence in Iraq. That is not the fault of our heroic men and women in uniform. It is the fault of the administration's disastrous policies.

There is another dirty secret behind the temporary drop in violence, and it relates to the segregation of Baghdad and the neighborhoods on its outskirts. With so many Iraqis fleeing their homes in search of greater safety and security, large-scale displacement has resulted in very different demographics. Previously mixed neighborhoods have ceased to exist, thereby curtailing one of the chief sources of sectarian violence. This ethnic cleansing is hardly evidence of a successful surge. And it sure isn't a hopeful sign for future peace and stability.

When it announced the surge, the administration said its goal was to keep a lid on violence to give time and space for reconciliation in Iraq. Now that we are no closer to reconciliation, the administration is trying, once again, to shift the goalposts. We don't hear as much about reconciliation now, and when we do, it sounds very different from the national reconciliation that was supposedly our goal—instead we hear about “bottom-up” reconciliation, whatever that means. All the administration can do is stall for time, just as it did in 2004, just as it did in 2005, and just as it did in 2006. The slogan may be different—“Mission Accomplished,” “Stay the Course,” “The New Way Forward” and even “Return on Success,” but each time we are told we are on the right road, if we just keep walking a little longer. Until, that is, we reach another dead end, and a new slogan is invented to justify heading in a new, but equally futile direction.

As the administration blunders from one mistake to another, brave American troops are being injured and killed in Iraq; our military is being overstretched; countless billions of dollars are being spent; the American people are growing more and more frustrated and outraged; and our national security is being undermined.

Instead of focusing on Iraq, we should be focusing on our top national secu-

rity priority—going after al-Qaida and its affiliates around the globe. This administration has sadly proven that we cannot do both.

Al-Qaida is waging a global campaign, from North Africa—where the Algerian Government has blamed an al-Qaida affiliate for two major bombings last week—to the border region between Afghanistan and Pakistan were, while we have been distracted by Iraq, al-Qaida has reconstituted and strengthened itself. There is a price to pay for our neglect, and this administration has failed to acknowledge it.

Because of its narrow focus on Iraq, the administration has been so distracted it has not adequately addressed the deteriorating security conditions in Afghanistan, where the resurgent Taliban—the same movement that harbored and supported the terrorist elements that attacked our country on 9/11—are gaining ground. Violence may be down in Iraq, but it is up significantly in Afghanistan. There were 77 suicide attacks in Afghanistan in just the first 6 months of 2007, which is about twice the number for the same period in 2006 and 26 times higher than from January to June 2005.

This worrisome escalation of suicide bombings is one of many signs that Afghanistan's already tenuous stability is even shakier. And while earlier this week the Pentagon confirmed that the U.S. military and its NATO partners are reviewing plans for Afghanistan, it is awfully late in the game to try to put that country on a solid path to stabilization and development. Nonetheless, we have to try because we still have an opportunity to finish the job we started 6 years ago in Afghanistan—eliminating the Taliban and destroying a safe haven for terrorist networks that seek to harm us. This opportunity is critical because until bin Laden and his reconstituted al-Qaida leadership are killed or captured, Afghanistan's future cannot be separated from our own national security.

Instead of seeing the big picture—instead of approaching Iraq in the context of a comprehensive and global campaign against a ruthless enemy—this administration persists with its tragic policy and its tragic mistakes. As the President digs in his heels, he is simultaneously deepening instability throughout the Middle East, undermining the international support and cooperation we need to defeat al-Qaida, providing al-Qaida and its allies with a rallying cry and recruiting tool, and increasing our vulnerability.

The President's promise to redeploy a few battalions, while leaving 160,000 troops in Iraq, is not nearly enough. That is why, once again, I am offering this amendment with Majority Leader REID. It is up to us here in Congress to reverse what continues to be an intractable policy. It is our job to listen to the American people, to save American lives, and to protect our Nation's security by redeploying our troops from Iraq, because the President will not.

I am not suggesting that we abandon the people of Iraq or that we ignore the political impasse there. We cannot ignore the ongoing humanitarian crisis that has unfolded within Iraq or the one that followed millions of Iraqis as they fled to Jordan and Syria. These issues require the attention and constructive engagement of U.S. policymakers, key regional players, and the international community. They require high-level, consistent, and multilateral engagement and cooperation. But Iraqi reconciliation cannot—and will not—be brought about by a massive American military engagement.

By enacting Feingold-Reid, we can finally bring our troops out of Iraq and focus on what should be our top national security priority—waging a global campaign against al-Qaida and its affiliates.

Some of my colleagues will oppose this amendment. That is their right. But I hope none of them will suggest that Feingold-Reid would hurt the troops by denying them equipment or support. There is no truth to that argument—none. Passing this legislation would result in our troops being safely redeployed within 9 months. At that point, with the troops safely out of Iraq, funding for the war would end, with the narrow exceptions I mentioned earlier. That is what Congress did in 1993, when it voted overwhelmingly to bring our military mission in Somalia to an end. That is what Congress must do again to terminate the President's unending mission in Iraq.

This amendment is almost identical to the version I offered with Senator REID and others to the Defense Department authorization bill. And once again, we have specified that nothing in this amendment will prevent U.S. troops from receiving the training or equipment they need “to ensure, maintain, or improve their safety and security.” I hope we won't be hearing any more spurious arguments about troops on the battlefield not getting the supplies they need.

This war is exhausting our country, overstressing our military, and tarnishing our credibility. Even with the recent decline in violence, the American people know the war is wrong, and they continue to call for its end. I urge my colleagues to vote yes on Feingold-Reid so we can finally heed their call to action.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from West Virginia.

Mr. BYRD. Mr. President, I intend to support the amendment being offered by the Senator from Wisconsin. While I fully support the addition of the \$31 billion in funding for the war in Afghanistan and for troop protection, I cannot support the President's demands that funding be given to him with no strings attached so that he may keep some 130,000 or more troops in Iraq for a sixth year. Risking the lives of more soldiers to try to win a

bad bet on Iraq represents a terrible injustice to our brave fighting men and women. Just a little more time, the President says, just a little more money, and the quagmire that is Iraq will be transformed.

The President has made clear that if he has his way, U.S. troops would still be in Iraq decades hence. What a statement by a U.S. President. What a deadly bankrupt legacy to leave. 2007 has already been the most deadly year in Iraq in terms of U.S. deaths since the invasion began, and the year is not yet over. The number of U.S. deaths has reached 3,890, and the number of wounded has surpassed 28,000. The Iraqi Government has not passed any of the legislative benchmarks that would indicate progress toward national reconciliation.

The economic rebuilding of Iraq continues to lag, financed by U.S. taxpayer dollars and marked by waste, fraud, and abuse. Oil production is sputtering and shortages of basics such as electricity and water continue unabated, despite the boondoggle that this war has been for private contractors. Evidence of ethnic cleansing is growing, as Sunnis are forced out of Shia areas and vice versa. The Iraqi Army and police forces remain riddled with sectarianism. U.S. forces continue to carry the bulk of the security burden, and while U.S. forces remain in Iraq, there is little incentive for the Iraqis to assume that duty.

Some have pointed to recent tactical successes and the reduction of violence in certain areas of Iraq as justification for continuing the occupation of Iraq. But the prowess of our troops was never in question. They have been given a job to do, and they do it with bravery and skill. The important question—the only true measure of our efforts in Iraq—is whether those tactical successes somehow add up to progress toward a lasting political solution. That progress has failed to materialize.

It is time for a change in Iraq. It is time to limit the U.S. military mission in Iraq and bring the bulk of our troops home. It is time to seriously engage our allies and the nations of the Middle East on Iraqi security issues. It is time to restore the reputation of the great United States of America by returning to the policies that made the United States an example to inspire the world, a beacon of economic prosperity, a showcase of humanitarian ideals, and benevolent assistance to people in their hour of need. It is time to shed our image as invaders and occupiers of other nations, using mercenary forces to expand our reach. It is time to unequivocally reject the notion that America condones torture. For most of my lifetime—and it has been a long one already—the world looked to the United States first when help was needed. Now, the world wonders which nation America will invade next. How far we have fallen.

The administration has used emergency proclamations and stop-loss or-

ders to effect a back-door draft that keeps soldiers in the military, even though their terms of service have been completed. Meanwhile, the needs of our own Nation go wanting, as important equipment that could be used for domestic disasters is shipped off to Iraq, and our National Guardsmen, the first responders in emergencies, sit in the sands—the hot sands—of the Middle East.

I urge my colleagues on both sides of the aisle to vote in favor of this amendment and, thus, reaffirm our resolve to alter our disastrous course in Iraq. To vote for this amendment is to vote for our troops and to begin a reasonable new policy for Iraq. To vote for this amendment is to begin to reassert the constitutional role of the Congress as the people's check on the Executive, using the most powerful tool there ever was and ever will be in the congressional arsenal—the power of the purse. To vote for this amendment is to show the American people we are listening to them.

Keeping our troops in harm's way in support of a misbegotten war and a failed strategy is not patriotism. We must not roll the dice again, recklessly risking American lives and American treasure. It is time—time—time—for a change.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I rise to oppose the pending amendment by the Senator from Wisconsin, my friend. I strongly support the amendment that will be offered by the Republican leader that would deliver vital funding for our troops in Iraq.

The underlying House-passed bill is not only irresponsible to the facts on the ground in Iraq, it is simply irresponsible. It fails to provide any funding for our troops fighting in Iraq and actually contains an explicit prohibition against the use of funds for Operation Iraqi Freedom. The authors have compiled a bill of some 1,400 pages and an even larger joint explanatory statement chock-full of unnecessary spending, but they include not a dime for our troops in Iraq. They include not a dime for our troops in Iraq.

I would like our friends and colleagues and others to consider that the bill on the floor today contains \$1.6 million for animal vaccines in Greenport, NY, but not a penny for our soldiers in Iraq; \$477,000 for Barley Health Food Benefits but nothing for the troops in Iraq; \$846,000 for the Father's Day Rally Committee of Philadelphia but not a dime for our sons and daughters who are fighting.

We are willing to spend \$244,000 for bee research in Weslaco, TX, but not a dollar for our fighting men and women in Baghdad, Kirkuk, and Anbar. It is a sad day—it is a sad day, indeed—when in the middle of a war this country must win, the Congress provides more funds for bee research than for the brave Americans risking their lives on our behalf.

For Congress to fail to provide the funds needed by our soldiers in the field is inexcusable under any circumstances, but it is especially disappointing right now at the very moment when General David Petraeus and his troops are achieving the kind of progress in Iraq that many dismissed as impossible a few months ago, including suspending disbelief in order to believe the surge was working. One has to suspend disbelief to believe it is not.

The bill's proponents seek, I suppose, a precipitous withdrawal of U.S. combat forces from Iraq regardless of conditions on the ground or the views of our commanders in the field. If that sounds familiar, it should. It should sound familiar, my friends. The majority has thus far engaged in no less than 40 legislative attempts to achieve this misguided outcome.

The choice today is simple: Do we build upon the clear successes of our current strategy and give General Petraeus and the troops under his command the support they require to complete their mission or do we ignore the realities and legislate a premature end to our efforts in Iraq, accepting thereby all the terrible consequences that will ensue?

In case my colleagues missed it, a couple nights ago, there was a piece on the evening news of one of the major networks that pointed out that for the first time in a long time there was 24 hours in Baghdad without a single incident of violence. How you can ignore these facts on the ground is something I do not—will not—comprehend.

I had the privilege, along with my colleagues, Senator LIEBERMAN of Connecticut and Senator GRAHAM of South Carolina, of spending Thanksgiving with our troops in Iraq. On that trip, I saw and heard firsthand about the remarkable transformation these brave men and women in uniform have brought about this year. After nearly 4 years of mismanaged war, our military, in cooperation with the Iraqi security forces, has made significant gains under the new American counterinsurgency strategy, the so-called surge. Overall violence in Iraq has fallen to its lowest level since the first year of the invasion. LTG Ray Odierno, the second in command in Iraq, said this week this improvement is due to the increase in American troops and better trained Iraqi forces—due to the increase in American troops and better trained Iraqi forces.

Now, you can believe LTG Ray Odierno or you can believe those on the other side of the aisle who want to bring to a halt the success we have achieved.

Improvised explosive device blasts, the foremost source of U.S. combat deaths, now occur at a rate lower than at any point since September 2004. This week, MG Joseph Fil, the commander for Baghdad, stated that attacks in Baghdad have fallen nearly 80 percent since November 2006, murders in Baghdad Province are down by some 90 percent over the same period, and vehicle-

borne bombs have dropped by 70 percent.

So as Ronald Reagan used to say: Facts are stubborn things. Facts are stubborn things. These are the facts—not rhetoric but facts.

Major General Fil added that, today, there is no longer any part of Baghdad under al-Qaida control, though the terrorist group is “still lurking in the shadows.” I agree. They are on the run, but they are not defeated. They are on the run, but they are not defeated.

Last week, the violence in Anbar Province was the lowest ever recorded. The British handed control of southern Basra to the Iraqi Government. And in Diyala, one of most dangerous regions in Iraq, al-Qaida militants tried to retake several villages around the town of Khalis, only to see U.S.-backed local volunteers drive the terrorists away. That is the success of a classic counterinsurgency strategy. Tens of thousands of volunteers have joined “awakening councils” that aim to combat al-Qaida, and al-Qaida’s No. 2, Ayman al-Zawahiri, has begun warning of “traitors” among the insurgents in Iraq.

As a result of the hard-won gains our troops have secured, General Petraeus has been able to initiate a drawdown of U.S. forces, a drawdown tied not to an artificial timetable but based on security gains in-country. This drawdown, beginning with the removal without replacement of some 5,000 American troops, has commenced following a dramatic drop in American casualty rates and enhanced security throughout the country.

Al-Qaida’s leadership knows which side is winning in Iraq. It may not be known in some parts of America and in this body, but al-Qaida knows. Al-Qaida knows who is winning in Iraq. Our soldiers know they have seized the momentum in this fight. Does the majority party understand we are succeeding under the new strategy? The proponents of this bill cannot continue forever to deny or disparage the reality of progress in Iraq or reject its connection to our new counterinsurgency strategy.

As General Odierno explained, with the new counterinsurgency operations, “we have been able to eliminate key safe havens, liberate portions of the population and hamper the enemy’s ability to conduct coordinated attacks.” General Odierno went on to add: “We have experienced a consistent and steady trend of increased security. . . . and I believe continued aggressive operations by both Iraqi and coalition forces are the most effective way to extend our gains and continue to protect the citizens of Iraq.” Given these realities, some proponents of precipitous withdrawal from Iraq have shifted their focus. While conceding, finally, that there have been dramatic security gains, they have begun seizing on the lackluster performance of the Iraqi Government to insist that we should abandon the successful strategy and withdraw U.S. forces. This would be a

terrible mistake. Of course, there is no question that Iraq’s national leaders must do more to promote reconciliation and improve governance and that the reduction in violence has created a window for political and economic progress that Iraqi leaders must seize, but let’s not close that window. The likelihood that they make this progress would be vastly decreased—not increased—by a precipitous U.S. withdrawal. Whatever the failings of the imperfect democracy in Baghdad, they do not justify—either in terms of national interests or simple morality—abandoning it to the al-Qaida terrorists and Iranian-backed militias trying to destroy it.

None of this is to argue that Iraq has become completely safe or that violence has come down to an acceptable level or that victory lies just around the corner. On the contrary, the road ahead remains as it always has been: long and hard. Violence is still at an unacceptable level in some parts of the country. Unemployment remains high in many areas. The Maliki government remains unwilling to function as it must. No one can guarantee success or be certain about its progress or its prospects. We can, however, be certain about the prospects for defeat if we fail to fund our troops.

Make no mistake; despite the progress I have outlined, there is no cause for complacency. Just as we have managed to turn failure into success in 2007, we can likewise turn success back into failure in 2008, if we are not careful. As Major General Fil recently put it, progress toward securing the city remains fragile and there is “absolutely a risk of going too quickly” in drawing down troops. “An immediate pullout too quickly would be a real serious threat to the stability here in Baghdad,” he said. Al-Qaida is off balance, but they will come back swinging at us if we give them the chance.

Imagine for a moment if 1 of those 40 attempts to force a withdrawal from Iraq had been successful earlier this year. Rather than hearing from our commanders and troops in the field about the enormous progress, the decline in violence, the Iraqis seeking to return home, the decrease in al-Qaida influence, we would hear instead a very different story—a darker one—with terrible implications for the people of Iraq, the wider Middle East, and the security of the United States of America.

Some of my colleagues would like to believe that should the bill we are currently considering become law, without funding our troops in Iraq, it would mark the end of this long effort. They are wrong. Should the Congress force a precipitous withdrawal from Iraq, it would mark a new beginning, the start of a new, more dangerous effort to contain the forces unleashed by our disengagement. If we leave, we will be back. If we leave, we will be back in Iraq and elsewhere in many more desperate fights to protect our security and at an even greater cost in Amer-

ican lives and treasure. Now is not the time for us to lose our resolve.

That is why the Senate must adopt the McConnell amendment. The funding contained in this amendment is not as some have characterized it: “The President’s money.” It is money for the troops. It is money for the brave Americans who are in harm’s way as we speak. This funding is to provide them with the equipment and proper training they require to fulfill their mission; funding to protect our men and women from roadside bombs and other attacks; funding to enable them to bring this war to a successful and honorable end. If the funding is not included, the President will very rightly veto this omnibus measure.

I say to my friends on the other side of the aisle that I understand the frustration many feel after nearly 4 years of mismanaged war. I share their frustration and sorrow. But we must remember to whom we owe our allegiance—not to short-term political gain but to the security of America, to those brave men and women who risk all to ensure it, and to the ideals upon which our Nation was founded. That responsibility is our dearest privilege, and to be judged by history to have discharged it honorably will in the end matter so much more to all of us than any fleeting glory of popular acclaim, electoral advantage, or office. Let us not sacrifice the remarkable gains our service men and women have made by engaging in a game of political brinkmanship. There is far, far too much at stake.

I urge my colleagues to support the McConnell amendment and to reject this amendment. I urge my colleagues to fund our troops and to support them so that when they do return to us, they return with the honor and success their valiant efforts have earned. They and the American people whom they are entrusted to protect deserve nothing less.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ALLARD. Mr. President, I yield myself 7 minutes under the Republican time. I am going to share my concerns about a provision included in the Interior division of the Omnibus appropriations bill. This provision was added on the House Floor and was unfortunately retained by the conference committee. The language of this provision will prohibit BLM from preparing or publishing final regulations for oil shale commercial leasing on public lands. This provision is opposed by the Department of the Interior. I have a letter stating their concerns from Secretary Dirk Kempthorne which I ask unanimous consent be printed in the RECORD.

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

THE SECRETARY OF THE INTERIOR,
Washington, DC, December 12, 2007.

Hon. WAYNE ALLARD,
Ranking Member, Subcommittee on Interior, Environment and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR ALLARD: As the House and Senate consider the Fiscal Year 2008 Interior, Environment and Related Agencies Appropriations bill, I would like to voice my concern regarding efforts to prohibit our Department from issuing regulations related to oil shale leasing.

Section 606 of the House-passed Interior appropriations bill would prohibit the use of funds to prepare or publish final regulations regarding a commercial leasing program for oil shale resources on public lands. The Energy Policy Act of 2005 (EPA) was enacted with broad bipartisan support. The EPA included substantive and significant authorities for the development of alternative and emerging energy sources.

Oil shale is one important potential energy source. The United States holds significant oil shale resources, the largest known concentration of oil shale in the world, and the energy equivalent of 2.6 trillion barrels of oil. Even if only a portion were recoverable, that source could be important in the future as energy demands increase worldwide and the competition for energy resources increases.

The Energy Policy Act sets the timeframe for program development, including the completion of final regulations. The Department must be able to prepare final regulations in FY 2008 in order to meet the statutorily-imposed schedule.

The Bureau of Land Management (BLM) issued a draft Environmental Impact Statement (EIS) in August 2007. The final EIS is scheduled for release in May 2008 and the effective date of the final rule is anticipated in November 2008. The final regulations will consider all pertinent components of the final EIS. Throughout this process BLM will seek public input and work closely with the States and other stakeholders to ensure that concerns are adequately addressed. The Department is willing to consider an extended comment period after the publication of the draft regulations in order to assure that all of the stakeholders have adequate time and opportunity to review and comment before publication of the final regulations.

The successful development of economically viable and environmentally responsible oil shale extraction technology requires significant capital investments and substantial commitments of time and expertise by those undertaking this important research. Our Nation relies on private investment to develop new energy technologies such as this one. Even though commercial leasing is not anticipated until after 2010, it is vitally important that private investors know what will be expected of them regarding the development of this resource. The regulations that Section 606 would disallow represent the critical "rules of the road" upon which private investors will rely in determining whether to make future financial commitments. Accordingly, any delay or failure to publish these regulations in a timely manner is likely to discourage continued private investment in these vital research and development efforts.

The Administration opposes the House provision that would prohibit the Department from completing its oil shale regulations. I would urge the Congress to let the administrative process work. It is premature to impose restrictions on the development of oil shale regulations before the public has had an opportunity to provide input.

Identical letters are being sent to Congressman Norm Dicks, Chairman, Sub-

committee on Interior, Environment, and Related Agencies, Committee on Appropriations, House of Representatives; Congressman Todd Tiahrt, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, House of Representatives; and Senator Dianne Feinstein, Chairman, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, United States Senate.

Sincerely,

DIRK KEMPTHORNE.

Mr. ALLARD. In 2005, I worked closely with my colleagues in the House and in the Senate on provisions which were included in section 369 of the Energy Policy Act of 2005. These will help lead to commercialization after the research and demonstration projects currently underway have proven themselves. As those of us who have to run a business know, it is a bad practice to pour millions of dollars into research and development projects with no hint of assurance that these projects will lead to commercialization. Understanding the regulatory framework within which development must take place is important to companies making investment decisions. I believe, as I did in 2005, that it is critical to give companies investing tens of millions of dollars into these research projects a proverbial "light at the end of the tunnel."

The timeline included in this section of the Energy Policy Act for setting up a regulatory framework for oil shale development required the Department of the Interior to develop a programmatic environmental impact statement for oil shale by February of 2007 and to finalize oil shale regulations by August of 2007. Although these dates have slipped, many who are concerned with decreasing our country's dependence on foreign sources of oil remain interested in seeing this process move forward. A regulatory framework is needed in order to clarify the range of development options.

During the last several years, a handful of companies have worked to develop technologies that will allow for economically and environmentally feasible development of this resource. While it may take many years of research to establish whether commercial leasing is viable, it is essential in guiding the scope of study and further analysis, including additional site-specific environmental impact statements that are likely to be needed prior to any commercial-scale development.

Some have complained that it is too soon to begin drafting commercialization regulations or that the pace at which the development is moving is too quick. I am not advocating that we move forward inappropriately or in a way that is not sustainable.

It should be noted that section 369 of the Energy Policy Act also requires the Department of Interior to host a commercial lease sale in February of 2008, but all who are involved in this process are aware that it is premature to take that step too soon. I have been supportive of moving back the date of the

first commercial lease sale. However, this fact does not mean that we should not bring the rest of the process to a grinding halt.

We are in the midst of a deliberate and thoughtful process for approaching the research and eventual commercial development of oil shale. The potential of this abundant domestic resource is too important to take lightly.

It is estimated that there are potentially over 3 trillion barrels of recoverable oil available from shale. Let me repeat that. There is a potential of over 3 trillion barrels of recoverable oil available from oil shale, at a time when this country is struggling to produce enough oil for this country's consumption. This could be the single largest contributor to weaning us off of imports from other countries, many of which are in political turmoil. Moreover, bringing online another large domestic supply of energy can lower prices for consumers, bring in royalties to States and the Federal Government, and enhance the stability of oil prices in the marketplace.

With a cautious but deliberate approach that involves consultation with State and local governments, we have the best opportunity of determining if producing oil from shale is possible. We must give this process an opportunity to work before we cut it off at the knees. The language included in this bill does just that. It is not sound policy for our country. From a process standpoint, we should not be undoing carefully crafted policy choices that were negotiated for months by the authorizing committees of jurisdiction and passed by the Congress on a massive appropriations bill that is being pushed through this Chamber at the eleventh hour.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I wonder if the Senator from Colorado, before he yields, would engage in a brief dialog with the Senator from New Mexico. I ask unanimous consent for 2 minutes for that purpose.

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

Mr. ALLARD. Mr. President, I withdraw my request to yield the floor.

Mr. DOMENICI. Mr. President, I commend the Senator from Colorado. I understand he is the ranking member on that subcommittee.

Mr. ALLARD. Yes.

Mr. DOMENICI. The Senator tried his best to inform those working on this that this was not the way to handle one of America's most significant resources that might, indeed, sooner rather than later take the place of the crude oil we import from all over the world.

Right now, some of the major companies in America are investing in technology which will completely change the way this asset oil shale will be developed; is that not right? It is going to be in situ instead of the old mining system that would have been so tough environmentally.

Mr. ALLARD. Mr. President, this is a new process. I thank the Senator from New Mexico for his question. This process is becoming economically feasible and certainly protects the environment. I know the Senator has been working hard on this particular issue on the committees on which he is a leader, and I appreciate his recognizing the importance of us being less dependent on foreign oil and the importance of this huge reserve that exists in several States throughout the West. This is new technology. It is very promising. It is exciting. The byproduct from this particular process I have been told—and I have seen samples of it—is high-grade jet fuel that needs further refining because of the high sulfur nitrogen content. But it is a remarkable product, and it is done in an environmentally friendly way.

Mr. DOMENICI. I thank the Senator. I want to say this is exactly what we should not be doing: putting on a moratorium that stops rulemaking and the ordinary professional evolution of standards by the appropriate Federal agencies to address the utilization of one of America's most profound solutions to our energy crisis. Because the price of oil has gotten so high, it is indeed feasible to develop shale oil in America and substitute it for diesel and crude oil products that are bought from overseas. I know that. I need not ask anybody any questions about that. That is why we put the language in the big energy package, and that is why a candidate running for Senate in the State of Colorado should not pander to those who just want to take out after this product that could indeed be one of America's salvations. The people in the State of Colorado and in America ought to know it. The person who did this, who put the moratorium on wants to be a Senator, I understand.

The first thing we ought to find out is does he want America to have a chance to be independent of foreign oil. This is one that might do it. You can imagine that in 15 or 20 years, oil would be produced from this shale, and it can be taken right out of the ground and used, because they boil it in the ground. That is the new technology.

I am not very impressed with somebody who comes along on a bill such as this and deals with this kind of resource in a willy-nilly manner, to respond or pander to those who don't want the United States on its own to do anything to develop energy. They might say we could not do it before. Of course not. You could not develop it at \$25-a-barrel oil. But you certainly can at \$50, and there is no question you can at \$80 or \$90. That is what America's future is all about.

I thank the Senator for his work. I am sorry it didn't work. At least those who put that in know somebody is looking out for them. It won't be there next year. This Senator will see to it that we have a debate and vote on that issue before that happens. I thank the Senator for yielding.

Mr. ALLARD. Mr. President, I thank the Senator for his comments on this very important issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. How much time remains on this amendment?

The PRESIDING OFFICER. The proponents have 6 minutes 41 seconds. The opponents have 5 minutes 20 seconds.

Mr. KENNEDY. Mr. President, I yield myself the 6½ minutes. I ask if the Chair will let me know when 1 minute remains.

The PRESIDING OFFICER. The Chair will do so.

Mr. KENNEDY. Mr. President, I support this amendment, and I commend my friend and colleague Senator FEINGOLD. It is wrong, basically and fundamentally, to give another blank check to President Bush for his failed Iraq policy. I support our troops, but I oppose our war.

We have heard here in the last few minutes and in the last few hours the rather rosy picture about what is happening over in Iraq. I think everybody in this Chamber salutes the brave men and women for their courage, bravery, and valor over the last 5 years. This war has been going on for 5 years. We do know there has been some progress made in recent times on the military aspect. But as every member of the Armed Services Committee understands, everyone who has had a responsibility in Iraq who appeared before the committee has said there are two dimensions for finally getting peace in Iraq: One is military, and one is political reconciliation. That has not taken place.

Day after day after day after day, our men and women are on the streets of Baghdad and around Iraq, and more American servicemen have lost their lives this year than in any other year of the Iraq war, make no mistake about it. As we can see, these brave men and women in Baghdad, and all over, are still being targeted in Iraq. They are basically being held hostage by the Iraqi political establishment. American military personnel, American service men and women are being held hostage by Iraq's political leadership, which refuses to come together and reconcile their differences and form a government.

Every day that goes on, the American taxpayers' money is being poured into the sands of Iraq, because Iraqi politicians refuse reconciliation and political judgments in Iraq. That is what is going on over there today. That was going on yesterday, and it has been going on for 5 years.

What the other side says is let's give this administration and this President a blank check to continue it. How long do they want it for? When is enough enough? That is what they are asking for. That is what they are asking for. For 5 long years, these brave men and women in the Armed Services have done what they have been asked to do,

and the best way you can honor them is to get the policy right, get the policy correct.

That is what the Feingold amendment does. How? Very simple. It says: OK, Mr. Iraqi politician, you have had your chance, your day; now you have to take responsibility for your own country. The way you are going to do that is that we are going to start bringing American service men and women home. They have been unwilling to take the political decisions up until now. The other side says pour more money in here and lose more American lives.

The Feingold amendment is a changed policy. It says we believe that with the judgment and decision we are going to take to American servicemen, then they will make the judgment and decision that is in the interest of this country. Their way hasn't worked. This way will. Why not give it a try and a chance?

What are some of the American military personnel saying over there? BG John Campbell, deputy commanding general of the 1st Cavalry Division in Iraq, spoke bluntly about the faults of Iraq's political leaders. He said:

The ministers, they don't get out . . . They don't know what the hell is going on on the ground.

This is the brigadier general, the deputy commander, talking about the Iraqi political leaders, and you want to give them a blank check? Well, those of us who support the Feingold amendment say no.

Army LTC Mark Fetter put it this way:

"It is very painful, very painful" to deal with the obstructionism of Iraqi officials.

There it is. How much clearer does it have to get? How much more of a blank check do you need? How many more billions of dollars do you have to spend—let alone that we will never recover the 81 brave men and women from Massachusetts who lost their lives. That cannot be recovered.

Think of this: For every month that goes on in that battle over in Iraq, we could have 250,000 more schoolteachers who are experts in math and science teaching our young people. For every month that goes on, just think that every child who needs after school help and assistance would be able to receive it in the United States of America. Just think, for every month this goes on, we could provide Head Start for every young person who needs it. Just think of this: If we could have the resources for 2 years, we could rebuild and repair every public school in this country that is in need. Doesn't that matter? Well, it matters to this Senator, and it matters to those who are supporting the Feingold amendment.

It is wrong to neglect priorities such as these at home and pour hundreds of billions of dollars into the black hole that the Iraq war has become. It is wrong to give the President another huge blank check for the war in Iraq. Enough is enough.

I urge my colleagues to take a strong stand and vote against this gigantic blank check for more war.

Mr. LEAHY. Mr. President, I support the Feingold-Reid-Leahy Amendment because it specifically requires the President to begin the redeployment of American forces in Iraq within 90 days. Within 9 months of enactment, the redeployment would be completed and funding terminated for Iraq operations with narrow exceptions for a limited number of counterterrorism, force protection, and troop training missions.

The President's so-called "surge" is just another word for escalation. It has failed to set the lasting conditions for peace. Violence, though down, still continues at horrifying rates. The various Iraqi factions have made little progress towards political reconciliation. The deadly rifts in that war-torn country have only grown deeper. The Iraqi government has done little to support the few encouraging trends like the willingness of some Sunni groups to turn against the insurgency.

The only thing that is going to force the Iraqis to come to terms—the only way to get Iraq's neighbors involved in bringing about peace there—is to make clear that our country is not going to be there forever. We cannot afford to spend more of our precious resources and to spill more of the precious blood of our troops if the Iraqis will not take responsibility for their own future.

There is a way to begin to right the wrongs of the President's failed policy on Iraq. That better path involves effective diplomacy and a strong signal about our finite military presence in Iraq, not this senseless waste of money and lives. The Feingold-Reid-Leahy Amendment offers the real promise of a long-term positive outcome for our security and the people of Iraq. I urge the amendment's adoption.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, what is the time remaining?

The PRESIDING OFFICER. Seventeen seconds.

Mr. LEAHY. Mr. President, I ask unanimous consent that we have 1 minute evenly divided added to the time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I came here at the time of the Vietnam war. I remember how people said maybe it should end and maybe we should do something; the Vietnam war has gone on too long. We finally stopped it. I am the only Vermonter ever to vote against the war in Vietnam. I voted against funding for it, and the funding failed in the Senate in April of 1975 by one vote. The war ended. Two years later, it was hard to find anybody who supported the war, even though we paid for it for a long time.

We have been in Iraq longer than we were in World War II. It is time to bring our brave men and women home.

Let them be with their families and let the Iraqis take care of Iraq.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be recognized for 2 minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. SESSIONS. Mr. President, we know what the situation is, and we are a great nation. We are not at liberty to flip-flop around every time there is some change afoot in some polling data. We voted this summer 80 to 14 to give General Petraeus a chance. We funded the surge and we funded his new strategy. At the time we did that, things were not going well in Iraq. We had a tough year, there is no doubt about it. In the last few months and in the last few weeks, we have seen dramatic changes under the surge and under the classic counterinsurgency strategy this brilliant general is conducting. So I say let's allow him to conduct this war. Let's allow General Petraeus, a proven leader, to do so. Let's reject the tactical decisions of "General" FEINGOLD and "General" KENNEDY. We have a professional there who is achieving things beyond what I would have thought possible a few months ago, actually. I hoped and believed we were going to see progress, but the extent of it is remarkable.

The last thing we need to do is to take action to pull the rug out from under the fabulous men and women who are serving us at great risk this very moment, whose highest and deepest wish is to be successful, to execute the policy we gave them by a three-fourths-plus vote several years ago.

I thank the Chair and reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time?

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Senator CLINTON be added as a cosponsor of the amendment.

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

Mr. FEINGOLD. Mr. President, 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. MCCONNELL. 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. MCCONNELL. Mr. President, I urge my colleagues to oppose the Feingold amendment. Simply put, this amendment mandates withdrawal from Iraq within 90 days, notwithstanding the substantial progress that even the harshest critics acknowledge is occurring there. Further, it cuts off funds

for those troops in 9 months. We have taken this vote three times already this year. That is three times we voted on this this year. It has failed on a bipartisan basis each time, and with good reason.

I urge my colleagues to oppose the Feingold amendment one more time.

Mr. REID. Mr. President, in a short time we will move to vote on three amendments to the Omnibus appropriations bill.

Each of them takes a different approach to funding the war in Iraq.

I will vote for the Feingold/Reid amendment, which I have cosponsored and voted for several times this year.

Feingold/Reid is the right approach to begin to responsibly end the war, and I will vote for it again today.

The second amendment is Levin/Reed, which I will also vote for.

Finally, we will vote on the McConnell amendment, which I will strongly vote against. This amendment simply does more of what congressional Republicans have done since the war began:

It rubberstamps President Bush's reckless management of the war that has cost us so dearly in lives, limbs, and treasure.

The debate over supplemental war funding is nothing new.

Every year, President Bush comes to us demanding more and more funds for Iraq, with absolutely no accountability. This year, he requested a staggering \$200 billion for Iraq and Afghanistan.

At a time when he and his allies in Congress are telling us we can't invest in medical research, education, infrastructure, or public safety, they want billions and billions more for Iraq.

How will our country pay the bill for the Iraq war? A Cost that when all is done will likely exceed \$2 trillion?

The President has no idea. He has no plan or intention to pay the bill. He is simply sticking it in a drawer like an overdue credit card statement, leaving it to our children and grandchildren to pay for generations to come.

That is not just fiscal irresponsibility, it is fiscal madness. But it is par for the course for a President who inherited record budget surpluses from President Clinton and turned them into record deficits.

Every year, this war gets more expensive, and the American people deserve to know why.

The answer is waste. The answer is fraud. The answer is mismanagement. The answer is incompetence.

On President Bush's watch, the companies he chooses to do business with—like Halliburton and Blackwater—have wasted billions and billions of our tax dollars.

The President has allowed billions to be spent on buildings that were never built, projects that were never seen through, and contractor military operations that did far more harm than good.

That is why he asks for more every year—because he has grossly misspent the funds he has received.

This year, we have already passed a \$460 billion Defense budget—and this bill includes another \$31 billion for Afghanistan and troop protection.

Democrats have fully funded the needs of our men and women in uniform and given the President more than enough to conduct the war and begin to bring our troops home.

But one thing we can't control is his reckless financial mismanagement.

We have held hearings and brought cases of waste and fraud to the light of day.

But ultimately, the inability to conduct the war with the billions already allocated is no one's fault but his.

The President and his allies here in Congress will doubtlessly push the panic button and say that if we don't approve the funds immediately, our troops will suffer.

This argument is untruthful and beyond the pale.

Our Secretary of Defense, Robert Gates—a man for whom I have great respect—told Congress that the Army has enough money to get through the end of February and the Marines have enough funds to get through mid-March.

If President Bush hadn't wasted untold billions, our troops would be funded for far longer than that.

If the President had followed the wishes of the American people by spending the funds we gave him to wind down the war instead of ramp it up, the existing funds would be more than sufficient.

But he didn't. He ignored the calls of the American people to responsibly end the war. And he should accept the consequences of his mistakes by finally changing course.

But let me be clear: Democrats will never let our troops suffer for the President's misdeeds.

Democrats always have and always will support our courageous men and women in uniform who have given so much and received so little in return.

It is Democrats who insisted upon a 3.5 percent across-the-board pay increase for everyone in uniform, which the President opposed.

It is Democrats who made right the awful conditions at Walter Reed and other veterans' health care facilities that took place on this President's watch.

It is Democrats who provided a \$3.5 billion increase for veterans' health care after Republicans underfunded it for years.

It is Democrats who passed the Wounded Warriors Act to honor our servicemembers and their families.

I think we have heard enough of the tired old Bush-Republican scare tactics that Democrats are putting our troops at risk.

The facts speak for themselves.

We have always stood with our men and women in uniform. We always will.

But unlike Republicans, we believe that truly supporting our troops means beginning to bring them home to the

hero's welcome they have so bravely earned.

My fellow Democrats and I come to the Senate floor more times than I can count to discuss the horrible cost of the Iraq war on our troops, our national security, and our reputation in the world.

We have lost nearly 4,000 young Americans. Tens of thousands more have been gravely wounded.

As I have said already, hundreds of billions of dollars have been spent—tens of billions have been recklessly wasted—and the total price will climb into the trillions before all is said and done.

Our military has been stretched paper thin. Colin Powell has said our Armed Forces are "about broken."

Every single one of our available combat units is deployed to either Iraq or Afghanistan, leaving no strategic reserves for other conflicts.

And as the situation in Iran, the faltering of democracy in Pakistan, and the escalating violence in Afghanistan show, the world can evolve literally overnight.

We must have the flexibility to respond, but right now we do not.

Our troops are being forced into repeated deployments, and the length of those deployments has gotten longer.

Military families are deeply strained, military mental health is suffering, and the Armed Forces are reporting problems with both recruitment and retention.

Just this week, General Casey acknowledged this problem, saying—"We are running the all-volunteer force at a pace that is not sustainable."

Our National Guard is hamstrung in its efforts to keep us safe at home, because much of their equipment has been shipped to Iraq. Every natural disaster, from fire to flood, reminds us of this growing crisis.

Yet for all the cost and all the courage of our troops, this war has made us no safer.

Let me remind my colleagues of the most recent National Intelligence Estimate, which found that al-Qaida has regrouped and is now directing operations from Pakistan, stronger than ever.

Bin Laden remains free, taunting and threatening us with new videos.

Afghanistan—once viewed as a great military success—has spiraled out of control.

The opium trade there is at an all-time high, violence is at its highest level since American intervention, and recent reports indicate that the Taliban has vastly stepped up its efforts.

It is no wonder that this week has brought new reports that a panicked Bush administration is conducting a top-to-bottom review to stave off all-out chaos in Afghanistan and the backslide of all past gains.

I welcome this review. But as long as more than 160,000 troops remain caught in the crossfire of the Iraqi civil war,

our ability to address conditions in Afghanistan—and elsewhere—will be constrained.

The American people are rightly frustrated that more has not been done to responsibly end the Iraqi war.

I share that frustration.

But within the confines of a stubborn, obstinate President and a Republican Congress that knows no other way but to carry his water, Democrats have made a difference—and a majority of Senators have consistently voted with us.

Before Democrats controlled the Congress, the Bush White House conducted the war with total impunity.

No dissent was tolerated. The patriotism of those who raised questions was openly attacked.

This year, Democrats have brought the President's recklessness into the harsh light of day.

We forced the President to set benchmarks for legislative and political progress and required regular reports on whether those benchmarks were being met.

These reports have shown that the surge has failed to reach the objective set forth by the President of political reconciliation.

We forced General Petraeus to testify—and he has said repeatedly that the war cannot be won militarily and must be won politically.

We brought to light the Blackwater controversy and forced Eric Prince to testify.

And we put an end to the duplicitous Republican practice of claiming to support the troops but failing to protect them in the field or provide for them back home.

Do I feel that enough has been done? Of course not.

Time after time, the Republican minority has had a choice: stand with the President or stand with the American people.

Each and every time, they have chosen the President.

I urge my colleagues to reject the McConnell amendment. The time for zero accountability is long past.

I urge my colleagues to embrace the amendments offered by Senator FEINGOLD and Senator LEVIN.

Let's send our troops and all Americans a holiday gift: a message that the United States Congress is ready to bring this war, now nearly 5 years long, to its responsible end.

Mr. FEINGOLD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

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

The result was announced—yeas 24, nays 71, as follows:

[Rollcall Vote No. 437 Leg.]

YEAS—24

Akaka	Harkin	Murray
Boxer	Kennedy	Reid
Brown	Kerry	Rockefeller
Byrd	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Lautenberg	Stabenow
Durbin	Leahy	Whitehouse
Feingold	Menendez	Wyden

NAYS—71

Alexander	Dole	McCaskill
Allard	Domenici	McConnell
Barrasso	Dorgan	Mikulski
Baucus	Ensign	Murkowski
Bayh	Enzi	Nelson (FL)
Bennett	Graham	Nelson (NE)
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Brownback	Hagel	Roberts
Bunning	Hatch	Salazar
Burr	Hutchison	Sessions
Carper	Inhofe	Shelby
Casey	Inouye	Smith
Chambliss	Isakson	Snowe
Coburn	Johnson	Specter
Cochran	Kyl	Stevens
Coleman	Landrieu	Sununu
Collins	Levin	Tester
Conrad	Lieberman	Thune
Corker	Lincoln	Vitter
Cornyn	Lott	Voivovich
Craig	Lugar	Warner
Crapo	Martinez	Webb
DeMint	McCain	

NOT VOTING—5

Biden	Dodd	Obama
Clinton	Feinstein	

The PRESIDING OFFICER. On this vote, the yeas are 24, the nays are 71. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized to offer an amendment.

Mr. LEAHY. And, Mr. President, is there a time allotted on the amendment of the Senator from Michigan?

The PRESIDING OFFICER. There is 1 hour.

Mr. LEAHY. Equally divided in the usual fashion?

The PRESIDING OFFICER. Equally divided.

Mr. LEAHY. I thank the Chair, and I yield the floor.

the PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 3876 TO AMENDMENT NO. 3874

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of myself, Senator REID, Senator VOIVOVICH, Senator HAGEL, Senator SNOWE, Senator REED, Senator SMITH, and Senator SALAZAR, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. REID of Nevada, Mr. VOIVOVICH, Mr. HAGEL, Ms. SNOWE, Mr. REED

of Rhode Island, Mr. SMITH, and Mr. SALAZAR, proposes an amendment numbered 3876 to amendment No. 3874.

Mr. LEVIN. 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 as follows:

(Purpose: To express the sense of Congress on the transition of the missions of United States Forces in Iraq to a more limited set of missions as specified by the President on September 13, 2007)

At the appropriate place, insert the following:

SEC. . It is the sense of Congress that the missions of the United States Armed Forces in Iraq should be transitioned to the more limited set of missions laid out by the President in his September 13, 2007, address to the Nation, that is, to counterterrorism operations and training, equipping, and supporting Iraqi forces, in addition to the necessary mission of force protection, with the goal of completing that transition by the end of 2008.

Mr. LEVIN. Mr. President, our amendment expresses the sense of the Congress that we should have a goal for the removal of most of our forces in a reasonable time mainly as a way of telling the Iraqi leaders they must accept responsibility for their own future. Our amendment expresses the sense of the Congress. It is not legally binding, but it puts us on record, and it sends a message. It says it is the sense of the Congress that:

The United States Armed Forces in Iraq should transition to the more limited set of missions laid out by President Bush in his September 13, 2007, address to the Nation—counterterrorism operations and training, equipping, and supporting Iraqi forces—

And we add—

in addition to the necessary mission of force protection, with the goal of completing that transition by the end of 2008.

The primary aim of this amendment is to keep the pressure on the Iraqi politicians to do what only they can do: Work out compromises, as they promised to do long ago—to compromise the differences which divide them so as to ensure the currently relatively calm situation in many parts of Iraq, including Baghdad, remains calm. Our sense of Congress language is aimed at pressuring the Iraqi politicians to seize the window of opportunity, as General Odierno put it, to avoid a return to the violence that characterized the presurge period.

The New York Times, in a story on December 5, quoted Iraqi Deputy Prime Minister Chalabi as saying about the present situation in Iraq: “It is more a cease-fire than a peace.” Well, we need to make it clear to those Iraqi political leaders that a cease-fire is not good enough. They must take the steps to turn that cease-fire into a real peace.

From all accounts, the surge has already produced some military progress. The problem is that while the surge has, up to this point, achieved some military progress, it has not accomplished its primary purpose, as an-

nounced by President Bush last January. President Bush said the surge’s purpose was to give the Iraqi Government “the breathing space it needs to make progress in other critical areas” and that “reducing the violence in Baghdad will help make reconciliation possible.”

The President also said “America will hold the Iraqi government to the benchmarks that it has announced.” Well, the administration has not done what it said it would do—hold the Iraqi Government to the benchmarks that it, the Iraqi Government, has announced. Those legislative benchmarks include approving a hydrocarbon law, approving a deBaathification law, completing the work of a constitutional review committee, and holding provincial elections. Those commitments, made 1½ years ago, which were to have been completed by January of 2007, have not yet been kept by the Iraqi political leaders despite the breathing space the surge has provided.

Despite the breathing space the brave men and women wearing our uniform have provided the Iraqi leaders, despite the breathing room and the breathing space which young men and women putting their lives in harm’s way on behalf of this Nation to give the Iraqis an opportunity to create a nation, they have not used that breathing space. And as a matter of fact, the Iraqi leaders appear to be farther apart today than they were at the start of the surge.

The Iraqi political leadership’s response to the breathing space provided by the surge has been stunning inaction. The Iraqi Parliament has suspended its session until the New Year, thus ensuring that not 1—not 1—of the 18 legislative benchmarks that they committed to meet will be met this year. The President’s statement that he will hold the Iraqi Government to the benchmarks it has announced is hollow rhetoric. To date, there have been no consequences for Iraqis’ failures to meet those benchmarks.

Whether the Iraqi political leaders decide to take advantage of this window of opportunity is, of course, their decision. The United States cannot make that decision for them. They are a sovereign country and have to decide what is best for themselves. But whether the United States keeps an open-ended commitment or establishes a goal for redeployment of most of our forces is our decision. That is not the Iraqis’ decision. They can decide whether to live up to the commitments they made to themselves and to us—solemn commitments, as far as I am concerned, because it involves the lives of American troops. Those solemn commitments have not been kept. We cannot force them to keep them, but we can decide whether we are going to maintain an open-ended commitment of our troops.

Mr. President, how much time do we have?

The PRESIDING OFFICER (Mr. BROWN). The Senator from Michigan has 24 minutes.

Mr. LEVIN. I yield myself 3 additional minutes.

According to our own State Department, the key threat to our effort in Iraq is the failure of the Iraqi political leaders to reach a political settlement. Listen to what the State Department said in its own weekly status report of November 21, 2007. This is our State Department:

Senior military commanders [U.S. commanders] now portray the intransigence of Iraq's Shiite-dominated government as the key threat facing the U.S. effort in Iraq rather than al-Qaida terrorists, Sunni insurgents or Iranian-backed militias.

Let me read that once again. This is our State Department saying what is the key threat to our forces in Iraq. What they are saying is that it is not the Iranian-backed militias, it is not the Sunni insurgents, it is not the al-Qaida terrorists; the key threat facing the U.S. effort in Iraq, according to our State Department, is "the intransigence of Iraq's Shiite-dominated government."

We have to break that intransigence. How can Congress do it? How do we put pressure on the Iraqi political leaders? At a minimum, by at least expressing our view that U.S. forces in Iraq should transition to a more supporting and a less direct role, with a goal—a goal, just a goal—of completing that transition by the end of 2008. The message the Iraqi political leaders need to hear is that Congress has lost patience with them, as have the American people. By their own Prime Minister's acknowledgment, a political solution is the only way to end the conflict, and ending the conflict is in their own hands.

I wish we could legislate a legally binding way forward for U.S. forces in Iraq. We have tried to do that. We have not been able to break the filibuster, to get to 60 votes. But at least expressing the sense of the Congress on this matter is better than silence because silence implies acquiescence in the open-endedness of our presence. It is that open-ended commitment which takes the pressure off the Iraqi political leaders, and Congress needs to act to correct that. Our amendment is a small but important step in that direction.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I yield myself 5 minutes from the time on this side.

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

Mr. STEVENS. Mr. President, I do not support the Levin amendment. I rise in strong support of the amendment offered by our leader, Senator MCCONNELL, and the Senator from Connecticut, Mr. LIEBERMAN. That amendment will provide the Department of Defense and our deployed military personnel the resources they need to continue the mission they have been assigned. It will also eliminate the dis-

inction proposed by the House to fund only those troops that are assigned to Afghanistan. In my view, it is unconscionable for Congress to send the message to our troops that they will only get what they need if they are lucky enough to be assigned to fight the war in Afghanistan. What if they were assigned to Iraq? Should they go without funds?

I believe it is our duty as Senators to support the troops in the field and provide them all the resources they need to complete the mission they have been assigned. Unlike us, they do not get to choose which battle they fight. They go where duty calls, without hesitation.

Senator INOUE and I were in Iraq during the Thanksgiving recess, and I can tell the Senate that the troops are watching what is going on right here. They will get the message over there, and if the House amendment is approved, it will be a real blow to the morale of our forces. This particularly concerns me, that some of my colleagues would consider cutting off funds in Iraq at a time when we are starting to see real progress and reconciliation.

I listened to the comments made by the Senator from Arizona, Mr. MCCAIN. I am really pleased to see his strong approval of the funding of our troops that are deployed in harm's way.

In March, Ambassador Crocker and General Petraeus will be testifying before Congress to give us their assessment of the situation in Iraq. We know General Petraeus's plans are working. To withhold funding now would only invite defeat and step back from the progress that has been hard fought and won over the last few months.

I have urged Congress for quite some time to approve this funding and allow progress to continue until we hear from our leaders on the ground in Iraq. The funds that are sent—the President sent us the request for these funds 10 months ago. For the past 3 years, the Committee on Appropriations has included bridge funding as part of the annual appropriations bill to cover the cost of war, until a supplemental bill was passed in the following year. This amendment would continue what Congress has done in prior years by providing funds to cover the cost of continued operations, including special pay and subsistence to our troops, fuel, transportation, supplies, and equipment reset and procurement.

The amendment is intended to cover half-year costs for keeping troops in the field. It also provides resources to provide critical force protection equipment, including body armor, helmets, armor plate for vehicles, and aircraft survivability equipment.

There is also other equipment procurement funding to reset our forces returning from theater. This includes buying down shortfalls for the National Guard and Reserve units. Specifically, the McConnell-Lieberman amendment would provide \$1.1 billion military pay

and benefits to include support for our wounded warriors and death gratuities; \$50.2 billion for operation and maintenance activities to include fuel, spare parts, transportation, and equipment maintenance, including \$500 million for the commander's Emergency Response Program, \$1.4 billion for body armor and personal protection equipment, and \$9 billion for depot maintenance funding to reset equipment and maintain force readiness.

This amendment also provides funds to continue our efforts to train and equip the Iraqi and Afghan security forces. That funding is critical so that the elected governments in those countries can effectively provide for their own security and our troops can come home.

There is also \$4.3 billion for the Joint Improvised Explosive Device Defeat Fund which will help our troops detect and defeat the No. 1 killer of our troops in Iraq—the IEDs, the improvised explosive devices we have heard so much about.

Mr. President, \$6.1 billion is included for the procurement of equipment, ammunition, vehicles, missiles and aircraft, including \$946 million for Army aircraft, \$3.46 billion for Army vehicles and equipment, \$703 million for Marine Corps vehicles and equipment, and \$266 million for special operations forces equipment.

The amendment also includes \$1 billion for the Defense Working Capital Fund, which includes \$587 million to reset prepositioned stocks stationed around the world, which greatly enhances our Nation's ability to respond to contingencies, and we have forces in 141 different—I ask for 1 more minute.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. It also provides \$141 million for increased fuel costs, \$3.7 billion to continue to enhance our intelligence activities in the theater, \$600 million for the Defense Health Program to provide for the care and recovery of our wounded servicemembers, and \$193 million for counterdrug activities to curb production of opium in Afghanistan.

Without these funds, the Department of Defense would be forced to pay for the cost of war out of the regular DOD moneys we have already appropriated. This cost of this war is approaching \$15 billion a month, with the Army spending \$4.2 billion of that every month. Without relief, the Army will totally deplete their 2008 operations and maintenance funding by mid-February.

I urge the Senate not to take the risk that our troops in the field will not have those resources they need in time to complete the mission they have been assigned. I urge the Senate to support the McConnell-Lieberman amendment.

I ask to have a chart showing the \$70 billion bridge fund, as I tried to outline, printed in the RECORD.

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

\$70 BILLION BRIDGE FUND

\$1.1 billion for military pays and benefits to include support to wounded warriors, and death gratuities.

\$50.2 billion for operation and maintenance activities to include fuel, spare parts, transportation, and equipment maintenance in the field and at our national depots.

Provides \$500 million for the Commander's Emergency Response Program.

Provides \$1.4 billion for Body Armor and Personal Protection Equipment.

Provides \$9.0 billion of Depot Maintenance funding to reset equipment and maintain force readiness.

Provides for the transfer of \$110 million to the Coast Guard for support to GWOT.

Provides \$300 million for Coalition Support.

\$2.9 billion to continue our efforts to train and equip the Iraqi and Afghan security forces.

\$4.3 billion for the Joint Improvised Explosive Device Defeat Fund to help our troops detect and defeat the number one killer of our troops in Iraq.

\$6.1 billion for procurement of equipment, ammunition, vehicles, missiles, and aircraft.

Includes \$946 million for Army Aircraft; and \$3.46 billion for Army vehicles and equipment.

Includes \$703 million for Marine Corps vehicles and equipment.

Provides \$266 million for Special Operations Forces equipment.

\$1.0 billion for the Defense Working Capital Funds.

Includes \$587 million to reset Prepositioned Stocks stationed around the world and greatly enhances our nations ability to respond to contingencies.

Provides \$141 million for increased fuel costs.

\$3.7 billion to continue and enhance our Intelligence activities in theater.

\$600 million for the Defense Health Program to provide for the care and recovery of our wounded service members.

\$193 million for Counter-Drug activities.

Mr. STEVENS. I also thank my colleagues for their continued support of the troops in the field.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The senior Senator from Virginia is recognized.

Mr. WARNER. Mr. President, if I could get the attention of the distinguished chairman, might it be advisable that we rotate sides? I will be happy to follow a colleague on your side for purposes of this debate.

Mr. LEVIN. Fine. That is fine with us. I yield 5 minutes to the Senator from Ohio, and we will come back to you.

Mr. WARNER. Fine. The Senator from Ohio is in support of the amendment of the Senator from Michigan?

Mr. LEVIN. That is correct.

Mr. WARNER. Mr. President, I ask that I be recognized following the Senator from Ohio for 5 minutes.

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

The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I rise today to speak in favor of the Levin amendment on Iraq. As my colleagues know, I have long supported a greater level of oversight in the war in Iraq. Many of us feel we should have done a better job of force oversight at

the beginning of the war. I was quite taken with a quote from Condoleezza Rice recently, who said, "I wish we had known more about Iraq before we went in."

While in Iraq in August, I witnessed a great deal of progress on the ground. That gave me encouragement. However, I was also convinced that it would not be possible to sustain the current level of troops and funding for Iraq over the long term without damaging our national security and long-term fiscal health.

As stated before, I believe we need to implement a plan to reduce our military presence in Iraq and focus the remaining military presence on a more limited role. This is clearly the plan General Petraeus is implementing now, and it is the stated goal of the President, as mentioned in the Levin amendment, supported by Secretary Gates and others who are concerned about our force level, and that we need more troops in Afghanistan. I have been working with Senator LEVIN for several months now to come up with a piece of legislation that could secure bipartisan support in the Senate and send a message to the President and the world that the Congress intends to exercise oversight to ensure we are making progress toward this goal. I have been careful to avoid supporting any measure that I thought would hurt our troops in any way, tie the hands of our brave commanders in the field, or prevent the President from responding to the situation on the ground.

In September, I introduced a bill with Senators ALEXANDER, COLEMAN, and DOLE to strive for a goal to reduce our military presence. We had bipartisan support for that, but Senator LEVIN and I had a problem with the date. Unfortunately, it fell by the wayside.

I support the Levin amendment, and I am a cosponsor to this legislation because I believe it is a very simple piece of legislation that accomplished the goals we all share. It sends the message that we support the President's declared goal of reducing our presence in Iraq over time so we can play a more supportive role, bring our forces home, and reduce the burden on our military. It is a sense of Congress and will not bind the President in any way or tie the commanders' hands in the field. It is supported by the President's own declared goals and that of his commander, General Petraeus—who is doing, by the way, an incredible job. It provides a goal for limiting our role in Iraq, and that goal is to end at the end of next year. But, unlike other past legislation, this date is not legally binding and would allow the President to respond according to the security conditions on the ground.

I believe this amendment will not hurt our aspirations in Iraq in any way but will actually help our President and General Petraeus, who are striving now to hand over more responsibility to the Iraqis.

This week, it was announced that the Iraq Government is ready to take over local security groups, with our support. This is an important step, and it is a step in the right direction. We need to continue in this direction. We need to make it our goal. We need to let the Iraqis know that they must take more responsibility for their own security.

We must make it clear to them that we spent over \$550 billion, that we have lost almost 3,900 individuals, 26,000 people have been wounded over there, and half of them are going to be disabled for the rest of their lives.

We have paid a tremendous price. It is time for them to step up to the table and start doing more for themselves. I support this amendment so Congress can send that message that we are not simply funding a never-ending conflict in Iraq, we have a goal of reducing our presence there, and we are working toward it.

I hope my colleagues realize the sensibility behind this very simple piece of legislation and join me in supporting it today.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, it had originally been established that I would speak now, but I am going to yield the time I have to the distinguished Senator from South Carolina for 5 minutes.

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

Mr. GRAHAM. Mr. President, I say to my friend from Virginia, thank you. I do hope you will take an opportunity to speak because your voice needs to be heard.

I say to my good friend Senator LEVIN, we have had a number of chances to work together. I am afraid this is not one of those moments.

What does all of this mean if this language passes? The bill will get vetoed. And when you read the language, what is so bad about it? I know the intent of the author is to try to make Iraq a better place, and he said for as long—I do not want to misquote him—as long as you have this many troops in Iraq, they are not going to do what they need to do politically. They use the troops as a crutch. I think that is the general theme, that we need to somehow let the Iraqi Government know we are not going to be there forever with this number of troops. You need to step up to the plate, generally speaking. I think that is your view of how to put pressure on the Maliki government to reconcile, but, again, I will let you speak for yourself.

My view is that the lack of security has been the biggest impediment to reconciliation, and the security changes in Iraq give us the best hope we have had in 4 years of finding a way forward politically in Iraq. If we change by word or deed or perception our commitment to the military strategy that is currently working, we would be undercutting our best chance for reconciliation.

This amendment, this sense-of-the-Senate amendment, does not do anything positive. It sends the signal I have been trying to avoid for well over a year now. For 3½ years we had the wrong strategy. Finally we have the right strategy, and in my opinion, the best, sensible thing the Senate could do is allow the surge to go forward without any interference, give General Petraeus and those under his command what they need to finish the job. They have done a wonderful job. We are going into the holiday season here and every American, every political leader, should celebrate what I think has been the most outstanding military operation in counterinsurgency history, and we should not have any more debates about that. It is a fact now. We should support it without reservation.

This amendment, the sense of the Senate, will send a confusing signal about what we intend to do militarily. The Senate, in my opinion, should not try to change the mission. The mission is to win. Very simply put, what is my goal in Iraq? My goal is to win a war we cannot afford to lose, to have a military footprint in Iraq as long as it takes to keep al-Qaida on the run, and when we come home, which we surely will, to come home with victory in hand and let the military commanders who are not worried about the 2008 election decide when that transition should take place. Quite frankly, as much as I love my colleagues in this body, I do not trust anybody, including myself, to transition this mission other than General Petraeus.

This statement will be seized upon by people who are following this bill very closely and will send all of the wrong signals, and that is why it will be vetoed. The most sensible thing the Senate could do, and we should have done this 4 or 5 months ago, is allow the surge to go forward without political interference. This is not the time to take command of the operation in Iraq from General Petraeus and his command team and give it to the Senate.

I hope and pray we will allow the surge to be funded, to go forward, and to achieve the goal that is in the national interest of the United States, and that is victory, victory over extremism and support of moderation. So this attempt at making a political statement is ill-advised, comes at the wrong time, sends the wrong signal. The most sensible thing the Senate could do is reject this and allow our military commanders to transition based on facts on the ground, not the next poll or the next election.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I yield 5 minutes to the Senator from Rhode Island, Mr. REED.

Mr. REED. Mr. President, Senator LEVIN has very eloquently pointed out the premise of the President's surge strategy; that was to provide the political space so that the Iraqi Govern-

ment could essentially begin a reconciliation among its own people, begin to function effectively. Little or none of that has happened.

What has happened is that the violence has been reduced. That is commendable. It is attributable to several factors; first, the increase of American forces there and the way they have been deployed very adroitly by our military commanders; secondly, the fact that coincidentally but propitiously in Anbar Province, Sunni tribesmen have finally figured out that al-Qaida is as much a threat to them as to anyone else, particularly Americans. They have banded together with us to attack al-Qaida elements there. How long that relationship of convenience lasts is a question that has not been resolved.

Within Baghdad, there has been significant ethnic cleansing. In fact, we recall just weeks ago, refugees started coming back. They were told by the Government in Baghdad: Do not come back. You are going to provoke another destabilizing situation. That ethnic cleansing is one other factor.

Sadr, the leader of the Shia in the South, one of the purported leaders in the South, has basically told his Mahdi army to stand down for 6 months so he can reorganize, so he can regroup, so when he feels the moment is right he is in a much more powerful position to strike.

Then the administration has finally embraced some diplomatic efforts; quietly, I think, with the Iranians, much more publicly with the Syrians and others. All of those factors together have contributed to this reduced violence.

But here is one of the most significant and salient facts we have to recognize: The surge is over. Our force structure will not allow a continuation of 160,000 American forces in Iraq beyond the middle of this year, beyond this summer. That is not because some politician in Washington said so, that is because the Chairman of the Joint Chiefs of Staff, because the Chief of Staff of the Army understand that the operational tempo will not allow that.

The question before us is: Well, what is the strategy now? Is the strategy coming here and asking for billions of dollars every 3 or 4 months? Asking for troops that cannot be actively or effectively provided, because our force structure is too small?

The essence of this amendment, an amendment that Senator LEVIN and I and others have been pursuing for months now, is to focus on a strategy that can be sustained and supported so we can do what we must do. That strategy, in our view, boils down to three very specific missions: Go after the terrorists, the al-Qaida people, wherever they are; train Iraqi security forces to support their country, because ultimately the Iraqi people and their leaders will decide whether their country will survive and prosper, not American forces; and, finally, protect our forces on the ground.

Those are three discrete missions that can be done, should be done. There is no attempt in this amendment to cut off funding. There is an attempt, though, to focus our policy on a strategy that will work over time. What we have here is no simple situation in which you have got an al-Qaida rogue group we are going after. This is a very complicated situation.

Ultimately at the heart of this, it is a political struggle between Sunni, Shia, and Kurds; Sunnis, who feel a profound sense of entitlement which has been frustrated by our operations over there, and the departure of the Baathist regime; Shia, who feel profoundly paranoid because they suffered grievously under that regime; and Kurds, who want their autonomy.

These political forces have to be settled. They will only be settled internally by the Iraqis standing up. This amendment will help direct that policy, force them to recognize we are not there indefinitely with a blank check. It will also guide our forces to missions that we can perform, that will be essential to our security and will allow us, I believe, to do what we can to help that country stabilize itself.

This is a message. It is a message to the troops that we are going to adopt a wise, sustainable policy that is worthy of their sacrifice. It is a message, I hope, to the President that he cannot come back here every 6 months and ask for 5, 10, 50, 70, 80, \$100 billion. It is a message to the Iraqi politicians that they must seize this moment.

I urge passage.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I yield 5 minutes to the distinguished Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend from Virginia.

I rise to support the amendment I am privileged to cosponsor with the Senator from Kentucky, Mr. MCCONNELL, which would give our troops, General Petraeus in the field, the funding they need to carry on the fight they are carrying on so successfully.

As a result, I rise to oppose the amendment introduced by my friend from Michigan and others. Nine months ago, when General Petraeus took command in Baghdad, people of good conscience could disagree about whether his new counterinsurgency strategy would succeed, unless you decided that everything was lost in Iraq or it did not matter if we lost in Iraq. I think most of us do not feel that way. We know it would matter, because we are engaged in a battle with al-Qaida, the same al-Qaida that attacked us on 9/11, and Iran, the most significant state sponsor of terrorism, according to our own State Department, supporting militias and extremists in Iraq. So it matters.

But 9 months ago, people who cared about whether we won or lost in Iraq could argue about whether the surge strategy would work. After so many

mistakes, frankly, in the conduct of the war in Iraq, many Americans, many Members of this Chamber, were understandably skeptical about the possibility of this new counterinsurgency strategy succeeding.

Now, however, the evidence is unequivocal. I will say it is remarkable. In some cases it is downright miraculous. The surge is working. As a result, it is time to support General Petraeus, his plan, and his troops, not to second guess, not to editorialize about it, not to add conditions or goals to it.

Let's do something that we in Congress do not do very well, which is to remain silent in the face of something that is working. With all respect, the Levin amendment is a classic case of snatching defeat from the jaws of victory, because we are on the road to victory in Iraq.

The extra American troops have played a critical part, the broad-scale counterinsurgency strategy. And what has happened? Violence is down. I think this number has been cited, but this week, MG Joseph Fil, who is the commander of our operations in Baghdad, said that attacks in the capital city have fallen nearly 80 percent since November of 2006; murders in Baghdad Province are down by 90 percent over the same period; and vehicle-borne bombs which have killed so many of our troops and the Iraqi people have dropped by 70 percent.

There is a people's uprising occurring in Iraq today. It started with the awakening in Anbar. It has now gone on to Baghdad and other provinces throughout the country. I know those sponsors of this amendment have said they want to send it as a message to the Iraqi national political leadership to get with it, to reconcile. Of course, we are all frustrated by their lack of progress in doing that. A lot of us thought that the political changes in Iraq would come from the top down. But what has happened is something not to disparage, not to ignore. What has happened is classically democratic, in the best traditions of America. The political changes in Iraq are coming from the bottom up, from the grassroots up. Local councils are governing in area after area. The local people have taken charge of their destiny. They have kicked out al-Qaida. They have kicked out al-Qaida because they decided that al-Qaida was their enemy. And we, much to their surprise, turned out to be their friends, their supporter. They understand we do not want conquest in Iraq. We want to liberate them from the forces of extremism. The same is happening throughout the country.

I urge my colleagues, let success alone. Let it work. Oppose the Levin-Reed amendment and support the McConnell-Lieberman amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I think I can almost speak for our side with certainty. I have a few comments, fol-

lowed by perhaps a minute and a half by the Republican leader, and then that way we can yield back time. I will proceed to give my comments.

I say to my good friend from Michigan that I picked one word out of his very impressive opening comments. I agree with his opening comments about the tragic situation by which the leadership in Iraq, their legislative body, has failed to act.

But one word you said impressed me, and that is "military progress is being made." That is an exact quote you used. You felt if we didn't speak by adopting your amendment, there would be silence. I say to my good friend, the amendment by the distinguished Republican leader and the Senator from Connecticut, the McConnell-Lieberman amendment, will send a very strong message. Were we to adopt your amendment, it would be in conflict with that message. That is my concern. Therefore, I must say, I strongly support the McConnell-Lieberman amendment. I hope that will be voted on very shortly. I do believe, in all sincerity, your amendment would send a conflicting message. That message could be exceedingly troublesome. People don't understand the phraseology "sense of the Senate." Al-Qaida would simply clip that off and then announce that we are going to leave in December, irrespective of the facts on the ground. Furthermore, we have not been in this fight alone. We put together a coalition of forces, a coalition of nations, primarily Great Britain and others, Poland. So far as I know, there has been no consultation with respect to your amendment to announce a goal by December of next year with those other fighting forces that, while they are smaller in number, are no less important as a symbol of the united effort of many nations to achieve, first, sovereignty in Iraq, which has been a wonderful goal that has been achieved, and now to enable that country to take its place rightfully in that region and be a strong voice for freedom and to fight al-Qaida.

I say to my friend, I will have to oppose his amendment because it would send a totally conflicting message with the underlying amendment, which is a very significant appropriation of funds to continue, as you say, in your very words, the "progress" of the military so far.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Before I yield to the Senator from California, let me respond briefly to my friend from Virginia. There is no inconsistency between voting to adopt a sense-of-the-Senate resolution expressing as a goal, nonbinding, that we complete a transition to a more limited mission, a mission which the President says he wants to transition to by the end of next year and at the same time voting for the McConnell amendment. There will be many Senators voting for the Levin-Reed

amendment who are also going to vote for the McConnell amendment. There is no inconsistency whatsoever between sending our troops the funding which has been requested and having a goal for the transition of their mission to something which gets them out of the middle of a civil war. That is the one point I wish to make immediately to my good friend from Virginia.

I yield 4 minutes to the Senator from California.

Mrs. BOXER. Mr. President, it seems to me if you want to liberate the Iraqi people, then you give them back the country and you let them know that is what this is all about. We have been there 1 year, 2 years, 3 years, 4 years, 5 years. We have spent a half a trillion dollars; 3,893 of our own killed, 28,711 wounded. Is this forever? I went through the period of time in the Vietnam war where the people of this country stood up and said: Enough is enough is enough. It seems to me what Senator LEVIN is doing—and I am so proud he has bipartisan support, Senators HAGEL, VOINOVICH, SNOWE, SMITH—is good. This shows we are beginning to cross over party lines, which is so important, and say: It is time the mission changes.

My dear friend from Virginia talks about the Brits. This is exactly what the Brits have already done. They are getting out. They have turned the keys of the city over to the Iraqis. They are ahead of us. In many ways, this resolution tracks what they have done. I read it. It is very simple. It is a sense of the Congress that the missions of the U.S. Armed Forces should be transitioned to a more limited set—counterterrorism, training, equipping, supporting Iraqi forces, and force protection. Yes, we are sending a message to the Maliki Government, get your act together because we are not going to be here forever. The American people are generous and good people. But there is a limit to how much they can give in terms of blood and treasure.

It is true that many people supporting this resolution are going to vote for the McConnell amendment. I will not be one of them. I wish to speak against it for my remaining time. I have a list of what we have already spent. A half a trillion dollars, that is what we have already spent, and we are about to go well over that mark, toward a trillion dollars. There comes a time when we have to ask ourselves: What are we doing in Iraq? If you listen to the President, it is to bring freedom. He said it was the weapons of mass destruction. Then he changed that. He said it was to get Saddam. We got Saddam. Then he changed it. He said we have to have free and fair elections. They had two. He said we have to reconstruct. We are spending money to reconstruct.

It is now time to say enough is enough. I think the Levin resolution is not putting into place binding deadlines. It is merely saying to the Iraqi Government we want them to step up to the plate.

If my colleagues want to be seen as occupiers, vote against this amendment because that is what is happening. We are seen as occupiers, when we want to be seen as liberators. If you want to be seen as liberators, you do what the Brits did. This is exactly what Senator LEVIN is doing. I am pleased to support this. I will be voting no on McConnell.

I thank the Chair and yield the floor.
The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I believe we are about ready to vote on this side. We are going to have our leader speak for a minute, and then we can proceed. I simply, once again, say to my distinguished colleague from Michigan, while we are waiting for the Republican leader, with due respect, this will send a very conflicting message. If the Senate acts upon this appropriations tonight favorably, as I anticipate it will, coupled with your message, it could be misconstrued. Therefore, I strongly urge that the Senate accept the McConnell-Lieberman amendment but reject the amendment of the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. The message is not conflicting at all. There is no conflict between saying we are going to support our troops, we are not going to reduce funding for them, and at the same time have a goal a year hence for when they transition to the more limited mission. There is not the slightest inconsistency. It is not a conflicting message. If we are interested in success in Iraq, there is only one way to achieve it—for the Iraqi politicians to reach agreement on their differences which have continued the conflict. That is not just me saying it. That is our military leaders.

I wish to read this quote because I am not sure people have focused on it. This is our State Department. I ask my colleagues to listen to this very brief quote from our State Department:

Senior military commanders portray the intransigence of Iraq's Shiite-dominated government as the key threat facing the U.S. effort in Iraq rather than al-Qaida terrorists, Sunni insurgents or Iranian-backed militias.

Is that a conflicting message from our State Department, when they identify the political leaders of Iraq as being the major threat to our success? They are the major threat to our success. We all know it. Our military leaders have said it is the failure of the political leaders of Iraq to work out their differences, which is the key problem that keeps the battle going on between Iraqis. That is our State Department. Is that a conflicting message? I don't think so.

It is the truth. Most of us recognize it. We are all completely unhappy with the Iraqi political leaders. Most of us, when we go to Iraq, tell them that. The President of the United States has even said it is useful for that message to be delivered. Let us deliver it tonight.

The PRESIDING OFFICER. Who yields time?

The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, if we want a Presidential signature on the Omnibus appropriations, thereby finishing our work this year, we need to defeat the Levin amendment and approve the McConnell amendment, which will come shortly after the Levin amendment. The McConnell amendment provides \$70 billion for our troops, whether they are in Afghanistan or Iraq, without any strings attached, without any stipulations. The key to finishing our work this year successfully lies in defeating the Levin amendment and approving the McConnell amendment.

Mr. President, I ask unanimous consent that an explanatory statement be printed in the RECORD.

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

EXPLANATORY STATEMENT SUBMITTED BY SENATOR MCCONNELL, SENATOR STEVENS, SENATOR COCHRAN, SENATOR INOUE, AND SENATOR LIEBERMAN REGARDING SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE

The following tabular data delineates by appropriation the funding provided by the McConnell amendment (related to supplemental appropriations for the Department of Defense) to H.R. 2764, the State, Foreign Operations, and Related Programs Appropriations Act, 2008.

In regard to classified activities funded in this amendment, a separate letter from the Chairman and Ranking Member of the Defense Subcommittee of the Committee on Appropriations will delineate the programs and activities funded by this amendment.

[Dollars in thousands]

TITLE I—MILITARY PERSONNEL	
Military Personnel Army:	
Pay and Allowances	13,700
Wounded Warrior	68,800
Total, Military Personnel, Army	782,500
Military Personnel, Navy:	
Pay and Allowances	95,624
Total, Military Personnel, Navy	95,624
Military Personnel, Marine Corps:	
Pay and Allowances	56,050
Total, Military Personnel, Marine Corps	56,050
Military Personnel, Air Force:	
Pay and Allowances	138,037
Total, Military Personnel, Air Force ...	138,037
Total, Military Personnel	1,072,211
TITLE II—OPERATION AND MAINTENANCE	
Operation and Maintenance, Army:	
Operating Expenses	25,158,543
Wounded Warrior, Enhanced Soldier and Family Support	853,800
Body Armor and Personal Protection Items	800,000
Commander's Emergency Response Program	500,000

Depot Maintenance	7,840,027
Total, O&M, Army	35,152,370
Operation and Maintenance, Navy:	
Operating Expenses	2,971,658
Body Armor and Personal Protection Items	175,000
Depot Maintenance	407,342
Coast Guard Support	110,000
Total, O&M, Navy	3,664,000
Operation and Maintenance, Marine Corps:	
Operating Expenses	3,000,000
Wounded Warrior, Enhanced Soldier and Family Support	100,000
Body Armor and Personal Protection Items	375,000
Depot Maintenance	490,638
Total, O&M, Marine Corps	3,965,638
Operation and Maintenance, Air Force:	
Operating Expenses	4,060,814
Body Armor and Personal Protection Items	400,000
Depot Maintenance	317,186
Total, O&M, Air Force	4,778,000
Operation and Maintenance, Defense-Wide:	
Joint Staff	32,140
Special Operations Command	1,054,000
Armed Forces Information Service	9,300
Defense Contract Audit Agency	7,100
Defense Contract Management Agency	3,000
Defense Human Resources Activity	4,100
Defense Information Systems Agency	44,510
Defense Logistics Agency	48,200
Defense Legal Services Activity	9,900
Department of Defense Education Activity	155,000
Defense Security Cooperation Agency—Coalition Support	300,000
Lift and Sustain	100,000
Global Train and Equip ..	300,000
Office of the Secretary of Defense	42,500
Washington Headquarters Services	7,200
Total, O&M, Defense-Wide	2,116,950
Operation and Maintenance, Army Reserve:	
Operating Expenses	68,036
Wounded Warrior, Enhanced Soldier and Family Support	9,700
Total, O&M, Army Reserve	77,736
Operation and Maintenance, Navy Reserve:	
Operating Expenses	41,657
Total, O&M, Navy Reserve	41,657
Operation and Maintenance, Marine Corps Reserve:	
Operating Expenses	46,153
Total, O&M, Marine Corps Reserve	46,153
Operation and Maintenance, Air Force Reserve:	
Operating Expenses	12,133
Total, O&M, Air Force Reserve	12,133

Operation and Maintenance, Army National Guard:		Modular Artillery Charge System, All Types	18,000	Pyrotechnic and Demolition	64
Operating Expenses	288,900	Rocket, Hydra 70, All Types	20,000	Small Arms Ammunition	27,645
Wounded Warrior, Enhanced Soldier and Family Support	38,100			Linear Charges, All Types	3,875
		Total, Procurement of Ammunition, Army	154,000	40MM, All Types	23,096
Total, O&M, Army National Guard	327,000	Other Procurement, Army:		60MM, All Types	30,252
Operation and Maintenance, Air National Guard:		Tactical Trailer/Dolly Sets	29,000	81 MM, All Types	35,000
Operating Expenses	51,634	High Mobility Multipurpose Wheeled Vehicle ..	455,000	120MM, All Types	59,020
		Family of Medium Tactical Vehicles	146,000	Cartridge 25MM, All Types	670
Total, O&M, Air National Guard	51,634	Family of Heavy Tactical Vehicles	427,000	Grenades, All Types	9,385
Iraq Freedom Fund	3,747,327	Armored Security Vehicles	1,500	Rockets, All Types	8,273
Afghanistan Security Forces Fund	1,350,000	Truck, Tractor, Line Haul, M915/M916	4,600	Artillery, All Types	51,033
Iraq Security Forces Fund	1,500,000	HMMWV Recapitalization Program	140,000	Demolition Munitions, All Types	3,539
Joint Improvised Explosive Device Defeat Fund:		Modification of In-Service Equipment	184,800	Fuze, All Types	880
Attack the Network	1,258,000	Items Less Than \$5.0 Million (Tactical Vehicles)	8,000	Non Lethals	5,616
Defeat the Device	2,340,000	Defense Enterprise Wideband Satellite Communications Systems	19,000	Ammo Modernization	2,000
Train the Force	603,000	Satellite Terminal, Enhanced Manpack UHF Terminal (Space)	3,400		
Staff and Infrastructure	68,000	Navstar Global Positioning System (Space)	3,200	Total, Procurement of Ammunition, Navy & Marine Corps	304,945
		Army Global Command and Control System	3,000	Other Procurement, Navy:	
Total, Joint Improved Explosive Device Defeat Fund ..	4,269,000	Information System Security Program	21,600	Air Station Support Equipment—Air Traffic Control Equipment	6,111
		Digital Topographic Support System (MIP)	12,000	Aviation Life Support—Body Armor and Survival Gear	750
Total, Operation and Maintenance ...	61,099,598	Counterintelligence/ Human Intelligence Information Management System (MIP)	2,400	Explosive Ordnance Disposal Equipment:	
		Night Vision Devices	45,000	Unmanned Aerial Systems	37,000
TITLE III—PROCUREMENT		Night Vision, Thermal Weapon Sight	11,000	Man Transportable Robotic System	1,400
Aircraft Procurement, Army:		Fire Support Command and Control (C2) Family	7,000	Mounted CREW Systems	35,400
Utility Fixed Wing Cargo Aircraft	5,000	Knight Family—Procure 29 M1200 Knight Vehicles	50,000	Physical Security Vehicles—Light Armored Vehicles	900
UH-60M Blackhawk—27 Aircraft	483,300	Chemical, Biological, Radiological, and Nuclear Soldier Protection	54,300	Medical Support Equipment	820
AH-64 Apache—3 Aircraft	105,000	Rapid Equipping Soldier Support Systems including Warlock	400,000	Physical Security Equipment:	
CH-47 Chinook—11 Aircraft	334,100			Body Armor	3,100
Common Ground Equipment	10,000	Total, Other Procurement, Army	2,027,800	Weapons of Mass Destruction Detectors ..	6,000
Air Traffic Control	6,200	Aircraft Procurement, Navy:			
		H-53 Series—Re-activate 1 CH-53 Helicopter	2,600	Total, Other Procurement, Navy	91,481
Total, Aircraft Procurement, Army ...	943,600	EP-3 Series—Special Mission Avionics,	9,000	Procurement, Marine Corps:	
Procurement of Weapons & Tracked Combat Vehicles, Army:		P-3 Series—Special Missions Equipment	2,400	Light Armored Vehicles:	
Bradley Program	700,100	Common ECM Equipment—Generation II Missile Warning Systems	34,500	Light Armored Vehicles	12,500
Stryker Vehicle	41,000			Light Armored Vehicles Product Improvement Program	23,000
Bradley Fire Support Vehicle (Mod)	65,000	Total, Aircraft Procurement, Navy	48,500	Light Armored Vehicles Restoration and Modernization	33,600
Bradley Fighting Vehicle Systems (Mod)	48,000	Procurement of Ammunition, Navy & Marine Corps:		Modification Kits—Multipurpose Tank Blade ..	2,200
Improved Recovery Vehicle (M88 Mod)	135,000	Joint Direct Attack Munition	5,000	Modification Kits—Tactical Concealed Video System	400
M1 Abrams Tank (Mod) ..	200,000	Air Expendable Countermeasures	6,625	Marine Air Command Control System	29,000
Abrams Upgrade Program (M1A2 SEP)	225,000	Other Ship Gun Ammunition	43	Intelligence Support Equipment—Angel Fire Sensor Package	8,000
M249 Squad Automatic Weapon Machine Gun Mods	6,500	Small Arms and Landing Party Ammunition	32,929	Motor Transport Modifications—Medium Tactical Vehicle Replacement Armor	60,000
M16 Rifle Modifications ..	1,845			Power Equipment Assorted—Engineer Equipment	15,000
Modifications Less Than \$5.0M (WOCV-WTCV)—Improved Combat Optics	7,000			Explosive Ordnance Disposal Systems—CREW	172,800
				Physical Security Equipment—Ground-Based Operational Surveillance System	340,000
Total, Procurement of Weapons & Tracked Combat Vehicles, Army	1,429,445			Field Medical Equipment—Family of Field Medical Equipment	6,750
Procurement of Ammunition, Army:					
Cartridge, 25MM, All Types	300				
Cartridge, 30MM, All Types	40,000				
Cartridge, 40MM, All Types	65,700				
Cartridge, Artillery, 105MM, All Types	10,000				

Total, Procurement, Marine Corps	703,250
Aircraft Procurement, Air Force:	
F-15—ARC-210 Beyond Line of Sight/Secure Line of Sight Radios	39,700
C-5—Aircraft Defensive Systems (12 Kits for C-5A's)	11,700
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Total, Aircraft Procurement, Air Force	51,400
Other Procurement, Air Force:	
Halvorsen Loader	7,500
Items Less Than \$5 Million (Vehicles)—Counter Sniper Protection Kit	1,625
General Information Technology—Blue Force Trackers	2,500
Air Force Physical Security System—CROWS and BDOC-T	8,500
Tactical C-E Equipment—ROVER	8,100
Night Vision Goggles	2,500
Total, Other Procurement, Air Force	30,725
Procurement, Defense-Wide:	
Defense Information Systems Network	8,700
MH-47 Service Life Extension Program	34,400
C-130 Modifications	11,000
SOF Ordnance Replenishment	32,759
SOF Ordnance Acquisition	39,600
SOF Intelligence Systems	44,346
Small Arms and Weapons Tactical Vehicles	29,587
Unmanned Vehicles	16,458
SOF Operational Enhancements	23,500
SOF Operational Enhancements	34,393
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Total, Procurement, Defense-Wide	274,743
Total, Procurement ..	6,059,889

TITLE IV—REVOLVING AND MANAGEMENT FUNDS	
Defense Working Capital Funds:	
Defense Working Capital Fund—Army:	
Army Preposition Stocks	586,900
Spares Augmentation—Combat Losses	63,000
Spares Augmentation—Demand Increase	70,000
Defense Working Capital Fund—Defense-Wide:	
Fuel Transportation	96,000
Fuel Cost Increase	140,700
Combat Fuel Losses	43,400
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Total, Defense working Capital Funds ..	1,000,000

TITLE V—OTHER DEPARTMENT OF DEFENSE PROGRAMS	
Defense Health Program:	
Operations	461,101
Wounded Warrior, Enhanced Soldier and Family Support	114,600
<hr/>	
Total, Defense Health Program	575,701

Drug Interdiction and Counter-Drug Activities	192,601
<hr/>	
Total, Other Department of Defense Programs	768,302
<hr/>	
TITLE VI—GENERAL PROVISIONS	
Special Transfer Authority (Sec 603)	[4,000,000]

Total, Department of Defense

70,000,000

Mr. MCCONNELL. Mr. President, is there more time on this side?

The PRESIDING OFFICER. There is 7 minutes 5 seconds.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Michigan has 7 minutes.

Mr. LEVIN. I intend to yield back all that time but 30 seconds. I cannot believe the President of the United States is going to veto a bill providing this additional funding for the troops because the Senate, in a nonbinding resolution, expresses its belief that we ought to have a nonbinding timetable for the reduction of our troops by the end of the year. If the President has said that, I have not seen it. I can't believe he would so try to squelch the Senate from expressing a nonbinding opinion.

I yield back the remainder of my time.

Mr. MCCONNELL. Mr. President, the President will veto the bill if the Levin amendment is approved. The McConnell amendment must be approved in order to get a Presidential signature.

Is there time remaining on this side?

The PRESIDING OFFICER. There is 6 minutes remaining.

Mr. MCCONNELL. I yield back the time.

The PRESIDING OFFICER. The question is on agreeing to the Levin amendment No. 3876.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

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

The result was announced—yeas 50, nays 45, as follows:

[Rollcall Vote No. 438 Leg.]		
YEAS—50		
Akaka	Brown	Casey
Baucus	Byrd	Collins
Bayh	Cantwell	Conrad
Bingaman	Cardin	Dole
Boxer	Carper	Dorgan

Durbin	Levin	Salazar
Hagel	Lincoln	Sanders
Harkin	McCaskill	Schumer
Inouye	Menendez	Smith
Johnson	Mikulski	Snowe
Kennedy	Murray	Stabenow
Kerry	Nelson (FL)	Tester
Klobuchar	Nelson (NE)	Voinovich
Kohl	Pryor	Webb
Landrieu	Reed	Whitehouse
Lautenberg	Reid	Wyden
Leahy	Rockefeller	

NAYS—45		
Alexander	Crapo	Lott
Allard	DeMint	Lugar
Barrasso	Domenici	Martinez
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brownback	Feingold	Murkowski
Bunning	Graham	Roberts
Burr	Grassley	Sessions
Chambliss	Gregg	Shelby
Coburn	Hatch	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Corker	Isakson	Thune
Cornyn	Kyl	Vitter
Craig	Lieberman	Warner

NOT VOTING—5		
Biden	Dodd	Obama
Clinton	Feinstein	

The PRESIDING OFFICER. Under the previous order requiring 60 votes, the amendment is withdrawn.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the motion. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

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

The yeas and nays resulted—yeas 70, nays 25, as follows:

[Rollcall Vote No. 439 Leg.]		
YEAS—70		
Akaka	Dole	McCaskill
Alexander	Domenici	McConnell
Allard	Dorgan	Mikulski
Barrasso	Ensign	Murkowski
Baucus	Enzi	Nelson (FL)
Bayh	Graham	Nelson (NE)
Bennett	Grassley	Pryor
Bond	Gregg	Roberts
Brownback	Hagel	Rockefeller
Bunning	Hatch	Salazar
Burr	Hutchison	Sessions
Carper	Inhofe	Shelby
Casey	Inouye	Snowe
Chambliss	Isakson	Specter
Coburn	Johnson	Stevens
Cochran	Kyl	Sununu
Coleman	Landrieu	Tester
Collins	Levin	Thune
Conrad	Lieberman	Vitter
Corker	Lincoln	Voinovich
Cornyn	Lott	Warner
Craig	Lugar	Webb
Crapo	Martinez	
DeMint	McCain	

NAYS—25

Bingaman	Kennedy	Reid
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Byrd	Kohl	Smith
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Whitehouse
Durbin	Menendez	Wyden
Feingold	Murray	
Harkin	Reed	

NOT VOTING—5

Biden	Dodd	Obama
Clinton	Feinstein	

The PRESIDING OFFICER. Under the previous order, requiring 60 votes for the adoption of the motion, the motion is agreed to.

The majority leader is recognized.

Mr. REID. Mr. President, we have just a few matters left. We have a vote on AMT. This is a vote we have had before. Senator BAUCUS, the Finance chair, will talk about it when we get to it in a few minutes. It is an issue on which I agree with the House. I think we should have paid for it. We have had this vote several times before—at least once before. We have tried different ways of getting the matter before the Senate.

We have an agreement in the order entered earlier today that we are going to vote on whether AMT should be paid for. Senator BAUCUS will speak on that.

AMENDMENT NO. 3877

Mr. REID. Mr. President, it is my understanding there is a motion to concur at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment No. 1 to the Senate amendment to H.R. 2764, with an amendment numbered 3877.

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

The PRESIDING OFFICER. There will be 1 hour of debate equally divided.

Mr. REID. Mr. President, we have a vote on this, and we have a vote on whether we will concur with the House on a matter that we have changed and sent back to them. Then I am going to speak with the chairman of the Judiciary Committee. Under the order entered several days ago, we have a judge who is on the calendar. I will talk with the distinguished manager of this bill and the chairman of the Judiciary Committee to find out if we are going to have a recorded vote.

My point is that people should not run off after the second vote. There may be three votes tonight.

The PRESIDING OFFICER. Who yields time?

The senior Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, the next vote is on AMT, paid for. We have had this vote several times. It requires 60 votes. I personally believe that the AMT relief we will be providing for here, so the taxpayers will not have to pay additional AMT for 2007, should be paid for. I don't think the votes are here. There are not 60 votes to pay for

it. But once this goes down because it doesn't have 60 votes, it is then my expectation that the House will then vote for AMT not paid for so that we can get AMT passed this year. Americans will know they will not have to pay the additional AMT tax, done in a way that is satisfactory.

There is an hour allocated on this amendment, a half hour each side. Mr. President, I don't plan to take any more minutes than I have already consumed. I expect the other side will not either.

I will reserve the remainder of my time, with the expectation that I will yield back the remainder of my time. For now, I will reserve my time.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I yield myself such time as I may consume. I haven't had a request on this side for many people to speak. I think I will speak for 9 or 10 minutes on my side. If people want time, I will be glad to yield time.

When we were debating the Tax Relief Act of 2005, the other side forced a series of debates on the same subject matter. We had the same debate three times, and it culminated on Groundhog Day, February 2, 2006. Despite numerous votes and debates in each round, we went through essentially the same debate and vote not once or twice but three times.

I have two charts that will remind folks of that exercise.

My first chart depicts a groundhog. For those of you who see the groundhog, you will recall that the centerpiece of that debate involved the alternative minimum tax patch. During the first groundhog debate, the bipartisan majority had to prove that we meant business on the cornerstone of that bill, which was the last AMT patch that was enacted. I am referring to the AMT patch that protected then about 15 million families, and now we are talking about protecting about 23 million families.

The bipartisan majority, I am pleased to remind everybody, stuck to our guns in conference on that bill. We made sure the AMT patch was one of the cornerstones of the conference agreement. So despite the extended debate, what we said would happen did happen.

Now, the next Groundhog Day is February 2, 2008. That is just 45 days from now. That may seem like a long time, but given recent history, I am worried. Here is why.

About 47 days ago, the two tax-writing committee chairmen, Congressman RANGEL and Senator BAUCUS, and the ranking members, Congressman MCCRERY, and this Senator, wrote Secretary Paulson and acting IRS Commissioner Stiff and pledged to get an AMT patch bill to the President before the end of the year. We wrote the letter for a couple of reasons. The first reason is to spare 23 million middle-income families from an average tax increase

of \$2,000 per family. As everyone now agrees, this monster tax was not meant to hit 23 million middle-income families. The second reason was to assure the Secretary of the Treasury and the IRS Commissioner that we would do everything possible to minimize delays in refunds for another 27 million families and individuals, on top of the 23 million who would be hit for the first time.

After pledging to get mutually agreeable AMT patch legislation to the President in a form he could sign—that is what the letter was about—we are instead now engaged in this Groundhog Day type of exercise. We are essentially having the same debate, and we will go through the same votes the Senate went through just a couple of weeks ago. In other words, the floor debate tonight illustrates my worry that we are repeating the Groundhog Day exercise.

I ask unanimous consent to have printed in the RECORD a copy of that letter by the two chairmen and ranking members.

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

CONGRESS OF THE UNITED STATES,
Washington, DC, October 30, 2007.

Ms. LINDA E. STIFF,
Acting Commissioner, Internal Revenue Service,
Washington, DC.

DEAR ACTING COMMISSIONER STIFF: Under present law, more than 23 million taxpayers will be subject to higher taxes in 2007 unless legislation is enacted to limit the reach of the Alternative Minimum Tax (AMT). We realize that this fact is causing concern for many taxpayers and is creating administrative difficulties for the IRS as the agency prepares for the upcoming filing season.

As the leaders of the Congressional tax-writing committees, we want to assure you that legislative relief is forthcoming so that no new taxpayers will be subject to the AMT for taxable year 2007. To accomplish this, we are committed to extending and indexing the 2006 AMT patch with the goal of ensuring that not one additional taxpayer faces higher taxes in 2007 due to the onerous AMT. In addition to allowing the personal credits against the AMT, the exemption amount for 2007 will be set at \$44,350 for individuals and \$66,250 for married taxpayers filing jointly.

We plan to do everything possible to enact AMT relief legislation in a form mutually agreeable to the Congress and the President before the end of the year. We urge the Internal Revenue Service to take all steps necessary to plan for changes that would be made by the legislation.

Thank you for your immediate attention to this matter.

Sincerely yours,

MAX BAUCUS,
Chairman, Committee
on Finance.

CHARLES E. GRASSLEY,
Ranking Member,
Committee on Fi-
nance.

CHARLES B. RANGEL,
Chairman, Committee
on Ways and Means.

JIM MCCRERY,
Ranking Member,
Committee on Ways
and Means.

Mr. GRASSLEY. So we are not quite there yet, but the way we are going, we

might not get this year's AMT patch done until the next Groundhog Day.

Let me bring up another chart to expand on this point. I have next to me the portrait of Punxsutawney Phil, that famous groundhog. In thinking of Phil and the weather report he will provide in 45 days, I also thought about the popular film entitled "Groundhog Day." That movie stars Bill Murray, in which a man relives the same day—Groundhog Day—over and over and over. This film has taken on greater significance for me as I seem to be in a very similar situation. More than just a sense of the *deja vu*, I feel I am reliving a past experience.

We are going through the same debate we had a couple of weeks ago. We are on a different bill and the amendment has different offsets. Yet I seem to remember already having this debate.

So, Mr. President, instead of taking the next steps and focusing on what we said we would do in the letter and finding a mutually agreeable—those are words from the letter—resolution to the AMT patch, the House Democratic leadership is insisting that the Senate repeat the same debate and vote of just last week.

At 5:01 p.m., on Tuesday, December 4, 2007, we took up H.R. 3996, with the title "Temporary Tax Relief Act of 2007." For several hours on Tuesday, Wednesday, and into Thursday, we debated the bill. The final vote on final passage came at 7:25 p.m., Thursday evening, December 6.

According to the Secretary of the Senate, 93 of us were here for that vote. So I must not be the only one reliving this experience.

I ask unanimous consent to have printed in the RECORD the results of that final vote.

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

The result was announced—yeas 88, nays 5, as follows:

[Rollcall Vote No. 415 Leg.]

YEAS—88

Akaka	Dole	Lugar
Alexander	Domenici	Martinez
Allard	Durbin	McCaskill
Barrasso	Enzi	McConnell
Baucus	Feinstein	Menendez
Bayh	Graham	Mikulski
Bennett	Grassley	Murkowski
Bingaman	Gregg	Murray
Bond	Hagel	Nelson (FL)
Boxer	Harkin	Nelson (NE)
Brown	Hatch	Pryor
Brownback	Hutchison	Reed
Bunning	Inhofe	Reid
Burr	Inouye	Roberts
Byrd	Isakson	Rockefeller
Cantwell	Johnson	Salazar
Cardin	Kennedy	Sanders
Casey	Kerry	Schumer
Chambliss	Klobuchar	Sessions
Coburn	Kohl	Shelby
Cochran	Kyl	Smith
Coleman	Landrieu	Snowe
Collins	Lautenberg	Specter
Corker	Leahy	Stabenow
Cornyn	Levin	Stevens
Craig	Lieberman	Sununu
Crapo	Lincoln	
DeMint	Lott	

Tester Thune	Vitter Warner	Webb Wyden
NAYS—5		
Carper Conrad	Dorgan Feingold	Whitehouse
NOT VOTING—7		
Biden Clinton Dodd	Ensign McCain Obama	Voinovich

Majority ½ Required

Vote date: 12/06/2007, 6:23:00 p.m., Business Type: L.

Result Code: 1 (Bill Passed).

Vote title: H.R. 3996 as Amended.

Mr. GRASSLEY. Mr. President, as we consider the Senate amendment to the omnibus bill, I have to ask: Why are we still here? I have to ask: Didn't we already go through this exercise? I have to ask: Aren't we finished with the Senate debate?

In the face of the urgent need to enact an AMT patch, does the House Democratic leadership want the Senate to reenact recent debates and resuscitate old talking points? Our un-offset AMT patch already passed with the support of 88 Senators.

While I believe this legislation is extremely important and we will debate it for as long as is necessary, I question the necessity of going through a process that resulted in overwhelming bipartisan passage of the same bill 2 weeks ago.

That is my first point. This is, in fact, a curious exercise. It is an exercise with no apparent purpose other than delay. Is the delay on the part of the House Democratic leadership important? Why doesn't the House send the amended House bill which cleared this Chamber by a vote of 88 to 5 to the President of the United States for signature? Because President Bush will sign it. That bill does meet—again the words from the letter of the chairman of the committee—that bill does meet the mutually agreeable criteria of the tax writers' letter. The amendment before us, just as the prior House vote, does not meet the mutually agreeable criteria that was in that letter.

Nearly all House and Senate Republicans have a problem with this amendment and its predecessor that failed in the Senate. The problem is not necessarily with the offsets themselves. Some of them might be acceptable tax policy to this Senator and others on our side. The debate and resistance on our side rests with a bigger principle. It is about accepting the notion that the unintended reach of the AMT should be permitted unless we find offsetting revenue from other taxpayers; in other words, other taxpayers being taxed to offset revenue from middle-income taxpayers who were never supposed to pay this tax in the first place. It is the use of the AMT then as an open-ended revenue-generating machine that creates problems on the Republican side of the aisle.

I am going to point to another chart to illustrate this debate. This is a chart of a very fine horse, a horse named Trigger and his rider Roy Rog-

ers. Trigger is a fine horse, but he is dead. He is very dead. Trigger is so dead that he is stuffed and resides in a museum. This debate is the practice of beating a dead horse. It would be like tourists taking swipes at Trigger as they go through the museum. Everyone knows beating a dead horse is a waste of time, but that is what we are doing. We need to stop beating a dead horse. We need to show our good friends in the House Democratic leadership that they need to stop reviving a dead horse of an offset AMT patch. It is a dead horse. Let's stop beating it. Vote against this amendment.

After this exercise is done, then I urge my friends in the House leadership to pass the un-offset AMT patch bill we sent them several days ago, that very same bill that passed this body 88 to 5.

Think, will you, on the other side of the Capitol, think of the 23 million families that will face a tax increase of \$2,000 per family if we don't get this bill to the President. Think of the 27 million families and individuals that will face even longer delays in getting their refunds next year if we don't get this bill passed, or even if we do get this bill passed, it is going to be delayed. Think of these hard-working taxpayers. Stop beating a dead horse and let's get the people's business done.

I reserve the remainder of my time.
The PRESIDING OFFICER (Mr. PRYOR). The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator from North Dakota has some comments about not beating a dead horse. I now yield 7 minutes to the Senator from North Dakota.

I might say, we should not beat a dead horse, that is clear, but also we should not look a gift horse in the mouth. We have an opportunity to resolve this and get it done. I urge us to vote quickly so we can dispose of this matter so the American taxpayers get their AMT relief very quickly.

I yield to the Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the chairman.

I say to the Senator from Iowa when he tells us that we should stop beating a dead horse, the picture he used shows that Trigger rides again. That wasn't a dead horse. That horse is alive, and as well it should be, because the underlying question is whether we pay for anything in this Chamber or do we borrow the money? When we borrow the money, do we borrow it from the Chinese and the Japanese, or do we start paying our bills right here at home? That is the issue before the Chamber. It is not a question of a dead horse or a live horse. It is a fundamental question of whether we pay our bills or put it on the charge card.

The issue before us is very simple. If we do not offset the alternative minimum tax or alter it in some way, it will hit 23 million American families, up from some 4.2 million this last year.

The bill before us says, yes, adjust the alternative minimum tax so more

people are not hit by it, but it also says something very important. It says pay for it; don't go out and borrow the money, don't go out and borrow billions more from China and Japan.

The House has it right. We ought to pay for it. Certainly it makes no sense to let the alternative minimum tax sweep up millions more people, but it also makes no sense to fail to pay for it. That is not just my view; that is also the view of the former chairman of the Federal Reserve who said on ABC's weekend program in response to a question from George Stephanopoulos, the question was put to the chairman:

So when the Congress this week . . . fixes this patch in the alternative minimum tax . . . and doesn't pay for the increase in the deficit, that is something you're against?

Mr. Greenspan:

Yes.

No qualifications, a simple clear statement in support of paying for fixing the alternative minimum tax.

Why is paying for it so important? Because if we fail to do so, we put it on the debt, and already the debt has skyrocketed under this administration, from \$5.8 trillion in 2001 to, at the end of the fiscal year that just ended, a debt of \$8.9 trillion.

Future generations will look back on this one. Perhaps they will be amused by the debate tonight. They will not be amused by the debt we leave them. This generation will not be known as the greatest generation. This generation will be known as a greedy generation, a self-oriented generation, one that was not responsible with the people's money.

Some of my colleagues claim we never intended to raise this money, that it was no part of any budget, that it was not part of any revenue projection. I beg to differ. As chairman of the Senate Budget Committee, I can tell you that these revenues have been in every budget written by this President, and written by the Congress, whether controlled by the Republicans or the Democrats. The only way any of these budgets have balanced was to assume this revenue which is the law of the land would either be collected or would be offset, would be paid for.

This chart shows the revenue assumptions in the Bush budget. We find alternative minimum tax revenue assumed for each and every year of the 5 years of this budget.

I won't belabor the point. This is a question of whether we are going to be responsible. This is an opportunity to fix the alternative minimum tax, to prevent it from being spread to 23 million American families, but to do it in the responsible way: to offset it with other revenue so it does not get added to the deficit, so it does not get added to the debt, so we are not compelled to borrow even more billions from the Japanese and the Chinese and around the world.

I hope my colleagues will vote "aye" and demonstrate their fiscal responsibility tonight.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Ohio.

Mr. BROWN. Mr. President, yes, we have been here before. I hear the Senator from Iowa, whom I greatly respect, say we have been here before and have done this over and over. In the last 2 hours, we have made the same mistake, or about to make the same mistake, that we have made in the last 6 years. About 7 groundhog days ago, if you will, we went from a budget surplus to huge budget deficits, as Senator CONRAD pointed out. Do you know why? Because we are in the middle of a war that Senator BYRD spoke so eloquently against time and again on this Senate floor, a war that has cost us \$500 billion and counting, and we have done tax cuts over and over. Every groundhog day we do another tax cut.

So tonight, in the space of 2 hours, we are going to encapsulate that in one evening. We did \$70 billion for a war nobody is willing to pay for. Let our grandchildren pay for that one. And then we are doing more tax cuts, hundreds of billions of dollars we are not paying for, so let our grandchildren take care of it.

We have been here before, and it is about time we vote "yes" on this and do the right thing, so instead of these going from a budget surplus 7 groundhog days to hundreds of billions of dollars in budget deficits, instead we have an opportunity, as Senator CONRAD said, to do the right thing to begin to pay for things as we go so that our grandchildren will not continue to be burdened with our profligacy and our irresponsibility.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Mr. President, if the other side is ready to yield back their time, I will yield back our time, but I want to find out if they are interested in doing that.

Mr. BAUCUS. I yield back our time.

Mr. GRASSLEY. I yield back our time.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. DURBIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. McCAIN).

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

The result was announced—yeas 48, nays 46, as follows:

[Rollcall Vote No. 440 Leg.]

YEAS—48

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

NAYS—46

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

NOT VOTING—6

Biden	Dodd	McCain
Clinton	Feinstein	Obama

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this motion, the motion is withdrawn.

The majority leader is recognized.

Mr. REID. Mr. President, I move to concur in the House amendment.

Mr. President, there is a proverb from the Book of Matthew that says: "For where your treasure is, there your heart will be also."

In the past few weeks, as we have put together the budget that is now before us, Democrats have sought to put our hearts and our treasure where the American people need them most.

President Bush and his Republican allies in Congress have been determined from the start to stand in our way.

The President picked a top line budget number out of thin air and said he would veto any bill that invested another dime above this total in the needs of the American people—no matter how many children, students, working families veterans or senior citizens would be harmed.

This from the President who inherited record surpluses when he took office and turned them into record deficits.

This from the President who has spent nearly \$500 billion—all of it borrowed—to fight a war of choice in Iraq, while ignoring the desperate needs that we face here at home.

And this from congressional Republicans who have rubber-stamped his every irresponsible, wasteful, reckless choice.

But now, this year, this President and these Bush-Cheney Republicans

claim—after years leading our country down a path of fiscal ruin—they have been baptized into the church of fiscal responsibility.

Under this false pretense, they went about to prevent us from presenting appropriations bills that help America's working families.

With the power of the President's veto and a core group of congressional Republicans willing to back it up, this fight has not been easy. That is an understatement.

Nevertheless, in the past few weeks, we have worked within the President's arbitrary top line to make it clear to the American people where our hearts and our fiscal priorities lie.

Every victory in the appropriations bills now before us—every benefit to working families, every investment in our Nation's future—we have had to fight for, tooth and nail.

Bush-Cheney Republicans turned their backs on medical science in this budget.

They tried to cut 800 grants for medical research at the National Institutes of Health—programs that would help find cures for dread diseases.

Our Democratic priorities are different.

We want to spread hope—real scientific hope—that those who suffer from Alzheimer's, cancer, Parkinson's and diabetes and other maladies will see a brighter, healthier day.

So we restored the Bush-Cheney Republican cuts to the NIH and invested more than \$600 million in medical research.

We refused to back down and we won that fight.

The Bush-Cheney Republican budget would have slashed access to health care by \$600 million—leaving many of the most vulnerable Americans with nowhere to turn.

But our Democratic priorities are different.

We believe in helping the little girl with asthma, for whom the emergency room is a revolving door because her parents can't afford a doctor; or the uninsured laborer who gets injured on the job; or the senior citizen who suffers from arthritis.

We gave these Americans a better chance to live healthy lives—with \$1 billion above the President's request for programs like community health centers, high risk insurance pools and rural hospitals—programs on which hundreds of thousands of low-income Americans rely.

We refused to back down on America's health care needs, and we won that fight.

If the Bush-Cheney Republicans got their way, this budget would have stripped \$1.2 billion from education, eliminated major student aid programs and cut vocational education by 50 percent.

But Democrats have different priorities here, too.

We believe that education is the great equalizer in America, and that

every American child deserves the right to a quality education and the keys to a better future.

We backed that commitment with major investments in Title 1, special education, teacher quality grants, after school programs, Head Start, student aid grants and technical training—all above the Bush-Cheney Republican request.

Democrats refused to back down and let Republicans rob children of the chance to succeed, and we won that fight.

Bush-Cheney Republicans talk tough on law enforcement, but when it came time to actually give our State and local law enforcement the tools they need to keep us safe, Bush-Cheney Republicans said no.

Their budget cut law enforcement funds by \$1.4 billion at the Department of Justice.

Once again, Democrats' priorities are different. We invested \$1.2 billion more than the President's request to help our police fight crime.

We refused to back down from our commitment to safer neighborhoods, and we won that fight.

Bush-Cheney Republicans try hard to scare us with the threat of terrorism. Did their budget match their rhetoric? No.

They cut more than \$1 billion in homeland security grants for police, firefighters and medical personnel.

What are our priorities? Democrats increased our commitment to fighting terrorism by nearly \$2 billion.

We refused to believe that at a time we are spending \$12 billion a month in Iraq and Afghanistan, we couldn't spend an additional \$2 billion per year to fight terrorism in America.

We won that fight, too, and America will be safer because of it.

The same year when the Minneapolis bridge collapse tragically reminded us that our roads, bridges and tunnels are crumbling, Bush-Cheney Republicans tried to strip critical infrastructure projects from the budget.

Democrats refused to stand by while the President spends billions to build roads in Iraq, but tells us we can't do anything about our roads in America.

We can do something and we did. We refused to back down and we won the fight for American infrastructure.

When it came time to choose between energy independence and big oil, between a clean environment and the special interests, the Bush-Cheney Republicans chose the special interests.

Our priorities are consumers who are spending more than ever to pay for gas for their cars and heat for their homes.

We take the side of cleaner air and renewable fuels by investing in solar energy, wind energy, biofuels and energy efficiency.

We stood up to Bush-Cheney Republicans, who once again turned their backs on science and cozied up to the major polluters.

We won that fight, and America will be safer and cleaner because we did.

I am so grateful for my Democratic colleagues in the House and Senate.

We have faced a level of arbitrary stubbornness from President Bush and his congressional allies that no Congress has ever faced before.

We turned a horrible budget into a budget that does some good, important things.

And we did it responsibly: without raising taxes or adding anything to President Bush's epic pile of debt.

Our country owes enormous gratitude to the senior Senator from West Virginia, Chairman ROBERT BYRD, for his leadership on this budget.

Chairman OBEY also did a tremendous job on this legislation.

I would also like to acknowledge the work of Senator COCHRAN, who worked with Senator BYRD and others to move this bill through committee and to the floor.

This budget includes funds to help prevent Western wildfires and better fight the ones that do occur.

It includes vital education funding for Nevada's universities.

It invests in Nevada's renewable energy.

It provides funds for vital Nevada water projects.

And it honors our troops and veterans with more than \$340 million for the southern Nevada veteran's hospital.

But let me be clear: this compromise budget could have been much, much better if not for Bush-Cheney Republicans' double standard on fiscal responsibility.

They chose to enforce an arbitrary topline on America's priorities—even as they continue to borrow billions to fund the endless war in Iraq, to support corporate cronyism, and to look the other way on global warming and pollution.

Because Republicans have made these choices, the American people will have to keep waiting for the kind of budget they deserve.

But because Democrats refused to back down, this budget is a step forward.

The American people deserve to know that Democrats will keep taking step after step after step to set the right priorities and make the progress that our country so desperately needs.

Mr. President, as things now stand, we have about 20 minutes of talking on the Republican side and we have Senator BYRD, who has less than 10 minutes on our side. Those are the only speeches I know of.

Mr. LEAHY. Mr. President, I am going to require 5 minutes.

Mr. REID. That is what I was starting to say. On our side, we have Senator BYRD plus the manager of the bill, Senator LEAHY.

Following that, there is going to be a vote on a judge. I don't know how much time Senator LEAHY and Senator SPECTER want on the judge, but whatever time they want, they can have it. But we will have a vote on the judge.

Tonight, when these speeches are finished, we will have one final vote, a vote on the judge. We are going to be in session tomorrow. There will be no rollcall votes after 9, unless something untoward happens that Senator MCCONNELL and I do not expect. So we will be in session if somebody wants to come in and give some speeches. We have some nominations we are trying to clear, maybe some bills from the House. I do not expect any heavy lifting tomorrow, at least I hope not.

I wish to express my appreciation to everyone for their cooperation in getting to the point where we are. As some have heard me say before, usually you recognize you have something that is OK when both negotiators are unhappy with what they have gotten. That is what we have. We are not happy with how we have been pushed into doing what we have done. The President is not happy, as his people say he has been pushed into doing things he didn't want to do. We are where we are. We are going to be able to finish our appropriations process, and we should all hold our heads high in that regard.

Again, I wish everyone a very merry Christmas, a happy New Year, and look forward to a productive year next year, the last of the 110th Congress.

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

Mr. BYRD. Mr. President, it has been a challenging year for the Senate Appropriations Committee. When the 110th Congress convened in January 2007, only two of the annual appropriations bills had been enacted. Working with the chairman of the House Appropriations Committee, Mr. DAVID OBEY, Senator COCHRAN, and Representative LEWIS, we immediately began work on a joint funding resolution to fund the Federal Government.

We focused on funding a short list of priorities, such as adding \$3.6 billion for VA medical care; \$1.6 billion for State and local law enforcement; \$620 million for the National Institutes of Health; and \$1.4 billion to fight AIDS and malaria in the developing world. That joint funding resolution was passed by the House and the Senate and signed into law by the President on February 15, 2007.

Almost immediately, the committee was called back into action to tackle a bill to make emergency appropriations for the wars in Iraq and Afghanistan. The committee produced a prudent and responsible bill that required a new course for the war in Iraq. The bill set a goal for having most of our troops out of Iraq by January 1, 2008. Had the President signed that bill, most of our troops would already be home preparing to celebrate the new year.

Unfortunately, the President found that the bill did not support his "stay the course" policies and vetoed that bill on May 1, 2007. The Appropriations Committee produced another bill, totaling \$120 billion, unfortunately this time stripped of the important guid-

ance on the future of the war. That bill was again passed by the House and Senate, and this time the President signed it into law on May 25, 2007.

The committee then began its annual work of producing the regular appropriations bills. I am proud to say that the committee reported 12 individual appropriations bills, many of which were reported by unanimous, bipartisan votes. The bills that were considered on the floor of the Senate received broad, bipartisan support, and each received the affirmative vote of more than 75 Senators. And finally, the committee—working on a bipartisan, bicameral basis—produced the complex legislation, which is now before the Senate.

My reason for detailing the work of the Appropriations Committee this year is simple: I wish to convey my personal appreciation for all of the work and cooperation of the committee's ranking member, Senator COCHRAN, who has time and again used his skill and experience to bring credit upon himself, the committee, and the Senate as a whole.

I also wish to commend the chairmen and ranking members of each of the 12 subcommittees. It is through their knowledge and leadership that the committee is able to craft the individual appropriations bills. It is to their great credit that the committee was able to rise to the many challenges presented this year.

I wish to express my gratitude to the staff of the Appropriations Committee. They are dedicated public servants: professional, expert, and diligent. The committee is extremely fortunate to have their services, and I thank them for all the many hours they have devoted to performing their duties.

And finally, I send to my colleague, Senator COCHRAN, each member of the Appropriations Committee, and all of the staff, my warmest wishes for a safe and joyous Christmas in the spirit of the old-Time Christmases and a very happy New Year.

Mr. DOMENICI. Mr. President, I do not know where the time is. I do not want to interfere. I want 2 minutes before they are finished. Thank you.

Mr. LEAHY. Mr. President, what is the parliamentary situation on time?

The PRESIDING OFFICER. There is 50 minutes remaining on the majority side and 1 hour on the minority side.

Mr. LEAHY. Mr. President, I see the Senator from Georgia rising. Do you wish to speak?

Mr. CHAMBLISS. Yes, I do have a statement I want to make, followed by Senator ISAKSON.

Mr. LEAHY. If the Senator is willing to wait for a few minutes?

Mr. CHAMBLISS. Surely.

Mr. LEAHY. Mr. President, I commend the distinguished Senator from West Virginia. In a few weeks, I will have served with him for 33 years. Now, in ROBERT C. BYRD time, 33 years is but a moment. In PATRICK J. LEAHY's time, it is a wee bit of time. But I remember

coming here as a 34-year-old Senator—Senator BYRD was the majority whip at the time—and how much he taught me, and his colleague, the leader, Mike Mansfield, and then later when he was our leader, and, of course, sat on Appropriations. He has been my leader for all of those years. I appreciate his help.

His late wife Erma was a very special friend of my wife's and mine, and I hope he does not mind me mentioning her at this time. I always thought when she and my wife Marcelle would meet at the grocery store that perhaps BOB and I were at a lower level. It went to a higher level when it was not Senator BYRD and Senator LEAHY. But it was Marcelle and Erma talking about BOB and PATRICK, and what should we do to take care of those folks. Well, ROBERT C. BYRD has taken care of all of us these years. It has been a privilege to serve on the Appropriations Committee with him. It is especially nice, because one of the closest friends I have in the Senate, THAD COCHRAN, has been both chairman and ranking member of that committee, and those of us who have been here for over a third of a century, as I have, know the majority and minority goes back and forth.

The thing that does not go back and forth is the friendships we have across the aisles. The distinguished Presiding Officer knows that his father and I were very close friends and served together. His mother and my wife were close friends. Those kinds of friendships go on through the years and through the decades.

We have spoken of the Senate as being a family. Indeed it is. It is probably a family that wants to go home and go to bed, so I will not push this much longer. But I think how important it is that we do have these chances to be together. So I applaud Senator BYRD, I applaud Senator COCHRAN, and their staffs.

Because this is the Foreign Operations Bill we are on, I want to mention my own staff: Tim Rieser, Kate Eltrich, Nikole Manatt, who handle the Appropriations subcommittee for me, and the various other matters they are involved in here; J.P. Dowd, my legislative director; Ed Pagano, my chief of staff; Bruce Cohen, who is always listed as one of the 50 most important people here in the Senate—I get listed as an asterisk—because of what he does to make sure the Judiciary matters are kept here; Jessica Berry and so many others who keep this thing going.

I said to Senator REID, our distinguished leader, we Senators are but mere constitutional impediments to our staffs. We know they are the ones who run it. Roscoe Jones of my staff was here, probably never heard me say that. He is trying desperately to keep a straight face, but it is a fact.

We have included within this money for DNA funding \$4.8 million for the Kirk Bloodworth post-conviction DNA testing grants, and \$147 million for the Debbie Smith DNA backlog grants.

I am privileged to know both Kirk Bloodworth and Debbie Smith.

Mr. LEAHY. Mr. President, I am pleased to note that we included funding in the appropriations package for landmark programs created by the Justice For All Act of 2004. Specifically, we provide \$2.5 million for Capital Litigation Improvement Grants to improve the quality of legal representation in State capital cases, and over \$152 million to improve Federal and State DNA collection and analysis systems critical to the prosecution of the guilty and the protection of the innocent from wrongful prosecution.

The Justice For All Act capped more than 4 years of effort by a bipartisan House and Senate coalition that included both supporters and opponents of the death penalty. It is the most significant step we have taken in many years to improve the quality of justice in this country and restore public confidence in the integrity of the American justice system.

That law increased Federal resources for combating crimes with DNA technology, established safeguards to prevent wrongful convictions and executions, and enhanced protections for victims of Federal crimes.

It authorized the Debbie Smith grant program to address the DNA backlog crisis in the Nation's crime labs, and created new grant programs to reduce other forensic science backlogs, train criminal justice and medical personnel in the use of DNA evidence, and promote the use of DNA technology to identify missing persons. It also established enhanced and enforceable rights for crime victims in the Federal criminal justice system.

The law also included legislation I authored called the Innocence Protection Act. That measure provides access to postconviction DNA testing in Federal cases, helps States improve the quality of legal representation in capital cases, and increases compensation in Federal cases of wrongful conviction. It established the Kirk Bloodsworth PostConviction DNA Testing Program to help States defray the costs of postconviction DNA testing.

Getting the Justice For All Act fully-funded has proven to be tough, especially given the fiscal crunch that all criminal justice programs have faced in recent years. However, as a senior member of the Appropriations Subcommittee that sets the Justice Department budget, I have worked closely with CJS Chairwoman MIKULSKI and Ranking Member SHELBY to include in the omnibus package roughly \$155 million to advance the comprehensive and far-reaching reforms in the criminal justice system established under the Justice For All Act. I thank my colleagues for their leadership in this area.

State and local authorities will be better able to implement and enforce crime victims' rights laws, including Federal victim and witness assistance programs. They can apply for grants to develop and implement victim notifica-

tion systems so that they can share information on criminal proceedings in a timely and efficient manner.

The intent of the Justice For All Act was to create a fairer and more accurate system of justice for all Americans. The spending priorities set forth in the Justice Department portion of the fiscal year 2008 Omnibus appropriations package will help protect crime victims, maximize the use of forensic DNA evidence testing, and provide safeguards to prevent wrongful convictions and executions.

I note that this bill is the product of more than 9 months of work by the Senate and House Appropriations Committees. It meets the President's arbitrary budget ceiling, but because of the arbitrary ceiling, we have had to cut a number of things. Senator GREGG, Congresswoman LOWEY, Congressman WOLF, and I worked on that to agree to the numbers so that the foreign ops part is not a Democratic bill or a Republican bill, it is a bipartisan bill that attempts to address a myriad of foreign policy, national security, and domestic needs of this country.

Other subcommittees worked just as hard and in a similar bipartisan manner. None of us are completely happy with the outcome. We had to make exceedingly difficult cuts to get to the President's number. But that is the nature of this process.

It is ironic that a President who said he would veto this bill unless it was within his self-proclaimed budget ceiling because he wants to keep a lid on spending, is asking Congress for another \$70 billion in emergency funding to continue the war in Iraq.

Those dollars do not score against the budget, so the White House can espouse the fiction that the President is being fiscally responsible at the same time that he piles on the debt for future generations.

Of course, he never threatened to veto any of the appropriations conference reports during the past 6 years.

It is a political ploy after inheriting a balanced budget and tripling the national debt, but it is going to be hard felt by the American people. Cuts in funding for education, health care, public infrastructure, homeland security, environmental protection, transportation—no part of the federal budget was exempted except defense.

The State and Foreign Operations portion of the bill is \$2 billion below the President's budget. A full \$1.3 billion of that cut was the result of the President's veto threat.

It means fewer children will receive vaccinations in the poorest countries, less money for international peacekeeping, less for HIV/AIDS prevention, care and treatment, less for non-proliferation and anti-terrorism programs, less for disaster relief, less for education, environment, energy and agriculture programs.

But, if the President gets his way, there will be tens of billions of dollars more to keep our troops bogged down

in Iraq, while the Iraqi Sunnis and Shiites continue to fight among themselves.

Despite that, this omnibus bill is a far, far better outcome than continued spending at the fiscal year 2007 levels, and the dire consequences that would bring.

The State and Foreign Operations portion totals \$35.1 billion in discretionary budget authority including \$2.4 billion in emergency spending.

Without emergency spending, the bill totals \$32.8 billion, which is \$2 billion below the President's regular fiscal year 2008 request and \$1.52 billion above the fiscal year 2007 level.

Here are some of the highlights:

We provide \$6.5 billion for global health programs, including \$345 million to combat malaria, \$150 million for tuberculosis, and \$5 billion for HIV/AIDS.

We provide \$546 million for the Global Fund to Fight AIDS, Tuberculosis and Malaria. Added to funds in the Labor, Health and Human Services bill, this omnibus bill provides a total of \$841 million for the Global Fund, an increase of \$115 million above last year's level.

It includes \$446 million for child and maternal health, which is almost \$100 million above last year's level.

We provide \$1.69 billion for United Nations peacekeeping, \$550 of which will support the desperately needed UN-African Union force in Darfur.

The bill provides \$1 billion to assist the world's refugees, and \$100 million to help Jordan cope with the hundreds of thousands of Iraqi refugees that have flooded that country, which is already home to tens of thousands of Palestinians.

The bill provides the requested funds for Israel, Egypt, Pakistan, Afghanistan, the West Bank, Lebanon, and other needy countries.

It provides \$1.54 billion for the Millennium Challenge Corporation, which is \$344 million above the Senate-passed level.

It provides \$501 million for Educational and Cultural Exchange Programs, an increase of \$55 million above the fiscal year 2007 level.

The bill does not include the so-called Mexico City language concerning international family planning which would have led to a Presidential veto. It is regrettable that the President would rather score political points than support private organizations that would use our funds for voluntary family planning services.

The bill provides \$968 million for embassy security, which is \$190 million above the fiscal year 2007 level.

There are several other important provisions in the State and Foreign Operations portion of this omnibus bill.

One would make long overdue reforms to current law by allowing thousands of persecuted refugees, barred because they were members of armed groups that were allied with the U.S., or who were forced to offer food, shelter or other services to terrorist groups, to seek asylum here.

This change was worked out by myself and Senator KYL, and would provide relief to such Vietnam-era allies as the Hmong tribesman of Laos and the Montagnards of Vietnam, and for child soldiers and others who were forced against their will to provide support to terrorist groups.

These people were there for us when we needed them, and we should not turn our backs when they need the safety of our shores. It is an affront to our values and to our reputation as a safe haven for victims of persecution.

The changes we are making will also provide relief for Iraqi refugees, some of whom have been barred for paying ransom to secure the release of a family member who was kidnapped by insurgents.

This change will not raise the number of refugees admitted to the United States, but it will bring our laws back in line with our values.

This bill contains other provisions, some proposed by Democrats, some by Republicans, which make important improvements in our foreign assistance programs.

We provide \$300 million for safe drinking water and sanitation programs, consistent with the Senator Paul Simon Water for the Poor Act.

There are funds set aside for reconciliation and people-to-people coexistence programs in the Middle East, as well as in other countries divided by ethnic, religious, or political conflict.

There are new provisions which address the problem of corruption and governance in countries that receive U.S. assistance.

There are new provisions to improve monitoring of U.S. military aid to countries that have human rights problems, and to address the problem of child soldiers.

Mr. President, these are only a few of the items supported by both Democrats and Republicans in this omnibus bill, and they are only within the State and Foreign Operations portion.

There are thousands of other important domestic programs funded by each of the other subcommittees whose bills make up this omnibus appropriations bill.

Lastly, I wish the American public realized how much Senators on both sides of the aisle work together. I wish the American public realized the number of friendships there are on both sides of the aisle, both among the Senators and their families. Are we going to pass a perfect bill here? No. Am I opposed to the blank check for Iraq? Yes.

We have been in Iraq longer than we were engaged in World War II. It is time to let our brave men and women come home to their families. I believe that from the bottom of my soul. The opposition I have to this bill is because of that.

I know how proud I was when my youngest son, LCpl Mark Patrick Leahy of the Marine Corps, was one to answer the call in Desert Storm, as much as I feared for his safety, and

how pleased I was that war ended so quickly, that he was not in harm's way.

I also worry that that is not something parents can say when they see parents and wives and husbands, children and brothers and sisters when they see their family members in a war that has lasted longer than World War II. It is time to say: Come home, America. Come home, America, and face the problems in our country. Let the Iraqis now face their problems. Let them stand at the plate. Let us address the fact that we have so many unanswered problems in health and science, in addressing our myriad diseases, education, infrastructure, and everything else in this country.

One thing I must say is that is in this bill, Senator STEVENS and I changed the so-called WHTI provision in the omnibus. It shows some realities across the border into Canada and vice versa. There are those of us who think of Canada as that great country to the North. There are some of us who have family ties in Canada, some of us who feel that Canada is not a threat to the United States and we should not treat it as such.

Mr. President, one important issue I wish to highlight today is an international border issue with our friendly neighbors in Canada, Mexico, and the Caribbean that could have severe implications for the social and economic ways of life for communities all across our country.

In the wake of the September 11 terrorist attacks, Congress has enacted a number of new border security measures, all with the expressed goal of preventing another terrorist incident. In this bill, we have worked hard to provide the needed resources for these programs in a fair and balanced manner. Post 9/11, everyone recognizes that there are potential threats and security needs, but we must implement them sensibly and intelligently.

Over the past few years, I have heard from many Vermonters about problems they have encountered at U.S. border crossings, from long traffic backups to invasive searches and questioning to inadequate communication from Federal authorities about new facilities and procedures. Such a top-down approach does not work well in interwoven communities along the border, where people cross daily from one side to the other for jobs, shopping, and cultural events. We have hardened security around this Capitol and the White House and built fences near San Diego. But those procedures do not work on Canusa Avenue in Beebe Plain, a two-lane road where one side of the street is Vermont and the other side is Quebec, or at the Haskell Free Library and Opera House, which straddles the international border in Derby Line, Vermont, and Stanstead, Quebec.

That is why I am pleased that this bill includes a much-needed delay for full implementation of the so-called Western Hemisphere Travel Initiative,

which will require individuals from the United States, Canada, Mexico, and the Caribbean to present passports or other documents proving citizenship before entering the United States. I was pleased to join with Senator STEVENS and many other colleagues from both bodies in pushing for inclusion of this important provision because it is clear that the Department of Homeland Security and the Department of State are not ready for a full rollout of the new passport checks next summer.

Muddled thinking, poor planning, and administrative hubris have plagued implementation of the Western Hemisphere Travel Initiative. The Department of Homeland Security has rushed to implement the new passport checks before the necessary technology, infrastructure and training are in place at our border stations. If these critical features of the deployment are not in place when the new program starts, we will see severe delays at our border and law-abiding citizens from the United States, Canada, Mexico, and the Caribbean will have great difficulty moving between our countries. Most importantly, a hasty implementation will undermine the intended goals of the program.

The massive backlogs in processing passport applications we saw earlier this year when the Departments of Homeland Security and State started to require passports for air travel is just a taste of the chaos that is likely when they start enforcing citizenship checks at our Nation's land and sea borders in January. There is another train wreck on the horizon if these Federal agencies continue pushing forward with full implementation of the Western Hemisphere Travel Initiative before the necessary policies and procedures are in place to handle the surge in applications and the lengthy border crossing delays that are sure to come.

I appreciate the recognition by this Congress that premature implementation will recklessly risk the travel plans of millions of Americans and the economies of scores of U.S. States and communities. The Departments of Homeland Security and State have shown that they need more time to establish a set of rules and procedures that will do more than just shut our borders down to legitimate travel and trade.

Mr. President, there is one item that was in the Senate passed version of H.R. 2764, the State and Foreign Operations Appropriations bill, that the conferees agreed to address in the explanatory statement accompanying the amended bill that is Division J of the omnibus bill, relating to Uganda.

That language directs the Secretary of State to submit a report within 90 days detailing a strategy for substantially enhancing United States efforts to resolve the conflict between the Lord's Resistance Army and the Government of Uganda. The language specifies certain issues to be addressed in the strategy. It also indicates that

\$5 million is provided to implement the strategy.

Due to an oversight, the \$5 million was omitted from the funding table in the explanatory statement under the Economic Support Fund heading. However, it is the intent of the conferees that this amount in unallocated Economic Support Fund assistance be made available for this purpose.

Mr. President, I yield the floor. I see the Senator from Georgia is about to speak.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I know many of my colleagues have become involved in issues in their States stemming from a shortage of water over the years. Sometimes these issues are intrastate, sometimes they are interstate. Regardless of the size or scope, they always get very complicated quickly.

The water wars between Georgia, Florida, and Alabama that have been going on for decades are no different in that regard. They too get very complicated very quickly. There are decades of negotiations, agreements, lawsuits and settlements, and the Governors of the three States are still attempting in good faith to come to a resolution. In fact, those three Governors met in Tallahassee, FL, yesterday, along with Secretary Kempthorne, to create a roadmap forward on this very complicated issue.

There is language included in this Omnibus appropriations bill that does not resolve the very complex problems that the three States continue to deal with, the allocation of water among them. Rather, the language in this bill seeks to, one, insert Congress into the middle of an ongoing dispute and attempts to pick winners and losers in that dispute; two, it attempts to limit the ability of the Corps of Engineers to provide complete and accurate technical data to make recommendations to the States involved in the dispute; and, three, prohibits the Corps of Engineers from completing the process of updating water control manuals, which they have begun to do on one basin, and which they are required to do by statute and their own regulations.

I object strongly to the language regarding this issue included in this bill. The Army Corps of Engineers operates a number of different reservoirs across river systems around the country. Normally they conduct their operations under a water control plan, which is a plan that identifies the objectives for managing the system; basically, the release and retention of water for different needs, such as navigation, water supply, hydropower production, recreation, as well as other needs.

The water control plan is the manual by which the Corps of Engineers manages the river systems, and they do so within the confines of water allocations set for each State.

Now water can be allocated among States in one of three ways: interstate

water compacts, direct congressional appointments, or equitable apportionment by the Supreme Court of the United States.

Obviously, interstate water compacts are the preferred method for allocating water, because they allow the States, which are the most knowledgeable about their own water resources and needs for water, to do the apportioning. That is what the Governors of Georgia, Alabama, and Florida are currently trying to do.

The State of Georgia shares the Apalachicola-Chattahoochee-Flint River Basin with Alabama and Florida. Georgia also shares the Alabama-Coosa-Tallapoosa River Basin with Alabama. After 17 years of litigation, the Governors of these three States are finally at the negotiating table finding a way forward on this very difficult issue.

I commend them for doing so during these exacerbating drought conditions we are now experiencing. It is always harder to discuss sharing water when there is less of it to go around. So during this time of progress, it is mind boggling to see this language in the omnibus bill intended to block that progress. It is a blatant dilatory tactic. I am disappointed it is included in this bill. I am disappointed for several reasons.

First, this is not an issue into which Congress should be inserting itself. The Corps of Engineers is required by Federal statute and their own regulations to operate the reservoirs with up-to-date water control manuals. However, for the ACF basin, the only approved water manual was prepared in 1958 and does not even include the Federal facilities at West Point, Walter F. George, or George W. Andrews.

The process of updating the manuals has been on hold for almost 20 years as litigation between the States has been ongoing. However, last year, the U.S. District Court for the District of Columbia ordered that the Corps of Engineers proceed with its NEPA studies, which is the necessary first step in updating the water control manuals. The court ordered it be done as expeditiously as possible.

Apart from the fact that Congress should not be inserting itself in this issue, apart from the fact that everyone knows updated water control manuals are required by law, have been ordered by a Federal court and are beneficial to all parties, I am also disappointed to see this language because of the process by which it got into this bill.

This language was not in the House-passed version of the Energy and Water appropriations bill. And, in fact, the only instance in which the House has considered this issue was last year during the debate on the fiscal year 2007 Energy and Water appropriations bill. Similar language was removed from that legislation by a House vote of 216 to 201. So this language was not in the House-passed bill.

The full Senate did not even debate the fiscal year 2008 Energy and Water

appropriations bill. Only the Senate Energy and Water Appropriations Subcommittee approved this language. It has now been included in this omnibus bill. That simply is not right.

Finally, let me say that I noted with interest the fact that last week, seven States in the western part of the United States signed a historic water-sharing agreement.

I congratulate those from Utah, Arizona, California, Colorado, Nevada, New Mexico, and Wyoming who worked on this issue and were able to complete what I am sure was a very difficult process. It gives those of us in the Southeast hope for that light at the end of the tunnel, hope that we, too, can reach agreement one day. I ask my colleagues to consider for a moment that if during the midst of progress on that historic water agreement a Member of the Senate attempted to use the appropriations process to prevent the Corps of Engineers from implementing the most up-to-date information in the management of the water that crosses those States. I hope those colleagues would consider the negative impact that would have on the process in which their States were engaged.

I read very carefully the language my colleague from Alabama inserted into this omnibus bill. I can only take solace in the fact that at least the language allows the Corps of Engineers to continue the process of updating the water control manuals, even though it seems to prevent them from actually implementing those manuals, whatever recommendations come out of those manuals. We all know updating water control manuals is a 2-year process. You can rest assured that we will revisit this issue and rest assured when the time comes, I will do everything in my power to make sure these critical updated manuals are actually implemented. I think at the end of the day my colleague from Alabama will discover that updated water control manuals will benefit all parties involved in the difficult negotiations of water allocation among the three States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I associate myself entirely with the remarks of the distinguished Senator from Georgia. Secondly, I express my appreciation to Senator REID for his attempt when this was discovered to allow us a chance to debate the merits of the proposal in division C of section 134 of the Omnibus appropriations act. Unfortunately, that could not be done. Senator CHAMBLISS and I are left with expressing our deep disappointment on the floor of the Senate tonight.

I ask unanimous consent to print in the RECORD the complete article of a December 18, 2007, front-page article from the Marietta Daily Journal entitled "Drought Talks to Speed Up."

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

[From the Marietta Daily Journal,
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DROUGHT TALKS TO SPEED UP
(By David Roysse)

TALLAHASSEE, FLA.—The governors of three drought-stricken Southeastern states agreed Monday to speed up talks on sharing water during scarcities, hoping to end a nearly 18-year fight over the issue by March.

The governors of Florida, Alabama and Georgia and federal officials also agreed not to reduce for now the minimum amount of water that will flow into the Apalachicola River, which feeds a major oyster breeding ground in the Florida Panhandle. That eases the minds of some fishermen and Florida officials—they had feared the flow could be further reduced to meet drinking water needs in Atlanta. Florida's Charlie Crist, Georgia's Sonny Perdue and Alabama's Bob Riley said they agreed that their staffs will continue to work together to come up with a plan for doling out the region's water by March 15.

That was hopeful news to fishermen along the Panhandle Gulf Coast, who were looking at the prospect of water flows remaining lower than they say they can tolerate until June 1, when an interim agreement on flow levels originally had been set to expire. Now, there's a possibility of agreeing on raising the amount of water coming into Florida earlier.

"We're cautiously optimistic," said Kevin Begos, the director of the Franklin County Oyster & Seafood Task Force.

U.S. Secretary of the Interior Dirk Kempthorne, who also participated, said he was pleased the governors have agreed to try to end the states' nearly two decades of disagreement on the issue as early as this spring.

"This was real. It was meaningful," Kempthorne said. "The atmosphere today reinvigorates me that we can get this done."

One of the worst droughts in years in the Southeast has created a sense of urgency, all three governors acknowledged.

"We're talking about solving something we've been working on for 18 years within the next two months," Riley said.

The fast-growing Atlanta area gets most of its water from Lake Lanier, at the head of the river basin shared by the states. But drawing more water from the lake means less for downstream uses in Alabama and Florida.

Alabama is concerned about water for the Joseph M. Farley Nuclear Plant, near Dothan.

Florida is concerned about freshwater flowing into Apalachicola Bay, a prime shellfish producing area, that produces about 1 in 10 of the oysters eaten in the country.

The amount of freshwater flowing through the Apalachicola-Chathoochee-Flint river system into the Gulf at the mouth of the Apalachicola River has been reduced to near historic lows, threatening the fishing industry there.

The flow increased in recent days because of a downpour over the weekend, but it had been reduced to a level that fishermen had said wouldn't sustain their industry. Making them more nervous, U.S. Corps of Engineers officials had said they might reduce the flow further. And it wasn't likely to be renegotiated until June 1.

At a Cobb County-Marietta Water Authority meeting on Monday, authority General Manager Glenn Page said that for the first time since May, the level of Lake Allatoona increased.

At full pool, Lake Allatoona is 840 feet above sea level. Page said the lake on Monday was at 819.15 feet, about 5.5 feet below average for this time of year. On Friday, the lake level was 818.88 feet.

But fishermen have said that to keep the low amount of water going into the bay through the spring spawning season would devastate the industry.

Crist said he understands the needs of the bay's fishermen and oystermen, who complained in a recent meeting that the river mouth and bay are already so salty that oysters can't survive. Speeding up the timeline could mean earlier relief.

"Florida's oyster industry faces an uncertain spring, due to the current drought," Crist said. "Spawning season is critical to our northwest Florida economy."

Crist also hinted that Georgia might need to increase its conservation—noting Florida has made moves to cut use since the drought began.

"We all share the difficulties of the current drought—all three of our states must provide for comprehensive water conservation efforts," Crist said.

None of the governors, however, would talk specifics about where their chief remaining obstacles lie.

Water flows into the bay are also a concern for environmentalists, who worry about the effect of less water on other species besides oysters.

The endangered Gulf sturgeon, and two species of mussel, the fat threeridge and the threatened purple bankclimber, are also imperiled by lower flows.

In early December, authorities said there was less than four months of available water left in Lake Lanier. Perdue said recent reductions in flow that Florida opposed have aided in raising the lake's level.

"The flow reductions have helped, the ability to recover some of the rainfall and store that has helped," Perdue said. "But we've got to have a protocol that determines how we're going to share in times of scarcity, and that's what we're all trying to figure out."

Just last week, Florida water managers approved restrictions on water use in the southern part of the state. Starting early next year, outside watering will only be allowed once a week from Orlando south to the Keys.

The meeting also follows a major agreement signed last week that will allow seven western states to conserve and share Colorado River water, ending a divisive battle among those states.

Mr. ISAKSON. I would like to read one sentence from that article: Governors Charlie Crist of Florida, Sonny Perdue of Georgia, and Alabama's Bob Riley said "that their staffs will continue to work together to come up with a plan for doling out the region's water by March 15."

That common goal stated by those three Governors today in Florida puts us within less than 90 days' reach of what has been out of the grasp of the States of Georgia, Alabama, and Florida for 18 years, since 1989. At the last minute, because of a broken process for an Omnibus appropriations bill to contain legislation that directs, potentially limits, or sets the parameters by which the Corps of Engineers might be able to implement control of the waterways is just not right. It is my sincere hope at some time in the future those who might have thought this was a good idea will recognize it is actually contrary to what we in the Senate from the three States have attempted to do when we had a summit in Washington less than 2 months ago with our three Governors and the Secretary of the Interior.

There is no more precious gift than water, no better and more precious resource than water. There also is nothing better in the legislative process than a spirit of cooperation between each of us who shares borders in our States so as to find the right way to solve problems, not have dilatory tactics to postpone or delay problems.

I conclude by expressing my deep disappointment that the Omnibus appropriations bill contains division C, section 134, which has those potentially limiting factors and urge my colleagues to look to the future to find solutions, rather than a way to protract and delay and find confusion.

I yield the floor.

THE PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wanted to say to the two Senators who have just spoken, this Senator from New Mexico is ranking member of that committee. I am not chairman any longer of the committee they have alluded to. I can assure them that it was not overt action on this Senator's part that put that provision in the bill. I think you know that. We would be talking; I am pretty accessible. You two have already been telling me. I am hopeful that my presence on that committee will be of help to you in resolving whatever problems might be caused by its being there. Having said that, I want to make a comment. If it takes me an extra minute, I ask for an extra minute at this point.

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

Mr. DOMENICI. I come to the floor as I embark upon my last year as a Senator after 35 years. Tonight, today, this week, this month reminds me of something. It reminds me that it is time for the Senate to have a serious debate on whether we should be doing appropriations every year and doing a budget resolution every year or whether it is time for the Senate to do that on a 2-year basis, as many States do, and as we certainly could do, taking the first year for appropriations and budgeting and the second year of the bi-cycle with no appropriations other than emergency supplementals or whatever we define. I believe it will work. I believe it will work because it is better than what we have. I also believe things are so bad in terms of not being able to get our work done and ending up with appropriations like this.

As good as they are, as hard as people work, everybody knows it is not the way to do business. We have done it. Democrats have done it. I lay blame on no party. I merely say the Senate can't sleepwalk through this for much longer. This is a huge problem with a simple solution. The solution will be a little one that will address a huge problem. Plain and simple, the legislation is drawn, committees have had hearings, a 2-year cycle for the processes of budgeting and appropriations. I hope those who have come up to me in the

last week will follow through. I hope the chairman of the Committee on the Budget, who has indicated he is going to look carefully and study thoroughly, will do that quickly.

I would like to join with those early on next year in seeing what we can do to better a process that has served us well but, clearly, at this point in history, considering the size of government, how often government must produce budgets, how wasteful that is, all the other things that go with it, I would hope we might make some giant move in the right direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am advised that there are between both sides nearly an hour and a half left to debate. My colleagues have been asking when we might vote on this and on the judge who is also to be voted on. If my friends on the other side are willing to yield back all their time, I am willing to yield back all time on this side and go to a vote on this measure. I am not trying to cut off anybody from their long speeches. But if they are willing to do that, we could save an hour and a half, yield back time on both sides, and then yield back everything but 1 minute per side on the judicial nomination and go straight to a vote on that. Do I hear any takers?

I ask unanimous consent that all time be yielded back on both the Republican and Democratic side.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEAHY. You want to stay here for the next hour and a half and vote and the next hour or so for the judge and vote.

Mr. DEMINT. Will the Senator yield? I think there are a few of us who would like to make comments on the omnibus, but I don't think we are going to use all of our time.

Mr. LEAHY. I recommend that the Senators, for those who wish to go home, may want to make speeches after the vote. If they would like to make them before, of course. If they would like to make them before, they have that absolute right, and we would not yield back any time.

Mr. DEMINT. That is my preference, to make some comments.

Mr. LEAHY. Then I will not yield back.

The PRESIDING OFFICER. Who yields time?

The Senator from South Carolina.

Mr. DEMINT. Mr. President, hopefully, we can cut the time short. We insist on some comments about this bill because it is probably the largest bill that has ever passed in the Senate. It is sitting in front of me tonight. It amazes me we are willing to take this lightly. This is the bill we are getting ready to vote on, probably the biggest spending bill that has ever passed in

the Senate. It was received yesterday. Normally it is a courtesy in the Senate that the bills we are debating are placed on every Senator's desk so that we can at least have the pretense that we have looked at them. But you will notice that this bill is not on any desk in the Chamber because there is not one single Senator here tonight who can say they have read this bill.

Mr. DURBIN. Will the Senator yield for a question?

Mr. DEMINT. No, sir, I am going to make my statement. I know we are all tired and ready to go home. I do appreciate the work of my colleagues. I wish them all a very Merry Christmas and a wonderful time with their families. But this is the last bill of the year. It is not just any bill. We began the year, all of us, very hopeful. Oftentimes a change is helpful as we rethink how we do things. In fact, I began this year introducing one of Speaker PELOSI's bills that provided more transparency to earmarks that I thought was better than ours. I introduced it on the Senate side. But, unfortunately, as we have gone through the year, we haven't been able to get our work done.

We like to say we are the world's greatest deliberative body. I have to ask my colleagues tonight, on the largest bill we have ever considered, the most expensive bill we have ever considered, what deliberation?

We don't even know what is in this bill. We haven't had any real debate. We are going to try to cut it off in an hour or so. This is a couple of times bigger than the Bible. It is bigger than Webster's Dictionary. It has some of the most important provisions to direct our country over the next year that we could possibly consider. We don't even have a desk copy.

I would like to make a few things clear about this bill. This does not include the Iraq and Afghanistan money. We voted on that separately. It is done. It is going to go back to the House. A vote against this bill is not a vote against our troops, but it is a vote against how this has been done and the mismanagement that has occurred. To bring this much spending and this many provisions, 3,400 pages plus in 24 hours, and ask us to vote on it is irresponsible.

There should be no confusion tonight. We are not going to vote on the Iraq funding, which we passed. I am here to encourage my colleagues to consider for many reasons voting against this omnibus spending bill. I am afraid it is indicative of the way we have run this year, as we look at this big bill sitting in front of us.

I am afraid the new majority has attempted to cater to so many special interests with so many diverse interests that we have really become dysfunctional and have not been able to get our work done. They cannot really support the funding of the troops or they will irritate the antiwar left. They cannot vote for fiscal responsibility or they will irritate the special interest

lobbyists who need a lot of the special projects and earmarks in this bill.

So instead, we have come up with this arcane procedural process. This is not really a bill; it is some form of message. And we are going to pass it separately so that we can have it both ways and no one can be blamed for the mismanagement. But there should be no mistake. NANCY PELOSI is the Speaker of the House, and HARRY REID is the Senate majority leader. The Democrats are in charge of Congress. This is their process. It is their bill. And I am afraid, my colleagues, it is a disgrace.

This is the bill. As I have said, it might be the largest bill in the Nation's history. It is the most expensive bill in America's history—3,400 pages-plus; 24 hours to consider its contents. It took over 6 hours just to print this out. There is one copy in the cloakroom on both sides. We have not even read it. It contains over 9,000 earmarks. If we can see this chart over this large stack of legislation: 9,100 earmarks, plus the 2,100 that have already been passed.

If you remember, a lot of the culture of corruption we talked about at the beginning of this year was attributed to the earmarks—trading earmarks for bribes and earmarks for campaign contributions. The new majority promised the American people, with my support, that we would reduce the number of earmarks significantly.

One of the last acts of the Republican majority was to stop the big omnibus last year and to force a continuing resolution where the result was only 2,600 earmarks.

Those who say this large number of earmarks has always been a part of the Senate do not know our history. All you have to do is go back to 1995: 1,400 earmarks. If you go back past then, there were fewer than that.

This is not a constitutional function. It has not been part of the history of the Senate. This growth in earmarks is a perversion of the purpose of this Congress, where we have changed our focus from national interests, the future of this country, to parochial, special interests that we work on every year and hardly even talk about those issues that challenge our Nation—such as a Tax Code that is sending jobs overseas; entitlement programs, where we do not have a clue how we are going to pay for them; health care, when people cannot receive it in our country. We are fighting over bike paths and museums and little special projects all year long.

This year, with the new majority, we are back up to the second highest level in history of the number of earmarks, special project earmarks, that we are supporting in this bill right here, and we do not even know everything that is in it as yet. It contains at least \$20 billion in budget gimmicks and so-called emergency spending. I could go down the list. It would put a lot of people to sleep. There are a number of ridiculous provisions that we are just finding.

The serious debate over immigration came down to at least one starting solution: that we are going to secure our borders. We voted the money to build fence and barriers on our borders. But this bill changes what we have already passed. It allows for only a single-layer fence and takes out the requirement for the location of the fence in States, that the money cannot be released until 15 new requirements authored by the Appropriations Committee are satisfied. It is just designed to delay what the American people made clear to us earlier in the year. They want us to have a country with secure borders. This bill changes that. It also provides \$10 million to pay for lawyers for illegal aliens.

The English requirement. The Senate passed language earlier in the year to ensure that employers are not subjected to Government-funded lawsuits if they require English in the workplace. This bill takes that protection away from employers and exposes them to lawsuits because they need English spoken in the workplace.

Sanctuary cities. The prohibition against sanctuary cities was taken out.

There are special earmarks for the AFL-CIO, a number of others.

We could go down the list. Again, we are just starting to find out what is in the bill. I know very few Senators here tonight know what is really in it.

The organizations that are watching this Congress to try to identify waste are going to be key voting this tonight. I think my colleagues know they consider that a very serious issue. The Citizens Against Government Waste are saying vote no. The Club for Growth says vote no. The American Conservative Union says vote no. The Americans for Prosperity: No. Americans for Tax Reform: No. National Taxpayers Union. We can continue to go down the list. All the organizations that downloaded this off the Web last night and began looking through it within an hour or two found things that made it unacceptable.

It is an unacceptable bill, and it should not be part of the world's greatest deliberative body tonight. But I think we agreed—I think the American people asked the new majority to end business as usual. I hope we can do that tonight. I hope we can give the American taxpayers a real Christmas present and stop wasting their money, stop breaking the promises. While we are making all the new promises in here, we are not making provisions to keep the promises we make.

I know most of my colleagues believe this is not the way we should be running the Senate and that they would like for there to be a better way. We do not have to vote against the troops to vote against this bill. I would encourage my Democratic colleagues, many of them who have stood with us this year on earmark reform, that is one reason alone to vote against this bill: the policy changes, the moving more money to Planned Parenthood, the

compromising of our border security. The list is getting longer and longer, and we are not even a quarter of the way down the bill yet.

I encourage my colleagues to join the American people and help us stop wasteful spending. This is the last bill of the year. It is the last vote. It is going to say a lot about this Congress and what we have accomplished. This is our chance to at least say: No more business as usual. We are not going to do business this way, where we pile 3,400-plus pages on a desk, in 24 hours, and ask the Senators of this country to vote for it without even knowing what is in it. It is not the way to run a Senate. It is not the way to run a country.

I plead with my colleagues, let's leave this year on a positive note. Vote against this omnibus and give Americans a real Christmas present.

Thank you, Mr. President. I yield back.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, for 46 hours and 8 minutes—for 46 hours and 8 minutes—the Senator from South Carolina has had an opportunity to go to the Internet and see this bill in its entirety, with his staff, and to read every page—46 hours and 8 minutes. For this Senator to suggest on the floor that we are sneaking this bill in, that people have not had a chance to see it, I would just say to the Senator from South Carolina: Welcome to the world of the Internet. This bill has been posted since 12:15 a.m. Monday morning on the Internet for your perusal. That is early to get up, I understand. It is an early time to be reading the bill. But, please, do not come to the floor and suggest that this is a mystery bill which no one has seen. For 2 days, this has been posted on the Internet. You have had your chance. Every Senator has had a chance. And incidentally, this bill was passed pursuant to a budget resolution.

Mr. DEMINT. Has the Senator read the bill? Have you read the bill?

Mr. DURBIN. Regular order, Mr. President. The Senator from South Carolina would not yield for my questions, and ordinarily I do, but I am going to make this quick because it is late at night.

I say to the Senator from South Carolina: Welcome to the Senate where we pass a budget resolution. We did that this year. It is new to the Senate. We did not do that last year. Welcome to the Senate where we are going to pass appropriations bills. It did not happen last year. The Senator may recall when he arrived that the Republican-controlled Senate failed to pass 11 appropriations bills, and we had to pass them when we arrived in the new Senate.

So for him to suggest that what we are doing here does not give the American people a chance to see what has happened—this has been the most transparent approach to passing these bills. In fact, I might say to the Sen-

ator—he has probably followed this—the Senate Appropriations Committee has considered all of the bills that are contained therein. There have been changes, for sure, but those that came to the floor—about 7 of them—passed with over 75 votes apiece. So to suggest that this is a mystery document is to ignore the Internet, ignore the availability, and ignore the obvious. The last time, the Republican majority passed two appropriations bills. Congratulations. We want to pass them all. And this is your chance. You can vote no. That is your right as a Senator.

Let me say a word about earmarks. About 4 inches of the document in front of you consists of complete disclosure on earmarks—the most detailed disclosure in the history of Congress. And your chart, unfortunately, tells the story from the wrong angle. The total dollar amount of the earmarks contained in those appropriations equals 43 percent of the earmarks contained in the Republican appropriations bills of 2 years ago. A 43-percent reduction in the dollar value of earmarks, total transparency, total disclosure—I thought that is what you were asking for when you stood up during the ethics debate.

Let me also say that the Senator is opposing the removal of authorization language from appropriations bills. That is a point under our rules that is debated all the time. It happens. It happened in my bill, in my appropriations bill. And most of the time it happens because the White House tells us they do not want the language.

The last point I want to make to you is that to suggest that this bill is wasteful spending comes at just the right moment—just the right moment—after the Senator from South Carolina voted for \$70 billion on a war that is not paid for. And the Senator joined in opposing our efforts to pay for a reduction in taxes. Wasteful spending? What the Senator did in those two votes is to pass billions of dollars in debt on to future generations.

I would urge the Senator, discover the Internet, discover the opportunity to read these bills. And when you do, you will see that this information has been available now for 46 hours and 13 minutes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, in this discussion of earmarks, of course, the elephant in the room—and I do not necessarily mean that as a pun—are the hundreds of billions of dollars of earmarks from the President of the United States: the blank check to the war in Iraq; the blank check to the people who are hired as contractors, various companies—Halliburton is one that comes to mind, but many others, Blackwater and so on. These blank checks—nobody wants to talk about those.

But every President—not just this President but every President—has

hundreds of billions of dollars in earmarks in the bill. This President has had trillions of dollars. That is why this President, who inherited the largest surplus in the Nation's history, has turned it into the largest deficit in the Nation's history. And it is why? Because with the combination of his deficits and his war in Iraq, he is just paying the interest on the Bush administration's debt and the war—just the interest and the cost of the war.

Every day, 7 days a week, 365 days a year—366 in leap year—we spend \$1 billion every single day—every single day—in interest and the war in Iraq. That is money that does not go to education, does not go to finding a cure for cancer or Alzheimer's or diabetes or AIDS. It is \$1 billion a day that does not go to educate our children and our grandchildren. It is \$1 billion a day that does not go to find a way to make sure our schools can start competing again with schools around the world. It is \$1 billion a day that does not go to paying down the national debt.

So those are the earmarks we do not talk about.

Mr. President, I yield to the senior Senator from Florida.

Mr. NELSON of Florida. Mr. President, I thank the distinguished Senator from Vermont. I will be very brief. I will vote for this bill. There are good things in the bill and there are bad things. One bad thing, as the Senator from Vermont was listing off a number of things that have not been adequately funded, is the fact that the widows and orphans of the people who have served our Nation in uniform are not being compensated a paltry \$1,200 a month due to an offset between what they paid—what their spouse paid for in the spouses's benefit, and what, under the dependents indemnity compensation, they are entitled to by law.

This bill, to its credit, tries to address that offset but addresses it with a paltry \$50 per month for those widows and orphans. It was President Lincoln who said a Nation has an obligation for those who went to war to care for the widows and orphans. Widows and orphans are a cost of war, and we have denied that cost and we still do so again tonight. We have only been working on this for 7 straight years, and at least we got a paltry \$50. But there is much more that needs to be done to right this wrong.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I see the Senator from Iowa, who obviously has the right to speak. Let me ask again how much time remains on both sides.

The PRESIDING OFFICER. The majority controls 30 minutes and the minority controls 32 minutes.

Mr. LEAHY. Mr. President, I hope we can quickly reach a point where Senators on both sides are willing to finish speaking. Obviously, I am not going to ask to cut off anybody's time. As soon as there is no Senator seeking recogni-

tion, I will move again to yield back all time on this vote and all time on the judge's vote, so we can go to both those votes back to back.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I do need to rise to speak in strong opposition to what folks in Wyoming have figured out is an ominous omnibus appropriations bill, and they think there are literally billions of reasons to vote against this bill, and that is what I intend to do when I vote on it.

We are nearly a quarter of the way through fiscal year 2008 and only one of the 12 appropriations bills is law. The remaining 11 bills are stuck together in this bill. There is one-half trillion dollars of spending in the 3,000-page bill. Now, when I was going to school, we spent a lot of time figuring out what a million was, and I think I kind of figured that out after I got here. But we talk mostly about billions, and that is a little tougher to do. But I did run into one example that explains a billion a little bit, and that is if we are talking about a billion seconds ago, we are talking about 1959. If we are talking about a billion minutes ago, Christ was walking the Earth. If we were talking about a billion dollars of spending ago, we are talking about 8 hours and 20 minutes, the way we are spending it right now.

There was some comment about not having access to the bill. Well, the Web site had the bill the way the House was to address it 2 days ago. I suspect you can get through the 3,400 pages if you stayed up the whole 48 hours and read it, but we didn't know what that bill was going to be after their action until less than 12 hours ago—perhaps a few more than that, considering the time of night it is now. But this is a real unreal state of affairs and it has become the norm.

It has been pointed out that this isn't the only year we have done an omnibus bill, but this is exhibit No. 1 on what is wrong with government in this country, and I don't want to condone it. Every year this happens, every year we drive an omnibus, we get closer to financial ruin when we do that. What have we been spending our time on this year? Political votes, not policy votes. And the American taxpayer is paying the price here in the eleventh hour to the tune of billions of dollars.

In the 2006 mid-term elections, the American people called on us to stop business as usual. They called on us to stop overspending. They called on us to change. That is the message we gave them, that we were going to change. But instead of change, we have seen Washington run in a more partisan manner than ever before. This bill contains 3,400 pages, and I can't imagine that many of my colleagues have read it, even those who knew it was on the Web site 48 hours ago.

In the crazy world that is Washington, the bill complies with the spending level set forth by President

Bush, but it does so in a way that uses budget gimmicks and hides billions of dollars in extra spending. As the only accountant in the Senate, I can tell you the Federal Government's budgeting is criminal. If a private company forgot to count \$11 billion against their budget, the CEO would go to jail.

I support some of the funding in this bill. I support full funding for our veterans. I support providing money for border security. Almost all of these provisions are worthy areas for Federal funding. But we cannot spend money on everything we want and call ourselves fiscally responsible. If the money is needed for these programs, maybe we should cut out the more than 9,000 earmarks that were in the bill to pay for them. At some point, someone will have to pay for our overspending, and I would ask: Where do my colleagues think that money comes from? This money is coming from mothers working at the mall or fathers who are building buildings or farmers plowing their fields. They do not work so hard so they can serve up a dish of pork to people thousands of miles away without their consent. But that is what the architects of this bill are doing.

My concerns with this bill are more than just fiscal. We do have a process around here for considering legislation. I am talking about legislation versus appropriation. This bill ignores that process and the Senate rules that expressly prohibit legislating on appropriations bills. By making it an omnibus bill, it makes things that are important seem insignificant when compared to the one-half trillion dollars we are spending. So it seems petty if anybody suggests taking out some minor item of a few million, or even a few billion, considering the size of the bill.

But I am talking about the legislation part. It ignores the process and the Senate rules that expressly prohibit legislating on appropriations bills. Again, because it is an omnibus bill, we don't have the same right to challenge parts that would be legislating. We do hold hearings in committee. We work within the committee to develop and pass legislation. Then we consider the bill on the Senate floor. We do this so that important issues get the input and attention the American people expect and deserve. It might take longer to go through these steps, but the product is better; not perfect, but certainly better than the product that is before us today.

The amount of legislating in the Omnibus appropriations bill, particularly the Labor-HHS title, is criminal and outrageous. HIV/AIDS funding is a perfect example. A year ago, we passed a bill with a formula in it that made sure that money for HIV/AIDS followed the patients. How well did that do? It passed unanimously in the Senate and it passed unanimously in the House. You can't be more bipartisan than that. You can't be more agreeable than that. We said the formula was right and that the money should follow the

patients. Well, there is legislation in this bill that changes that formula, and it never received a hearing before a congressional committee, it has never been marked up, and it was inserted in the House bill without a full debate or even a vote.

We struck that part over here. We struck that part by a very significant vote because it was mostly 7 cities stealing from 42 other cities. That is not the way to legislate. So striking that part did occur in the Senate by a significant vote. So much for transparency and sunshine in Washington.

The Labor-HHS section of the bill is not the only section that includes problematic legislation. The bill includes provisions that allow a 2-percent deduction of State mineral royalty payments to help cover administrative costs at the Department of Interior. Let's see, what does the Department of Interior do? They get a check from Wyoming companies, collected by the State of Wyoming, audited by the State of Wyoming, and they take half of it and send us a check back for the other half. That check is going to cost us \$20 million.

Whoever heard of paying somebody \$20 million to write you a check? Well, maybe there is some accounting they have to do to figure out whether the money sent was exactly right. You know, accountants are not allowed to take a percentage of the money. That is what lawyers do. Accountants are supposed to stay on flat fees, and I guarantee you nobody ever got \$20 million for a few minutes work. That is another example of the Government taking money that is owed to States to pay for the unrelated Federal priorities because a majority in Congress doesn't control spending.

The omnibus contains provisions to prohibit the Department of the Interior from issuing final regulations for oil shale development, even though the process for development was laid out through careful bipartisan negotiations that came through a committee and that were voted on by the people in the committee, that were voted on here on floor of the Senate, that were voted on the House floor, and that were combined into what we call the Energy Policy Act of 2005. We said: Get that process set up. We didn't say: Do the process. We said: Get the process set up.

Well, there is language in this bill that says: You can't set it up. You can't do what we said in 2005 as a necessity for getting energy going in this country. Now, there are plenty of possibilities for stopping that process through things that are already in place, but, no, there is legislation in this bill that says: We don't want energy. We don't want you to even consider energy. We don't even want you to set up the regulations for how you might proceed in an orderly way so that we can object to that orderly way if we want to.

It also includes the new \$4,000 fee for each application for a permit to drill

oil and gas wells, with no guarantees that the permits will move forward in an expeditious manner so they can produce more domestic energy. If we don't produce more energy, the price, I guarantee you, will go up. You cannot constrain the supply and get the price to go down.

It is unfortunate that Congress waited until December 18 to advance these appropriations bills. Without the "gotcha" politics part, they could have been completed more than 2 months ago. They could have been completed in a very bipartisan way. We have to quit playing "gotcha" politics. Congress wasted countless weeks writing and debating bills that were never going to be signed. The President has been quite vocal about his objections. People on both sides of the aisle have expressed objections on a lot of the things we have voted on.

So here we are today, a week before Christmas, cramming through in 1 day a project larger than several Manhattan phone books, and that most of my colleagues have not had the time to read and review, and that is even if they divided it up among all their staff and had them look at all the parts they are familiar with. So I am telling you I am offended by the process. I am disappointed in the institution. I vote "no" on the bill. I want us to change it.

Mr. President, I yield the floor.

Mr. HARKIN. Mr. President, I am disappointed with the omnibus appropriations bill that is before us today. With the McConnell amendment, this omnibus bill will write yet another blank check—this one for a whopping \$70 billion—for the President to spend on his wars in Iraq and Afghanistan. At the same time, this bill will grossly underfund urgent priorities here at home—everything from cancer research to law enforcement to home heating assistance.

And why is this happening? It is happening because President Bush has refused to compromise, refused to negotiate, refused to respect Congress as a coequal partner in the budgeting process.

The President claims that he is standing on principle, the principle of budget restraint and fiscal conservatism. But this claim is laughable.

Think about it: Mr. Bush provoked a bitter confrontation with Congress over the \$22 billion that we proposed spending on urgent domestic priorities above his budget request. Democrats offered to split the difference, lowering that amount to \$11 billion. But Mr. Bush still refused to negotiate or compromise.

Meanwhile, he and his allies have insisted on vastly more than that—a total of \$144 billion—for the war in Iraq this year, all of which will simply be added to the deficit. At the same time, he demands a \$50 billion AMT fix—which we all favor—but he insists that we not pay for it. That's another \$50 billion piled onto the deficit.

So the President has forced Congress to cut \$22 billion in domestic funding

from the budget, and he turns right around and demands that Congress add more than 10 times that—more than \$200 billion—for wars and tax cuts, all of it unpaid for, all of it added to the deficit. And this is what he calls budget restraint and fiscal conservatism? As I said, that claim is simply laughable.

Actually, this is not so much laughable as it is shameful. Bear in mind that in October the Senate passed an appropriations bill for Labor, Health and Human Services, and Education by an overwhelming 75 to 19 margin, including a strong majority of Republican Senators. That bipartisan support reflected the fact that the bill funded essential, life-supporting, and life-saving services for millions of people in this country. That bill reflected the values and priorities of the American people.

But even before we brought the health and education appropriations bill to the floor, President Bush threatened to veto it. He dismissed the bill as "social spending," as though it pays for Saturday night socials or something. Then, on November 13, in one fell swoop, Mr. Bush vetoed the bill, and insisted, again, that we bend to his budget demands.

Let me remind our colleagues what Mr. Bush was demanding. The President demanded that we cut cancer research and other medical research at the National Institutes of Health.

He demanded that we cut thousands of families from the Low Income Home Energy Assistance Program.

He demanded that we completely eliminate the safety net that includes job training, housing, and emergency food assistance for our most needy citizens, including seniors and people with disabilities.

He demanded that we slash funding for Community Health Centers, preventing 225 new centers from opening.

He demanded that we dramatically cut funding for law enforcement and the COPS program.

He demanded that we cut funding for special education and Head Start.

I am pleased to say that we did not allow these heartless, misguided priorities to prevail entirely. The President has refused to compromise, refused to negotiate—and, no question, this is going to hurt millions of Americans, including the most needy among us. Nonetheless, I am pleased with what we have been able to salvage in this bill.

The omnibus bill before us today technically yields to the President's top-line number of \$515.7 billion. But I am pleased to report that it shifts funding in order to address some of the bottom-line priorities of the American people and of the Democratic majority in Congress.

Even within the constraints of this bill, the final Labor-HHS-Education section of the omnibus includes significant increases above the President's budget. For instance, it includes: an

additional \$607 million for the National Institutes of Health, additional \$788 million for LIHEAP, the home-heating assistance program for low-income families.

It provides \$77 million above the President's budget for community Health Centers, allowing more than 50 new centers to be opened.

It provides an additional \$955 million for Head Start, Title I, special education, and teacher quality.

It also provides an additional \$150 million for the Social Security Administration to help clear out the backlog of disability claims.

However, because of the President's veto threat and refusal to compromise, law enforcement remains woefully underfunded, in particular support for local police departments. Fewer community health centers will be opened and fewer children will be vaccinated. More than 80,000 fewer children will be served under Title I.

Every dime of additional funding in this bill goes to meet basic, essential needs here at home—needs that have been sadly neglected in recent years, even as we have squandered hundreds of billions of dollars in Iraq.

I voted against the McConnell amendment to provide another \$70 billion in funding, mostly for Iraq. The war in Iraq has not reduced the threat of another terrorist attack in America, it has increased that threat. It has not defeated Islamic terrorists, it has brought more recruits to the ranks of al Qaeda.

Nor has the so-called "surge" in Iraq succeeded as advertised. The whole rationale for the surge was to create breathing space for new elections in Iraq and reconciliation between Sunnis and Shiites. These things have not happened.

I joined with Senator FEINGOLD to attempt to link any new funding for Iraq to a deadline for redeployment of our troops. Unfortunately, that amendment failed. This means that the next \$70 billion appropriation for Iraq will not require any redeployments, nor will it include any benchmarks that the Iraqi government must meet. It is simply a blank check, untied to any demands or expectations, and that is unacceptable.

Indeed, I find it ironic that Mr. Bush has been more than happy to spend untold billions of dollars on schools, hospitals, job training, and law enforcement—in Iraq. But when we try to address those priorities here at home, Mr. Bush gets out his veto pen and hoists the flag of what he calls "fiscal conservatism."

But, as I have said, Mr. Bush's pose as a fiscal conservative is absurd.

During the six years that the Republicans largely controlled Congress, Mr. Bush did not veto a single appropriations bill, including many that exceeded his budget requests.

He is demanding that we pass supplemental bills that bring war spending, this year alone, to more than \$196 bil-

lion, mostly for Iraq. The Congressional Budget Office now estimates that Mr. Bush's war in Iraq will cost a staggering \$1.9 trillion through the next decade. Yet, just last week, he pledged to veto the omnibus bill because of \$11 billion in funding for education, health, biomedical research and other domestic priorities.

Think about it: The President is demanding that we continue to spend \$12 billion a month on his war in Iraq, yet he objected to an additional \$11 billion over a full year for domestic funding. This is simply not reasonable or rational.

At the same time, the President is insisting that we send him an Alternative Minimum Tax fix costing \$50 billion. Yes, we need to fix the AMT, and we need to do so in a responsible way. But, Mr. Bush has a different idea. He refuses to pay for the AMT fix. He insists that we simply pile it onto the deficit, dumping it on our children and grandchildren.

Bear in mind, by the way, that this AMT problem is not a surprise to anyone. The 2001 tax cut bill deliberately refused to address the AMT issue in order to squeeze in hundreds of millions of dollars in additional tax cuts, overwhelmingly for the well-off. Mr. Bush used the AMT to mask the true cost of the tax cuts. But, in doing so, he left the AMT as a ticking time-bomb that would soon double the number of Americans subject to the tax.

Today, that time-bomb is exploding, threatening to hurt millions of middle-class families. The House of Representatives, to its great credit, came up with a responsible way of paying for the AMT fix. The House proposed to eliminate the so-called "carried interest" tax break for hedge fund managers with multi-million-dollar incomes—a tax break that allows them to pay their taxes at lower marginal rates than middle-income Americans.

Eliminating this egregious tax break is a matter of basic fairness. It also would help to pay for the AMT fix. But the President said no. He promised to veto it. All of which means that the \$50 billion we spend on the AMT patch will not be paid for; it will be added to the deficit and the debt. That is not just a shame; it is shameful.

So I regret that the President vetoed a good, bipartisan Labor-HHS-Education appropriations bill that passed this body overwhelmingly. I regret that Mr. Bush has refused to negotiate or compromise. I regret that he demands that we spend endlessly on his war in Iraq, even as he demands that we slash essential services and programs here at home.

But, despite all of these disappointments, we can take pride in the fact that this omnibus bill, in important ways, reflects the values and priorities of the American people. We have found additional funding for our priorities—priorities ranging from cancer research to education to law enforcement. I urge my colleagues to join me in voting for this bill.

PECUNIARY INTEREST LETTERS

Mr. HATCH. Mr. President, today I rise to discuss an unintended oversight by my office in connection with the disclosure of a congressionally directed funding project in the House message to accompany H.R. 2764, the Omnibus appropriations bill. When I filed my original requests for funding for projects in May of this year, I did not realize the letter included a request to fund the Old Dome Meeting Hall Renovations project in Riverton, UT. Subsequently, with the enactment of Public Law 110-81 on September 14, 2007, along with other Members of the Senate, I was asked to sign, and did sign, various certification letters in connection with our requests for project funding.

Upon a review of our files last night, with respect to the forthcoming House message to accompany H.R. 2764, the Omnibus appropriations bill, we determined that the certification letters sent to the committee may have been incorrect, as a member of my family may be deemed to have an indirect pecuniary interest in one of the items requested in my letter to the Appropriations Committee dated May 15, 2007. Upon discovering this oversight, I forwarded a letter to the attention of Appropriations Committee chairman, ROBERT BYRD, and ranking Republican member, THAD COCHRAN, which I believe to be in accordance with the facts now known to me.

I have chosen to address these issues openly on the floor of the Senate to clear up any facts regarding this completely unintended and unfortunate oversight. I want my colleagues to know that I always have and will continue to do everything possible to ensure I meet all ethics laws, rules, and requirements here in the U.S. Senate.

For the reasons I have outlined and in an effort to meet the highest ethical standards, I will be voting present on the Omnibus appropriations bill when I otherwise would have supported the legislation.

Mr. COCHRAN. I appreciate this colloquy and your intent to meet all the new, as well as old, ethics requirements regarding earmarks in appropriations bills. This is the first year for implementation of many of these new ethics rules and there has been some not unexpected confusion over how some of the new requirements must be implemented. I applaud your aggressiveness in making sure that you have done everything within your knowledge and power to ensure that you have complied with all the rules and requirements that are specified by the rules of the Senate with regard to the use of earmarks. Our discussion today provides the type of transparency intended by the ethics rules and should satisfy all requirements with regard to letters of pecuniary interest and earmarks as they relate to your situation.

Mr. HATCH. I ask unanimous consent that a copy of my letter to Chairman BYRD and Ranking Republican Member COCHRAN be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, December 18, 2007

Hon. ROBERT C. BYRD,

Chairman, Committee on Appropriations, Senate, Washington, DC.

Hon. THAD COCHRAN,

Ranking Republican Member, Committee on Appropriations, Senate, Washington, DC.

DEAR CHAIRMAN BYRD AND RANKING MEMBER COCHRAN: I certify that neither I nor my immediate family has a pecuniary interest in any congressionally directed spending that I requested the Committee on Appropriations for Fiscal Year 2008, except that a member of my immediate family may have an indirect pecuniary interest in the Old Dome Meeting Hall Renovations; Riverton, Utah; Economic Development Initiative project, requested in my letter dated May 15, 2007 to the Senate Subcommittee on Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies, Committee on Appropriations.

I respectfully ask that my request to fund this project be withdrawn.

Once this has been effectuated, my request will be consistent with the requirements of Paragraph 9 of rule XLIV of the Standing Rules of the Senate.

Sincerely,

ORRIN G. HATCH,

U.S. Senator.

LOW-VOLUME HOSPITAL MEDICARE INPATIENT PAYMENT ADJUSTMENT

Mr HARKIN. Mr. President, I am pleased to support the legislation pending before the Senate today, which will ensure that Iowa's seniors continue to have access to their physicians and will reauthorize the SCHIP program through March 31, 2009, with additional funds for the "shortfall States," like Iowa. I am however concerned about one provision that is not included in the legislation, a provision that is critically needed to help Iowa's midsized hospitals.

Unfortunately, current Medicare payment rates for hospitals do not account for the fact that most rural facilities cannot achieve the same economies of scale as large hospitals. This leads to inadequate reimbursement, which threatens the very existence of some of these facilities. To help address this situation, the Medicare Payment Advisory Committee MedPAC has recommended implementing a payment adjustment for certain small rural hospitals that serve a lowvolume of patients. For example, Grinnell Regional Medical Center in Grinnell, IA, is having difficulty keeping their doors open simply because of its size and location. Due to Medicare policies, they are currently reimbursed at 60 percent of its costs. This cannot continue. These hospitals are essential to giving our seniors good access to healthcare.

Mr. GRASSLEY. I want to thank my distinguished colleague for raising this issue, which has also been a concern of mine. I agree with him that these rural hospitals—the so-called "tweener" hospitals—should be given some assistance. These hospitals play a critical role in the medical care of our seniors throughout Iowa, and I remain com-

mitted to working with Senator BAUCUS to include "tweener" hospital improvements in next year's Medicare legislation.

Mr. BAUCUS. Senator HARKIN, I agree with you that this is an issue we need to address. As you know, I intend to work with Senator GRASSLEY to move a Medicare reform package early in 2008. Given the importance of this issue, I am committed to working with you to find solutions that will assist these hospitals within the context of our Medicare efforts.

Mr. HARKIN. I appreciate that commitment. I look forward to working with both of you early next year to move legislation to assist these hospitals, in Iowa and throughout the country.

ADVANCED TECHNOLOGY LOAN GUARANTEES

Mr. LEVIN. Mr. President, I would like to ask the distinguished chairman of the Energy and Water Development Appropriations Committee, Senator DORGAN, to clarify for me the scope of the budget authority contained in the fiscal year 2008 Consolidated Appropriations Act for the Department of Energy's guarantee loans for development of advanced energy technologies. My understanding is that there would be \$10 billion in budget authority for the Department to guarantee loans in the broad technology areas of renewable, energy efficiency, manufacturing, electricity transmission and distribution technologies.

I believe there is tremendous potential for new technologies to produce ethanol from cellulosic materials through all phases of development, including pretreatment. An important step toward proving these technologies will be the development of pilot-scale facilities. Is it the chairman's understanding that a range of technologies and pilot-scale demonstration facilities would be eligible for a loan guarantee issued by the Department of Energy using the budget authority included in this Consolidated Appropriations Act?

Mr. DORGAN. Yes, cellulosic ethanol projects are consistent with the intent of title XVII of the Energy Policy Act of 2005 and would clearly be within the scope of technologies that would be eligible for a loan guarantee from the Department of Energy.

Mr. LEVIN. I am also very interested in ensuring that advanced batteries and battery systems are fully developed and believe that loan guarantees for projects and facilities to develop lithium ion batteries could provide a significant boost for U.S. competitiveness. In the case of battery technologies, we need to develop the manufacturing capability in this country to ensure that these batteries will be produced here. Is it the chairman's understanding that advanced battery technologies would be included in the scope of the budget authority in this bill and would be eligible for a loan guarantee from the Department of Energy?

Mr. DORGAN. Yes, I believe that loan guarantees for development of ad-

vanced battery technologies would also fit into the scope of manufacturing technologies contemplated by the language in the Consolidated Appropriations Act of 2008 and should be consistent with the intent of title XVII of the Energy Policy Act of 2005.

Mr. KYL. Mr. President, I rise today to comment on section 691 of the Consolidated Appropriations Act, 2008. This provision amends section 212(d)(3)(B) of the Immigration and Nationality Act in order to allow the executive to make REAL ID immigration bars inapplicable to individuals or groups whose presence in this country would not pose a threat to the United States, while continuing to bar from the United States all persons who are tied to the worst terrorist organizations. The provision also gives automatic exemptions to the Hmong and Montagnard soldiers who fought alongside the United States during the Vietnam war, providing overdue relief to the members of these armies. And section 691 also designates the Taliban as a Tier I terrorist organization for immigration purposes, effectively eliminating exceptions to the applicability of REAL ID immigration bars for members, combatants, and others tied to the group that harbored Al Qaeda at the time when that organization was plotting the terrorist attacks of September 11, 2001.

Section 691 is the result of a negotiated compromise between Senator LEAHY and me a compromise that was encouraged and assisted by Senator COLEMAN and other Members who have taken an interest in this issue. The final language allows the Secretaries of Homeland Security and State to decide that the barriers to entry and stay in the United States in section 212(a)(3)(B) of the INA do not apply to certain individuals or groups. The language also clarifies that such non-applicability determinations are not subject to judicial review.

Under current law, the REAL ID immigration bars can only be deemed non-applicable to an alien if the alien is a representative of a political or social group that endorses terrorism, has himself endorsed terrorism, or has given material support to a terrorist group, and may only be extended to a group if that group is a Tier III group that only has a subgroup that engages in terrorism. The amendment expands the non-applicability determination authority to all terrorism-related bars, except that the bars cannot be deemed non-applicable if an alien is expected to engage in future terrorism, is a member or representative of a Tier I or II group, voluntarily and knowingly engaged in terrorist activity or endorsed terrorism on behalf of a Tier I or II group, or has voluntarily and knowingly received military-type training from a Tier I or II group. Also, no group nonapplicability determination may be applied to a group that attacks democratic countries or intentionally engages in a practice of attacking civilians.

Section 691's expansion of section 212(d)(3)(B) nonapplicability authority generally draws a line between Tier I and II terrorist organizations, on the one hand—groups which have been designated as Foreign Terrorist Organizations by the State Department or other agency of the Federal Government—and Tier III organizations, on the other hand, which are swept into the definition of “terrorist organization” as a result of their conduct. The State Department's FTO list includes some of the most bloodthirsty terrorist organizations on the planet. The list includes groups such as al-Qaida, Hamas, Hezbollah, and the Salafist Group for Call and Combat. By precluding non-applicability determinations with regard to persons tied to these groups, section 691 not only helps to protect the U.S. homeland from terrorism—it also contributes to making these groups radioactive in the foreign countries where they are based. Joining or helping one of these groups or accepting military training from them will bar an individual from ever being allowed to enter or reside in the United States, in all cases and without exception. And making these groups radioactive makes it more difficult for them to recruit members or to carry out terrorist attacks.

Information that has been developed in hearings before the Senate Judiciary Committee explains why it is imperative that the United States discourage individuals from providing any type of aid or material support to foreign terrorist organizations. In an April 20, 2005, hearing before the Terrorism Subcommittee, for example, Barry Sabin, the Chief of the Counterterrorism Section of the Justice Department's Criminal Division, explained how the provision of material aid to terrorist groups is critical to the functioning of these organizations. Mr. Sabin noted:

We know from experience that terrorists need funding and logistical support to operate. They need to raise funds, open and use bank accounts to transfer money, and to communicate by phone and the Internet. They need travel documents. They need to train and recruit new operatives, and procure equipment for their attacks.

It is also important to emphasize that all provision of material support to terrorist organizations is bad. There is no such thing as “good” aid to a terrorist organization, because all aid is fungible and can be converted to evil purposes, and because even humanitarian aid can be used by a terrorist organization to help it to recruit new members. These points were developed in detail in answers to written questions provided by Chris Wray, the Assistant Attorney General for the Criminal Division, following a May 5, 2004, hearing before the Judiciary Committee. Mr. Wray explained why there is no such thing as benign material support to a designated foreign terrorist organization:

First, because material support of any kind is fungible and frees up resources that

may then be used to promote violence, the provision of any material support facilitates and furthers the organization's unlawful and violent activities regardless of the benign intent of the donor. As the Ninth Circuit recognized in rejecting the argument that 18 U.S.C. section 2339B is unconstitutional because it proscribes the giving of material support even if the donor does not have the specific intent to aid in the organization's unlawful purposes, “Material support given to a terrorist organization can be used to promote the organization's unlawful activities, regardless of donor intent. Once the support is given, the donor has no control over how it is used. *Humanitarian Law Project v. Reno*, 205 F. 3d 1130, 1134 (2000).

Even support designed and intended to encourage a group to pursue lawful, nonviolent means to achieve its ends may be used to further the organization's violent aims.

[S]ome terrorist organizations use their humanitarian activities as an integral part of an overall program that includes murdering innocent civilians and assassinating government officials. For example, one expert on terrorist organizations, Matthew Levitt, describes in “Hamas from Cradle to Grave,” *Middle East Quarterly*, Winter 2004, at 3-15, that this foreign terrorist organization is one unified body, and that its social welfare organizations, supported by numerous charities, answer to the same leaders who set Hamas political and terrorist policy. Levitt describes how Hamas charity committees, mosque classes, student unions, and sport clubs serve as places where Hamas activists recruit Palestinian youth for terrorist training courses in Syria and Iran, or for suicidal terrorist attacks. And, he discusses how a single soccer team from the Jihad mosque in Hebron has produced several Hamas terrorists responsible for five suicide bombings in 2003.

Even more frightening, Levitt explains how Hamas charities, social service organizations, hospitals, schools, and mosques openly laud suicide bombings. Hamas-run schools and summer camps begin indoctrinating children as early as kindergarten for later use as suicide bombers. As Levitt notes, Palestinian children raised in this environment make willing terrorist recruits. This program is accomplished in significant part by the multi-faceted nature of Hamas, which gains strength through its humanitarian and charitable activities in the community.

Thus, even if individuals are providing material support, such as money, for groups like the Hamas, and are somehow able to ensure that this money is spent by these FTOs only for humanitarian activities, such as a school, the problem remains that this money enables these groups to gain more general support, loyalty, and popularity among the local people and to earn a measure of legitimacy. This support and legitimacy then allows groups such as Hamas to recruit suicide bombers, as well as accomplices to provide critical services such as transportation, lodging, and local intelligence for terrorist operations. Accordingly, even those who are providing material support with the sincere hope and assurance that their money is not being used directly for terrorism are nevertheless providing groups such as Hamas with the type of overall support they need in order to operate successfully as terrorists.

Section 691 of the Consolidated Appropriations Act also bars the extension of a non-applicability determination to any alien who has voluntarily and knowingly received military-type training from a Tier I or II terrorist organization. Again in his April 20, 2005, testimony before the Terrorism Sub-

committee, Counterterrorism Section Chief Barry Sabin explained why individuals who have received such training are dangerous to the United States and why an individual's participation in such training benefits the terrorist organization. Mr. Sabin explained:

Various investigations have uncovered individuals who have traveled overseas to training camps to receive military-style training. These individuals, who in many cases have received firearms and explosives training, appear to be preparing to conduct terrorist activity or violence and pose a clear threat here and abroad. Investigations have also disclosed that attendees sometimes maintain longstanding relationships with other training camp “alumni,” who may later seek to recruit and utilize them in their plots. In an even more basic way, a trainee's participation in a terrorist organization's training camp, without more, benefits the organization as a whole. By attending a camp, an individual lends critical moral support to other trainees and the entire organization, a support that is essential to the health and vitality of the organization.

Section 691 also clarifies that the decision to extend or to not extend a non-applicability determination to a particular group or individual is not subject to judicial review. A decision as to whether a particular individual or group that would otherwise be within the scope of a section 212(a)(3)(B) bar should instead be deemed outside the scope of that bar is a decision that is inherently executive in nature. Such a decision will often involve consideration of classified information that would be compromised if litigated in open court, and it will involve sensitive judgments about which terrorist groups are more dangerous than others.

Vesting this discretion solely in the executive allows executive officers to consider the full range of information about a particular group that is available to the State Department, the Justice Department, Homeland Security, and to intelligence agencies. It allows the executive to decide that some groups are less dangerous and therefore the REAL ID bars may be deemed to not apply to activities tied to that group, and that other groups are extremely dangerous and that even tenuous connections to such a group should serve as grounds for exclusion, with no exceptions allowed.

Were decisions about nonapplicability to be made in the courts, their precedent-based system of decision-making would require the courts to extend the same “rights” to members of one group as had extended to the last group whose case was reviewed. What is sufficient to justify a nonapplicability determination with regard to the FARC in Columbia, for example, would also be good for al-Qaida. By keeping these non-applicability decisions out of the courts, section 691's amendments to INA section 212(d)(3)(B) allow the Government to take the common-sense approach of treating different groups differently based on how violent they are and how much of a threat they pose

to the United States. For that reason, section 691 does not allow judicial relief from an executive determination. Rather, it is the executive alone that will decide whether a bar should be inapplicable—that it should not even apply to the alien in the first instance.

Subsection (b) of section 691 statutorily exempts several groups from the definition of “terrorist organization” for purposes of INA section 212(a)(3)(B). These groups—which include Hmong and Montagnard groups that fought alongside the United States in the Vietnam War—have already been cleared by the administration and do not pose a threat to the United States. This subsection will immediately resolve any legal ambiguity as to these groups’ status.

Subsection (c) of section 691 corrects a technical error in the original REAL ID Act. With this change, the otherwise-automatically-deportable spouse or child of a barred alien is not barred if the spouse or child did not know of the husband/father’s terrorist activity or has renounced that activity.

Subsection (d) designates the Taliban as a Tier I terrorist organization for immigration purposes. As a result of the distinctions drawn in subsection (a) of section 691, this designation will render individuals tied to the Taliban ineligible for most waiver authority.

Subsection (e) requires a report by the Department of Homeland Security on the use of its authority to waive material-support bars on grounds of duress.

Subsection (f) makes all of these changes apply retroactively.

I think that section 691 reaches a reasonable compromise that allows removal of the applicability of the REAL ID immigration bars for groups and individuals to whom those bars should not apply, but allows REAL ID to continue to protect the United States and its citizens from foreign terrorist organizations. I would like to thank Tim Rieser of Senator LEAHY’s staff, and Jennifer Daskal, on detail to Senator LEAHY, for working with my staff to draft this section. Whom to exclude from the United States for terrorism-related reasons is a difficult and very serious matter, and one that I am glad has been the subject of a carefully developed bipartisan compromise in this bill.

Mr. MCCAIN. Mr. President, fiscal year 2008 began 79 days ago. And yet here we are at the end of the calendar year—with Christmas one week away—and everyone scrambling to finally get our work done and get out of town. This process, and the monstrosity it has produced, is the height of irresponsibility. We owe the taxpayer more than this.

In the past, I have stood here on the Senate floor to speak about how our economic situation and our vital national security concerns require us to take greater effort in prioritizing our Federal spending and that we could no longer afford, literally, “business as

usual.” Actually, Mr. President, what we have before us is even worse than business as usual because the bill we received from the House provides not a single penny to fund our ongoing mission in Iraq. We are at war and our men and women serving in Iraq today continue to face a fierce and determined enemy—and this bill does not fund their mission. The omission of Iraq funding is no more than a political stunt—and we all know it. What kind of message does this send to those brave men and women in the field?

Unfortunately, little has changed over the years. Here we are again, nearly 3 full months into fiscal year 2008, and we have before us another appropriations monster. Let me remind my colleagues that, because of our inability to get much done around here under the regular order, we have been forced to consider huge omnibus appropriations bills and one long-term continuing resolution in 5 of the last 6 fiscal years.

The bill before us today is more than 1,400 pages long and is accompanied by a joint explanatory statement that was so big they couldn’t even number the pages. This bill consolidates 11 of the 12 annual appropriations bills with a price tag of nearly \$475 billion. Amazingly, this bill contains 9,170 earmarks. Add those to the 2,161 earmarks that were contained in the Defense appropriations bill and the grand total for fiscal year 2008 earmarks stands at 11,331 unnecessary, wasteful, run-of-the-mill pork barrel projects. And that is just for the House and Senate-passed bill. I can only imagine what this will look like when it comes out of conference.

A New York Times/CBS News poll that was released today shows that the approval rating of Congress stands at 21 percent. Can we blame the American people for holding us in such low esteem? Let’s look at how we are spending their hard earned tax dollars.

Here is just a sampling of some of the earmarks contained in this bill: \$150,000 for the STEEED, Soaring Toward Educational Enrichment via Equine Discovery, Youth Program in Washington, DC. Basically this is an earmark of \$150,000 so that disadvantaged kids can ride horses; \$50,000 for the construction of a National Mule and Packers Museum in Bishop, CA; \$100,000 for Cooters Pond Park in Prattville, AL; \$625,000 for the Historic Congressional Cemetery right here on Capitol Hill; \$1.95 million for the City College of NY for the Charles B. Rangel Center for Public Service; \$975,000 for the Clinton School of Public Service at the University of Arkansas, Little Rock, AR; \$1.628 million for animal vaccines in Greenport, NY; \$477,000 for Barley Health Food Benefits in Beltsville, MD; \$244,000 for Bee Research in Weslaco, TX; \$10 million to Nevada for the design and construction of the Derby Dam fish screen to allow passage of fish; \$1.6 million for sensitivity training for law enforcement in Los Angeles; \$1.786 million to develop an exhibit for the Thunder Bay

National Marine Sanctuary in Michigan; \$846,000 to the Father’s Day Rally Committee in Philadelphia, PA; \$125,000 for International Mother’s Day Shrine in Grafton, WV; \$470,000 for an Oyster Hatchery Economic Pilot Program, Morgan State University, MD; \$446,500 for Horseshoe Crab Research, Virginia Tech, VA; \$125,000 for the Polish American Cultural Center in Philadelphia, PA; \$400,000 for the National Iron Worker’s Training Program; \$350,000 for leafy spurge control in North Dakota; \$1.725 million for the Hudson Valley Welcome Center in Hyde Park, NY.

This omnibus was made available just yesterday, yet approved by the House last night. Imagine that—a 1,445 page bill, with a joint explanatory statement that is nine inches tall and costs \$475 billion was made available and voted on by both chambers in less than 48 hours. Simply remarkable. It is impossible for us to know exactly what is in this thing, and we are expected to simply take the appropriators word that it is all okay. Well, I have been around here long enough to know that a bill of this size, put together behind closed doors and rammed through at the last minute, cannot be all good. And I know it will be a long time before all of the hidden provisions in this legislation are exposed.

I fully recognize that it isn’t necessarily the fault of the appropriators that we are forced into this new pattern of adopting omnibus appropriations measures. Overly partisan politics has largely prevented us from following the regular legislative order, and that fact must change. But while it may not be the appropriators fault that we are forced to consider omnibus appropriations measures, it is their decision to continue to load them up with unauthorized earmarks and at a rate that seems only increases year after year.

When we ram through a gigantic bill, spending hundreds of billions of taxpayer’s dollars with little or no debate because we want to go home for Christmas, we send the message to the American people that we are not serious enough about our jobs. We essentially accomplish little almost all year long because everything requires 60 votes, and then, at the very last minute, we scramble around and throw together a mammoth bill like the one before us today. We are sending the signal that it is more important for us to be able to issue press releases, and I am sure hundreds of them will be going out today, about how much pork we have been able to get for our States and districts, than we are about good government and fiscal responsibility. How can we, in good conscience, defend this behavior to the American people?

Among the most egregious aspects of this bill are the so-called “economic development initiatives” funded under the Department of Housing and Urban Development. This account is nothing more than a slush fund for the appropriators—plain and simple. Contained

within this section of the joint explanatory statement are 741 locality-specific earmarks costing nearly \$180 million. These pork barrel projects are spread out over 42 pages and fund everything from construction of coastal trails, nature education centers, public parks and renovations for museums and theaters.

On defense matters, the omnibus appropriations bill proposes funding \$1.18 billion in military construction projects that were not requested by the President. Of that amount, \$584 million was vetted by both the Senate Armed Services and Appropriations Committees to ensure that the services' critical unfunded priorities requirements were met. On the Senate floor, those projects were further reviewed, and approved in the Senate versions of the authorization and appropriations bills.

However, this bloated omnibus appropriations bill also includes another \$580 million—for 108 military "airdropped" construction projects, that is, funding for projects that were not included in any previous appropriations bill passed by the House or Senate. The House appropriators have once again waited until the last minute to present these new spending items to skirt responsibility for their pork spending. Mr. President, in the ethics reform law we passed with much fanfare earlier this year, we amended Senate rule 44 specifically to discourage such "airdropping" of projects in the dead of night. In an unprecedented and unfortunate act, the majority accepted \$328 million of airdropped military construction authorizations into the recently passed national defense authorization bill. It was in part for this reason that I reluctantly decided not to sign the defense authorization conference report. I could not then, and cannot now, support the parachuting of new spending items into final reports that have not been transparently vetted on the floor of Congress. I am very disappointed that we in the Senate continue to condone this irresponsible practice in light of our efforts to prevent it with ethics reform.

The omnibus appropriations bill also earmarks over \$41 million for the planning and design of pork military construction projects requested by Members of Congress. Congress normally authorizes funding annually for each military service to plan and design their critical future military construction priorities. This bill disregards the military's priorities and earmarks funds towards specific projects—without the Department being given the opportunity to determine whether or not those projects reflect actual military requirements.

Even more egregious is that we are proposing to pay for this airdropped pork by cutting over \$900 million from the amount of \$8.1 billion requested by the President to carry out the critical military construction activities related to the 2005 defense base closure and realignment round. The Depart-

ment of Defense and the local communities affected by BRAC need enough funding to meet the statutory deadline of September 2011. To underfund BRAC in order to pay for earmarks is a sad reflection on the priorities of this Congress, which has again unabashedly put parochial interests above the needs of the Defense Department, our local communities and the American taxpayer.

We simply must start making some very tough decisions around here if we are serious about improving our fiscal future. We need to be thinking about the future of America and the future generations who are going to be paying the tab for our continued spending. It is simply not fiscally responsible for us to continue to load up appropriations bills with wasteful and unnecessary spending, and good deals for special interests and their lobbyists. We have had ample opportunities to tighten our belts in this town in recent years, and we have taken a pass each and every time. We can't put off the inevitable any longer.

In a report on our long-term budget outlook issued this month, the Congressional Budget Office states this: "Significant uncertainty surrounds long-term fiscal projections, but under any plausible scenario, the federal budget is on an unsustainable path—that is, federal debt will grow much faster than the economy over the long run. In the absence of significant changes in policy, rising costs for health care and the aging of the U.S. population will cause federal spending to grow rapidly."

The report goes on to say that: "If outlays increased as projected and revenues did not grow at a corresponding rate, deficits would climb and federal debt would grow significantly. Substantial budget deficits would reduce national saving, which would lead to an increase in borrowing from abroad and lower levels of domestic investment that in turn would constrain income growth in the United States. In the extreme, deficits could seriously harm the economy. Such economic damage could be averted by putting the nation on a sustainable fiscal course, which would require some combination of less spending and more revenues than the amounts now projected. Making such changes sooner rather than later would lessen the risk that an unsustainable fiscal path poses to the economy." Again—this is not my dire prediction, it comes from our own CBO.

To underscore the urgency of the problem, in a speech at The National Press Club just yesterday, David Walker, the Comptroller General of the United States announced that—for the eleventh straight year—the Federal Government failed its financial audit. Mr. Walker said that "the federal government's total liabilities and unfunded commitments for future benefits payments promised under the current Social Security and Medicare programs are now estimated at \$53 tril-

lion, in current dollar terms, up from about \$20 trillion in 2000. This translates into a defacto mortgage of about \$455,000 for every American household and there's no house to back this mortgage. In other words, our government has made a whole lot of promises that, in the long run, it cannot possibly keep without huge tax increases."

The Comptroller General also highlighted a specific program that serves as an example of the serious problems we face. He said: "The prescription drug benefit alone represents about \$8 trillion of Medicare's \$34 trillion gap. Incredibly, this number was not disclosed or discussed until after the Congress had voted on the bill and the President had signed it into law. Generations of Americans will be paying the price—with compound interest—for this new entitlement benefit." He went on to note that: "Unfortunately, once federal programs or agencies are created, the tendency is to fund them in perpetuity. Washington rarely seems to question the wisdom of its existing commitments. Instead, it simply adds new programs and initiatives on top of the old ones. This continual layering is a key reason our government has grown so large, so expensive, so inefficient, and in some cases, so ineffective."

Mr. Walker ended his speech by saying "If all of us do our part, and if we start making tough choices sooner rather than later, we can keep America great, ensure that our future is better than the past, and ensure that our great nation is the first republic to stand the test of time. To me, that is a cause worth fighting for." I agree wholeheartedly. And I say to my colleagues: Let's start making those tough choices today. We have to face the facts, and one fact is that we can't continue to spend taxpayer's dollars on wasteful, unnecessary pork barrel projects or cater to wealthy corporate special interests any longer. The American people won't stand for it, and they shouldn't. They deserve better treatment from us.

ST. JOHN'S BAYOU/NEW MADRID FLOODWAY

Mrs. BOXER, Mr. President, I wish to speak to the intent of section 123 of title I of division C of the bill, which addresses the Corps of Engineers project—Saint Johns Bayou/New Madrid Floodway. As the chairman of the Committee on Environment and Public Works with jurisdiction over the Corps of Engineers, the Clean Water Act and the National Environmental Policy Act,

I offer my understanding of section 123. Section 123 does not interfere with or overturn any court decision concerning this project with regard to either or both of the Clean Water Act and the National Environmental Policy Act. The language provides that the project as described in the June 2002 Revised Supplemental Impact Statement, as supplemented by the March 2006 Revised Supplemental Environmental Impact Statement 2 is determined to be economically justified.

The language does not affect the application of the Clean Water Act and NEPA to this project. Because of the specific reference to the project documents, the language in section 123 does not alter legal requirements regarding cost/benefit analysis for subsequent or revised project documents, including environmental impact statements, or any requirements with regard to NEPA and the Clean Water Act.

Mr. CARDIN. Mr. President, nearly a year ago, when President Bush announced his decision to send 30,000 additional troops to Iraq, he predicted that increased U.S. troop levels would stabilize the country so that its national leaders could reach political agreement. More troops would enable us to accelerate training initiatives so that the Iraqi army and police force could assume control of all security in the country by November 2007. According to this plan, the Iraqi army and police force were to assume control of Iraq's security last month.

Well, the information before us in December, like the reports before us in September and July, show us that President Bush's troop escalation hasn't delivered on the President's promises. It has failed to stem the civil war going on in Iraq, failed to allow Iraqi forces to take control over their own security, and failed to lead to political reconciliation. That failure was clear when I last came to the floor to discuss this issue in September, and it is clear today.

With troop levels still 24,000 above where they were a year ago, and with no plans to lower them below pre-surge levels, not even President Bush's claims that substantial progress toward the ultimate goal of the escalation—political reconciliation—has occurred. There have been no agreements on de-Ba'athification reform, oil revenue sharing, provincial elections, or amnesty laws, nor has the Iraqi government or the Administration offered a clear plan for achieving a sustainable political reconciliation. Just 2 days ago, LTG Raymond Odierno, the No. 2 commander of U.S. forces in Iraq, was quoted pleading with the Iraqi government to make progress on national reconciliation and improving basic services.

Our country's resources remain locked in Iraq. Iran is emboldened. Insurgent violence is at its highest level in Afghanistan since U.S.-led forces first ousted the Taliban and our military reports signs of al Qaeda is returning to Afghanistan from Iraq. Pakistan is facing political turmoil and Turkey has begun military incursions into Iraq's Kurdish regions.

We have to change our mission in Iraq. The cost of further delay in lives, matériel, treasure, and our standing in the world is too great. The United States cannot impose the political reconciliation necessary to bring long-lasting security to that nation. It is time to direct our resources toward the rest of the region and to needs here at home.

A new policy begins by removing our troops from the middle of a civil war and giving them a more realistic mission, one that is in the best interests of Iraq and the United States. Given the facts and the realities independent reports provide us, I continue to support an amendment, this time sponsored by Senators FEINGOLD and REID, to change our mission in Iraq from providing security and services to a focus on training, counter-terrorism and force protection.

I voted against an amendment to add \$40 billion to the omnibus spending package without any limits on the President's use of that money. The military has no immediate need for additional funds for Iraq. Congress just passed a \$456 billion Defense Appropriations bill. The omnibus provides the Army and Marine Corps an additional \$20 billion. Given the Department of Defense's ability to shift funds, this money should pay for the war through March. We will have a chance to vote on additional funding next year when we will have more information about trends on the ground in Iraq.

Further, while negotiating this year's spending levels this President has vetoed additional health and education funding and refused to negotiate over a modest increase in overall appropriations to fund critical needs here at home, and he continues to insist Congress fund a failed strategy in Iraq. The President's intransigence undermines our position in the world and has left this Congress fewer resources to direct toward priorities here at home. Those are the wrong priorities for our nation.

The world has an interest in a safe and secure Iraq. It is time to take steps to protect our troops and our all volunteer force, change the mission, step up our diplomatic efforts, and internationalize the effort to bring stability to that country and to the Middle East.

We don't need additional funds for Iraq, we need a new direction.

Mr. President, I yield the floor.

Mr. LAUTENBERG. Mr. President, I rise to discuss one provision of the fiscal year 2008 Omnibus appropriations bill which is of great importance to the security of our nation, and of particular importance to my State of New Jersey. That is Section 534, which will overturn the Department of Homeland Security's efforts to preempt the rights of State and local governments to adopt chemical security protections stronger than the standards adopted by the Federal Government.

The effort by DHS to prevent States from going beyond the measures adopted by DHS to protect their residents from terrorist attacks on chemical facilities was never authorized by Congress, and the inclusion of my provision overturning the Department's effort represents a strong rejection by Congress of the Department's attempt to do so.

Opposition to the Department's efforts has been widespread and bipar-

tisan, including from the National Governor's Association, the National Conference of State Legislatures and the Chairmen of the 9/11 Commission, Representative LEE Hamilton and former New Jersey Governor Tom Kean. Nevertheless, DHS continues to insist that its partnership with industry rather than a partnership with States—will be sufficient to protect the American public. By including this provision in the omnibus bill, Congress is making clear that the role of State and local governments is not to be undermined by the Department of Homeland Security.

The provision included in the omnibus bill amends Section 550 of the Department of Homeland Security Appropriations Act, 2007 to clarify that DHS does not have the authority to preempt State or local governments from adopting chemical security measures stronger than those adopted by DHS. The language in this bill will allow States to go beyond the Federal regulations as long as there is no actual conflict with the Federal regulations. This means that unless it is impossible to comply with both State and Federal law, the State law is not preempted. Determinations on whether it is impossible to comply with both State law and Federal law are properly decided by the Federal courts, and DHS should not be prejudging or interfering with this determination.

While we all wish it were not so, the threat of terrorists using our chemical plants as a mechanism for killing hundreds or thousands of citizens is not far-fetched. It was reported as far back as December 2001 that chemical trade publications had been found in a hideout in Afghanistan used by Osama bin Laden. Numerous Government agencies and independent bodies have identified the Nation's chemical facilities as an attractive target for terrorists. And New Jersey has good reason to be concerned about a terrorist attack on a facility storing large amounts of dangerous chemicals. The FBI has called the stretch between Port Newark and Liberty International Airport "the most dangerous two miles in America." According to a 2005 CRS report, 7 of the 111 sites identified by EPA that could put more than 1 million people at risk in the event of an attack or serious accident are in New Jersey. According to the same report, up to 7 facilities in New Jersey put up to 1 million people at risk, and up to 20 more facilities pose a risk to up to 100,000 people.

I want to thank the leadership of the Appropriations Committee and my colleagues in the Senate and the House for their support for including this critically important national security provision in the Omnibus appropriations bill.

Mr. SANDERS. Mr. President, like many of my colleagues, I worked very hard to assure that, given the veto threats of President Bush, the Omnibus appropriations bill was as strong as it could be. In that regard, we have made some real progress. Unfortunately,

however, this bill contains \$40 billion for Iraq operations, with no strings attached the money to be used as the President wishes, with no accountability for when our involvement in Iraq will end. With expenditures of \$12 billion a month, it is now estimated that the total cost of our Iraq involvement will end up being more than \$1 trillion.

I cannot support providing more money for continuing our ill-conceived and tragic presence in Iraq, money provided with no requirement for plans as to when the redeployment will begin, when it will be concluded, and what our future course in Iraq will be. Consequently, I will vote against the Omnibus appropriations bill.

My vote against this bill also reflects genuine concern regarding last-minute additions of loan guarantees for questionable energy sources, which move us in exactly the wrong direction. More specifically, the report language accompanying the Omnibus appropriations bill provides \$18.5 billion in loan guarantees for nuclear powerplants, \$2.0 billion in loan guarantees for uranium enrichment, \$6.0 billion in loan guarantees for coal, which I have reason to believe includes coal to liquids, and \$2.0 billion in loan guarantees for coal gasification, which I also fear could be used for coal to liquids. It is, quite frankly, beyond belief that we would be passing legislation to support these questionable energy sources. In my view, we should be doing everything we can to transform our energy system so as to move away from unsafe and polluting sources to energy efficiency and sustainable and renewable technologies. Congress can, and must, do better.

Mr. INHOFE. Mr. President, now December 18 and we are all anxious to get home. Additionally tomorrow is my 48th wedding anniversary. That's why I want to get home. Standing in our way is final disposition of the 2008 appropriation bills. The leadership has brought before us an omnibus bill that combines the remaining 11 regular appropriation bills not yet signed by the President. That in and of itself is a failure. Instead of working to pass the annual appropriations bills and ensure the continued operation of our Government, congressional Democrats have spent the majority of the 110th Congress playing political games with critical funding for our troops, attempting to pass surrender resolutions, and pushing a path to amnesty for the millions of illegal immigrants in our Nation. Two months past the end of the fiscal year, Congress only managed to pass one of the annual appropriations bills, instead choosing to roll billions of dollars in funding into an Omnibus appropriations bill hours before Congress is supposed to recess for the year. In fact, this year we observed the latest date in 20 years that Congress failed to send a single annual appropriations bill to the President's desk. This Democrat-controlled Congress

should be labeled as nothing but irresponsible. Additionally, I am here to point out that this bill violates rule XVI of the Standing Rules of the Senate because it is legislating on an appropriations bill.

Title I of Division C, which appropriates money for the Civil Works program of the Army Corps of Engineers, the following projects have either not yet been authorized or the amounts appropriated for them under this bill exceed the authorized levels:

Louisiana Coastal Protection and Restoration study; coastal Mississippi hurricane and storm damage reduction study; rural health care facility on the Fort Berthold Reservation of the three affiliated tribes; North Dakota environmental infrastructure project.

During consideration of H.R. 1492, the Water Resources Development Act, Public Law 110-114, I elaborated for my colleagues in great detail the history and function of the authorization process and stated that I would oppose any appropriation bill that attempted to fund projects either not previously authorized, or above their authorized level. As I made clear in my statements on September 24 prior to passage of the conference report and again on November 8, prior to the Senate's veto override vote, the authorization process is the foremost mechanism we have to control spending. We are violating it in this bill.

In addition to these increases in spending, the omnibus includes numerous provisions authorizing or modifying other projects and policies of the Corps in nonspending ways. These legislative provisions, too, should be decided within the authorization process, not in an omnibus appropriations bill.

Just over a month ago, we authorized \$23 billion in projects for the Corps of Engineers, and Chairwoman BOXER and I have already begun discussions on a new authorization bill for 2008. So, I have to ask why are we violating not only the Standing Rules of the Senate, but creating an opportunity for criticism on our ability to control spending. It makes no sense, it is not necessary and I believe goes to the heart of why the public has such a low opinion of Congress. They don't trust us. Why should they, we cannot seem to follow our own rules.

Before I close, I would like to point out one more area of unnecessary and irresponsible legislating in this omnibus appropriation bill. There are several provisions to address climate change scattered throughout the bill. These provisions include creation of new requirements and a new mitigation incentives fund for the Economic Development Administration, in title I of Division B; a sense of Congress with a call for a mandatory program to reduce greenhouse gas emissions, in Division F; and the creation of a mandatory greenhouse gas registry, in title II of Division F, which appropriates money for the Environmental Protection Agency. We are in the middle of a

regular order process for the consideration of climate change legislation. To include these provisions now, at the last minute on an omnibus, is a total affront to that process.

The proposed registry language is a completely standardless grant to the EPA, possibly an unlawful delegation of Congress' power to legislate. The language directs EPA to develop a mandatory reporting program of greenhouse gas emissions "above appropriate thresholds in all sectors of the economy of the United States." There are no other standards or directions to the Agency. There are no standards by which a reviewing court can judge EPA's actions.

This registry language should be removed or, at a minimum, allowed to sunset at the end of fiscal year 2008 without implementation or effect.

In another provision, the appropriators express concern about proposed new power plants in Texas. This provision, at the very least, should refer to all fossil fuel generation, not just single out coal-fired generation.

Colleagues, I have no illusions that my attempt here today to bring about discipline on the spending process will succeed, but I cannot allow the bill to go through without registering in the strongest possible terms my objections to what we are doing here today.

I have no doubt that each of the Army Corps projects mentioned above have merit, and I would be happy to work with the sponsors, as would, I am sure, Chairwoman BOXER, during the authorization process, but doing it now is wrong. It violates our rules, it removes discipline from the process.

Mr. NELSON of Nebraska. Mr. President, I rise today to speak in support of the consolidated appropriations bill before the Senate and to discuss one small part of the bill that is an important component to our many efforts to advance the biofuels industry and to wean our nation off of its reliance on oil.

In the Energy and Water Appropriations bill, the Senate Appropriations Committee provided \$2 million to the Department of Energy for "E-85 infrastructure deployment."

I want to highlight the importance of this funding and stress the need for DOE to utilize this money in the most cost efficient and effective manner possible.

E85 is an alternative form of transportation fuel that consists of 85 percent ethanol and 15 percent gasoline. It has been developed, in part, to address American's air quality issues and its dangerous dependence on foreign oil.

Currently, there are over 6 million E85 capable vehicles on the Nation's highways, and the use of E85 in these vehicles has the potential to significantly reduce the Nation's dependence on foreign oil, add billions to total farm income, help improve rural and the American economies, and help reduce levels of greenhouse gas emissions.

Recognizing the importance of E85, President Bush and Secretary of Transportation Mary Peters participated with the CEOs of General Motors, Ford, and Chrysler in an event on March of 2007, where they announced the growth in the production of flexible-fuel vehicles, FFVs, that can run on E85.

The automakers pledged to double their existing production of flexible fuel vehicles by 2010. They also pledged that by 2012 fully 50 percent of all vehicle production would be FFVs.

This pledge, however, was predicated on the fact that adequate fueling infrastructure would be available by that time to fuel the millions of additional E85-compatible vehicles.

It is the responsibility of Congress to provide adequate funding to help advance the deployment of E85 fueling infrastructure. I was encouraged then that the Senate elected to set aside \$2 million for this purpose in the Energy and Water Appropriations bill. Once finalized, it will become the Department of Energy's responsibility to allocate this funding to the entity that can provide the most effective and cost-efficient service.

As Governor of Nebraska I helped create the Governors' Ethanol Coalition. In 1997, this coalition, along with the National Corn Growers Association, domestic automakers, and others, established a group named the National Ethanol Vehicle Coalition, NEVC, to be the Nation's primary advocate for the use of E85 ethanol as an alternative to oil-based transportation fuel.

Working with its many partners, NEVC maintains the primary national database on E85 fueling locations, E85 fuel providers, and comprehensive data on the technical requirements necessary to install E85 fueling systems. NEVC also provides the marketing and promotional materials used by all E85 fueling stations in the nation.

NEVC accomplishes all of these actions in a cost effective, timely, and prudent manner. In addition to having assisted with the opening of 1,413 existing stations, NEVC has provided assistance to station operators for securing reasonably priced supplies of ethanol. NEVC has also provided assistance regarding State and Federal tax credits and the materials needed for proper marketing and promotion by these stations.

NEVC has an extensive background, high level of technical competence, and vast experience in establishing and maintaining E85 fueling facilities, and they have proven themselves capable of effectively delivering assistance in a cost-efficient manner.

I note that there is broad consensus that additional alternative fueling infrastructure is needed in this country, and I stress the need for DOE to wisely use the limited funds we have made available.

As such, Mr. President, I strongly urge the Department of Energy to work closely with NEVC and give them

all due consideration when it is expending the funding Congress has provided to meet the needs and goals for E85 fueling stations.

Mr. CORNYN. Mr. President, it is no secret that every Senator who comes to Washington, DC, comes with a few select issues in mind which he makes his own, and which he takes a particular interest in. For me, open and transparent government has been one of those issues.

From my time as a Texas lawyer, supreme court justice, and attorney general I know firsthand the importance, but also the difficulty of creating and enforcing open government and the free flow of information. I have always taken to heart, however, the words of James Madison, who once declared: "The advancement and diffusion of knowledge is the only guardian of true liberty."

Of course, I have the advantage of coming from Texas, one of the strongest States in terms of free information and open government. In Texas, it is a matter of principle that everyone should be able to quickly and easily find out what their government is doing and how.

That is why I was so pleased last week when the Senate passed the Openness Promotes Effectiveness in our National Government, or OPEN Government Act of 2007. Now, the House has likewise passed this important bill, and I eagerly await the President signing it into law.

I have to thank my colleagues, the chairman of the Judiciary committee, Senator LEAHY, and Lydia Griggsby of his staff; Senator KYL, and Joe Matal of his staff; and two of my former chief counsels, James Ho and Reed O'Connor. Without their hard work, we wouldn't be celebrating this legislative victory today.

I have spoken on several occasions in this Chamber about the importance of reforming and updating the Freedom of Information Act, so that undue delays and onerous burdens which plague American citizens looking for information that they by right should have. After 40 years of FOIA there still remain pending requests for information more than a decade old. And many requests result in costly and drawn out lawsuits which effectively prevent the average citizen from receiving the information they deserve.

This bill will restore this most fundamental principle of a free and informed citizenry. It reinforces Lincoln's notion of a government "of the people, by the people, for the people," placing information back in the hands of Americans. It is nothing short of a victory for democracy.

This bill restores meaningful deadlines with real consequences to the FOIA system, ensuring Government agencies will provide timely responses to requests. It creates a new system for tracking pending FOIA requests and an ombudsman to review agency compliance. At the same time it closes loop-

holes and strengthens FOIA law ensuring all journalists have equal access to information.

These reforms are long overdue, and are but a part of creating a government focused on openness. Still, I look forward to the President signing this bill and pacing the way for a culture of transparency in America. In my home of Texas, we have worked hard to establish the ideals of openness and transparency, and I know that the Nation can follow suit. It is in everyone's best interest to throw a little more sunshine on Washington, DC.

Ms. SNOWE. Mr. President, I rise today to draw your attention to a critical amendment that I am offering to the Omnibus appropriation bill. As ranking member of the Subcommittee on Oceans, Atmosphere, Fisheries, and the Coast Guard, I am working with my colleagues in the New England delegation to seek support for this amendment. Our amendment would allow fisheries disaster relief funds to be made available to hard-hit fishermen in all New England States, not just Massachusetts as is currently stipulated.

From the time the first Europeans arrived in the region that would become New England, fish—particularly groundfish such as cod and haddock—were the fundamental natural resource. It was said that fish were once so bountiful that one could walk across the Gulf of Maine on the backs of codfish. But today, our centuries-old tradition of groundfishing is at a critical juncture, and many of our fishermen are increasingly finding that they can no longer find enough fish to make a living in an industry that has sustained their families for generations. This is because ongoing requirements to rebuild New England's groundfishery have resulted in drastic cuts to the fishing industry and severe economic impacts to our fishing communities. Since 1996, groundfishermen in the Northeast Multispecies Groundfish Fishery have seen their allotted days-at-sea slashed by over 75 percent, from an average of 116 to just 24 days a year. This effectively closes the fishery 93 percent of the time.

I understand the need to reduce catch on a temporary basis in order to allow the stocks to rebound from decades of overfishing, but if we are going to have any fishermen left to harvest those rebuilt stocks, we must have Government assistance to sustain the fleet through this rebuilding period. The Maine groundfishing fleet already has been cut in half over the past 13 years, from more than 220 boats in 1994 to just 110 today. Groundfish landings in Maine are down 58 percent over that same time period. Shoreside support industries such as fish processors, and ice, bait and fuel suppliers have suffered similar losses—with jobs in fish processing and wholesaling dropping 40 percent, from nearly 3,000 jobs to less than 1,800 today.

Because of these severe economic impacts and their ramifications to shore-side infrastructure and the overall health of coastal communities, earlier this year the Governor of Maine appealed to the Secretary of Commerce, asking that he officially declare a "fisheries failure" in this region. Such a declaration under existing law would allow the release of vital disaster assistance to help minimize the devastating losses our fishing communities are experiencing.

Unfortunately, the Secretary of Commerce failed our fishermen, when he failed to make this declaration. He misinterpreted Congress's intent when, in the most recent reauthorization of the Magnuson-Stevens Fishery Conservation Management Act, we authorized disaster relief funding for fisheries crippled by overly onerous regulations. And that mistake was fueled by his decision to cherry-pick numbers and timeframes that provided a rosier analysis of the true cumulative economic impact of the groundfish regulations. It was his contention that the fishery was "rebuilding." While this may be true, the fact remains: today, our fishermen are only allowed to work 24 days a year. If these are the regulations we require, I think that is evidence enough that the fishery should be considered a failure.

But given the Secretary's decision, and his rejection of numerous appeals to reconsider, it is now up to Congress to provide this vital economic relief, which will enable our fishing communities to survive while groundfish stocks rebuild over the next several years. But as it now stands in the omnibus, Congress is poised to repeat the mistakes made by the Secretary of Commerce by denying this relief where it is most needed.

Currently, the language in the bill would only allow disaster relief funding to groundfishermen in the State of Massachusetts. This language marks a significant departure from the New England delegation's past efforts to address the impacts of groundfish regulations. For nearly a decade, until this language appeared, my staff and I have worked closely with Senators KERRY and KENNEDY—as well our colleagues from other New England States—to develop and put forth a comprehensive, consistent, regional approach for achieving the goal of fairly and effectively helping our groundfishermen. The simple fact is that this is a regional fishery. Massachusetts fishermen are chasing the same fish as their Maine or Rhode Island or New Hampshire counterparts. And I am deeply troubled to see that this regional, cooperative approach has been abandoned by my colleagues from Massachusetts, and they now choose to "go it alone" without seeing that this is a regional crisis. After all, considering that devastating economic impacts have hit all New England States, especially Maine, it is simply unfair and unreasonable to keep this funding contained to one State.

We first worked to remedy this situation and restore a strong regional solution last October. When the Senate passed our Commerce-Justice-Science Bill, S. 3093, we included a Sununu amendment, which I cosponsored, that would have directed \$15 million of the funds provided to the National Oceanic and Atmospheric Administration to be available to carry out disaster relief activities of the Magnuson-Stevens Act. To my great dismay—and without consultation to the New England delegation—the omnibus before us no longer contains the Senate-passed language allowing this disaster relief for New England's groundfishermen. The Senate must now act to restore this funding.

If we fail to do the right thing today, the result will be that disaster relief funding will go to only Massachusetts—arguably the State that needs it the least. For example, the port of New Bedford, MA consistently ranks first in the Nation in the value of fisheries landings. Fishermen brought \$281.2 million worth of fish to New Bedford alone in 2006, continuing a 7-year trend of increasing value of landings. On top of that—Massachusetts fishermen are already set to receive approximately 6 million of additional fisheries mitigation funding from operators of a liquefied natural gas facility.

If Congress does not act to remedy this situation, we could be sounding the death knell for groundfishermen in other New England States. The fishermen in Maine, New Hampshire, Rhode Island, and Connecticut would simply be unable to compete with their counterparts in Massachusetts, who will soon find themselves awash in an influx of cash, boosting their bottom lines and increasing their competitiveness. This would be a grievous injustice—one that we cannot countenance.

For the sake of the hard-working groundfishermen throughout the other New England States, who have already endured years of costly regulations and are working hard to help stocks recover, I implore my colleagues to support this amendment. Congress must right the wrongs that continue to be carried out on our hardest hit fishermen and coastal communities.

Mr. LIEBERMAN. Mr. President, I rise today to support the fiscal year 2008 omnibus appropriations bill. I know it has been difficult to reach a compromise on this bill, and I realize that many funding levels for important programs were reduced so we could reach an agreement.

Despite these cutbacks, I believe we can still be proud of this bill. It contains considerable funding for counterterrorism and crime prevention, scientific and medical research, Pell grants, title I schools, special education, small business programs, consumer product protection, Amtrak, State and local first responder grants, and low-income energy assistance. To meet the President's top line budget number, my colleagues had to make

hard choices. To their credit, the bill before us today prioritizes the most critical domestic programs in the Federal Government.

The omnibus also contains an additional \$3.7 billion in emergency funding for veterans, constituting the largest increase in veterans' spending in the history of our Nation. \$1.9 billion of the increase is targeted for VA medical services. This much needed funding will improve treatment for traumatic brain injury and post-traumatic stress disorder, two of the most prevalent injuries from the global war on terrorism.

I am also proud of what this bill will do for the people and communities of Connecticut. The money I requested will assist many worthy local efforts, such as hospital renovations, the construction of a small craft maintenance facility at Naval Submarine Base New London, a community college manufacturing technology program, and improvements to several intermodal transportation facilities.

I would like to clarify conference language concerning two specific projects in the bill. Currently, the Interior, Environment, and Related Agencies conference report lists a State and tribal assistance grant project as "\$300,000 for The City of Southington for wellhead cleanup." This language should be interpreted as if it stated "\$300,000 for the Southington Water Department for wellhead cleanup."

The Labor, Health and Human Services, Education and Related Agencies conference report lists an Office of Museum and Library Services project as "\$97,000 for the Connecticut Historical Society, Hartford, CT for educational programs and interactive school programs at the Old State House." This language should be interpreted as if it stated "\$97,000 for the Connecticut Historical Society, Hartford, CT for educational programs and interactive school programs at the Old State House and the Connecticut Historical Society Museum."

Once again, I commend the efforts of my colleagues on the consolidated appropriations bill for fiscal year 2008. They deserve hearty congratulations for their demanding work and considerable willingness to compromise.

Mr. COBURN. As we approach the end of the year, Congress once again finds itself on a last-minute spending spree, approving billions of dollars of new spending with few questions asked, no amendments allowed, and little debate, discussion, or inspection permitted.

The U.S. national debt now exceeds \$9.13 trillion. That means almost \$30,000 in debt for each and every man, woman, and child in the United States. The U.S. debt is expanding by about \$1.4 billion a day, or nearly \$1 million a minute. The unfunded liability placed on a child born today is \$400,000.

The "Financial Report of the United States Government" released this week found that the Federal deficit would be

nearly 70 percent higher than the \$162.8 billion reported 2 months ago if the Government used the same accounting practices as private firms. Accounting for such liabilities as pensions and health care costs when they are incurred rather than when they are paid would have boosted the deficit to \$275.5 billion, the report noted.

It is completely irresponsible for Congress to add to this debt that threatens the retirement security of our senior citizens and the economic prosperity of our children and grandchildren who will inherit the debt that results from the spending decisions Congress is making today.

The Omnibus appropriations bill, which combines the 11 unfinished appropriations bills to fund the Federal Government's operations in fiscal year 2008, provides approximately \$515.7 billion in discretionary spending. The bill also adds approximately \$11 billion in emergency spending, of which \$3.7 billion is contingent emergency spending for veterans programs.

This bill was approved by the House of Representatives last night, and the Senate will vote on it today, even though it has only been available now for 36 hours. The bill is more than 3,400 pages, and I am fairly certain that not a single Member of either chamber of Congress, or anyone else, for that matter, has read it in its entirety. What is most shocking, however, is that the eagerness of Members of Congress to recess for the year and to satisfy the desire to secure pork projects has taken precedent over our responsibility to properly manage the Nation's finances and set national spending priorities.

While this bill does not provide the funding that is needed for our brave men and women in uniform fighting on the front lines in Iraq, it does contain over 9,000 special interest pork projects, known as "earmarks."

"An earmark Christmas, Lawmakers deck out omnibus with many a spending project," proclaims the front page of the Hill newspaper. "Earmark Extravaganza, Nearly 9,000 Requests in Omnibus," exclaims the front page of Roll Call.

Nearly 300 of the earmarks in this bill costing over \$800 million were air dropped into this bill during closed-door meetings not open to the public or most Members of Congress.

Among the thousands of earmarked projects tucked into this bill are:

\$113,000 for rodent control in Alaska;
\$213,000 for olive fruit fly research in France;

\$1,645,000 for the City of Bastrop, LA. According to Bastrop Daily Enterprise, "The money is officially earmarked for the purchase of bulletproof vests and body armor. Bulletproof vests only cost about \$700-800, however, so \$1.6 million would appear to be overkill." Police detective Curtis Stephenson agrees, conceding "There's no way we'd need that kind of money just to put all our people in vests.";

\$200,000 for a Hunting and Fishing Museum in Pennsylvania;

\$150,000 for a Louis Armstrong Museum in New York;

\$700,000 for a bike trail in Minnesota;

\$1,000,000 for river walk in Massachusetts;

\$200,000 for a post office museum in downtown Las Vegas;

\$1,000,000 for an earmark requested by a House Member who has been indicted on Federal charges of racketeering, money-laundering and soliciting bribes;

\$824,000 for alternative salmon products;

\$146,000 for an aquarium in South Carolina;

\$1,000,000 for managing weeds in Idaho; and

\$37,000 for the Lincoln Park Zoo in Illinois.

It is hard to argue that any of these are national priorities or more important than funding the troops in Iraq or worth increasing the national debt. Members of Congress have, however, learned to rationalize the practice of earmarking, but the truth is every earmark diverts funds away from more important national priorities.

I filed two amendments to this bill that would have demonstrated this point that I had hoped to offer but was blocked from doing so. These amendments would have given Congress the opportunity to choose between improving deficient roads and bridges and providing health care to women and children before steering funds toward special interest earmarks.

The first amendment, 3860, would have allowed the Department of Transportation to redirect earmarked funds to improve unsafe roads and bridges.

On August 1, 2007, the Interstate 35 West, I-35W bridge over the Mississippi River in Minneapolis, MN, collapsed during rush hour, killing 13 people and injuring another 123. This tragedy exposed both a nationwide problem of deficient bridges as well as misplaced priorities of Congress, which has focused more on funding earmarks than improving aging infrastructure.

According to the U.S. Department of Transportation, one out of every eight bridges in our Nation is structurally deficient. Of the 597,340 bridges in the United States, 154,101 bridges are deficient. Yet, instead of addressing needed bridge maintenance, Congress has prioritized earmarks for politicians' pet projects, many which do not even involve roads or bridges.

The \$286 billion, 5-year Transportation authorization bill approved by Congress in 2005, for example, included 6,373 earmarks, totaling \$24 billion, including the infamous "Bridge to Nowhere" in Alaska.

An investigation by the inspector general of the Department of Transportation found that "Many earmarked projects considered by the agencies as low priority are being funded over higher priority, non-earmarked projects." The IG notes that "Funding these new low priority projects added to the already substantial backlog of

replacement projects and caused [Federal Aviation Administration] to delay the planning of its higher priority replacement projects by at least 3 years."

Earmarks have siphoned away tens of billions of dollars that could and should have been spent to upgrade deficient bridges or improve aging roads rather than being spent on politicians' pet projects.

The Senate has already rejected a similar amendment in September, and this bill shows once again that Congress is more interested in securing earmarks than securing our Nation's roads and bridges.

The second amendment, 3861, would have allowed the Department of Health and Human Services to redirect earmarked funds to the Maternal and Child Health Block Grant Program.

Congress has spent much of this year posturing about who cares most about providing health care for children and the uninsured. Yet Congress has failed to enact any reforms to expand health care access. According to the Kaiser Family Foundation, in this country there were 9.5 million children who lacked health insurance for at least part of last year, and over 17 million women are uninsured.

This amendment ensures that many of these uninsured women and children would receive services from the Maternal and Child Health Block Grant, which provides funding for urgent health needs for pregnant women, mothers, infants, children, and adolescents. It is shameful that Congress has diverted tens of millions of dollars in the health title of this bill towards special interest pork projects when millions of children and women do not have access to critical health care.

The Senate rejected a similar amendment in October, and this bill demonstrates once again that while Congress may talk about prioritizing children's health care, the real priority of Congress is its own special interest pork projects.

There are plenty of other examples in this bill of Congress's misplaced priorities. The bill, for example, terminates the Baby AIDS Program that provides resources to prevent perinatal HIV transmission and care for mothers with HIV, while ensuring that San Francisco receives funding for deceased AIDS patients. The bill provides another \$100 million for the 2008 political party conventions. It allows the Department of Justice to again provide Federal financial support for groups linked to terrorism by removing the prohibition passed by the Senate in October.

Who know what other travesties are hidden within this 3,400 page omnibus spending bill that Congress is expected to pass without having time to read, review, or amend? Members of Congress may never know, and apparently few seem to care.

It should come as no surprise to anyone that the approval ratings of Congress have reached alltime historical lows.

Congress has ignored the needs of our troops in combat, the looming bankruptcy of Social Security and Medicare, and the nearly insurmountable national debt that threatens the future prosperity of our Nation while showing virtually no restraint on spending, especially for parochial pork projects.

Mr. CRAPO. Mr. President, I rise today to offer my distinct dismay with the outcome of what has become omnibus funding legislation for 11 of the 13 appropriations bills for fiscal year 2008. H.R. 2764 is a sad testament to Congress's inability to draft and pass responsible Federal funding legislation. I am very disappointed that critical funding for drug abuse education efforts, crime victims and, more specifically, victims of domestic violence has been stripped from this bill. Idaho will lose more than 10 percent of Victims of Crime Act Funding, money, incidentally, which was never supposed to be subject to the appropriations process in the first place. Furthermore, funding for programs that help victims of sexual assault in 15 cities in Idaho and a program that has helped thousands of Idaho schoolchildren learn of the dangers of Internet predators have been eliminated during the conference process on this omnibus spending bill. Justice assistance grants have been significantly reduced. The Office of National Drug Control Policy Youth Anti-Drug Media Campaign was significantly cut, which jeopardizes important anti drug and, particularly anti meth media messaging for Idaho's youth. Although I have supported important funding along the way in these bills including veterans funding, border funds and other Idaho priorities, in my view, victims of crime and our youth are the clear losers in this legislation, and because of this and other substantial concerns I have with this, I have to vote against the bill.

Mr. PRYOR. Mr. President, I would like to express my support for a provision of the Consolidated Appropriations Act, 2008. Specifically, I would like to take this opportunity to highlight and clarify language included in Division E, the Department of Homeland Security Appropriations Act of 2008 regarding the secure handling of ammonium nitrate.

This legislation reduces the risk of large quantities of ammonium nitrate falling into the wrong hands, while ensuring access for agriculture professionals and farmers who use this fertilizer for legitimate purposes. It requires that ammonium nitrate sellers and purchasers register and receive a registration number in order to distribute or buy the product. Doing so reduces the possibility that ammonium nitrate will be misused. First, it allows Department of Homeland Security and relevant law enforcement agencies to know who has access to ammonium ni-

trate. Second, it requires registration number applicants to be matched against the terrorism screening database before being authorized to buy or sell ammonium nitrate. Finally, by making the sale or purchase of ammonium nitrate more difficult, it deters acquisition of this explosive precursor by dangerous persons.

Farmers who use ammonium nitrate in agriculture production normally obtain the ammonium nitrate from a retail fertilizer dealership. Any retail fertilizer dealership that stores and sells ammonium nitrate would have to register under this legislation. The intent of this legislation is "track and trace"—to provide law enforcement officials with the ability to know where ammonium nitrate is being stored and the establishment of a prescreening process before a person can purchase and take away ammonium nitrate.

Retail fertilizer dealerships provide many services for farmers and one of those services is custom application. Many farmers buy the fertilizer, but never physically take possession of the ammonium nitrate. Instead, farmers purchase the services of a dealer who spreads the ammonium nitrate on their fields. In the southeastern United States, nearly 90 percent of the 41,800 tons of ammonium nitrate purchased is directly applied to the field from the custody of the fertilizer dealer or applicator company. Only 10 percent of the ammonium nitrate purchased in the southeastern United States is ever under the direct control and possession of the farm customer.

Businesses and employees who provide custom application services would be subject to the registration requirements of the legislation. It is not the intent of this legislation to require registration by individuals who use custom application services but never physically control any ammonium nitrate.

I believe this bill will help keep ammonium nitrate out of would-be terrorists' hands while allowing farmers to use it for legitimate purposes.

Mr. BROWNBACK. Mr. President, I rise to discuss the Omnibus appropriations bill that is before us today. Although I am supportive of a number of important items in the bill, I have serious concerns and reservations about how this voluminous package was put together and how it has reached this point. As we are all aware, none of the 11 bills in this package have ever been considered on the floor of this chamber. I believe this is a travesty and entirely contrary to our democratic process. I, for one, believe that next year we must make it a priority to consider all of the appropriations bills in regular order so that all Members can participate in the process. We are appropriating nearly \$933 billion through this bill and only a select few Members in both Chambers have participated in the allocation of those dollars.

Despite my deep concerns about the process of putting this bill together, I

have chosen to support it because it is within the President's budget request, it provides bridge-funding to support our troops in Iraq and Afghanistan, and it contains a number of other items that I support.

I am pleased that the bill contains funds to continue Marriage Development Accounts in the District of Columbia. We began this program in fiscal year 2006 as a way to stem the erosion of marriage in DC. Sadly, marriage is all but disappearing in low-income communities in this city and across the country because couples lose important benefits such as food stamps, low-income housing credits, Temporary Assistance to Needy Families, and Medicaid merely for taking a wedding vow. In addition, these couples often have to pay higher taxes when they choose to marry. For most low-income couples, the welfare system has made marriage a bad economic decision. MDAs are one way we are making marriage a good economic decision. With an MDA, a low-income couple can save for a house, for higher education, or to start a small business and we will match those funds 3-to-1 with two Federal dollars and one private matching dollar. In just its second year of operation, over 100 DC residents have opened MDAs and 7 have already bought houses with their matched savings.

I am also pleased that we were able to include language in this bill requiring the U.S. Mint to return the words "In God We Trust" to the face of the \$1 Presidential coins and the \$1 Sacagawea coins. "In God We Trust" is our national motto and since the beginning of our Nation, America's citizens have acknowledged how God is very much a part of the founding principles and traditions of our democracy. I would like to note that in 1861, Secretary of the Treasury Samuel P. Chase ordered that coins bear a motto expressing the American people's trust in God. The first coins with the phrase "In God We Trust" were minted in 1864. In 1955, the phrase was required for all new coins, and in 1956 Congress officially endorsed "In God We Trust" as the national motto. Therefore, I was troubled to learn that the words "In God We Trust" do not appear on the face of the new Presidential coins. These words are barely visible and almost hidden on the edge of the new coins. To rectify this situation, we have included language in this bill that will require the U.S. Mint to return our national motto to the front of the coin.

I would like to note that we have provided \$80 million for the Consumer Product Safety Commission, an increase of \$17 million over the fiscal year 2007 level. I believe that this increase is important and necessary because it will allow the CPSC to hire additional inspectors to ensure that toys and other consumer products entering our country are safe. We have all been deeply concerned over the flood of shoddy and dangerous products entering our ports. Most troubling is that

many of these products are designed for our smallest and most vulnerable consumers: everything from baby cribs and strollers to children's toys and baby teething rings have been recalled just this past year. I believe these additional funds will help CPSC address this growing problem.

I am supportive of the \$60 million available in this bill to support democracy in Iran. Although I am pleased that this money is in the bill, I would have hoped we could have come up with an additional amount for this important and essential work. I am also concerned about oversight of these funds. In my view, this money is a crucial part of our overall policy on Iran, and I will closely monitor how it is spent.

Finally, I would not be able to vote for this bill if it did not contain the necessary funding for our troops in Iraq and Afghanistan. The amendment that Senator MCCONNELL has offered today contains those important and necessary funds. We are making progress in the war in Iraq and we must continue to provide our brave servicemen and servicewomen all the armor and ammunition and support they need to continue to secure a peace in that region of the world.

I reiterate my deep concerns and consternation with how this omnibus bill was put together. To say that this behemoth bill was cobbled together in the dead of night among just a few Members is no exaggeration. Such an approach is undemocratic and dangerous. Although I will vote for the bill, I must insist that we abandon this undemocratic process and return to regular order when we take up next year's appropriations bills.

Ms. MIKULSKI. Mr. President, I rise today to discuss the Commerce, Justice, Science and Related Agencies, CJS, division of the Omnibus appropriations bill before the Senate. The CJS agreement in this bill is a bipartisan, bicameral compromise that is a product of hard work and tough choices. In order to meet a very stringent allocation mandated by the President, we had to cut \$2.6 billion from the Senate CJS bill, which passed the Senate on October 16, 2007.

Although we were forced to make substantial cuts, we protected the subcommittee's priorities. First, security—keeping Americans safe from threats at home and abroad. Second, promoting competitiveness—developing new technologies that create jobs for the future. Finally, providing congressional oversight by demanding accountability from the agencies funded in this bill to ensure they act as good stewards of U.S. taxpayer dollars. Significant improvements to the President's budget were made in this bill to make America safer and stronger and ensure taxpayer dollars are being spent wisely.

Despite the tough choices we had to make, there are accomplishments for which we can be proud. First, the CJS subcommittee's top priority is to pro-

tect America from terrorism and violent crime. The subcommittee provided the Federal Bureau of Investigation (FBI), our domestic counterterrorism agency, \$133 million above the President's request, for a total of \$6.7 billion. The CJS agreement bolsters the FBI's efforts to fight emerging cyber security and terrorist threats and provide for 160 new FBI agents to track and dismantle terrorist cells in the United States. For the Drug Enforcement Administration, DEA, we provide \$53 million more than the President's request, for a total of \$2.1 billion. These funds will lift the hiring freeze and give DEA the resources they need to hire 200 additional special agents. These agents will fight illegal drugs like heroin and methamphetamine that are destroying our communities and disrupt the poppy trade in Afghanistan, which funds terrorist activity.

In addition, the President's budget gutted funds for State and local law enforcement by \$1.5 billion from last year's level. The CJS agreement provides a total of \$2.7 billion to help State and local law enforcement fight crime, drugs and gangs. The agreement includes \$1.2 billion more than the President's request. With the limited resources the subcommittee had, we were able to make modest increases to critically important State and local law enforcement programs. For example, we provided \$20 million to put 260 new cops on the beat in our local communities; \$400 million to keep women and children safe from domestic violence; \$383 million to keep children safe from child predators, gangs and drugs; and \$15 million to put cops in schools to fight the rising trend of violence on school grounds. These are critical programs and I wish we could have provided more funds to keep our children safe, protect our communities and provide those on the thin blue line the resources they deserve to protect us.

The CJS agreement continues the subcommittee's commitment to the development of new technologies that create jobs for the future. The CJS agreement fully funds the President's request of \$17.3 billion for NASA. NASA is our premier innovation agency that is creating new technologies and inspiring future scientists and engineers. The CJS agreement maintains our commitment to the space station and the aging space shuttle fleet and fully funds the new space transportation vehicle. The CJS agreement also keeps our commitment to NASA's scientific discovery and aeronautics research.

In addition, the CJS agreement rejects the President's cuts to Department of Commerce initiatives that create technologies and jobs. The agreement restores \$80 million above the President's request for economic development grants to help our communities develop infrastructure to create new jobs. The agreement provides \$90 million for the Manufacturing Extension Partnerships, MEP, which help

small U.S. manufacturers stay competitive. Also, the agreement provides \$65 million for the newly authorized Technology Innovation Partnership, TIP, program to encourage innovation.

The CJS agreement emphasizes oversight and accountability to prevent mismanagement of taxpayer dollars. Specifically, the agreement prohibits funds for lavish banquets and conferences and requires the Inspector General in each agency to stand sentry over grant spending to ensure taxpayer dollars are not squandered. The subcommittee agreement institutes an early warning system for cost overruns and schedule slippages on major satellite procurement programs so that costs to the taxpayers do not grow unchecked. The agreement also requires management reforms at the Patent and Trademark Office, PTO, to reduce application backlogs and waiting times. Currently there is a 2 year backlog to process a patent application and this backlog could reach over 800,000 applications this year.

Unfortunately, the subcommittee also had to make some very difficult choices. There were reluctant cuts dictated by the President's budget that forced the Subcommittee to cut things that we wanted to fund. For example, Byrne formula grants to States are funded at only \$170 million. The President zeroed out Byrne formula grants, but our agreement is still \$350 million below 2007. Byrne formula grants go to States to pay for police training and technology and crime prevention programs at the State and local level. This cut means there will be less direct Federal funding for State law enforcement budgets, straining State budgets that are already stressed.

Regrettably, the CJS agreement is \$424 million below the President's request for the American Competitiveness Initiative, ACI, at the National Science Foundation, NSF, and National Institute of Standards and Technology, NIST. Our Senate bill fully funded the President's request for ACI, which has bipartisan support, but our allocation required very difficult choices and this was one of them.

Finally, I want to express about my disappointment that the House would not agree with two provisions that were included in the Senate CJS bill. First is emergency funding for NASA. Our Senate bill included \$1 billion in emergency funding to reimburse NASA for the costs of returning the space shuttle to flight after the Columbia accident. This funding had bipartisan support in the Senate, but the House would not agree to it. The consequence will be a continued gap in time between shuttle retirement and development of our new vehicle.

Second, I included a provision in our Senate bill to extend the H-2B returning worker exemption. This was a simple 1-year extension of current law. On a bipartisan basis, the Senate wanted to protect small and seasonal businesses from going bankrupt. I regret

that the House would not agree to the extension.

Overall, the CJS agreement is a bipartisan effort, a product of hard work and tough choices in order to meet a very tight allocation. Even within the tight allocation, we provide funding to keep America safe, we secure America's competitiveness, and we provide strong oversight and accountability to ensure stewardship of taxpayer dollars.

I want to thank my ranking member, Senator SHELBY for his collegiality and cooperation. I also want to thank Chairman BYRD and Ranking Member COCHRAN for their hard work and advocacy. And I thank their staff, specifically, Art Cameron, Chuck Kieffer, and Bruce Evans. I encourage my colleagues to support of the CJS agreement.

Mr. KERRY. Mr. President, I rise in support of the Feingold amendment because the strategy it mandates gives us the best chance to succeed in Iraq and strengthen America's security around the world. In fact, recent developments in Iraq and Afghanistan have made it clear that this amendment is as important now as it was when Senator FEINGOLD and I first introduced a similar measure a year and half ago.

I have heard the arguments that the escalation has worked, that we no longer need to change the mission, and that we are now on the path to victory in Iraq. Every one of us agrees that the troops in Iraq have done an extraordinary job under unbelievably difficult circumstances. The entire country owes them a profound debt of gratitude for their incredible sacrifices.

But we must not lose sight of the bigger picture, which is that the brave men and women of our armed forces no matter how heroically they perform cannot end an Iraqi civil war. Every one of our generals, the Secretary of Defense, and the Secretary of State have all told us repeatedly that there is simply no military solution to this conflict. The President himself has acknowledged as much and that is why he made clear that the purpose of the escalation was to give the Iraqis one last opportunity to make the tough political compromises that are the only hope for bringing lasting stability to Iraq.

But the bottom line is that we have not seen any political progress from the Maliki government since the escalation began nearly one year ago. Not one single additional political benchmark has been met and by some accounts they are even further away from compromising than they have ever been. So when we assess progress in Iraq over the past few months, let's be clear: by the measure that ultimately counts the most political reconciliation this strategy has not accomplished the goal that the President himself established.

The reason is simple: the Iraqi government has proven time and again that without a deadline they will not make the tough compromises nec-

essary to bring about a political solution that is the only solution. And as long as we continue to follow the same course of giving them an open-ended commitment, they will continue to pursue their narrow sectarian interests while our troops continue to pay the ultimate price.

To succeed over the long term in Iraq, we must change course. We must insist on a strategy that honors what our troops have accomplished and force the Iraqis to finally take advantage of the opportunity they have before them. That's what the Feingold amendment does. It changes the mission to one that can be sustained even as we draw down troops to pre-surge levels which our overstretched military requires us to do: training Iraqi security forces, conducting targeted counter-terrorism missions, and protecting U.S. forces and facilities. And most importantly, it sets the deadline we need to create the leverage necessary to bring about real political reconciliation.

In fact, if you look closely at what has occurred over the past few months in Iraq, it is clear that a significant amount of the progress we have seen in terms of reducing violence has been the result of political decisions. That's not to understate the key role our troops have played it's simply to recognize the realities of this type of counterinsurgency mission.

We all know that the Sunni tribal leaders in Anbar province made a calculated decision, based on their own self-interest, to turn against al-Qaida in fact, many of us have argued for some time the Iraqis themselves would never tolerate foreign extremists in their midst.

We also know that one of the key factors in reducing the violence has been the decision by Moktada al-Sadr to tell his Mahdi militia to stand down—at least temporarily. This was reportedly due, at least in part, to a request Prime Minister Maliki made of Iran in August to help rein in the Shia militias. In fact, according to the New York Times, spokesmen for our own military "have gone out of their way to publicly acknowledge Iran's role in helping to slow the flow of weapons into the country."

And finally, we know that the flow of foreign fighters into Iraq from Syria has diminished considerably at a time when we have finally begun some level of diplomatic engagement with Syria.

So we must learn the right lessons from the positive developments we have seen over the last few months and recognize that the way forward, the best chance for lasting progress, is through political and diplomatic efforts. We must act now to take advantage of the window our troops have provided. I applaud the summits that have been held on Iraq in Sharm el Sheikh and Istanbul, but we need to see much more sustained, hands-on engagement at the highest levels of the administration. And we need a deadline to fundamentally change the dynamic for Iraq's political leaders.

The alternative is to continue giving the President a blank check which is exactly what the McConnell amendment does. There's no requirement to transition the mission, and no deadline to leverage political process. And there's no relief for a military stretched to the breaking point. That will not resolve the sectarian divisions that have fed this civil war, it will not bring longterm stability to Iraq, and it will not protect our national security interests around the world.

Nowhere is that more important than in Afghanistan, where the same killers who attacked us on 9/11 are right where we left them, plotting more attacks on our homeland. The simple fact is that because of the attention, energy, and resources we have devoted to Iraq, we're now in danger of losing Afghanistan. The Taliban and al-Qaida have regrouped along the Afghan-Pakistan border, currently hold large swathes of territory, and are expanding their reach into regions that haven't seen the Taliban since 2001. Violence may be down in Iraq, but it's at its highest levels in Afghanistan since the invasion. Opium cultivation has soared to 93 percent of the world's market. Reconstruction efforts have stalled, and Oxfam International is reporting "humanitarian conditions rarely seen outside sub-Saharan Africa."

That is why Secretary Gates and Admiral Mullen called for more troops, equipment, and a strategic plan to get it right in Afghanistan last week. But because we have expended valuable American blood and treasure in Iraq and allowed our focus to wander from our top national security priority, the resources just aren't there to fight Taliban and al-Qaida in Afghanistan. If we change the mission in Iraq and return our focus to Afghanistan, we still have time to achieve the stable democracy we promised.

But we must act now. In Iraq and in Afghanistan, time is not on our side. We must seize this moment to put America on course to a safer and more secure future.

Mr. DURBIN. Mr. President, the fiscal year 2008 appropriations bills do not adequately address all of the long-term needs of the American people. We have no one to blame but the President and his Republican allies who have chosen to stand by his side.

The bills we drafted and passed out of the Appropriations Committees on a bipartisan basis went far beyond what we have here today, but the President has made it clear he would veto any bills that were above his grossly inadequate budget.

These allies stood with the President and his budget, a budget that I cannot believe anyone would be proud to support. The President's budget contained cuts of 800 grants for medical research at NIH, cuts in programs that provide access to health care by \$595 million, cuts in rural health initiatives by 50 percent, cuts for crucial Department of Education programs by \$1.2 billion, and

cuts in Homeland Security Grants for police, firefighters, and medical personnel by \$1.1 billion.

This is what we were presented with take it or leave it. The President refused to compromise and instead made it very clear that in his eyes, cuts for health care, education, jobs, and homeland security are nonnegotiable. For the cost of what we spend in 2 months in Iraq, the President was more than willing to sacrifice a year's worth of badly needed investments into health research, our children's education, worker safety, and homeland security.

The President has done all of this under the banner of fiscal responsibility. This is hard to believe from a President who increased spending 50 percent since he came to office, saddled our children and grandchildren with \$3.3 trillion in new debt, doubled the size of foreign debt held by other countries, and asked for another \$200 billion for the war in Iraq without paying for it.

This President also had no problem with a Defense spending bill that was 11 percent more than he asked for. He has no problem asking us for a blank check to fund war in Iraq. This is a President who says it is OK to increase spending for those in other countries, but not here at home. When it comes to raising money for our needs at home his answer comes with a stroke of his new-found veto pen.

When the President drew his line in the sand, we reached out to our Republican counterparts in an effort to build a bipartisan coalition to overcome his veto, but Republicans gave us the cold shoulder and have decided to stand with the President. These are the same Republicans who last Congress failed to pass a budget or complete any of its work on domestic funding bills. They have criticized us for the size of this bill, but compared to nothing, I will take our work here.

We realize we have an obligation to the American people to fund the important functions of our Government and to finish our work as a Congress. To complete these bills we had to make tough decisions in the face of the President's unreasonable demands and work toward prioritizing the needs of the country.

Even within the unreasonable constraints of the President's budget numbers, we still put veterans first. This bill added \$3.7 billion above the President's budget request for veterans and their health needs. This \$3.7 billion in veterans spending is a proposal the President once threatened to veto. These funds will be used for medical and prosthetic research, health services for injured and ill veterans, and the construction of new medical facilities to help those returning home from Iraq and Afghanistan. The additional \$3.7 billion for veterans is contingent on Presidential action. The President must make an emergency spending request by January 18, 2008.

Within the President's overall budget numbers, we were still able to increase

spending for health, education and workers by \$3.9 billion. That is \$3.9 billion for our needs here for Americans at home. Even with the President's hard-line position on his overall budget numbers, the fiscal year 2008 Consolidated Appropriations Act better reflects American priorities.

Democratic increases above the President's budget request include \$3.7 billion for veterans healthcare, \$613 million for medical research, \$3 billion for education, \$486 million for renewable energy sources, \$788 million for heating assistance for low-income households, \$1.6 billion for highways and bridges, \$1.2 billion for State and local law enforcement, \$1.8 billion for homeland security, and \$17 million for consumer protection.

I am also very pleased and proud of what we were able to do with very limited funding within the Financial Services and General Government Appropriations Subcommittee.

Our bill provides \$20.6 billion in funding for the Department of the Treasury, the Internal Revenue Service, the Executive Office of the President, the Federal judiciary, the District of Columbia, and an array of 20 independent agencies, including the Consumer Product Safety Commission, the General Services Administration, the Federal Communications Commission, the Federal Election Commission, the Federal Trade Commission, the Postal Service, the Securities and Exchange Commission, and the Small Business Administration.

Therefore, while I would like to highlight some of the features in the Financial Services title, I note that the circumstances that led to the final bill forced us to make regrettable cuts, because of the President's insistence on his overall bottom line on domestic spending.

I am pleased this bill provides \$80 million for the Consumer Product Safety Commission, a 30-percent increase of \$17.3 million above the fiscal year 2007 enacted level and \$16.75 million above the budget request.

This increase in funding will allow the agency to hire employees, find space for additional employees, and make critically needed IT improvements.

In addition, the bill includes \$115 million for election reform programs to be available for States for assistance in meeting the requirements of the Help America Vote Act of 2002. The amended bill also provides \$10 million for an election data collection pilot program.

Within the IRS, funding of \$2.15 billion is provided for the Taxpayer Services account. This is \$11.7 million above the fiscal year 2007 enacted level, \$46.9 million above the President's request, and \$800,000 above the Senate committee-reported level. The President's budget sought to cut Taxpayer Services by \$35.1 million below the fiscal year 2007 level. The bill also establishes a new \$8 million pilot grant program to improve the Community Volunteer In-

come Tax Assistance Program to serve underserved populations and hardest-to-reach areas.

The bill boosts funding for Treasury's Community Development Financial Institutions, CDFI, Fund to \$94 million, reflecting an increase of \$39.5 million over the fiscal year 2007 enacted level, \$65.4 million above the President's request, and \$4 million above the Senate committee-reported level. The President's request would have decimated the fund, which promotes access to capital and local economic growth by directly investing in and supporting community development financial institutions and by expanding lending, investment, and services offered by banks and thrifts within underserved markets.

The Federal judiciary receives a 4.3 percent increase over fiscal year 2007 in both mandatory and discretionary funding. Within the Judiciary title, the bill provides \$410 million—an 8.3 percent increase over fiscal year 2007—for court security. The bill also authorizes a pilot program to permit the U.S. Marshals instead of the Federal Protective Service to provide security for seven Federal courthouses including the Dirksen Courthouse in Chicago.

Finally, among an array of general provisions applicable government-wide in Title VII of Division D, the bill provides for a 3.5 percent cost-of-living adjustment for civilian Federal employees as included in both the House-passed and Senate committee-reported bills.

I am frustrated that we were not able to do more and that the process has been delayed, but the fiscal year 2008 funding levels we consider this evening reflect America's priorities and I am pleased to support the final package.

Mr. REID. Mr. President, with the Senate's passage of the Omnibus appropriations bill for fiscal year 2008 and H.R. 6, the Energy Security and Independence Act of 2007, the Department of Energy must now finally understand that its irrational hostility toward geothermal energy research and development has come to an end, pursuant to these two acts of Congress.

First, H.R. 6 will become law ahead of the omnibus and thereby controls the primary use and priorities for funds provided by Congress following its enactment. As Senators may know, the United States and particularly Nevada and the West have tens of thousands of megawatts of clean power generation potential from geothermal energy sources just waiting to be developed. In title VI, H.R. 6 contains very important research and development provisions collectively referred to as the Advanced Geothermal Energy Research and Development Act of 2007 that will help realize that enormous potential and create significant sustainable economic growth in rural areas throughout America.

The Department must, by law, comply with the program direction provided in H.R. 6. The Department staff

need not reinvent the wheel or plead that they cannot accept or acknowledge statutory direction from Congress at this point in the fiscal year, since they have not and will not have had any conflicting direction from Congress.

Second, the Omnibus appropriations bill requires that the Department cease and desist its efforts to shut down the existing geothermal program. Instead, the bill provides approximately \$20 million for geothermal energy technology research. This is an increase of \$20 million over the budget request for the deployment of large-scale enhanced geothermal systems, to include accelerating the development of subsurface technologies, including geological and geophysical data collection and synthesis. This direction to the Department is entirely consistent with that provided in H.R. 6.

The Congress expects the Department to use that money wisely and in a balanced fashion that comports with the direction in the appropriations bill's statement of managers and the statutory direction provided in H.R. 6. Clearly, the funds should not and cannot be used to focus on one or even a narrow set of technologies to the exclusion of the continuum of geothermal energy technologies. I also expect that next year's budget request will reflect the direction given to the Department by Congress in H.R. 6.

The PRESIDING OFFICER. All time is yielded back.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. HATCH (when his name was called). Present.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

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

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

The result was announced—yeas 76, nays 17, as follows:

[Rollcall Vote No. 441 Leg.]

YEAS—76

Akaka	Cantwell	Dole
Alexander	Cardin	Domenici
Baucus	Carper	Dorgan
Bennett	Casey	Durbin
Bingaman	Cochran	Grassley
Bond	Coleman	Gregg
Boxer	Collins	Harkin
Brown	Conrad	Hutchison
Brownback	Corker	Inouye
Bunning	Cornyn	Johnson
Byrd	Craig	Kennedy

Kerry	Mikulski	Smith
Klobuchar	Murkowski	Snowe
Kohl	Murray	Specter
Kyl	Nelson (FL)	Stabenow
Landrieu	Nelson (NE)	Stevens
Lautenberg	Pryor	Sununu
Leahy	Reed	Tester
Levin	Reid	Thune
Lieberman	Roberts	Vitter
Lincoln	Rockefeller	Warner
Lott	Salazar	Webb
Lugar	Sanders	Whitehouse
Martinez	Schumer	Wyden
McConnell	Sessions	
Menendez	Shelby	

NAYS—17

Allard	Crapo	Hagel
Barrasso	DeMint	Inhofe
Bayh	Ensign	Isakson
Burr	Enzi	McCaskill
Chambliss	Feingold	Voinovich
Coburn	Graham	

ANSWERED "PRESENT"—1

Hatch

NOT VOTING—6

Biden	Dodd	McCain
Clinton	Feinstein	Obama

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

NOMINATION OF JOHN DANIEL TINDER, OF INDIANA, TO BE A UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to executive session to consider Executive Calendar No. 373, the nomination of John Daniel Tinder, to be United States Circuit Judge.

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

The legislative clerk read the nomination of John Daniel Tinder, of Indiana, to be United States Circuit Judge for the Seventh Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate on the nomination, equally divided.

Mr. LEAHY. Mr. President, we end the 2007 legislative session as we began it, by making significant progress confirming the President's nominations for lifetime appointments to the Federal bench. At the Judiciary Committee's first business meeting of the year, held less than 2 weeks after the Republican caucus agreed to the resolutions organizing the Senate, I included on our agenda five judicial nominations. On January 30, the Senate confirmed the first two judicial nominations of the session. Today's confirmation of John Daniel Tinder to the Court of Appeals for the Seventh Circuit will be the 40th, including 6 of this President's nominations to powerful circuit courts.

I thank the members of the Judiciary Committee for their hard work all year in considering these important nominations. I thank especially those Senators who have given generously of their time to chair confirmation hearings throughout the year.

Given the work of the Senators serving on the Judiciary Committee, we will have exceeded the yearly total in each of the last 3 years when a Republican majority managed the Senate and the consideration of this Republican President's nominations. Indeed, with the confirmation today of Judge Tinder to replace Judge Daniel A. Manion, like that of Reed O'Connor who was confirmed last month to the Northern District, we are proceeding to fill vacancies before they even arise.

The progress we have made this year in considering and confirming judicial nominations is sometimes lost amid the partisan sniping over a handful of controversial nominations and attempts to appeal to some on the far right wing. When we confirm the nomination we consider today, the Senate will have confirmed 40 nominations for lifetime appointments to the Federal bench this session alone. That is more than the total number of judicial nominations that a Republican-led Senate confirmed in all of 1996, 1997, 1999, 2000, 2004, 2005 or 2006. It is 23 more confirmations than were achieved during the entire 1996 session, more than double that session's total of 17, when Republicans stalled consideration of President Clinton's nominations. It is seven more than the confirmations in the second to last year of President Clinton's final term.

We continue to make progress on circuit court nominations. We began the year by resolving an unnecessary controversy over Judge Norman Randy Smith's nomination to one of California's seats on the Ninth Circuit. That nomination could easily have been confirmed—and a judicial emergency addressed—in the last Congress had the Bush administration chosen the commonsense approach of nominating Judge Smith, who is from Idaho, to Idaho's seat on the Ninth Circuit. After many months of urging by me and others, President Bush finally did the right thing at the beginning of this Congress by pulling the controversial Myers nomination to Idaho's Ninth Circuit seat and nominating Judge Smith, instead. He was confirmed in February. We could make even more progress if the President would make a California nomination to fill the long-vacant California Ninth Circuit seat left open by Judge Stephen Trott's retirement.

We continued through the year to consider and confirm district and circuit court judges. In October, the Senate confirmed the nominations of Judges Jennifer Walker Elrod and Judge Leslie Southwick, who became the fourth and fifth circuit court nominees confirmed this year.

After this confirmation today, the Senate will have confirmed six circuit court nominees, matching the total circuit court confirmations for all of 2001. We will also have exceeded the circuit court totals achieved in all of 2004 when a Republican-led Senate was considering this President's circuit