

It is truly amazing when someone has been here long enough to cast 10,000 votes. It means they have represented their State well, and it means they are indeed diligent because they are here doing their duty.

I have loved working with Senator COCHRAN. He has been the kind of person who has helped every State when that State needed it. And I hope he has 10,000 more.

Mr. President, I yield the floor.

**MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2007**

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.J. Res. 20, which the clerk will report by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 20) making further continuing appropriations for the fiscal year 2007, and for other purposes.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 237

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 237.

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

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

The amendment is as follows:

At the end of the resolution add the following:

This division shall take effect 2 days after date of enactment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 238 TO AMENDMENT NO. 237

Mr. REID. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 238 to amendment No. 237.

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

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

The amendment is as follows:

In the amendment strike 2 and insert 1

MOTION TO COMMIT

Mr. REID. Mr. President, I have a motion to commit at the desk and ask the clerk to report that.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the joint resolution to the Appropriations Committee with instructions to report back forthwith with the following amendment numbered 239.

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

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

The amendment is as follows:

AMENDMENT NO. 239

At the end of the regulation add the following:

This division shall take effect 5 days after date of enactment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 240

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 240 to the instructions of the motion to commit H.J. Res. 20.

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

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

The amendment is as follows:

In the amendment strike 5 and insert 4.

Mr. REID. Mr. President, 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.

AMENDMENT NO. 241 TO AMENDMENT NO. 240

Mr. REID. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 241 to amend-ment No. 240.

The amendment is as follows:

In the amendment strike 4 and insert 3.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 the debate on Calendar No. 18, H.J. Res. 20, Continuing Funding resolution.

Robert C. Byrd, Sherrod Brown, Joe Lieberman, Pat Leahy, Patty Murray,

John Kerry, Barbara A. Mikulski, Dick Durbin, Ken Salazar, Jack Reed, Tom Harkin, Dianne Feinstein, H.R. Clinton, Mary Landrieu, Herb Kohl, Carl Levin, Byron L. Dorgan, Ben Nelson.

Mr. REID. Mr. President, the Republican leader and I have had many discussions about possible amendments to this important funding bill. The distinguished Republican leader has told me on several occasions it is very important that we arrange that there be amendments to this bill. I am doing my very best to try to work something out in that regard. I do not know how to say this again. He does not need to tell me again because he has told me so many times how important it is.

This bill was put together with bipartisan cooperation. The chairmen, their staffs, and the subcommittees have worked very hard on getting us to where we are now. We are in an unusual situation because this legislation, which is truly bipartisan—as was the minimum wage bill, as was the ethics and lobbying reform bill—is many degrees—many degrees—more important than that because this legislation funds almost every element of our Federal Government for the remainder of the fiscal year. It has to be signed into law by Wednesday, a week from today. It has to be. This bill allows us to complete last Congress's work and permit the new leadership on both sides of the aisle to begin to address the tasks involved in putting together the fiscal year 2008 appropriations bills.

We are in the position we are in because we are in this position. It is not the first time. But I am confident, in my experience here, we have never had such bipartisan cooperation trying to work our way out of a difficult situation. It has not been easy. But we are where we are. I express my appreciation to Senator BYRD, his staff, Senator COCHRAN and his staff, and all their counterparts—the chairmen and ranking members—for helping us get to the point where we are. It is so important we do this so we can get on with the fiscal year 2008 appropriations bills.

As I said earlier today in congratulating Senator COCHRAN on his 10,000th vote, we need to pass appropriations bills, not for the Republicans, not for the Democrats, not for the Senate, but for our country. We are going to do everything we can to do that. And I will continue to work with the distinguished Republican leader. I am sure I will hear from him in the next few days more than I want to on this subject. I am trying to work something out on the amendments, and I will do my best to try to work something out.

Mr. President, I ask unanimous consent that following the opening statements of Senator BYRD and Senator COCHRAN, we go into morning business. Of course, that would also be after any remarks the distinguished Republican leader wants to make.

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

The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I thank my good friend, the majority leader, for his observations about our discussions over the last few days about the possibility of consideration of some amendments on this side of the aisle. I have been presenting those amendments to the majority as we have collected them. There are a number of concerns Members on this side of the aisle have that they would prefer to see addressed through the amendment process, particularly given the magnitude of this bill. I appreciate the majority leader considering those requests and will continue to funnel those amendments over as we get them.

Let me just say, by way of comparison, we have been here before. Four years ago last month, the Senate had just changed hands from the Democrats to the Republicans. Our good friends on the other side of the aisle, at that point, had also not passed 11 of the 13 appropriations bills. What the new Senate majority did in January of 2003 was to take up a collection of bills, typically referred to around here as Omnibus appropriations. Over 100 amendments were offered during the process of consideration of that collection of appropriations bills, after which they were passed. I had hoped that would have been the way we would have proceeded this year. There was precedent for it 4 years ago.

Nevertheless, I understand the concern the majority leader has about completing this work before midnight a week from now, and I understand the other complications presented by trying to do a measure of this magnitude in such a short period of time. Nevertheless, we will be continuing our discussion, the majority leader and myself, about the possibility of offering amendments that Senators on our side of the aisle believe are important and would improve this massive bill, which would fund the Government from now until September 30 of this year.

Mr. President, I yield the floor.

Mr. REID. Mr. President, if I could make one final statement—I see the distinguished Senator from Texas on the floor—I have not only heard from her staff but a number of her colleagues. This is one of the amendments my staff is working on now to see if there is some way we can maybe allow the Senator to move forward. But I say to the Senator, I want you to know we are looking at it. I have had personal conversations with my office staff based on being directed that way by the Republican leader. So we are taking a look at this. I want you to know that. There are other people who have concerns, not just you, about base realignment closings. What is it called? BRAC, base realignment. OK.

Mrs. HUTCHISON. Mr. President, if I could ask the majority leader if I could respond.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I so appreciate what you have just said. I

do hope the door is still open. Originally, I had hoped we could do the military construction as well as the base-closing commission funding because the delays are going to have impacts throughout the military services. But the amendment I am hoping to offer, that I am told now you are considering—the Hutchison-Inhofe amendment—only does the BRAC funding. It only restores the funding for BRAC so that the 6-year time allotment this Congress itself has mandated for BRAC to be completed can, in fact, be done. If we delay the BRAC, it will have severe consequences on 12,000 troops coming home hopefully this year. And there are so many other things. I know some of the Members on your side of the aisle have talked to you about environmental remediation that will not be able to be done, and other things. So I so hope we can work this out so the House could approve it and we would not have to have a conference.

I hope the majority leader will also consider, when we do go into the supplemental, looking at some of the MILCON that must be done before the 2008 budget starts for that year of funding. There are some prerequisites that are necessary. But I have set that aside in deference to the wishes of the majority to try to move a bill forward. But I do think the BRAC has been the single area where we have not been able to accommodate what needs to be done to move forward. And delays are very costly.

I do thank you for making it a point to say that to me, and I think we certainly would have time. I would work with anyone on the Democratic side or House side to work out differences, if there are differences. All of these projects in the \$3.1 billion we would like to put back in have been approved by Congress, approved by the Senate, and asked for by the Department of Defense.

Mr. REID. I will be brief because I know the two managers of the bill need to speak. As the distinguished Senator from Texas knows, I have recognized the good work she and Senator FEINSTEIN have done on the Military Construction Subcommittee. It has been exemplary. It speaks volumes about how the Senate has changed, that we had two women taking care of the billions of dollars needed every year for military construction. I know you know this issue.

On the BRAC issue, I have spoken to Senator BYRD and his staff. That was one of the big issues that was in the beginning of trying to get this CR to the point where it is. I personally have spoken to Chairman OBEY about this issue. This is a problem. It is a problem that has been raised by Members of the House of Representatives and Senators. You have my assurance that we will continue to look at this amendment. I spoke to Chairman OBEY, because he is getting a lot of talk on the other side. He said: If you don't work something out on this, you have my commitment

that we will take care of this in the supplemental appropriations bill. We are weighing all the considerations we have in the most important phase of keeping our military safe, not only keeping them safe but doing what we promised them to do, not only them but their community which is depending on what we do here to make up for the bases we are closing.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from West Virginia.

Mr. BYRD. Madam President, I want to assure all Senators that the Appropriations Committee intends to address the \$3.1 billion increase proposed in the Senator's amendment when the Senate takes up the \$100 billion supplemental that the President sent to the Congress this week. I have every expectation that the supplemental will be before the Senate next month.

Today marks the 131st day of fiscal year 2007. We are debating H.J. Res. 20, a joint funding resolution for the nine remaining appropriations bills that were not completed during the 109th Congress. The Republican leadership, during the 109th Congress, left us with a great deal of unfinished business in the appropriations process. Only 2 of the 11 appropriations bills were enacted into law. Thirteen of the fifteen Federal departments—all but Defense and Homeland Security—are limping along through February 15 under a very restrictive continuing resolution.

This is not the fault of the Appropriations Committee. Under the very able leadership of Chairman THAD COCHRAN, all of the fiscal year 2007 appropriations bills were reported from the committee by July 20. All of the bills were bipartisan bills, with all but one of the bills approved, 28 to nothing, in committee. Unfortunately, the Republican leadership chose not to bring domestic appropriations bills to the floor before the election and then chose not to finish those bills after the election. Instead, Congress passed three very restrictive continuing resolutions.

These resolutions, if simply extended, would leave huge problems for veterans and military medical care, education programs, law enforcement programs, funding for global AIDS, for energy independence, and for agencies that provide key services to the elderly, such as the Social Security Administration and the 1-800-MEDICARE call centers.

In December, I sat down with my friend, Senator REID, and the new House Appropriations chairman, DAVE OBEY, to plot a course for dealing with this problem. We charted a course for developing a bipartisan and bicameral funding resolution that the House and Senate could pass quickly. During January, there were intense negotiations, which included the majority and the minority in the House and Senate. I consulted with Senator THAD COCHRAN several times during that process, and his ranking members and their staffs were included throughout the process.

The resolution that passed the House last week and is now before the Senate is the product of those efforts.

The resolution, which totals \$463.5 billion and provides funding for the nine appropriations bills that were not completed during the 109th Congress, meets several goals. Namely, first, funding stays within the \$872.8 billion statutory cap on spending, the cap which was set during the 109th Congress and which equals the President's request. Second, the legislation does not include earmarks—hear me—the legislation does not include earmarks. The Appropriations Committee took the lead in confronting the earmarks issue. We eliminated over 9,300 earmarks. We will have a temporary moratorium on earmarks until Congress passes the ethics reform bill. Hopefully, that bill will establish greater transparency and accountability in the earmarking process. Once the ethics reform bill is in place with its added transparency, we will establish a more open, more disciplined, and more accountable process for congressional directives in the fiscal year 2008 bills.

Third, there is no emergency spending in this resolution.

Fourth, for most agencies, funding is set at the fiscal year 2006 level. This formula replaces the current restrictive formula which was based on the lower of the fiscal year 2006 or the unsustainable House-passed level.

Finally, the essential national priorities receive a boost in the legislation. To help pay for these essential national priorities, we cut over \$11 billion from 125 different accounts and we froze spending at the 2006 level for 450 accounts.

While we decided to include a continuing resolution formula for funding most agencies, it was essential that we, on a bipartisan basis, make choices to deal with the many problems that would result from simply extending the current continuing resolution.

As noted in the White House Statement of Administration Policy, many of these increases also reflect administration priorities. For example, for veterans medical care, we included \$32.3 billion, an increase of \$3.6 billion over the fiscal year 2006 level, so that the VA can continue to meet the growing demand for health care for our veterans. For defense health initiatives, we included \$21.2 billion, an increase of \$1.2 billion over fiscal year 2006, to provide care for military members and their families, including treating servicemembers wounded in action in Iraq and Afghanistan. Consistent with the fiscal year 2007 Defense Authorization Act, the President's proposal to charge members of the military \$735 million for their health care is rejected.

For the Labor, HHS, and Education bill, funding is increased by \$2.3 billion, \$7 billion above the President's request. Title I grants for our schools are funded at \$12.8 billion, an increase of \$125 million over fiscal year 2006, which will provide approximately 38,000 addi-

tional low-income children with intensive reading and math instruction. In addition, the legislation funds the title I school improvement fund at \$125 million to target assistance to the 6,700 schools that failed to meet the No Child Left Behind requirements in the 2005–2006 school year.

For the first time in 4 years, Pell grants will expand thanks to the \$13.6 billion included in this legislation, an increase of \$615.4 million over fiscal year 2006 that will increase the maximum Pell grant by \$260 to \$4,310.

The National Institutes of Health are funded at \$28.9 billion, an increase of \$620 million over fiscal year 2006, for research to cure debilitating and often deadly diseases. Community health centers would receive \$1.9 billion, an increase of \$207 million, to finance more than 300 new or expanded health centers.

Three hundred million is included for the Federal Mine Safety and Health Administration, MSHA, an increase of \$23 million over fiscal year 2006 and \$13 million more than the request, to allow the agency to continue its national efforts to hire and train new mine safety inspectors for safety in the Nation's 2,000 coal mines.

The legislation increases funding for Federal, State, and local law enforcement by \$1.6 billion. According to the FBI, last year violent crime rose in America for the first time in 15 years. In response, this legislation directs \$6 billion to the FBI, an increase of \$200 million over fiscal year 2006, to ensure that the FBI not only retains all of its special agents but also completes the effort to double the number of intelligence analysts hired since September 11, 2001. Other law enforcement programs receiving support include State and local law enforcement grants, the Judiciary, Treasury antiterrorism efforts, and other crime prevention programs.

Under the continuing resolution now in law, highway funding is frozen at the 2006 level. Under this joint funding resolution, the Federal aid highway program is fully funded at the level guaranteed in the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act by providing an obligation limitation of \$39.1 billion for fiscal year 2007, \$3.5 billion over the fiscal year 2006 enacted level.

The joint resolution includes \$4.8 billion for Global AIDS and Malaria programs, an increase of \$1.4 billion over fiscal year 2006.

The Food and Drug Administration and the Food Safety and Inspection Service receive increases of \$220 million over fiscal year 2006 in order to improve food and drug safety and to combat the threat of pandemic flu.

We also include funds for technology and innovation. The Department of Energy, Office of Science receives an increase of \$200 million over fiscal year 2006; the National Science Foundation receives an increase of \$335 million, and the National Institute of Standards

and Technology receives an increase of \$50 million.

In an effort to promote energy independence, Energy Efficiency and Renewable Energy programs will receive an increase of \$300 million over fiscal year 2006.

Finally, we also include \$785 million to provide agencies with 50 percent of the cost of the January 2007 pay raise in order to avoid RIFs and furloughs. The resolution will avoid the service delays for Social Security and the 1-800-Medicare call centers that would result from extending the current continuing resolution.

This is not a perfect resolution—we don't claim that—but it is a thoughtful resolution. By complying with the statutory cap on spending, it is a fiscally disciplined resolution. By eliminating earmarks, it provides Congress with time to pass ethics reform legislation to increase transparency and accountability. By targeting resources toward national priorities, such as veterans and military medical care, we solve the most distressing of the problems created by the existing continuing resolution.

On February 2, 2007—that was Groundhog Day, wasn't it—I received a letter from the Veterans of Foreign Wars, the Disabled American Veterans, the Paralyzed Veterans of America, and AMVETS, urging quick passage of this legislation.

I ask unanimous consent that the letter be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. BYRD. Madam President, adoption of this joint resolution will ensure that we answer some of our Nation's most pressing needs and avoid a totally unnecessary Government shutdown. The last time each of the appropriations bills was signed into law by October 1, the beginning of the fiscal year, was 1994. I was the chairman of the Appropriations Committee that year. I am committed to working with my friend and colleague, Senator THAD COCHRAN, to bring 12 individual, bipartisan, and fiscally disciplined fiscal year 2008 appropriations bills to the floor this year.

I urge swift adoption of the resolution. I thank all Senators.

I yield the floor.

EXHIBIT 1

THE INDEPENDENT BUDGET

A BUDGET FOR VETERANS BY VETERANS

FEBRUARY 2, 2007.

Hon. ROBERT C. BYRD,  
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR BYRD: On behalf of the co-authors of The Independent Budget—AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and Veterans of Foreign Wars—we urge you to quickly pass H.J. Res. 20, a bill making continuing appropriations for FY 2007 for the federal government, including the Department of Veterans Affairs. Currently, the VA is operating at FY 2006 funding levels.

The stop-gap budget bill, or continuing resolution, funding much of the federal government for the current fiscal year, includes a \$3.6 billion increase for the Department of Veterans Affairs while spending for many other agencies was held at the 2006 level. Approving funding for the VA at levels included in H.J. Res. 20 would show that the Senate believes veterans are a national priority.

Any attempt to retreat from the levels established in this legislation will have a drastic impact on veterans' health care and benefits services provided to the men and women who have served and sacrificed so much for this country. Without this critically needed funding, the VA will be forced to place further freezes on hiring of critical staff. It will also lead to additional canceled appointments and longer waiting times. The VA will also be unable to address the rapidly growing claims backlog.

We hope that the Senate will show its support for the men and women who have in the past and continue to place themselves in harm's way. With these troops still in the field, now is not the time to allow politics to get in the way of doing what is right.

Sincerely,

DAVID G. GREINEDER,  
*National Legislative  
Director, AMVETS.*

CARL BLAKE,  
*Acting National Legislative  
Director, Paralyzed  
Veterans of America.*

JOSEPH A. VIOLANTE,  
*National Legislative  
Director, Disabled  
American Veterans.*

DENNIS CULLINAN,  
*National Legislative  
Director, Veterans of  
Foreign Wars of the  
United States.*

**THE PRESIDING OFFICER.** The Senator from Mississippi is recognized.

MR. COCHRAN. Madam President, first, I want to express my deepest appreciation for the compliments and recognition given to me for reaching the milestone of casting 10,000 votes in the Senate. I sincerely thank all of those who said such generous things about me and my service in this body.

It is with decidedly mixed feelings that I join my distinguished friend from West Virginia, the chairman of our Committee on Appropriations, in calling up and discussing H.J. Res. 20, the continuing resolution. This is the fourth continuing resolution we will have considered in this fiscal cycle, but without question it is the most critical. It is critical because it provides more than \$463 billion to fund, for the remainder of this fiscal year, virtually all of the agencies and activities of the Federal Government outside the Departments of Defense and Homeland Security, as well as certain critical problems within the Department of Defense itself. It is a very important piece of legislation.

Yet the way the legislation is constructed concerns me greatly. It is an odd hybrid between a continuing resolution and an Omnibus appropriations bill. Continuing resolutions are not a desirable means of funding the operations of Government over the long term or in the routine way of providing funding. They are useful in buying

time until Congress can complete its work on individual appropriations bills, but they are blunt, formula-driven instruments.

Omnibus appropriations bills, though certainly not without precedent, are far from an ideal means of funding our Government. Omnibus bills combine funding for too many programs into a single bill, and they are not conducive to careful deliberation. Combining these two structures—a continuing resolution and an omnibus bill—is not the way the American people deserve Members of Congress to fulfill our constitutional obligations.

We have a responsibility to fully debate and pass the individual spending bills, funding each department of Government as we have structured them, with close supervision of subcommittees who have become aware of individual needs and opportunities in each of these bills for the hearings process, and that is not the way this continuing resolution has been constructed. The Appropriations Committee has had hearings, we have had markups, we have listened to outside witnesses, and we have taken into consideration recommendations from the President and department officials about what should and should not be funded, and at what levels the funding should be. This is an open process—and this has been an open process—where anybody can observe and review any provision that is part of any bill. It is truly a public process.

The process has helped us make good decisions historically about programs that deserve funding—careful decisions, identifying programs that are of lower priorities within the constraints of the budget resolution, decisions about which programs should be terminated and have served their usefulness.

The Congress should consider these individual appropriations bills on their individual merits in both the House and the Senate and on the floor of each body. Then conferences occur and we iron out differences between the House and Senate-passed bills in the regular order. That gives all Members—not just those on the committee—the opportunity to offer amendments, to reduce or increase spending funded in the bills. Members have the opportunity to offer amendments to remove, or add, or revise language that shapes agency policies. We should not shy away from these debates and these amendments.

I am concerned that the continuing resolution before us is deficient because we did not follow that process. The continuing resolution required a great number of difficult decisions, including the elimination of some important projects and programs. Programs that provide flood control and natural resources conservation, grants to schools and health clinics and fire departments have been eliminated. The funding levels for various Federal scientific research institutions and programs are below levels proposed by the President. The funding levels for pro-

grams, such as defense base closure and realignment, which has been pointed out, may compel us to consider future supplemental funding requests. In some cases, reductions proposed by the President, or by the House or Senate, have not been adopted.

I understand the circumstances that led us to this point. The House of Representatives last year passed all but one of the appropriations bills before the end of June. In the Senate, the Committee on Appropriations completed action and reported all of the appropriations bills before the end of July. Those bills were available to be called up and considered by the Senate in the regular order at that time. It would have been the earliest that had occurred in a very long time. But after that, the process broke down. Most of the bills were not called up for consideration in the Senate. We did pass the bill for the Departments of Defense and Homeland Security, and Military Construction and the Veterans Affairs appropriations bill was approved in November. But for reasons that have not been explained to this date, that bill did not proceed to conference with the House. Congress eventually adjourned and the new leadership in the 110th Congress was created with a range of unattractive options.

My preference would still have been to consider individual appropriations bills and send them to conference, but that was not my decision to make. I hope to work with the majority to make sure we don't face this situation again.

The chairman, Mr. BYRD, my dear friend, is correct when he says there were extensive bipartisan consultations in the drafting of this legislation. That was important. I appreciate his efforts to seek our input, all members of the committee; but no Senator—certainly not this Senator—can speak for the entire Senate. There is little doubt in my mind that if individual appropriations bills had been considered by the Senate and sent to conference in either this Congress or the last, many of the individual decisions would be different from those provided in this continuing resolution.

Having said that, this resolution does conform to the discretionary allocation of \$873 billion approved by the previous Congress. It funds many important programs and department activities at the fiscal year 2006 levels, and it increases other priority programs beyond fiscal year 2006 funding levels. Judged by any reasonable standard, it is devoid of earmarks, as the distinguished chairman has pointed out.

I wish the Congress had completed floor action on the individual bills, but we did not. This continuing resolution appears to me to be the best option to meet our obligation to fund Government programs and services. It is a 137-page piece of legislation that Senators should be able to amend. This is not the same as a conference report. It is the first time these bills have come before the Senate. So I urge the Senate

to restore regular order to the fiscal year 2008 budget process so we can avoid this type of situation in the future. I know that is the goal of my friend from West Virginia, and I pledge to him my best effort to help accomplish this goal.

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

Mr. BYRD. Mr. President, I thank the Senator for his views. I am absolutely committed to bringing 12 individual bipartisan and fiscally responsible fiscal year 2008 bills to the floor this year. However, for the nine remaining 2007 bills that we must have, we are now 131 days into the fiscal year. Over one-third of the fiscal year is gone, it is over, it is past.

I very much appreciate the Senator and his colleagues for joining me in the bipartisan development of this bill, and I believe we must move forward.

Again, I thank the Senator very much for his cooperation.

I was about to suggest the absence of a quorum, but I yield the floor. I see the distinguished Senator seeking recognition.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to a period for the transaction of morning business.

#### BASE REALIGNMENT AND CLOSURE

Mrs. HUTCHISON. Mr. President, I have heard the remarks of the distinguished majority leader, the distinguished chairman of the Appropriations Committee, and the distinguished ranking member. All I have now is hope because the distinguished majority leader has said he will still work to get the BRAC amendment, which I am going to offer, or attempt to offer, this afternoon. I know there will be an objection. But I want it to be on the record what we are trying to do, with the hope, as the leader said, that perhaps we can adopt this amendment and still make the deadline.

The deadline is actually over a week away, and I think if all of us want to fully fund our Base Closure Commission projects, we can do that.

I also will say I am very hopeful from the chairman's remarks that we will have bipartisan bills. As has been noted on this floor already today, I have been chairman and ranking member of the Military Construction and Veterans Affairs and Related Agencies Subcommittee for some 6 years. I have never noticed a difference when I was chairman and when I was ranking member because Senator FEINSTEIN and I were working together, trying to accommodate the needs of every State in our country. We worked so well together that when she was chairman, it wasn't any different from when I was chairman.

I want that to be the case for our appropriations bills again. But I have to say, in all honesty, I don't feel I have had any input into this particular bill. I don't see the bipartisanship. I don't see the cooperation. We could have done what the Senate normally does, and that is allow some number of amendments—not a filibuster amendment tree, not an unreasonable number. But I think some of the issues that have been brought forward today and in recent days, since the H.J. Res. 20 was made known, are legitimate. I believe we would agree on a bipartisan basis, if we had the ability to offer amendments and debate them, that we should be funding the Base Closure Commission recommendations that were ours, with a deadline that is ours so that we can meet our own standard.

I believe we could work that out. We have already passed the exact same \$3.1 billion—actually \$5 billion—appropriation in this body, so I know we can do it. We have a week. I suggest it would be a wonderful gesture on the part of the majority to allow that to happen.

In addition, what Senator COBURN talked about earlier today, the HIV/AIDS testing of babies, I know there is not one Member on that side who wouldn't make it a priority to give babies a test that would allow them to be inoculated immediately and give those children a chance to have a life. But the funding for the Ryan White Act was cut back, so that is not going to be allowed to go forward.

I don't think that is the intention. I ask, if that is not the intention, can we not sit down as responsible Members of the Senate and work out these few items, work with the House and do a preconference? Nobody wants to delay this legislation, but we would like to have a say.

Where I have talked bipartisanship, that is what we do in the Senate. That is the way we act, in a bipartisan way, which, in the past, the Appropriations Committee has certainly done.

I am disappointed in this resolution. I am disappointed especially in the process that does not allow for an amendment.

Mr. President, is it in order to call up amendment No. 242, the Hutchison-Inhofe amendment to H.J. Res. 20?

The PRESIDING OFFICER. The Senator is in morning business.

Mrs. HUTCHISON. It is not in order then, Mr. President?

The PRESIDING OFFICER. The Senator is correct, it would not be in order to call up the amendment at this point.

Mrs. HUTCHISON. I thank the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, the Hutchison-Inhofe amendment is co-sponsored by 27 Members of our Senate. The cosponsors, besides myself and Senator INHOFE, are Senators ALLARD, BAUCUS, BENNETT, BROWNBACK, BUNNING, BURR, CHAMBLISS, COBURN, CORNYN, CRAPO, DEMINT, DOLE, ENZI, GRAHAM, KYL, LOTT, MARTINEZ,

MCCAIN, ROBERTS, SESSIONS, STEVENS, THOMAS, VITTER, VOINOVICH, and WARNER. That is a good number. That is almost a third of the Senate, and there are many who said they would like to cosponsor the amendment, but they were concerned about stopping the bill or going against the leadership on the Democratic side.

It is clear we can work this out, that people want to have this amendment. The amendment is very simple. It restores \$3.136 billion that was taken out of the Department of Defense base closure account, and it is paid for so that we keep the fiscal responsibility with a rescission of .73 percent—that is three-quarters of 1 percent—across the board of all of the accounts, except for defense, homeland security, and veterans.

With a .73-cut, which I think any agency or program could take without any disruption whatsoever, I believe we could fully fund our military and the important operations they are doing, and that is what I think is essential.

I have a much longer set of remarks, but at this point, I will yield for a question from the Senator from Alabama, who I know is on a timetable.

Mr. SESSIONS. Mr. President, I thank Senator HUTCHISON so much for her leadership on this important matter. While she is here, I wish to ask the Senator a few questions about the situation in which we find ourselves.

I believe it was the year before last that we voted, after much anguish and concern and fear by local communities, to go forward with the BRAC, which is the Base Realignment and Closure Commission. Nobody was sure how that would come out and whether some of our bases would be closed. When the dust settled and the long process concluded, a number of bases were closed. At the same time, we are also closing facilities around the world and bringing back more of our troops that are deployed around the world. Isn't it true that the continuing resolution that is proposed would take 55 percent, or \$3.1 billion, out of a little over \$5 billion that was set aside to carry this forward? Isn't that correct?

Mrs. HUTCHISON. Mr. President, the distinguished Senator from Alabama is right. Actually, he may be a little under because the original need was \$5.6 billion, and we are cutting it by \$3.1 billion. We are cutting it by \$3.1 billion. I think that it is a huge cut. It is going to affect the whole synchronization.

We gave the Defense Department 6 years in which to accomplish what the Base Closure Commission recommended, passed and then was adopted by Congress and signed by the President. We have given them a deadline, and yet as the Senator points out, of the \$5.6 billion that was in the budget that has been approved by the Senate before, we only have \$2.5 billion.

Mr. SESSIONS. In other words, the only way to have a savings under the BRAC is to consolidate facilities and avoid waste. To go halfway with this