

to do it right, but we didn't, so we are faced with the Hobson's choice of shutting down the Government or trying to do this bill in the right way with no amendments. I don't consider it a good choice.

Mr. President, I will vote for the bill. I do not think this is the Senate's finest hour. I do believe the Senate majority leader made an effort. I think he heard the merits of our bipartisan amendment with 27 sponsors. I hope he will, as he has promised, work with us to get the full funding of these military construction projects in the supplemental appropriations bill. However, we have the chance right now. I hate to give up the bird in the hand for one that might see some delays, that might see many changes. I will be right on top of it. As the ranking member of this subcommittee, I will certainly expect that we have the ability to amend the appropriations bill that comes forward as a supplemental, just as we have always had in this body. I hope we will not have to worry that we are going to have a filled up amendment tree and cloture filed on the supplemental appropriations bill.

We can do business the right way in the Senate. We have for most of the years of this great institution. I will be disappointed if we start seeing us bring bills to the floor and not allow amendments—there is no reason to have 100 Members if that is the way we are going to do business. We could just have 51 or we could just have 1 if all the decisions are going to be made in that fashion.

That is not what the Constitution intended, and I hope it is certainly not what the new majority intends as a way to do business.

I am going to hold out hope that the word is kept, that we can have the amendment process, that we can fund the military construction projects that are so important for quality of life and training capabilities for the great men and women who are serving our country and putting themselves forward to give up their lives, if necessary, for freedom for future generations of Americans.

Mr. President, I yield the floor, and 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. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2007

The PRESIDING OFFICER. Under the previous order, the Senate resumes

consideration of H.J. Res. 20, which the clerk will report.

The 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.

Pending:

Reid amendment No. 237, to change an effective date.

Reid amendment No. 238 (to amendment No. 237), of a technical nature.

Motion to recommit the bill to the Committee on Appropriations, with instructions to report back forthwith, with Reid amendment No. 239, to change an effective date.

Reid amendment No. 240 (to the instructions of the motion to recommit), of a technical nature.

The PRESIDING OFFICER. The Senator from Iowa.

ALTERNATIVE MINIMUM TAX

Mr. GRASSLEY. Mr. President, I think it was 48 hours ago I opened a discussion with my fellow Senators on the alternative minimum tax. As I pointed out at that time, it is generally recognized that the alternative minimum tax is a policy failure.

Created in 1969, in response to the discovery that 155 wealthy taxpayers—and let me emphasize that I am talking about 155 wealthy taxpayers—were able to eliminate their entire tax liabilities through legal means, the AMT has now evolved into a place where, because it wasn't indexed, it has captured more than 3 million middle-class Americans as of 2004. The AMT was never supposed to affect anyone except the very wealthy people.

I am using 2004 numbers because 2004 is the most recent year we have completed data. Three million people in that year were hit by AMT, even though since 2001 we have had in place a tax policy that no additional people should be hit by the alternative minimum tax.

At the time I was visiting with my colleagues 2 days ago, I cited the widespread observation that the most significant structural flaw afflicting the AMT is the failure to index its rates and exemptions for inflation. This failure, then—and I alluded to this a minute ago—has resulted in the gradual encroachment of the alternative minimum tax to hit middle-class taxpayers who were never intended to pay this tax.

Despite the widespread agreement that something needs to be done with the alternative minimum tax, agreement on what exactly to do is not so widespread. A major factor in the disagreement relates to the massive amount of money the alternative minimum tax brings to the Federal Government. In 2004, from these 3 million taxpayers hit by this tax, more than \$12.8 billion was paid into the Federal Treasury. If we don't extend the most recent alternative minimum tax hold-harmless that actually expired at the end of 2006, the amount paid by those 3 million taxpayers is expected to balloon to a much greater amount. And, of course, when you go beyond that, into

the long-term budget forecast, it is going to continue to grow and grow, with middle-class taxpayers paying a tax that was meant to be for 155 wealthy people.

When forecasters put their projections together, they are working under the assumption that the hold-harmless that was extended in last year's tax bill will not be extended because they base their assumptions on current law. This means the hold-harmless provisions ended December 31, 2006, and money being earned right now is going to hit millions more people.

People who guesstimate how much money comes into the Federal Treasury—and we have people both in the executive branch and the legislative branch who have that as their responsibility, so we can make good tax policy—take into consideration what is current law, and they are planning on these millions of middle-class taxpayers paying this alternative minimum tax, even though they were never intended to pay it. Because of this, budget planners make the assumption that revenues will be much higher than everyone who is frustrated with the AMT thinks that amount of money ought to be, as well as the number of people who are going to be paying it.

The reason for that is the alternative minimum tax tremendously balloons the revenue base, as it is projected to increase revenues as a percentage of gross domestic product. There is a great deal of evidence to support this.

On a side note, a senior, well-respected tax lawyer on the other side of the aisle in the other body took exception to my use of the term "ballooning." The staffer wrote an article and criticized me for that term. Well, I am not used to staff writing articles criticizing Members of Congress, so I happened to respond to that staffer's criticism through my own staff. The essence of the senior staffer's criticism was that the term "ballooning" ignored the accounting for the interaction of bipartisan tax relief with AMT costs. As we pointed out, ballooning revenue from the AMT occurs in the outyears, whether the bipartisan tax relief is extended or made permanent. I will talk more about that in a few minutes.

The nonpartisan Congressional Budget Office has consistently forecast this ballooning year after year. This chart which I have before me now for you to look at, reproduced from the Congressional Budget Office's long-term budget outlook, was published in December 2005 and shows how Federal revenues are expected to push through the 30-year historical average and then keep going up.

You can take that historical average back 30 or 40 years for sure, and maybe longer than that, but the historical average is here and current law is actually going to bring in this much revenue, and that includes the ballooning of the alternative minimum tax.

I want to note that although the Tax Increase Prevention and Reconciliation Act of 2005 was signed into law after this analysis was published, the 2006 tax bill extended the AMT hold-harmless through December 31 last year, and this chart shows Federal revenues all the way through to the year 2050. It is important to note the long-term effects then of the alternative minimum tax on the revenue base.

There may be some doubters who hesitate to attribute this ballooning of revenues to the alternative minimum tax, but this chart illustrates the drastic expansion of the AMT under current law over the next 43 years. Over the next 43 years. This is also from the nonpartisan Congressional Budget Office. You can clearly see that the share of households subjected to the alternative minimum tax is alarmingly around 65 percent.

Let's go through that again. You can see from the new chart which I have put up here that the share of households subjected to the alternative minimum tax increases by the year 2050 to about 65 percent of taxpayers. The reason why this 65 percent—or even going back to here, or even back to here—is significant is because, as I told you 48 hours ago, and as I tell my colleagues now, this alternative minimum tax was put in the tax law to hit wealthy taxpayers, 155 at that year, who didn't pay any tax whatsoever.

It was felt that everybody, particularly wealthy people living in this country and who benefit from this country, ought to pay some sort of a tax. It was never intended to hit this percentage of taxpayers, or this percentage of taxpayers, and surely not this percentage of taxpayers. And if we do nothing, it is going to be 65 percent. I don't know what the population of this country is going to be in 43 years, but I know that 65 percent of the population in 2050 will be more, quite obviously more than the 155 taxpayers the AMT was intended to target.

This chart also shows how the AMT will consume a greater and greater share of the total individual income tax liability. The Congressional Budget Office report states:

By 2050, roughly 15 percent of the individual income tax liability would be generated by the alternative minimum tax compared with about 2 percent today.

This is what will happen if we don't do anything. This is going to happen. The analysis done by the Congressional Budget Office clearly shows an upcoming ballooning of Federal revenues, accompanied by a corresponding bloating of the share of households and the share of total liability attributed to a tax that was only intended to hit 155 people 39 years ago.

A particularly wrongheaded argument that has been advocated is that the Bush tax cuts are responsible for increases in the number of people hit by the alternative minimum tax. Some think the Bush tax cuts are increasing some people's income so much that

they are subject to the alternative minimum tax and that making the tax cuts permanent will only make those problems worse. This sort of reasoning is deceptive and could not be more wrong. First, the analysis that I presented—done by the Congressional Budget Office—looks forward all the way to 2050, and the Bush tax cuts under current law sunset in 2010. As I previously said, the AMT's greatest flaw is that it is not indexed for inflation, and inflation is going to continue whether the Bush tax cuts are extended or not. Inflation is going to be there.

This next chart from the Congressional Budget Office illustrates how the alternative minimum tax will continue to be a money machine, regardless of any other factors. The bottom line illustrates individual income tax liabilities if the Bush tax cuts are made permanent and the AMT is modified, the middle line illustrates current law with the permanence of the Bush tax cuts, and the very top line—current law. If the Bush tax cuts are allowed to sunset and the AMT is allowed to grow and consume our middle class, the AMT will still balloon revenues anyway. Any argument that making the Bush tax cuts permanent will worsen our AMT problem is completely false, and this chart proves that. The AMT is a problem all by itself.

As I said earlier, the problem with all of the projections showing the AMT ballooning revenues is that these projections are used to put together budgets. This means the central problem in dealing with the AMT is money. There are some people who say we can only solve the AMT problem if offsetting revenue can be found to replace the money that the AMT is currently forecast to collect. Anyone who says this sees the forecasts showing revenue being pushed up as a percentage of GDP—and they are high-tax people and yet higher tax people to satisfy them—and they want to keep it there. These arguments are especially ridiculous when one considers that the alternative minimum tax was never meant to collect so much revenue and collect it from the people who are going to end up paying it, the middle class people, if we don't do something about it.

As a policy instrument, the alternative minimum tax has been and continues to be a complete failure, as I discussed 48 hours ago. The alternative minimum tax was originally conceived as a means to ensure that extremely wealthy taxpayers were not able to game the system and to avoid their entire tax liability. In 1969, the alternative minimum tax was calculated to hit only one out of a half a million people. There is absolutely no way anyone can call the AMT anything close to a success. The alternative minimum tax has even failed in its objective: to ensure that no citizen, regardless of how wealthy, was able to completely avoid paying at least a little bit of Federal income tax because we have this anomaly.

In 2004, the Commissioner of the Internal Revenue Service, Mark Everson, informed the Finance Committee that the same number of taxpayers, as a percentage of the tax-filing population at large, continues to pay no Federal income tax.

So even to hit the people who were supposed to be hit, there are people in a tax situation, legally, able to avoid not only the regular income tax but to avoid the alternative minimum tax. So it is a failure by its own reason for existence.

According to an IRS analysis of the tax year 2003 data, we had 2,366 taxpayers with incomes above \$200,000 or more who did not use the medical or dental expense deduction and had no income tax.

The AMT has failed in every way except for the ability to raise very large sums of money, and it was never intended to be a tax-producing machine. It was only intended to hit people who were not going to pay any income tax and ought to pay a little bit for the privilege of living in America. While it may be hard for some to turn down taxpayers' money, whether we are supposed to collect it or not, no one seems to have trouble spending it. This means that some want the taxpayer to pay the price for a tax that was designed poorly and through the comedy of errors was allowed to flourish.

It is simply unfair to expect taxpayers to pay a tax they were never intended to pay—and that means middle class America. And it is even more unfair to expect them to continue paying for that tax once we get rid of it. The reform or repeal of the AMT should not be offset because it is money we were never supposed to collect in the first place.

The way to solve this problem is to look on the other side of the ledger, the spending side. Budget planners need to take off their rose-colored glasses when looking at long-term revenue projections that include a tax by middle class people who were never intended to pay that tax, the alternative minimum tax, and to read the fine print. In general, it is a good idea to spend money within your means. That is true in this case as well. If we start trying to spend revenues we expect to collect in the future because of the AMT, from people who were never expected to pay it, it was never supposed to come in the first place, we will be living beyond our means. We need to stop assuming that record levels of revenue are available to be spent and to recognize that the AMT is a phony revenue source.

As we consider how to deal with the AMT, we must first remember that we do not have the option of not dealing with it unless we want to kill the middle class. The problems will only get worse every year and make any solutions more difficult. We must also be clear that the revenue the AMT would not collect as a result of repeal or reform should not be offset as a condition for repeal or reform. We should not call

it lost revenue because it is revenue that the middle class was never expected to pay. Making the offsetting of the AMT's ill-gotten gains a condition of the AMT fix is to punish the American taxpayers for an ill-conceived and poorly executed policy that has been a total failure.

Aside from not increasing the proportion of wealthy taxpayers who pay income taxes, the AMT is projected to balloon Federal revenues over historical averages and to become a greater source of revenue than even the regular income tax. Budget forecasters need to recognize that the AMT is not a legitimate source of revenue, and Congress needs to be disciplined enough to show restraint on spending so that an AMT solution doesn't boil down to the replacement of one misguided policy by another misguided policy.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I ask unanimous consent that following my remarks, Senator BROWN of Ohio and Senator CHAMBLISS of Georgia be recognized.

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

IRANIAN THREAT

Mrs. CLINTON. Mr. President, at this moment of challenge for our Nation, the vantage point of this august Chamber, we look onto a world filled with danger, deeply complex threats against our troops and our national interests abroad, and genuine risks to our security at home. Keeping our Nation strong and our people safe requires that we employ the best and smartest strategies available.

In confronting enemies and threats we are fortunate to possess a great many assets, all of which we must wisely deploy, including our military, diplomatic, economic, and cultural assets. Our strongest asset remains the democracy that we are privileged to take part in as Members of the Senate and as representatives of our constituents. Our democratic institutions, under our Constitution, balance one another and check against excesses and concentrations of power that help us wrestle with difficult challenges in an open and forthright way. This constitutional framework is not an obstacle to pursuing our national security but the example that we should project to the world. Our democracy, with its tradition of accountable power and open debate, is America at its best. That is what we need, America at our best, as we deliberately and resolutely confront the threat posed by the Iranian regime.

Make no mistake, Iran poses a threat to our allies and our interests in the region and beyond, including the United States. The Iranian President has held a conference denying the Holocaust and has issued bellicose statement after bellicose statement calling for Israel and the United States to be wiped off the map. His statements are even more disturbing and urgent when

viewed in the context of the regime's quest to acquire nuclear weapons. The regime also uses its influence and resources in the region to support terrorist elements that attack Israel. Hezbollah's attack on Israel this summer, using Iranian weapons, clearly demonstrates Iran's malevolent influence, even beyond its borders.

We also have evidence, although it is by no means conclusive, of attacks using Iranian-supplied or manufactured weaponry against our own American soldiers. As I have long said, and will continue to say, U.S. policy must be clear and unequivocal. We cannot, we should not, we must not permit Iran to build or acquire nuclear weapons. In dealing with this threat, as I have also said for a long time, no option can be taken off the table. But America must proceed deliberately and wisely, and we must proceed as a unified nation. The smartest and strongest policy will be one forged through the institutions of our democracy. That is the genius of our American system and our constitutional duty.

We have witnessed these past 6 years, until the most recent election of a new Congress by the American people, the cost of congressional dereliction of its oversight duty—a vital role entrusted to Congress by our constituents and enshrined in and even required by our Constitution. So we are here today because the price that has been paid in blood and treasure through the rush to war in Iraq and the incompetence of its execution and managing the aftermath, in the excesses of military contracting abuses and the inadequate supply of body armor and armored vehicles on the ground, have led to a loss of confidence in this administration among our allies and the American people.

Therefore, we cannot and we must not allow recent history to repeat itself. We continue to experience the consequences of unchecked Presidential action. Sunlight is the best disinfectant but this President was allowed, for too long, to commit blunder after blunder under cover of darkness provided by an allied Republican Congress.

In dealing with the threats posed by the Iranian regime, which has gained its expanding influence in Iraq and the region as a result of the administration's policies, President Bush must not be allowed to act without the authority and oversight of Congress. It would be a mistake of historical proportion if the administration thought that the 2002 resolution authorizing force against Iraq was a blank check for the use of force against Iran without further congressional authorization. Nor should the President think that the 2001 resolution authorizing force after the terrorist attacks of 9/11 in any way authorizes force against Iran.

If the administration believes that any—any—use of force against Iran is necessary, the President must come to Congress to seek that authority.

I am deeply concerned by the recent statements coming out of the Bush administration. The administration has asserted evidence of the Iranian regime's complicity at the highest levels for attacks within Iraq. Yet, at the same time, GEN Peter Pace, Chairman of the Joint Chiefs of Staff, questions these assertions—in particular, the culpability and intentions of the Irani Government. In this delicate situation, while making disturbing comments, the administration has also announced it is sending a third aircraft carrier to the gulf. The President owes an ongoing consultation to this Congress and owes straight talk to the country. We have to get this right. The Congress should debate our current course, including the current silent-treatment policy toward our adversaries.

I believe we can better understand how to deal with an adversary such as Iran if we have some direct contact with them. I think that can give us valuable information and better leverage to hold over the Iranian regime. And if we ever must, with congressional agreement, take drastic action, we should make clear to the world that we have exhausted every other possibility.

I welcome the agreement announced yesterday between the United States and North Korea. It demonstrates the central value of using every tool in our arsenal to achieve our objectives. I only wish the administration had pursued this course 6 years ago when an agreement with North Korea was within reach. The wasted time has allowed North Korea to develop nuclear weapons in the interim.

Failure to use diplomacy has damaged our national security interests. The important step forward our country has made with North Korea raises the obvious question: Why will the President refuse to have any kind of process involving Iran, as I and others have urged? The United States engaged in talks with North Korea within a multilateral process but also had ongoing bilateral discussions. We should have such a process of direct engagement with Iran as recommended by many, including the Iraq Study Group. We need friends and allies to stand with us in this long war against terrorism and extremism and to contain and alter the regimes that harbor and support those who would harm us. During the Cold War, we spoke to the Soviet Union while thousands of missiles were pointed at our cities, while its leaders threatened to bury us, while the regime sowed discord and military uprisings and actions against us and our allies. That was a smart strategy used by Republican and Democratic Presidents alike, even though it was often a difficult one.

As we discuss potential evidence of Iranian complicity in supplying arms to insurgents along with the refusal to suspend their nuclear ambitions, we need to deliver a strong message to Iran that we will not stand by and tolerate this behavior. However, we need

to deliver that message forcefully through direct talks. The lives of American soldiers are at risk, and we should not outsource our discussions with the Iranians on this and other issues. When I say no option should be taken off the table, I include diplomacy.

Currently, our intelligence on Iran is of uncertain quality. We need to examine the facts closely and carefully. No action can or should be taken without explicit congressional authorization. And knowing what we know now, this body needs a steady stream of real, verifiable intelligence. We in the Congress cannot do our part in deciding what needs to be done if we do not know what is happening, and it does not appear that the administration has any real grasp on the facts on the ground, even after all these years. The public unclassified sections of the NIE recently issued made it very clear in their conclusions that sectarian violence would still exist in Iraq absent Iran.

So we have a lot to sort out. We have all learned lessons from the conflict in Iraq, and we have to apply those lessons to any allegations that are being raised about Iran because what we are hearing has too familiar a ring, and we must be on guard that we never again make decisions on the basis of intelligence that turns out to be faulty. If we find evidence of potential Iranian complicity, we will take appropriate action, but that requires a partnership to defend and protect America's national security interests between the Congress and the President.

Oversight will also lead to a consensus approach that brings together the best judgment and strategies of our Nation and will examine the consequences of action, the reality of any perceived or alleged threat, and the consequences of taking action. I sometimes fear that the word "consequence" has been taken out of the vocabulary of this administration. We have to look over the horizon. We have to make hard choices among difficult options.

So there are no easy answers to the complex situations we confront in the world today. But if we do face threats, the congressional consultation and authorization will bring the American people into the debate. Whatever steps, if any, may be required should be taken by our Nation, not just by our President. We must act as Americans, not as members of one party or another. Our Nation has been divided by a failed policy and the relentless pursuit of it. We are facing that again with the escalation policy the President is pursuing today.

Mr. President, if we face up to our constitutional responsibilities as the Congress, if we conduct the oversight that is required, if we exercise our checks and balances, then we are likely to reach a better conclusion than we have thus far. We must be tough and smart, deliberative and wise, and we

must look at all of our assets, not just the brave men and women who wear the uniform of our country. To implement the best policy, we should start by employing our best values: the democratic values that give strength to our Nation and our cause and that serve as an example and beacon to people who wish to live in peace and freedom and prosperity around the world.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

BUILDING ECONOMIC SECURITY

Mr. BROWN. Mr. President, today before the Senate Banking Committee, the Federal Reserve Chairman testified that the economy is doing well. I was joined by my friend, the Senator from New Jersey, Mr. MENENDEZ, who is in the chair. He told us that consumer spending is up, productivity is up, and that the labor market will stay healthy. At the very moment that the Chairman delivered a rosy prediction for our Nation's economy, an AP story broke that Chrysler is cutting 13,000 jobs. One hundred of those jobs are in Cleveland. Those aren't just numbers; those are 100 families.

Two weeks ago, before the same Senate Banking Committee, the Treasury Secretary testified that the economy was doing well. He repeated many times that the GDP had grown in excess of 3 percent. Earlier that same morning, at the Senate Agriculture Committee, Rhonda Stewart, a single mother from Hamilton, OH, testified that despite working full time, caring for her 9-year-old son Wyatt, and even serving as president of the PTA and a leader in the Boy Scouts, she and her son must rely on food stamps to survive. At the end of each month, she told us, she must forgo dinner so her son can eat because the food stamps just don't go far enough.

Worker productivity is up, profits are up, the stock market is doing well, and millionaires are enjoying exorbitant tax breaks. Thirteen thousand more workers are about to lose their jobs, and a single mother working full time, involved in her community, doing her best, can't afford to eat dinner. There is a clear disconnect between the corporate-driven myopia of this administration on our Nation's economy and the real-world economic conditions working families in Ohio struggle through every day.

Our middle class is shrinking in large part because our policies in Washington have betrayed the values of working families across our country, which is why we must revamp our economic and trade policies so that we invest in our middle class. We must shrink income inequality, grow our business community, and create good-paying jobs. We must establish trade policy that builds our economic security. That is not what we have now.

Job loss does not just affect the worker or even just the worker's family; job loss, especially job loss in the thousands, devastates communities. It

hurts the local business owners—the drugstore, the grocery store, the neighborhood restaurant. When people are out of work, they can't support their local economy, which forces owners to close, in too many cases, their small businesses. That means lost revenues to the community, which hurts schools, which hurts fire departments, which hurts police departments. The trade policies we set in Washington and negotiated across the globe have a direct impact on places such as Toledo and Steubenville, Cleveland and Lima, Zanesville and Portsmouth.

We hear the word "protectionist" thrown around by those who insist on more of the same failed trade policies. It is considered "protectionist" by some of them to fight for labor and environmental standards, but they call it free trade when we pass trade agreements to protect drug company patents and Hollywood DVDs. If we can protect intellectual property, as we should, if we can protect intellectual property rights with enforceable provisions in trade agreements, we can certainly do the same for labor and environmental and food safety standards. It is not a question of if we trade, it is how we trade and who benefits from that trade.

While it is unclear whether the administration will ever acknowledge that our trade policy has failed, it is very clear that this Congress is already at work. Republicans and Democrats are working cooperatively to revamp our trade policy. We are working cooperatively to raise the minimum wage. We will work cooperatively to make education more affordable for middle-class families and to lower the cost of prescription drugs for our Nation's seniors, and we will work cooperatively to invest in new technology and new industry.

In my State of Ohio, we have a talented and hard-working labor force and an entrepreneurial spirit second to none that needs only the investment dollars, predictable tax policy, and commitment from our Government to realize our economic potential.

Oberlin College, in the county in which I live, Lorain County, has the largest building on any university campus in the country fully powered by solar energy. However, the builder had to buy the solar panels from Germany and Japan because we do not make enough of them in our country.

Through investment and alternative energy, we can not only create jobs, we can grow industry, and we can grow industry through biomedical research and development. Now is the time for Government to do its part and direct our priorities from favoring the wealthiest 1 percent to growing our Nation's middle class.

Mr. President, on a personal note, I would like to take this opportunity to wish my wife Connie, who is home in Ohio under several feet of snow, a happy Valentines Day.

Connie, I am blessed to have you as my wife.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Georgia is recognized.

SCHIP FUNDING

Mr. CHAMBLISS. Mr. President, I would like to wish my colleague a happy Valentines Day, also. I am sorry his wife is under all that snow. It is 70 degrees in south Georgia, so you should come south this year.

I rise today to bring to the attention of this body once again an amendment Senator ISAKSON and I filed to the continuing resolution. The amendment is very simple. It is very straightforward. We have a program called SCHIP that everybody in this body is familiar with, and it has been a very valuable program to every State in the country because what it does is provide children all across America who are above the Medicaid limit but not able to afford health insurance the opportunity to be covered by medical insurance. It is called the SCHIP program, and it is exactly what it says it is: health insurance assistance for children.

Unfortunately, the money that is block-granted under this program has created some shortfalls in several States. The shortfalls vary with the timing of the shortfalls, and the reasoning for the shortfalls differs in each of the States where we are about to run out of money for these children and then these children will no longer have health insurance coverage.

The amendment that Senator ISAKSON and I have proposed will come up with an alternative that allows those States which have an excess amount of money to put that money into a pool of money from which the 13 States that have a shortfall in the SCHIP program.

Mr. President, in this amendment, for the 13 States that will have a shortfall, we take money from States that have an excess amount of money, money they cannot possibly use in their SCHIP program because this program expired at the end of this fiscal year. We allow them plenty of room for any emergency-type situation that might arise between now and the end of the fiscal year, and we give them the funding they need to cover the children in their States. We utilize that money to fund the shortfalls in States such as Georgia, where 273,000 children participate in SCHIP.

Frankly, the main reason we have a shortfall in Georgia is because following Hurricane Katrina last year we had an influx of some 40,000 children who came from the hurricane-devastated areas of Louisiana and Mississippi into Georgia. They are now participating in the SCHIP program, and they should be allowed to have that coverage.

We now have the opportunity, in this Senate—whether it is today when we vote on the continuing resolution, whether it is tomorrow or whether it is Friday—to look after these children who are very soon going to have this insurance safety net jerked out from

under them. I implore my colleagues on both sides of the aisle to encourage the Democratic leadership to allow the amendment to come forward, let us have a vote on this amendment to make sure all of these children who participate in the SCHIP program in Georgia as well as the other 13 States that are going to experience a shortfall between now and the time we reauthorize this program before the end of the year, can continue to have that health care coverage they deserve and that they so badly need. It is a very simple request we are making of the Democratic leadership that we allow this amendment to come forward.

Mr. BROWN. Mr. President, I ask unanimous consent Senator CARDIN be recognized at 3 p.m., and when Senator SANDERS is recognized today, he be permitted to speak up to 20 minutes.

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

Mr. BROWN. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 20 minutes.

THE BUDGET

Mr. SANDERS. Mr. President, the Federal budget is more than a long list of numbers which, in this case, adds up to about \$2.9 trillion. The Federal budget, similar to any family budget or any company budget, is a statement of values and priorities. In fact, the Federal budget, in many ways, is a statement of what our country is all about.

We would all find it irresponsible and strange if a family we knew spent all of its money on an expensive vacation but forgot to put aside money for the mortgage or the rent and suddenly the family and their kids found themselves out on the street. We would say: My goodness, that is irresponsible. The family was spending money where they shouldn't have been and not spending it where they should.

Preparing the Federal budget and analyzing the Federal budget is exactly the same process. It is about spending the money of the people of the United States of America. It is about deciding where we should spend it and where we should not spend it. It is looking at the American people as a family. It is about taking a hard look at the needs of our people and prioritizing the budget in an intelligent and a rational way.

Let me take a quick glance at the economic reality facing the middle class, the working families of our country, tens and tens of millions of Americans and their kids.

Since President Bush has been in office, more than 5 million Americans have slipped into poverty, including over 1 million children. Not only does the United States of America have the highest rate of poverty of any major country on Earth, we also shamefully have the highest rate of childhood poverty in the industrialized world, with almost 18 percent of our children living in poverty. Today, 37 million Americans live in poverty and 13 million are children.

Last year, in the richest Nation in the history of the world, 35 million of our fellow Americans struggled to put food on the table. The Agriculture Department recently reported that the number of the poorest, hungriest Americans keep rising. In America today, hunger is a growing problem.

We have a crisis in our Nation in terms of affordable housing. Millions of working families in my State of Vermont and all over this country are paying 50 to 60 percent of their limited incomes for housing. And there are, as we well know, other families who are either living in their cars or living out on the streets—in some cases, with their children—in America.

Last year, there were 1.2 million home foreclosures in this country, an increase of 42 percent since 2005.

The cost of energy has rapidly risen since President Bush has been in office. Oil prices have more than doubled and gasoline prices have gone up by 70 percent since January of 2001. This increase in energy prices, in gas prices, is putting a huge strain on people from all over this country, including workers from rural States such as Vermont, who have to travel long distances to get to their jobs.

As is well known, many middle-class families in our country today are finding it increasingly difficult to afford the escalating costs of a college education with average tuition and other costs increasing rapidly with the result that many families are now saying: We can't send our kids to college, while other young people are graduating college deeply in debt.

In America today, millions of our workers are working longer hours for lower wages, and median income for working-age families has declined for 5 years in a row. Today, incredible as it may sound, the personal savings rate is below zero, which has not happened since the Great Depression. In other words, all over this country working people and people in the middle class are purchasing groceries, they are purchasing gas at the pump, they are purchasing other basic necessities through their credit cards and, in the process, are going deeper and deeper into debt.

Over the last 6 years, we have lost in this country 3 million manufacturing jobs, often good-paying manufacturing jobs, including 10,000 in my small State of Vermont. Many of the new jobs that are available to those displaced workers, if they are lucky enough to find new jobs, will pay wages and benefits substantially lower than the jobs they have lost.

It is no secret that in America today our health care system is disintegrating. There is little dispute about that. Health care costs are soaring. Today, we have 46.6 million Americans with zero health insurance, an increase of 6.8 million since President Bush has been in office.

Today, 3 million fewer American workers have pension coverage than when President Bush took office and

half of private-sector American workers have no pension coverage whatsoever.

Throughout our country, American workers who now work the longest hours of any people in the industrialized world—husbands working long hours, wives working long hours, people being stressed out by having to work so hard to earn the living they need to pay for their basic needs—are finding it harder and harder to come up with jobs, to get jobs which provide them a decent amount of vacation time. The 2-week vacation is something many workers no longer can have in this country.

While the middle class is shrinking and while poverty is increasing in our country, there is another reality taking place. That is that the wealthiest 1 percent, the people at the very top of the economic ladder, have not had it so good since the 1920s. The middle class is shrinking, poverty is increasing, and the people on the top are doing phenomenally well.

According to *Forbes* magazine, the selective net worth of the wealthiest 400 Americans increased by \$120 billion last year to \$1.25 trillion; 400 families, \$1.25 trillion in worth. The 400 wealthiest Americans are worth an unbelievable amount of money and their wealth is soaring.

Sadly, however, the United States today has the most unfair distribution of wealth and income of any major country and the gap between the very wealthy and everyone else is growing wider. This was a country formed around egalitarian principles—we are all in it together. When one goes up, others go up. Yet what we are seeing today in an almost unprecedented way is the people on the top making out like bandits, earning huge increases in their incomes, in their wealth, while the middle class shrinks and poverty is increasing.

Today the wealthiest 13,000 families in our country own nearly as much income as do the bottom 20 million families. That is 13,000 compared to 20 million. And the wealthiest 1 percent own more wealth than the bottom 90 percent.

I have given a brief sketch of the economy in terms of how it impacts the middle class and working families of our country. Let me, within that context of what is happening to tens of millions of Americans, take a look at the President's budget.

At a time of a major health care crisis, with more and more Americans uninsured or underinsured, the President's budget would cut Medicare and Medicaid by \$280 billion over the next decade, lowering the quality of health care for approximately 43 million senior citizens and people with disabilities who depend on Medicare and more than 50 million Americans who rely on Medicaid.

At a time when our childcare and early childhood education system are totally inadequate to meet the needs of

working parents, the Bush budget reduces the number of children receiving childcare assistance by 300,000. Childcare in crisis. The President's response: Deny childcare to 300,000 children.

In addition, the President's budget provides a \$100 million cut for the Head Start program at a time when only about one-half of the children eligible for this important and excellent program actually participate in it due to a lack of funding. Huge numbers of kids cannot get into Head Start. The President's response: Cut Head Start funding.

While hunger in this country, as I mentioned earlier, is shamefully increasing, the President's budget denies food stamps to 280,000 families and eliminates nutrition assistance to over 400,000 senior citizens, mothers, and newborn children.

We are in a war in Iraq. We are in a war in Afghanistan. The number of our veterans is increasing. Twenty-two thousand have been wounded, many seriously. Many will come back to this country with post-traumatic stress disorder. Yet the President has significantly cut funding for the VA over a period of years, and some years ago made hundreds of thousands of veterans ineligible to get VA health care.

In this great country, with so many people struggling desperately to keep their heads above water, we should not be cutting back on health care. We should not be cutting back on nutritional benefits. We should not be cutting back on Head Start, affordable housing, the needs of our veterans, and educational opportunities for middle-class families. That is what we should not be doing.

This is especially true when the President's budget provides \$739 billion in tax breaks over the next decade to households with incomes exceeding \$1 million per year. The average tax break for this group of millionaires will total \$162,000 by the year 2012.

Let me be very blunt. In my view it is wrong, in my view it is immoral to give huge tax breaks to millionaires and billionaires—the people who need them the least—while cutting back on the needs of the middle-class and working families of our country. That is wrong.

Is this budget, the President's budget, a reflection of the values of the people of our country? I do not believe that. I do not believe ordinary Americans think it is right and appropriate to give tax breaks to billionaires and then provide inadequately for our veterans, for our children, and for our seniors. That is not, in my view, what America is about.

We are told over and over again we do not have the money to reduce childhood poverty in this country. We are told we do not have the funds to wipe out the disgrace of hunger in America. We are told we do not have enough money to make sure the young people who graduate from high school in this

country, who are excited about going to college, will be able to do so without coming out deeply in debt.

We do not have the money to help those families. Yet—yet—while we turn our backs on the middle-class and working families of our country, it appears we have plenty of money for the millionaires and billionaires of this country. We have tens of billions, in fact, to shower on those who need it the least, yet we have nothing, and we are cutting back on the programs, for those who need it most.

Included in the President's budget, amazingly, is the complete repeal of the estate tax which would take effect at the end of 2010. As you know, the complete repeal of this tax would benefit only the top two-tenths of 1 percent of the American people. Let me repeat that. The complete repeal of the estate tax would benefit solely the upper two-tenths of 1 percent of the American population.

These are families, of course, who already are millionaires and billionaires, and these are families who in the current economy have been doing exceedingly well. In other words, 99.8 percent of Americans would not benefit by one nickel from the complete repeal of the estate tax, as proposed by the President.

According to the President's budget, this repeal of the estate tax would reduce receipts for the Treasury by more than \$91 billion over the next 5 years and more than \$442 billion over the next decade. But the long-term damage to our fiscal solvency is even worse.

According to the Center on Budget and Policy Priorities, repealing the estate tax would cost over \$1 trillion from 2012 to 2021—over \$1 trillion. In other words, if the President's plan to permanently repeal the estate tax succeeds, the children and family members of the very few most privileged families in America will reap a massive tax break. Instead of closing the gap between the rich and the poor, instead of addressing the huge national debt and deficit problems we have, we make both situations worse by fully repealing the estate tax.

I have brought with me a few charts to demonstrate who are the winners and losers in the President's budget. Obviously, fortunes go up and down, and we do not know what anyone is going to be worth tomorrow, let alone in the coming years. And the estimates I am giving to you and the charts I am using are based on two reports.

The first is an April 2006 report by United for a Fair Economy and Public Citizen, entitled "Spending Millions to Save Billions," reflecting the financial position of the wealthiest 400 Americans in this country as compiled by *Forbes* magazine from the year 2005.

The second is a May 30, 2006 report from the House Government Reform Committee, entitled "Estimated Tax Savings of Oil Company CEOs."

Of course, no one can predict what the numbers will be in the years to

come. But these are the best figures available to us at this time.

Let me go to the first chart. The granddaddy of all of the winners under the Bush budget is none other than the heirs to the Wal-Mart fortune. If the estate tax was completely repealed, the entire Walton family would receive an estimated tax break of \$32.7 billion—that is with a “B”—\$32.7 billion in tax relief for one family which today happens to be one of the wealthiest families in this country already.

Meanwhile, in contrast, the President's budget proposes to cut Medicaid by \$28 billion over the next decade, driving up the cost of health care for tens of millions of Americans. In other words, while one of the wealthiest families in this country gets a tax break of over \$30 billion, tens of millions of Americans—children, seniors—will suffer. Now, that may make sense to someone, that may appear to be fair to someone, but it sure does not make sense to me. In other words, if the President's proposed budget passes, millions of Americans will lose, including some of the most vulnerable people in our country, while one very wealthy family wins.

A second major beneficiary of the President's tax cuts is the heirs of the Mars candy bar fortune. Now, I like Snickers as much as anybody. And I do not want to be seen here as attacking Snickers, one of the basic food groups of American society. But the family that owns Mars is slated to receive an estimated \$11.7 billion tax break if the estate tax is fully repealed.

Mr. President, \$11.7 billion for the Mars family. They are winners. Yet, who are the losers? As I mentioned earlier, all over this country there are waiting lines for veterans to get into VA hospitals. We are not keeping our promises to the veterans. Veterans lose while one family wins big time. I think that is wrong.

Another major winner in the President's budget is the Cox family. They are the heirs to the Cox cable fortune. They will gain \$9.7 billion if the estate tax is repealed. Meanwhile, while the Cox family would receive almost \$10 billion in tax breaks, the President wants to cut funding for education by \$1.5 billion.

The President keeps talking about No Child Left Behind while his budget continues to leave, in fact, millions of children behind. In Vermont and all over this country, school districts are struggling with grossly inadequate funding for special education, which the President also wants to cut. We do not have the money to fund special education to improve public education in America. We do not have that money. But we do have \$9.7 billion for one family, the Mars family.

Another major beneficiary of the President's budget is the Nordstrom family, owners of the upscale department store chain. By repealing the estate tax, the Nordstrom family stands to receive an estimated \$826 million tax

break, according to the April 2006 report from United for a Fair Economy. Tax breaks of over \$800 million for an enormously wealthy family, and yet we see a \$630 million cut in the President's budget for the Community Services Block Grant Program.

As you know, the Community Services Block Grant Program provides the infrastructure necessary to deliver services to 15 million of the lowest income people in our country. These are people who are hungry. When they are hungry, they go to the community action program. When they are homeless, they go to the community action program. When they do not have any money to buy food, they go to the community action program. We are going to cut back on that program, but we do have \$826 million in tax breaks for the Nordstrom family.

Another major beneficiary of the Bush budget is the family of Ernest Gallo, who would receive a \$468 million tax break—\$468 million. Meanwhile, the President proposes to cut \$420 million from the Low-Income Home Energy Assistance Program, the LIHEAP program.

According to the latest available data, 5.4 million senior citizens on fixed incomes and low-income families with kids receive help paying their heating bills through this program each and every year. In the State of Vermont, trust me, it gets very cold, and we have a lot of people in Vermont and throughout this country who are dependent upon the LIHEAP program. But, as a nation, the President suggests: No, no, we have to cut \$420 million from LIHEAP, which impacts the lives of low-income senior citizens. But—guess what—we do have \$468 million available as a tax break for the Gallo family.

The former CEO of ExxonMobil does very well from the President's tax breaks. As some will remember, while the cost of gas at the pumps was soaring, while the profits of ExxonMobil were soaring, the company decided, in its wisdom and generosity, to provide a \$400 million retirement package for their departing CEO, Mr. Lee Raymond. Now the President wants to reward Mr. Raymond by providing his estate with an estimated \$164 million tax break. On the other hand, there is a program called the Commodities Supplemental Food Program which provides a package of high-quality, nutritious food to some 480,000 seniors, mothers, and children. The President wants to eliminate this program. He is saying to the 4,000 seniors in Vermont who benefit from this program, the almost half a million seniors, mothers, and kids who benefit from this package of food once a month: We in America don't have enough money to provide for you who are hungry, for you who are old. We can't do it. But if you are the former CEO of ExxonMobil, if you have a \$400 million bonus at the end of your career, guess what. Your family will get a \$164 million tax break.

As a member of the Senate Budget Committee, it appears to me that the choice we as a Congress are facing and that the American people are facing is pretty clear. Do we continue to shower huge tax breaks on millionaires and billionaires, people who are already doing phenomenally well, while we cut back on the needs of the middle-class working families and the most vulnerable people in this country? It all comes down to the phrase “which side are we on.” Are we on the side of those people who make huge campaign contributions to Congress and the White House, or are we on the side of tens of millions of working families, struggling hard to keep their heads above water?

That is the choice we face. As a member of the Budget Committee, I think the answer is pretty obvious. I will not be voting to provide a tax break to the heirs of the Wal-Mart fortune. Rather, I will be fighting to substantially increase financial aid for low- and middle-class families so that every American, regardless of income, can receive a college education. I will not support another tax cut for the former CEO of ExxonMobil and his family. Instead, I will be voting to give support to working families all over this country who are desperately seeking quality and affordable childcare.

If, as a nation, we are serious about addressing the long neglected needs of the middle-class and working people and creating a fairer and more egalitarian society, we have to invest in education, health care, housing, and our infrastructure. We have to deal with the crisis of global warming and sustainable energy, as well as many other areas. We also have to reduce our national debt. Given that reality, Congress must develop the courage to stand up to the big money interests, to the wealthiest families. We must roll back the tax breaks given to the wealthiest 1 percent, and we must demand that fortunate people rejoin American society and understand that like everybody else in this country, they are part of America and not a special breed. If we are to keep faith with our children, our seniors, our veterans, and with those people who have no health insurance, we can do no less. I look forward to working with my colleagues to make sure we do just that.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ACCESS TO HEALTH CARE

Ms. MURKOWSKI. Mr. President, I rise this afternoon to speak of an issue of great concern in my State of Alaska but also a concern we are seeing across the Nation, and this is access to health

care and, more specifically, access to the professionals who provide for our very important health care needs.

In just 20 years, 20 percent of the U.S. population will be 65 years or older, a percentage larger than any other time in our Nation's history. And just as this aging population places the highest demand on our health care system, the Council on Graduate Medical Education states that there will be a national shortage of over 100,000 physicians in this country. Other experts look at it from a bit more dire perspective and predict a shortage closer to 200,000 physicians. If that becomes a reality, 84 million patients will be left without a doctor's care.

A dozen States already report physician shortages. Across the country, patients are experiencing, or soon will face, shortages in many physician specialties, including cardiology, radiology, and several pediatric and surgical subspecialties. Demand for doctors is accelerating more rapidly than the supply, and yet the number of our medical school graduates has remained virtually flat for over a quarter of a century.

During that same time period, the median tuition and fees at medical schools have increased by 750 percent in private schools and by nearly 900 percent in public schools.

To add to that, much of the Nation's physician workforce also is graying. They are simply getting older. They are heading for retirement. A third of the Nation's 750,000 active post residency physicians are older than 55 and likely to retire just as this boomer population generation moves into its time of greatest medical need. By the year 2020, physicians are expected to hang up their stethoscopes at a rate nearly 2½ times the retirement rate of today.

A looming doctor shortage threatens to create a national health care crisis by further limiting access to physicians, jeopardizing quality and accelerating cost increases. People are waiting for weeks to get appointments, and emergency departments have lines that fall out the door, literally. Many will go without care entirely, and we know the consequence then in terms of the pressures on the health care system when they go without care. In rural America, patients have long gone without care. In fact, the shortage of physicians, especially primary care physicians, in rural areas of the United States represents one of the most intractable health policy problems of the past century. As a result, rural patients are often denied both access to care and quality of care. One-fifth of the U.S. population lives in rural America.

Yet only 9 percent of the Nation's physicians are practicing in these areas. Over 50 million of these rural Americans live in areas that have a shortage of physicians to meet their basic needs.

Additionally, physician recruitment to rural America has also been a prob-

lem. The high cost of medical school is in large part to blame. Most students, very severely in debt after medical school, are forced away from primary care and forced into more lucrative specialty medicine. Rural areas and their community health centers across the Nation report a declining ability to recruit primary care physicians.

Alaska, as my colleagues have heard me say on the floor of the Senate many times, geographically is huge. It is a State larger than Texas, California, and Montana combined. In Alaska, "rural" really takes on a new meaning. The physician shortage crisis in Alaska has long been magnified. Health care delivery in the State is extremely difficult because, in part, there are fewer roads than in any other State. Even Rhode Island has more roads than Alaska. This means that for the vast majority of communities in Alaska, our medical supplies, our patients, and our providers all must travel by air, which adds to the cost.

Alaska's population is growing, especially its elderly population, which is the second fastest growing in the Nation.

People don't typically think of Alaska as having a fair number of seniors, but our senior population is growing at a very rapid rate. However, Alaska's physician workforce, as others across the Nation, is aging. The number of new residents is not keeping up with attrition. Mr. President, 118 physicians in Anchorage alone are expected to retire in the next 10 years.

Currently, Alaska has the sixth lowest ratio of physicians to population in the United States. Outside of Anchorage, the ratio is the worst in the Nation. To put it into perspective, if Alaska were to reach its national average of physicians to population, if we were to reach it by the year 2025, we would need a net increase of 980 physicians statewide or 49 more physicians per year.

For some in States where their population base is significant, they might say 980 physicians between now and 2025 isn't that bad. We only have about 650,000 people in the State of Alaska. For us to find 980 physicians, or 49 more physicians per year, is a tall order.

In Anchorage, many specialties are in serious or in critical shortage, including general internal medicine, neurology, neurosurgery, rheumatology, and infectious diseases. Patients wait for months to be accepted as new patients for general internal medicine. Others have to be flown to Seattle for some critical specialties.

I need to repeat this because we are not just talking about "I don't like this particular doctor, and I want to find somebody else." We don't have the physicians to see the patients, so a patient will wait for months for an appointment or the other alternative is to fly outside to Seattle.

There is a bright spot, though, on the horizon. Even though Alaska has only

one residency training program—and I should also mention we don't have any medical schools in the State of Alaska—our one residency training program trains 12 family medicine residents each year—clearly a number that is far fewer than our population needs. Seventy-seven percent of the residents choose to stay in Alaska—the highest rate of return in the Nation. We know why it is. We figure we have an awful lot to offer those who come to the State, but the problem is drawing them to the State in the first place.

In the last Congress, with great fanfare, we provided a Medicare prescription drug benefit. But the question I was asking at that time is, What good is a prescription drug benefit if there is no physician to write prescriptions? In the 21st century, we cannot, as a Government, permit such dire access to care to continue. I do believe the situation is intolerable. We cannot sit by while potentially millions of patients go without care. That is why I am proposing a three-pronged plan to alleviate the Nation's rural health care access crisis.

Earlier in the year, I introduced the Rural Physician Relief Act. This is legislation which would provide tax incentives for physicians to practice in our most rural and frontier locations in the country. Today, I am announcing a second step on improving access to health care. Soon, I will introduce the Physician Shortage Elimination Act. This is a strong step in improving access to our health system. Later, as the third prong of my plan, I will introduce comprehensive legislation for improving the plight of the uninsured.

To get to the Physician Shortage Elimination Act, it essentially does four things:

First and foremost, it doubles the funding for the National Health Service Corps. This program has operated with 37 years of excellence, providing primary care services to our most vulnerable populations. It is a solution to the many students who find the exorbitant cost of medical school prohibitively expensive. However, the program is just too small to meet the great need in underserved America. Right now, over 4,000 National Health Service Corps clinicians provide primary care to nearly 6 million people nationwide who otherwise would likely have gone without care. Tragically, this still leaves some 50 million people with extremely diminished access to health care. In fact, the American Association of Medical Colleges said the current program only meets 12 percent of the needs of the underserved. Yet this program is so popular with medical students that 80 percent of its applicants in a typical year must be turned away.

This National Health Service Corps has a proven track record. Let us build on its success. Doubling our investment in the National Health Service Corps is the most prudent, most cost-effective and expeditious way to meet the current needs and future needs of

America's underserved. In fact, the former president of the AAMC stated that the National Health Service Corps:

... is ideally positioned to alleviate the shortage of physicians in many medically underserved areas but has only had sufficient funding to accommodate only a fraction of those young physicians who are prepared to practice in those areas.

The second part of the bill will improve and expand current medical residency programs. Half of all physicians practice medicine within 100 miles of their residency. This means the residents who train in rural or underserved areas are likely to remain in those areas. The small Alaska Family Residency Program, which is a program designed to help meet the needs in rural Alaska, is a great example of this. Of the 55 graduates, 75 percent have stayed in Alaska upon completing their residency—the highest return rate of any graduate medical program in the country. Unfortunately, it is too small to meet the large needs of rural Alaska.

Rural and underserved residency programs must be allowed to flourish. We have arcane barriers, and we have artificial caps on residency programs that need to be removed. Students must be allowed to learn their craft in the most rural and underserved areas of the Nation. My legislation will prevent residency programs from being penalized for training in locations where the need is greatest, such as the Indian Health Service locations. Additionally, it will remove barriers that prevent programs from developing rural training rotations and rural experiences in their curriculum. All the experts agree that this is likely one of the most effective ways to prepare students for a rural practice.

Further, the legislation will reauthorize the Centers of Excellence Program and the Health Careers Opportunity Program. This did not receive funding for 2006, but these are important programs, and they target disadvantaged and minority students from as young as kindergarten on through high school. They target these young people to develop an interest in the health professions. The programs nurture the youth in rural and underserved areas, and they create a pipeline to careers in the health professions. This concept of "growing your own," if you will, is the most effective way of achieving long-term retention in most rural locations.

Finally, my legislation will bolster the cornerstone of health care in rural America, which is the community health center. Community health centers provide quality community-based health care for millions of America's medically underserved and uninsured. This bill will help them do their job. It will expand residency programs and primary care services offered by community health service centers and offer grants to health centers to assist them in recruitment, technical assistance, and physician mentoring programs.

Mr. President, as a person coming from a rural area, you know a strong commitment to our community health centers is a smart, cost-effective way of maximizing our health care dollars for our neediest populations.

The prognosis for quality of health care in America right now does not look good. The prognosis is poor. Fifty million Americans in underserved areas across the Nation today already must do without care. Soon, we will have greater problems. We will have even greater physician shortages, which will mean another 84 million patients will be left without a physician's care.

We must act here in Congress. I ask my colleagues to take a look at the legislation we are introducing, the Physician Shortage Elimination Act, and see if this isn't something we can join together to work on so we can continue to provide the level of care Americans across the country, in both rural and urban areas, deserve and expect.

With that, Mr. President, I yield the floor.

ORDER OF PROCEDURE

The PRESIDING OFFICER (Mr. SANDERS). The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that at 4:30 p.m., the Senate go into executive session to consider Executive Calendar No. 25, the nomination of Nora Barry Fischer to be a U.S. district judge; that there be 10 minutes for debate on that nomination equally divided between the chairman and ranking member of the Judiciary Committee and 5 minutes under the control of Senator CASEY; that at 4:45 p.m., the Senate vote on the nomination; that the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session and resume consideration of H. J. Res. 20; that all amendments and motions be withdrawn, the joint resolution be read a third time, and the Senate vote on final passage, with the preceding all occurring without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 10 minutes.

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

DARFUR

Mr. CARDIN. Mr. President, the people of the Darfur region of Sudan are crying out for help during their time of despair. It is time for the U.S. Government to exercise greater international leadership and take greater strides to stave off a humanitarian disaster.

Darfur has been identified as genocide and the international community is permitting it to continue. This is not acceptable.

It is not enough to posture and threaten the government in Khartoum.

It is time to exercise moral leadership and exercise more muscular diplomacy in an area where so little has been accomplished for so many.

The conflict in Darfur has been raging for 4 years. Since 2003, the Sudanese Government and its allied Janjaweed militia have been fighting the rebel Sudanese Liberation Army—SLA, and the Justice and Equality Movement—JEM. The SLA and the JEM claimed their aim was to force the Sudanese Government to address the underdevelopment and political marginalization in the region.

In response, the government and the Janjaweed targeted the region's civilian population and the ethnic groups from which the rebels draw their support.

Since the fighting began, over 200,000 people have been killed. Approximately 3 million people have fled to internal displacement camps within Darfur, or to neighboring Chad and the Central African Republic—C.A.R. None of these options have shielded them from violence as the Janjaweed has patrolled outside the camps and Sudanese warplanes have attacked inside Chad and C.A.R.

In the face of these horrendous conditions, an estimated 14,000 aid workers risk their lives to provide basic human services and comfort to one-third of the population in Darfur. The majority of these aid workers are Sudanese nationals who have banded together to create an unprecedented relief operation.

For its part, the United States provides approximately \$1 billion in food aid to the Darfur region. This contribution is one of the few positive developments for the people in Darfur as we have been able to increase the daily nutritional intake. Nonetheless, the violence rages and many aid agencies working in Darfur are unable to gain access to vast areas because of the fighting.

Thus far only the African Union—AU—has responded to the call to protect civilians. Unfortunately, the AU troops have been deployed in a slow and limited manner.

The Darfur region is roughly 160,000 square miles, and the AU force is far too small to cover this vast territory. The AU should be commended for shouldering the burden this long.

In August 2006, the United Nations Security Council adopted Resolution 1706, to expand the mandate of the U.N. mission in Sudan—UNMIS—to include Darfur. The resolution "invites the consent of the Sudanese Government" to allow U.N. forces into Darfur and "authorizes use of 'all necessary means' to protect U.N. personnel and civilians under threat of physical violence."

Resolution 1706 calls for a total of 27,000 armed personnel for Sudan. The breakdown includes the 7,000 AU soldiers, 17,000 U.N. blue helmets and 3,000 police officers. This is a significant mission by the United Nations and one

that underscores significant international concern about Darfur.

Without question, U.N. Resolution 1706 caused concern and then foot dragging by the Khartoum Government. Khartoum is wary of a robust U.N. troop presence on its soil for two reasons. First, it fears the investigators from the International Criminal Court—ICC—who will have greater latitude under a U.N. presence. Second, it fears the presence of the U.N. will force them to follow through on the oil revenue sharing agreement with the southern Sudanese.

Khartoum views a U.N. presence as a surrender of sovereignty. However, what it really fears is the ICC investigators being able to gather evidence within its borders. Since the ICC accepted the responsibility of looking into genocide in Sudan, Khartoum has maneuvered mightily to keep its investigators away, out of the country.

Sudan's President Omar al-Bashir has resisted the U.N. force since its inception. As he has done repeatedly throughout the Darfur crisis, he commits and later reneges on commitments and pledges of cooperation in Darfur. For this reason, former U.N. General Secretary, Kofi Annan, gave us a viable Plan A to implement the U.N. force in Sudan.

Plan A implements a hybrid U.N.-AU force which the government of Sudan initially agreed to.

Plan A is a workable option and a win-win for everybody. Unfortunately, President al-Bashir has back pedaled from his initial embrace of Mr. Annan's plan. On November 18, 2006, it was reported Sudan's U.N. ambassador declared "there will be no U.N. peacekeepers in Darfur."

The ambassador's comments came as Sudanese war planes and Sudanese-backed militias staged fresh attacks in neighboring Chad and the Central African Republic.

It is imperative the United States and the international community reinvigorate diplomacy with Sudan in order to move Khartoum to reason. This is what I would describe as the administration's potential Plan B.

The immediate next steps for Darfur are complex, yet achievable. These include securing a cease fire and protecting humanitarian relief corridors, establishing the hybrid U.N.-AU peacekeeping operation and advancing the political dialogue in Darfur.

Additionally, President Bush and Secretary of State Condoleezza Rice must place Sudan higher on the U.S.-Chinese agenda. Sudan produces some 500,000 and 600,000 barrels of oil per day. China purchases 80 percent of this oil and invests heavily into Sudan's oil producing infrastructure.

As China continues its diplomatic and economic courtship of African nations, she should be clear about how she intends to deal with despotic and authoritarian governments. The international community has worked hard over the past 20 years for greater

progress on democracy and human issues in Africa. Having China thumb its nose at these accomplishments would set a bad precedent for Africa and should have consequences in the West.

China should be afforded an opportunity to become part of the solution in addressing Sudan's humanitarian concerns.

Diplomacy and economic leverage should be applied to Sudan with the cooperation of China.

The United States has clearly shown what can be accomplished through sustained and concerted diplomatic efforts. After 21 years of fighting we were able to persuade Khartoum to negotiate with the Sudanese People's Liberation Front—SPLF.

This administration was able to marshal international humanitarian support and the attention of the world to what is happening in Darfur. The United States must provide the vision and the leadership to protect innocent civilians in Darfur.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I believe under the unanimous consent agreement I am recognized until 4:15; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. COBURN. I will try not to take that much time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

(A portion of the remarks of Mr. COBURN are printed in today's RECORD under "Morning Business.")

Mr. COBURN. Mr. President, I want to turn to the bill in front of us and make a few remarks about how things change, but they never change. We had an election this last fall. The election was based on changing the control so we can control the spending, so we can secure the future, so we can eliminate wasteful Washington spending. I would put forth that the bill in front of us is more of the same—actually I want to guard the words I use—more of the same lack of clarity, lack of transparency and game playing that Congress has been known for the last 25 to 30 years.

The bill before us manipulates the numbers. The bill before us is untruthful about the costs. The bill before us is put on the floor of the Senate without any debate to bring forth transparency. No amendments are going to be offered to bring forth transparency. No amendments are going to be offered to offset the cost. This \$3.1 billion expense is going to go directly to our grandchildren because what is not spent for military construction and BRAC costs will be added to the supplemental which we are going to be taking up in March. We are going to be taking up more of the same games, so what you got for what you thought was change is not a change at all. It is just a change in name only. It is important for the

American people to understand it is not Republican or Democrat, it is short-term vision versus long-term vision for our country.

We have a bill before us on the floor of the Senate that does a lot of things—a lot we should have gotten done. There is no question. The majority is within its rights to do what it has done. The predicate that Senator REID used, that it was used on the Democrats before—there was no complaint with that. It has been done. It is not a good process. But what we are seeing is not what was promised. We thought we bought a new car, and what we bought, what the American people bought, was a car that had been wrecked and repainted and sold as new.

I want to talk about several of the problems, things that are wrong with this bill. I want to raise the question why should we not fix it now. I will start first with the BRAC money—\$3.1 billion to move tens of thousands of troops out of Germany, back here. It is not going to happen. The money may come with the omnibus but not in time to achieve the savings that we were hoping to achieve through the BRAC process. So there is a double cost. One is, if we took that money and we spent it to grow the Government—debatable. It is not debatable that some of the things that are funded with that are not good—but are they the priority? We are going to grow the Government, No. 1, and then we are going to take that money and put it on the supplemental bill.

A supplemental bill is a bill that comes forward outside the budget parameters, so therefore any of the money spent doesn't have to be within the budget limits. That money goes directly to the credit card of your grandkids. There is \$3.1 billion. Then we are going to lose the benefits through delay of the BRAC closure process which is going to be another \$3 to \$5 billion. So by playing the same games Washington has been known for for years, we are going to add \$7 or \$8 billion more to the debt of our grandchildren.

If you thought things changed, they didn't. They changed in name only. This game with this maneuver in it is a sham for our grandkids and anybody else who thinks we are going to be fiscally responsible with your money.

The second thing it does is it destroys some of the help that was out there to help the most vulnerable. There was a provision in the new Ryan White AIDS bill that saves the life of newborn babies. We know it works. The two States that have done it have reduced HIV infection in newborn children by about 98 percent—for \$85: \$10 to test and \$75 to treat newborn children.

In New York they used to have 500 babies a year born who were infected with HIV. Last year they had seven. Why? Because women who did not know their status were given an opportunity to opt out of being tested. If they didn't want to be tested, they

didn't have to be. But if they did, they were given an opportunity to get tested. And if they didn't want to be tested, their baby was tested, so if, in fact, they were carrying HIV, we could prevent, 99 percent of the time, those children from becoming infected with HIV.

The money was taken out in this bill. This is a chart for the infections, perinatal infections. Just in these States alone, for which we have a record, these are going to be the preventable cases of newborn baby AIDS that are going to not happen because of what this bill does. Thousands of babies are going to get infected with HIV because we are taking away the incentives. In terms of this bill, it is small numbers, \$30 million—incentives to get States doing what New York and Connecticut have done.

Shame on us, shame on us, to claim we care and then to take this and eliminate it. They went so far as to talk to the administration about this, hoping that they would have a letter coming that would say we don't want the money. In fact, they want the money. It is in the President's budget. He wants the money. Why? Because it actually does something. Your dollars actually go to make a difference. How do they make a difference? Not only do they save the life, the cost to treat a baby over their life—their life expectancy is only 25 years if they get HIV. But that is a quarter of a million dollars versus \$85, and the vast majority of that money is going to be paid by the American taxpayers. So shame on us. Shame on us for doing that. These are, just in these States alone, the number of children who are going to get infected with HIV without this program going forward.

Another amendment I wanted to offer so we could offer ways to try to change these things is to delay the CR for 2 weeks and let's have the debate about these issues, but we are not going to be allowed to even offer an amendment to continue it for 2 more weeks so we can actually debate it. That is the majority's right. I respect their right. It was probably done to them before I got here. It doesn't mean it is the correct process for our country to solve the big fiscal problems that are in front of us.

One of the items which BARACK OBAMA and I got through the last Congress in coordination with several key Members in the House was the Accountability and Transparency Act of 2006. What that act says is by January 1 of next year, you as the American taxpayer are going to start finding out how we are spending the money. The whole idea behind it is if you know, we are going to be held to a higher standard. We are going to be held more accountable. Also the idea behind it is if you know the American people are going to know, maybe you won't do some of the things for your buddies you are up here doing.

But in this bill there are 40 reports that are demanded of the administra-

tion that aren't available to you, that have nothing to do with national security. I can't even get them. The President pro tempore of the Senate right now can't get them unless he sits on the appropriations subcommittees of those reports coming back. That is not transparency. What that is is working in the dark so the American people don't know what is going on. I have an amendment that says those reports ought to be made public to the American people. It is their money. It is our money. But we have—here we go—an appropriations bill that has 40 reports from the Federal Government agencies to report back to Congress. Yet the Senator from Vermont and the Senator from Oklahoma cannot see those reports, and neither can you. What is that all about? Why shouldn't you be able to see those reports? You should be able to. But that amendment is denied under this process. More of the same. More work done in darkness without the light of day for the American people to see what is going on in their Government with their money. They should reject that. We all should reject that. But change comes slowly.

The reason I am out here talking about it is I think the American people ought to know what is going on in this bill. Yes, the threat is if we don't pass this, the Government will shut down. The Government doesn't have to shut down. We could continue this for 2 weeks, but we are playing the game. Who will look worse if you vote against it. What the American people care about is whether we have an open and transparent government. That is what I am about: making sure we know the cost of what we are doing, making sure we know who is responsible, and holding those accountable when they are not doing what is in the best long-term interest of our country rather than what is in the best short-term political interest of either political party or any individual Member of Congress.

Another amendment I was going to offer but have been precluded from doing so is we have thousands of people waiting for assistance with their drugs for HIV. As a matter of fact, there are several hundred, 350-some in South Carolina alone who don't have any money, are not getting treated, their HIV is progressing, they are going to AIDS, and they are going to die. That number is in the thousands across the country right now, and although we have increased the AIDS drug assistance program, we haven't increased it enough to where we are taking care of those who do not have any other resource with which to get the medicines to save their lives. That amendment is foregone. We can't do that, not available.

Another amendment I had, which is certainly necessary—and we have had the Senators from North Dakota and South Dakota talking about it—is the fact that we have had a disaster in the Central Plains of this country, in western Oklahoma and many other agricul-

tural areas, where we have a tremendous need—an agricultural disaster by any means that we have addressed before. We tried to address it before we went home, but we didn't want to pay for it. So that didn't go anywhere. That is going to go somewhere when the supplemental comes. It will be a part of the supplemental package that comes out of the Appropriations Committee and we will pay \$4 billion or \$5 billion or \$6 billion. It won't be paid for, we will charge it to our kids, and we will help these farmers. There is \$1 billion in my amendment that is paid for—paid for; we don't have to charge it to our grandchildren—that will help immediately those farmers who have suffered through this tremendous drought in the Central Plains. We can not offer that amendment. We can not help the people who need us to help right now because we are playing games. We are playing the same old political games that were played when the Republicans were in charge. This isn't a new day; this is just a new manager under the same scams. It is a scam, and the American people need to know it is a scam in terms of their money.

Finally, the money we are stealing from the BRAC, a portion of that we are giving to the Global AIDS Fund. We are the largest contributor to the Global AIDS Fund—\$300 million. We are going to bump that to \$750 million, except there is no accountability in the Global AIDS Fund. The Boston Globe recently released a report on some inside auditor work inside the Global AIDS Fund showing the slush funds, showing the money that has been wasted. Yet we can't have access to those reports. We are the largest contributor, but we are denied access. I have an amendment that says if they want the money, then they have to show us the internal transparent workings of that organization, since we are the largest contributor. That is denied. That is common sense. If you were giving money to a charity and they were wasting it, you would want to know how they were spending your money.

As a matter of fact, we make charities in this country show how they are spending their money. We actually audit them. We are precluded from knowing how \$750 million of your money is going to be spent. And the waste we have found out about in that program is denying the very people we are hoping to help, those innocent young African children who are infected with HIV, with their medicines every day.

So the way to have great government is to have transparency. The way to get rid of wasteful Washington spending is to have transparency. The way to lower the taxes on everybody in this country is to get rid of the waste, fraud, abuse, and duplication that is present within our Government. This bill does none of that. What this bill does is spend more of your money and with sleight of hand and under the cover of darkness transfer billions to

our grandkids that they have shut out now but will ask for again when we have a supplemental and, consequently, our children will be directly impacted.

If you are born in this country today—if you go talk to David Walker, the Comptroller General, who is a non-political person; he is a straight shooter; he knows what we are facing is an impending crisis in this country and that we are on a crash course toward fiscal bankruptcy. But here is what we know. If you are born today in this country, you have a birth tax of \$453,000. That is what your share is of the unfunded liabilities we refuse to fix that we are adding to with this bill—we are going to add \$10 billion to \$12 billion actually with this bill when the new supplemental comes out—that is my prediction—at a minimum, \$3 billion, probably \$10 billion to \$12 billion. What we are doing is going to add to that birth tax.

What is the great thing about our country? The great thing about our country is it was built on the sacrifice of one generation creating opportunity for the next. This bill does the opposite of that. This bill steals from the next generation to take care of us now. There is no long-term thinking in this bill; there is only short-term thinking. Is it partially my fault we are here? Sure. I will take that. But the process and the false claims that we are under a new day, that we are under a new fiscal paradigm, is hogwash. There is no fiscal responsibility in this bill. This bill actually claims that it eliminates all the earmarks. Nothing could be further from the truth. As a matter of fact, hopefully today, I understand, the President is going to say they are not going to honor the unwritten earmarks. There is \$17 billion worth of unwritten earmarks that will continue in this bill the way this bill is written.

Now, they get to claim in the press that they have a little section in the bill that says none of the earmarks in this bill carry the force of law. Well, that doesn't do anything. None of those earmarks carried the force of law last year. None of those earmarks next year will carry the force of law. It does nothing to eliminate those earmarks from continuing to be spent. We know what earmarks are. We know how they create conflicts of interest within this body and within the lobbying community and individuals throughout this country. They ought to be gone. None of them should be honored, unless they are in the bill and people are willing to stand up and defend those and they have been vetted by the committees of this Congress.

So bear in mind as I vote against this bill, it is not because I want to shut the Government down; it is because it is a vote saying it is more of the same, American people. You didn't get what you bargained for, again. Hold us accountable, come ask the questions, and don't take the spin. The fact is there is a \$453,000 birth tax for every child who

is born this year in this country, and it is going to grow by over \$1,000 with this bill. So it is going to go to \$454,000. Now, imagine what you have to earn a year to pay the interest on that.

The fastest growing portion of our Government budget—what is it? It is not health care. It is interest. It is interest on the debt, and we have perpetuated that with this bill.

I know none of my amendments will be made in order, but I am inclined to show the ridiculousness of this process. So with notice to the Presiding Officer, who I expect to object, as is his right as a Senator from Vermont, I ask unanimous consent that the pending amendments be set aside and my amendment No. 234 be called up.

THE PRESIDING OFFICER. Is there objection?

In my capacity as a Senator from Vermont, I do object.

MR. COBURN. Mr. President, I have another unanimous consent request, which is that the pending amendments be set aside and that amendment No. 235, the AIDS Drug Assistance Program, be called up.

THE PRESIDING OFFICER. In my capacity as a Senator from Vermont, I object.

MR. COBURN. Mr. President, I ask unanimous consent that my amendment No. 236 be called up and the pending amendments be set aside. This is an amendment that will allow us to continue to discuss this for 2 weeks.

THE PRESIDING OFFICER. In my capacity as a Senator from Vermont, I object.

MR. COBURN. Mr. President, I ask unanimous consent that my amendment No. 250, which allows all report requests by the Appropriations Committee—40 of them—be made public, that the pending amendments be set aside and that it be called up.

THE PRESIDING OFFICER. In my capacity as a Senator from Vermont, I object.

MR. COBURN. Mr. President, I ask unanimous consent that the pending amendments be set aside and my amendment No. 251 that will apply \$1 billion for the farmers who are in dire need in this country today be called up.

THE PRESIDING OFFICER. In my capacity as a Senator from Vermont, I object.

MR. COBURN. Mr. President, I ask unanimous consent that the pending amendments be set aside and my amendment No. 252, which asks for the transparency of our contributions into the Global AIDS Fund be called up.

THE PRESIDING OFFICER. In my capacity as a Senator from Vermont, I object.

MR. COBURN. Mr. President, I went through that exercise, and I know the Senator from Vermont does not disagree with all those amendments, but he is doing what he has been instructed by the majority to do. The fact is we could have a debate, we could delay this for 2 weeks, and we could make this bill far better. We could decide not

to spend an additional \$3.1 billion of our grandkids' money if we allowed a true debate.

In the last Congress I took a lot of criticism for going after my party on fiscal issues. I am not going to quit going after my party on fiscal issues, but I will tell my colleagues, I am certainly not going to quit when the majority party claims—falsely claims—to be doing something in the best interests of this country in terms of fiscal responsibility when, in fact, they are not.

There is no question what I have laid out here today is factual. There is no question that what we are seeing is more of the same in Washington. It is time for it to stop. It is time for the American public to hold everybody accountable, and we ought to be about America, not the Democratic Party or the Republican Party. We ought to be nonpartisan for the long-term future of this country. We ought to be nonpartisan in order to restore the idea of sacrifice and service for the next generation, rather than taking it for us today.

MR. President, I yield the floor, and I note the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

MR. WARNER. I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER (Mrs. McCASKILL). Without objection, it is so ordered.

MR. WARNER. Madam President, parliamentary inquiry: My understanding is that the matter before the Senate at this time is the continuing resolution and that Senators may address aspects of that resolution at this point in time; is that correct?

THE PRESIDING OFFICER. The Senator is correct.

MR. WARNER. Madam President, the Senate has before it the continuing resolution which is an absolutely essential piece of legislation to permit our Government to go forward. We are about to have a vote, I understand, at 4:45 in relation to that resolution. The resolution has been consistent with the rules and precedent of the Senate, put before the Senate in such a way as to make extremely restrictive the ability to amend that resolution.

Nevertheless, a group of Senators have felt ever so strongly about our initiative, which is contained in S. Con. Res. 7, a document that was filed at the desk in connection with the debate on Iraq. We feel very strongly that the program announced by the President on January 20 of this year contained therein aspects to which we could not give our full concurrence. There is a range of differences of opinion between our group, and when I say "our group," they have identified themselves from time to time as being cosponsors and other Members of the Senate.

Speaking for myself, I felt the plan, as announced on January 20, did not speak to the clarity I thought necessary, to say this operation should be highly dependent on the Iraqi-trained military and other security forces.

Our Nation, together with coalition partners over the period of this long conflict—in the not-too-distant future months or so it will begin a fifth year—have invested heavily in dollars and sacrifice and otherwise to train the Iraqi forces to take on their own security obligations. The figure “over 300,000” has been frequently referred to in briefings and otherwise, that we have thus far, in one way or another, trained and equipped.

As a member of the Committee on Armed Services in the course of briefings and, indeed, in the Intelligence Committee, both of which I serve on, it has been represented through the years, most particularly the last 2 to 2½ years, there has been a steady improvement in the quality and the professionalism of these Iraqi forces.

Now, 2½ years is a long time to train a military person. In the United States, we have prided ourselves since the days of World War II in taking a 17- or 18-year-old individual and training that individual to be a fighting person in 6, 8, 9 months and then some training with a unit and therein to a combat situation. Throughout our history, they have discharged themselves with the highest degree of professionalism. Many of the forces we currently have in Iraq have followed that pattern of less than a year's training. How well we know the courage with which the men and women of the Armed Forces of the United States, with the strong support of their families, have fought, suffered severe wounds, and died to enable the Iraqi people to have their freedom, to have a nation which is regarded as a sovereign nation today, to have a government elected by themselves.

I find it highly perplexing that in that cadre of some 300,000, there are not those elements that could have been utilized to a far greater degree in this campaign.

We have heard reports—within the last 2 days I received confirmation—that those Iraqi contingents, those troop commitments to this surge plan which is now in operation still fall short of the level of numbers in the commitment to have them in place.

Nevertheless, given the magnitude of that force, in our resolution, we specifically say the President should charge—we use the word “charge”—hold them accountable for taking the lead, for taking the point, for bearing the principal burden of this operation called “surge” in Iraq as enunciated by the President on January 20. Therein, rests this Senator's grave concern about the utilization of 21,500—and even a somewhat larger force than originally announced—in this operation.

We gathered together individuals of honest thinking, clear thinking—not

by political motivation—and have tried to continuously push our resolution before this Senate such that each and every Senator could express his or her agreement, concurrence, or disagreement. We have not yet succeeded, but we are going to continue to press on. There is some representation—I don't know whether it is final—that the Senate may see after we come back from this recess the measure that will be presumably passed by the House this week and presented in what I'm told could well be an identical form. We feel very strongly our resolution, S. Con. Res. 7, without any changes in it, should be brought up as a substitute amendment, but at the present time, given the few minutes remaining, I see my distinguished colleague who has joined me in this effort, the distinguished Senator from Nebraska, Mr. BEN NELSON. We have put forward this S. Con. Res. 7, which requires the funding for the Government.

At this time, I ask the pending amendment be set aside so I may offer amendment numbered 259 which is our S. Con. Res. 7, in identical form, which is pending at the desk.

The PRESIDING OFFICER. In my capacity as a Senator from Missouri, I object on behalf of the request of the leadership.

Mr. WARNER. Madam President, I receive that with a great deal of disappointment because I felt, in this critical period of time as this operation in Baghdad is getting underway, the constructive recommendations to the President, as embraced in our resolution, should be brought before this Senate for full discussion. I see my colleague.

I yield the floor.

Mr. MCCAIN. Madam President, what is the pending business?

The PRESIDING OFFICER. House Joint Resolution 20.

Mr. MCCAIN. I ask for the regular order and I ask to be recognized.

The PRESIDING OFFICER. The Senator is recognized.

Mr. MCCAIN. Madam President, I come to the Senate to comment on H.J. Res. 20, making continuing appropriations for fiscal year 2007 which, as I understand, is the pending business before the Senate.

I think most of us agree that funding the Federal Government should be done through the regular order, not through a patchwork of continuing resolutions. The reality is that all but two Federal agencies are being funded through a measure to which no Member is being permitted to offer, debate or vote on a single amendment. That is wrong. We are not the House of Representatives. We are not the other body, I say to my colleagues. We are the Senate, a deliberative body. I hope the Senate leadership on both sides will work to ensure we do not repeat this fate.

I have been in this body for a little over 20 years. I have watched, over those 20 years, an increasing use of par-

liamentary procedures—the so-called filling up the tree and motions for cloture filed at the same time the legislation is before the Senate increase to an ever-accelerating process.

I was very disturbed about that process being exercised when my side of the aisle was in the leadership, and I am even more concerned as I watch the new majority conduct business in the Senate. I could submit for the record the fact of literally every measure before the Senate that at the same time a cloture motion is proposed, the tree is filled.

The Senate is here to debate and amend. The other body, understandably, has different rules. Given the mechanisms that are being put in place by the majority side, what is the difference? It seems to me that 20 years ago—and I would ask my friend from Virginia, who has been here considerably longer than I have—the routine was a piece of legislation would be before the Senate, there would be amendments proposed, debated, with second-degree amendments, if necessary. And the process was something where literally every Member of the Senate, if a Member so chose, could come to the floor and debate and amend and improve the legislation, if that was a Member's desire.

Where are we now? We file cloture. We vote on cloture. We stand around for 30 hours or so. And then we vote up or down. This is a very dangerous process we are going through. So now we are examining a bill which funds all but two Federal agencies in a measure which no Member is permitted to offer, debate or vote on a single amendment. That is not why I came here. That is not why. We are sent here—we are sent here—to express the views and ambitions and hopes and dreams of our constituents.

I have been in discussion with several other Members about how this trend continues to accelerate and literally deprive this institution from being described as not the greatest deliberative body in the world but a deliberative body.

And I say to the leadership, please sit down and work these things out. Have a reasonable number of amendments. Have debate. Agree to time agreements. Agree to time agreements. I had several amendments to this bill for which I would have agreed to an hour time agreement, which would have been plenty of time to debate the amendments and render the Senate's judgment, which I would have respected whether it succeeded or failed.

Now, there are many of us who are very unhappy because we think we could have improved this legislation, which covers all but two—two—Federal agencies of the entire Federal Government. And we are going to consider an up-or-down vote on it. That is not right. It is not fair to the American people. And it is not fair to the hallowed traditions of this institution.

I do not know exactly what to do about it. But there are some of us who

are looking for ways, perhaps, to express our dissatisfaction on this issue. In all deference to my dear friend from Virginia, all I asked for on this issue of the "surge" or "change in strategy" in Iraq was 2 hours of debate on our amendment, with a time agreement and a vote. I do not think that is a lot to ask. I do not think that is a great deal. I do not think that is a huge request. The two leaders sitting down together could have—and, by the way, I know my friend from Virginia supported that. I am not in any way denigrating—

Mr. WARNER. If the Senator will yield?

Mr. MCCAIN. Yes.

Mr. WARNER. I would have it reflected in our colloquy that I did support that because it has always been my understanding, this being the greatest deliberative body in the world's organization, legislatures should have that as a fundamental precedent.

I supported the Senator, much to the risk—and I was defamed from coast to coast—but I stood by the Senator's right to have his amendment, along with mine, considered by this body.

Mr. MCCAIN. I thank my friend from Virginia. And let the record be clear, the Senator from Virginia supported the proposition that we would consider more than one amendment.

Now, I am absolutely convinced—I hate to keep going on this aspect of it because I wish to discuss the continuing appropriations bill before us—but we could have sat down and said: OK, we will have four amendments, a certain amount of time on each amendment for debate. Time agreements would have been entered into, and then everybody could have had their say or certainly the majority of the Senate would have agreed to that.

Instead, unfortunately, we ended up without addressing the issue in a comprehensive fashion, in fact at all, because of the process that went through. But equally as important—equally as important—I say to my friend from Virginia—and I would ask him, when he first came here, would he have ever seen a situation where the entire funding of the Federal Government was in a measure before this body without a single amendment being allowed to it?

Madam President, I ask unanimous consent to engage in a brief colloquy with the Senator from Virginia.

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

Mr. WARNER. Madam President, I—

Mr. MCCAIN. For the record, you might want to say how many years you have been here.

Mr. WARNER. I certainly recall, over a period of 29 years, the importance of the continuing resolution and the greater utilization, regrettably, of the necessity for leaders on both sides to resort to that. But I would have to say to my good friend, the imperative of the ability for our Government to func-

tion requires the flow of money. And unless this particular continuing resolution is acted upon by this body within the next few days, it will, indeed, impair the ability of our Government to function. So we have to take into consideration those things.

Madam President, might I ask my friend, our good friend from Nebraska was to have had 2 minutes to rejoin in my effort to get the amendment up. At some point, might he be recognized and—

Mr. MCCAIN. Madam President, I ask unanimous consent that without losing the floor, my friend from Nebraska be recognized for 3 minutes to make a statement on the issue which has been raised by the Senator from Virginia, which I heartily disagree with.

Mr. WARNER. Madam President, I thank my friend from Arizona for his usual good humor and courtesy.

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

The Senator from Nebraska.

Mr. NELSON of Nebraska. Madam President, I thank my friends from Virginia and Arizona for the courtesy being extended to me and I appreciate their forbearance.

Madam President, the Senate is about to embark on a weeklong recess in the next couple days, and I would be remiss to allow this week to end without at least trying with my colleague from Virginia one more time to get the Senate to consider our resolution on the Iraq troop surge.

For days we have seen Senators deliver speeches on this floor, some for a vote, others against allowing a vote. We have heard great calls to action, and we have heard that doing nothing would be better than doing something. We even had Senators participate in an exercise to block an up-or-down vote on a resolution, some for reasons they think were certainly important.

But I am not a believer in doing nothing, and I believe the Senate has an obligation to lead. I have said that before, and I will say it again. The Senate is not only a deliberative body, but it is a governing body and has oversight interests. Each Senator, as a Member of the body, has an obligation to lead.

I would like to commend my colleagues, the Senator from Virginia and the Senator from Maine, for exhibiting great leadership and courage in forging this resolution that includes many important issues that need to be covered in a vote of this magnitude. Both of my colleagues and others have overcome fierce political pressures, including the Presiding Officer. But we have come together to do the right thing.

I would like to thank my colleagues, the chairman of the Senate Armed Services Committee, from Michigan, my colleague from Nebraska, and the other Senators who have signed on in support of our resolution. Together, we are able to begin the process of oversight, the process of leadership, the process of living up to our obligations.

And we are here today to try to continue to do the right thing. The House of Representatives is engaged in a historic debate today over a resolution that does, in part, what our resolution does. It expresses opposition to the President's planned surge of troops in Iraq.

Although their resolution and our resolution come at it from different directions and points of view, in essence, they have some similarity. But I would prefer the Senate to take up the Warner-Nelson-Collins resolution because we have spent considerable time and energy drafting a complete and comprehensive resolution that includes many of the priorities Senators have expressed over the duration of that war.

Our resolution includes the need to establish benchmarks for the Iraqi Government to meet in order to continue involvement of the United States in Iraq. It includes the desire to continue fighting the terrorists in Anbar Province. It expresses clear opposition to the President's proposal to deposit 21,000 troops at the crossroads of civil war in Baghdad.

The House resolution does express opposition to the President's plan, but it does not include these other important measures which we think are very important.

So I hope we can resolve our differences and vote on this resolution in a timely fashion. The American public deserves an up-or-down vote on this most important issue of today. The time is now to express our opposition to the troop surge and the use of American soldiers to stop civil war in Iraq.

Thank you, Madam President. And I thank my colleague and friend from Arizona and my colleague and friend from Virginia.

Mr. WARNER. Madam President, if I might be recognized to thank my colleague from Nebraska and then thank our colleague for his courtesy.

Mr. MCCAIN. Madam President, I have to insist on the regular order.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. WARNER. I thank my colleague from Arizona.

Mr. MCCAIN. I thank my colleagues.

Madam President, I understand at 4:15 we are turning to a judge. I ask unanimous consent for an additional 5 minutes.

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

Mr. ALLARD. Madam President, before we do that, I was under the impression I might be able to speak for about 5 minutes or so at around 4:15. If I could add another 5 minutes at the end of that so we each have 5 minutes.

The PRESIDING OFFICER. The time for executive session is not until 4:30.

Mr. ALLARD. Meaning we have time? OK.

Mr. MCCAIN. We have time.

Mr. ALLARD. Thank you, Madam President.

Mr. MCCAIN. I thank the Chair. I was misinformed.

Madam President, I will not go on, on this issue, but I believe we need to, as a body, sit down and try to fix this unfortunate situation where we are not allowing amendments nor sufficient examination of legislation before the body.

Madam President, there is one silver lining to the measure pending before us. It is largely free of wasteful earmarking and porkbarrel spending. This is the first time during my years in Congress I have witnessed such an occurrence. Compare this to the last fiscal year, 2006. According to data compiled by the Congressional Research Service, the appropriations bills and accompanying reports for the last fiscal year included \$64 billion in earmarks—the largest earmarked funding in history.

So again, this CR, which does not have an accompanying report where historically 95 percent of earmarks are included, is a welcomed change. I can only urge the Appropriations Committee to let this be a guide for future appropriations measures when it comes to earmarks: Do not include them and do not waste the taxpayers' dollars.

I was pleased to join with several of my colleagues in writing the President last week to urge his leadership on this issue and ensure his administration understands clearly and fully that it is under absolutely no obligation to continue to fund earmarks that were included in past committee reports or urged by Members of Congress or their staff. As stated by the President in his State of the Union Address last month, when it comes to earmarking, "The time has come to end this practice." Now it is up to the administration to abide by the President's directive, and I assure you, we will be watching.

Also, last week, Senator COBURN and I received a response from the Department of Energy Secretary Samuel Bodman in response to our letter of the previous week stating our serious concerns about reports that the Department may be planning "business as usual" and would fund conference report earmarks.

Fortunately, the Secretary has clarified his Department's position and will only fund programs or activities that, in his words, are "meritorious and effective" and "support and advance the Department's missions and objectives"

I ask unanimous consent that copies of our correspondence with the Secretary be printed in the RECORD at the conclusion of my remarks.

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

(See exhibits 1 and 2.)

Despite what I have described as a positive consequence of this CR, the measure is imperfect and, like many of my colleagues, I believe we should have had an opportunity to improve it. I am particularly concerned about underfunding the Base Realignment Closure,

BRAC, account, and was pleased to join in cosponsoring the amendment filed by Senators HUTCHISON and INHOFE to fund the account at the amount requested by the President and the amount we authorized for 2007.

The 55 percent cut to the BRAC account, submitted without any type of justification or explanation, seriously jeopardizes the Department of Defense's ability to meet a statutory deadline to complete all BRAC actions by 2011. Congress imposed this 6-year deadline specifically to limit the negative impact on the military units and local communities around the country affected by BRAC. Congress intended that a concentrated period of investment would accelerate the economic development and recovery of communities affected by BRAC. This callous decision to deny funds to the Department at this critical juncture directly harms these communities as much as it does the military units placed in limbo by the sudden denial of funds.

The administration noted in its recent response to the CR that the BRAC cut will "reduce BRAC savings, delay or postpone scheduled redeployments of military personnel and their families from overseas locations to the United States, and negatively impact many communities throughout the country that have begun making specific plans in response to BRAC."

Surely our colleagues who developed this CR proposal did not intend to cause additional harm to the local communities that are already trying to cope and recover from the BRAC decisions. Quoting Congressman DAVID OBEY, chairman of the House Appropriations Committee, about the CR, "I don't expect people to love this proposal, I don't love this proposal, and we probably have made some wrong choices."

So, why are we in the Senate not allowed an opportunity to correct an obvious mistake?

I've heard from the other side of the aisle during debate of H.J. Res. 20 that they understand this problem and that they plan to correct this \$3.1 billion BRAC underfunding in the fiscal year 2007 emergency supplemental request of \$93.4 billion. What kind of solution is that? Supplemental funds have been requested by the President for military operations in Iraq and Afghanistan. These funds are critically needed to purchase equipment for force protection and IED defeat initiatives. These funds will be used to train and equip Iraqi security forces. Since when is BRAC an emergency related to the global war on terror?

Furthermore, we are having this discussion because my colleagues who developed the resolution share with us the common goal to reduce overall Government expenditures. In that spirit, what critical warfighting requirement will we cut in the supplemental to pay for the BRAC increase they propose? What do we deny to our front-line fighting troops? While I have heard

the idea of funding BRAC in the supplemental, I have not heard one idea on how to pay for it. Do they instead advocate for an increase to the supplemental? Why not just provide the funds to BRAC by offsets in the pending measure before us, as proposed by the Hutchison amendment? We should be addressing full fiscal year 2007 funding for BRAC in this CR. Using budget gimmicks and shell games in a supplemental, which could have devastating results for the military and local communities, is not the way to provide appropriations for critical military requirements.

Finally, I want to associate myself with the remarks of my colleague, Dr. COBURN. He has been on the floor several times to discuss the very serious ramifications of the provision in this bill that will prohibit funding for what is known as the "baby AIDS" program. I've often commented that we need to start making tough fiscal decisions around here among competing priorities. But I have yet to hear anyone defend or even attempt to explain the decision that was made to prohibit funding for this critical program.

I completely agree with Dr. COBURN. This funding prohibition is regrettable, and may have far reaching and devastating consequences for those helpless babies who could otherwise be given a better chance at having and keeping healthy lives.

I yield the floor.

EXHIBIT 1

DEPARTMENT OF ENERGY,
Washington, DC, February 2, 2007.

MEMORANDUM FOR ALL PROGRAM SECRETARIAL OFFICERS

From: Jeffrey Kupfer, Chief of Staff, Office of the Secretary.

Re: FY 2007 Funding.

As you know, the House of Representatives recently passed H.J. Res. 20, which would provide funding for the Department of Energy's programs through the remainder of FY 2007. Even though the Senate has not yet acted on that legislation, we must begin to evaluate how we would operate if it is enacted into law.

One important matter that must be addressed in implementing H.J. Res. 20 is how we will handle the matter of earmarks. As President Bush noted in his recent State of the Union address, special interest funding earmarks often are included in committee reports that are never voted on by Congress or presented to the President for approval, and these earmarks cost the taxpayers billions of dollars each year across the Federal Government.

There is no House or Senate committee report accompanying H.J. Res. 20, and therefore there are no committee earmarks for the funding it would provide. Furthermore, section 112 of this proposed legislation states that "[a]ny language specifying an earmark in a committee report or statement of managers accompanying an appropriations Act for fiscal year 2006 shall have no legal effect with respect to funds appropriated by this division." Nonetheless, I understand some of your offices have begun to receive requests from some Congressional offices, asking that the Department continue to fund programs or activities that received earmarked funds in prior years.

Because the funding provided by H.J. Res. 20 will not be subject to nonstatutory earmarks and the President's policy on earmarks is clear, we must ensure that the Department only funds programs or activities that are meritorious; the Department itself is responsible for making those determinations. As a result, and at the Secretary's direction, any proposal by a recipient of an earmark in prior years who seeks continued funding in FY 2007 needs to be carefully reviewed and evaluated. Only those with meritorious proposals or programs that effectively support and advance the Department's missions and objectives, and who have submitted appropriate advance documentation justifying their request, should receive FY 2007 funding. Of course, all funding-related decisions and actions must be made in accordance with applicable laws and regulations.

If H.J. Res. 20 is enacted into law, I will ask each of you to submit a report containing your recommendations about which, if any, earmarks from prior Congressional committee reports you believe should continue to receive funding in FY 2007. No final decisions are to be made concerning those potential recipients until after you have submitted your report and received further guidance from the Secretary's Office. The Office of the Chief Financial Officer will provide instructions on the timing and the content of your report.

EXHIBIT 2

THE SECRETARY OF ENERGY,
Washington, DC, February 7, 2007.

Hon. JOHN S. MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: Thank you for your February 2, 2007 letter concerning H.J. Res. 20. In your letter, you inquire whether the Department of Energy (DOE) intends to continue funding earmarks that have appeared in committee reports accompanying prior year appropriations bills. You note that a recent press report, citing unnamed sources, states that DOE has told Congressional appropriators it will continue to fund earmarks despite H.J. Res. 20 language that says agencies are not bound to continue funding prior year earmarks.

The press story cited in your letter does not accurately reflect DOE policy or the direction that has been given to DOE program offices. Late last week, the Department's Chief of Staff issued a memorandum to all Program Secretarial Officers concerning how they should evaluate earmarks that appeared in Congressional committee reports accompanying prior year appropriations bills. A copy of that memorandum is enclosed.

Among other things, the memorandum states that DOE officials must carefully review any requests for continued funding of prior year earmarks. Only those project sponsors "with meritorious proposals or programs that effectively support and advance the Department's missions and objectives, and who have submitted appropriate advance documentation justifying their request, should receive FY 2007 funding." This means that DOE may continue funding some programs or activities that have received earmarked funds in prior years, but only if the programs or activities are meritorious and effective. DOE is prepared to be fully accountable for making those decisions.

As you know, H.J. Res. 20 has not yet been enacted into law. We hope that Congress will act quickly on that legislation so that necessary funds will be provided for the remainder of Fiscal Year 2007, not only for DOE but for many other federal agencies as well. If

you have any further questions, please call me or Jill L. Sigal, Assistant Secretary for Congressional and Intergovernmental Affairs, at 202-586-5450.

Sincerely,

SAMUEL W. BODMAN.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Madam President, I ask unanimous consent that I may make some introductory remarks on S. 589, which is at the desk.

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

(The remarks of Mr. ALLARD pertaining to the introduction of S. 589 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALLARD. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. INHOFE. Madam President, what is the regular order?

The PRESIDING OFFICER. We are to proceed to executive session at this time.

Mr. INHOFE. I ask unanimous consent that I be recognized for 5 minutes as in morning business.

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

Mr. INHOFE. Madam President, there is a vote coming up on the resolution. We already had one vote on a cloture motion. I have to say publicly one more time the reason I have so vigorously opposed this whole concept, and it is because in a very partisan way, in a very partisan manner, the Democrats were successful in taking out the money that would have implemented the fifth and last BRAC round.

BRAC is the Base Closure and Realignment Commission. In this BRAC round, we would have saved \$20 billion by 2012, but by delaying it a year, the costs are going to be far greater. There is \$5.7 billion to implement BRAC, and the Democrats took out effectively \$4.1 billion and then put \$1 billion back—\$3.1 billion out. That means we cannot implement these BRAC policies and actually effect the savings.

The problem I have with this is they say this is going to come out of the emergency supplemental, we will get it all taken out of that. That means it comes out of money that otherwise would have gone to our fighting troops in Iraq. This is not what I want to happen. Right now, we are underfunded over there. We have great needs in armored vehicles, operating costs, and training costs for Iraqi security forces, and this translates into American lives.

To have \$3.1 billion come out of this BRAC process to me is unconscionable when we are at war. This means the

units that were planning to return stateside will have to remain abroad. It means the temporary and old housing will continue to be used, further increasing the upkeep in costs. And it means it is going to cost a lot more to implement it. Each week that goes by, each time it is delayed, it is going to cost additional money.

Here is the other problem we have, if we stop and think. All the communities that are surrounding our various military establishments have participated in the BRAC process and have said: If you will do this and expand this base, we will put in free housing, we will do health care for the children of our military people. All these very generous contributions which are made by the private sector very likely will not even be made.

It is not too late to change our mind. I just wish I could reach a number of people here to convince the leadership, such as my good friend from North Dakota. I know he is interested in accommodating the BRAC needs. If we could just get this one amendment in to allow us to do the military construction and to pull that out of the continuing resolution, it would be appreciated very much by our troops who are fighting a very difficult battle.

I will make my one last appeal. We cannot take the \$3.1 billion out and adequately support the military operation.

I yield the floor.

FUNDING FOR IRAQI REFUGEES

Mr. KENNEDY. Madam President, I commend Senator LEAHY, chairman of the Foreign Operations Subcommittee of the Appropriations Committee, for including an additional \$20 million for Iraqi refugees in the continuing resolution.

More than 3 million Iraqis have been displaced from their homes, and many of them have fled the country. America has a special obligation to help them and the neighboring countries in meeting their needs.

The UNHCR has made an international appeal for \$60 million to deal with this emerging crisis, and the United States plans to provide \$20 million to that appeal.

Our invasion of Iraq led to this crisis, and we have a clear responsibility to do more to ease it. We should provide at least half the funding for this \$60 million appeal to help this growing refugee population.

I believe \$10 million of the funds in this bill should be for the UNHCR appeal, in an effort to raise the total U.S. contribution to \$30 million. Is that the chairman's intent?

Mr. LEAHY. Yes, it is. Senator KENNEDY, who is the chairman of the Judiciary Committee's Subcommittee on Refugees, makes an important point. I believe that the United States should contribute half of the funds, and I will work with Senator KENNEDY and with the State Department to ensure that those funds are provided. I agree that

America should show greater leadership by providing at least half the funds for this appeal.

NDIIPP

Mr. STEVENS. Madam President, I have come to the floor to engage in a colloquy with the ranking member of the Committee on Rules and Administration, Senator BENNETT of Utah.

In 2000, Dr. James Billington, the Librarian of Congress, came to many Members of this Chamber with an urgent request. He wanted to begin preserving important cultural works which existed only in digital format.

Soon after, Congress approved the creation of the National Digital Information Infrastructure and Preservation Program, which is also referred to as "NDIIPP."

Those of us in Congress secured \$100 million over 10 years to start this program. With the Library's guidance, NDIIPP quickly became a broad-based coalition of Federal agencies, universities, non-profit organizations, and companies in the science and technology industries.

Today, the NDIIPP partnership includes 67 public and private organizations nationwide. But the future of this effort is in serious jeopardy.

The House-passed fiscal year 2007 continuing resolution rescinds \$47 million in NDIIPP funds—effectively destroying a program essential to our increasingly digital world.

If funding for NDIIPP is not restored, the Library of Congress risks losing the resources which have already been invested—and the important work already completed—with regard to digital preservation.

The Library's partners in the private sector have committed \$37 million in matching funds to this effort. If NDIIPP is eliminated, these funds will also be lost.

NDIIPP is essential to our ability to identify, preserve, and provide access to digital content. This program is helping to ensure future generations will be able to access information needed for research and policymaking.

Madam President, our choice is clear. A number of digital works have already disappeared. Many Web sites launched before 2000, for instance, were never preserved and will never be recovered. If funding for NDIIPP is eliminated, many future works will likewise be lost forever. If funding for NDIIPP is restored, we can help ensure these works do not suffer a similar fate.

This project holds great possibilities, and I will work with my colleagues to assure it receives the funding it deserves.

Mr. BENNETT. I agree with the Senator from Alaska. Funding intended for NDIIPP serves a vital purpose for our Nation. I will work with the Senator and our colleagues to restore these funds.

There is a wide assumption that digital materials will be available tomorrow and that we can put off taking measures to preserve them until some-

time in the future. That is not the case. The average life of a Web site is 44 days and material not saved today will be gone tomorrow. Geospatial information, including records of land elevation, weather patterns, water levels, LANDSAT imagery, State and local maps and other statistical information about an area exist almost exclusively in digital format today. If these materials are not actively preserved, the vital information they contain will be lost. Outside of efforts being undertaken by government agencies such as the Library of Congress and its public and private sector partners, little is being done to preserve digitally created materials for the future use of the Congress. The expense is great, the technologies necessary for long term preservation of digital information are in their infancy and the risks of loss are not widely known or understood. The legislators of the future will have access to only what we actively preserve today.

Mr. STEVENS. I thank the Senator from Utah for his commitment to this important program.

REVISED CONTINUING APPROPRIATIONS FOR
FISCAL YEAR 2007

Mr. CONRAD. Madam President, I rise to offer for the RECORD the Budget Committee's official scoring of H.J. Res. 20, making revised continuing appropriations for fiscal year 2007.

The pending long-term continuing resolution appropriations bill for fiscal year 2007, as passed by the House, provides discretionary budget authority for fiscal year 2007 of \$463.5 billion.

When combined with discretionary budget authority levels included in the 2007 Defense and Department of Homeland Security conference reports, total 2007 nonemergency budget authority is \$872.7 billion. This level is \$60 million below both the Appropriations Committee's 302(a) allocation pursuant to the deeming resolution (Sec. 7035 of P.L. 109-234) and the President's requested level.

When funding levels contained in the bill are combined with nonemergency budget authority levels included in previously enacted bills, all subcommittees are at their 302(b) allocation with the exception of the Homeland Security Subcommittee, which is \$60 million below its allocation. No points of order lie against the bill as passed by the House.

I commend the distinguished chairman of the Appropriations Committee for bringing this legislation before the Senate. I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

H.J. RES. 20, REVISED CONTINUING
RESOLUTION FOR 2007

[Fiscal Year 2007; \$ millions]

General Purpose	
House-passed bill:	
Budget Authority	\$463,456

General Purpose	
Outlays	532,456
Previously-enacted bills:	
Defense:	
Budget Authority	377,357
Outlays	394,446
Department of Homeland Security:	
Budget Authority	31,905
Outlays	38,714
Total:	
Budget Authority	872,718
Outlays	965,616

Mrs. FEINSTEIN. Madam President, I rise today to speak on two matters concerning the 2007 continuing resolution.

First, as the chairman of the Interior Subcommittee, I want to let my colleagues know exactly what this continuing resolution means for the agencies within my subcommittee's jurisdiction.

Second, I want to touch briefly on the appropriations process and why it is so important that Congress pass individual appropriations bills.

Let me go through some funding highlights for the agencies and programs under my subcommittee's purview:

The President recently announced his new, National Parks Centennial Initiative. This will provide up to \$3 billion over the next 10 years to improve our national parks in preparation for their centennial in 2016. This continuing resolution contains the first \$40 million of the \$100 million installment the President requested in his 2008 budget.

The amount provided in the continuing resolution for basic operations at our national parks is \$1.758 billion, a \$40 million increase over last year's level.

The continuing resolution also contains an increase of \$70 million in the Forest Service firefighting account. Of that amount, \$51 million is provided for basic fire suppression activities.

We have added \$19 million to the hazardous fuels reduction account so that important preventive work can continue as well.

The continuing resolution provides an additional \$125 million for the Indian Health Service so that the critical medical care so desperately needed in Indian country can be made available.

There is also \$60 million for basic operational needs for the Fish and Wildlife Service, the Forest Service, and the Bureau of Land Management. Together, these agencies manage a conservation and recreation network that spans more than 550 million acres.

Finally, I would like to point out that under this continuing resolution, EPA's Clean Water State Revolving Fund will receive nearly \$1.1 billion. That is \$200 million more than the 2006 level, which will be used to help local communities meet their wastewater infrastructure needs.

But while there are some funding increases in this continuing resolution, the fact that we are now considering this on the floor today—over 4 months into fiscal year 2007—underscores the

problem with not going through the regular appropriations process.

This resolution essentially provides the same level of funding as fiscal year 2006, with a few exceptions. But this means that dozens of programs and projects did not receive an increase over 2006 levels or did not receive funding at all.

There are, however, a few bright spots in what has otherwise been tough times.

For instance, there is an increase of \$3.6 billion in veterans health care and \$1.2 billion to help care for our brave military personnel and their families; over a billion dollars for State and local law enforcement assistance grants; \$399 million for the State Criminal Alien Assistance Program, SCAAP, the same as fiscal year 2006; \$1.2 billion for Ryan White CARE grants, an increase of \$75.8 million to fund at the newly authorized level; \$4.5 billion for Global HIV/AIDS, an increase of \$1.3 billion; a \$502 million increase for section 8 tenant-based housing vouchers and the first increase in the maximum Pell grant in 4 years, from the current \$4,050 to \$4,310; and full funding of the Transportation Reauthorization bill for fiscal year 2007.

Yet many programs will not receive increases. For example, in California there is no increase for CalFed. This program plays an important role in increasing California's water supply, restoring fisheries and delta levees, and improving the water quality of the San Francisco Bay/Sacramento-San Joaquin River Delta.

Additionally, programs of a critical nature in my State that I fought hard to secure funding for will not receive the resources they deserve. These include State agricultural pest detection, Perchlorate cleanup efforts, and important flood control projects.

That is why it is so significant that Congress does its job to fully consider and approve each individual appropriations bill. This is the best way to ensure that needed projects and programs are funded adequately.

For this reason, I am glad to serve on the Appropriations Committee under the leadership of the Senator from West Virginia. Under his direction, I believe we will pass all 12 bills for fiscal year 2008. First, however, we must dispose of the leftover business from last Congress.

The Chairman is proceeding the best he can, and I believe we need to support this effort and get this done. I urge my colleagues to vote for the passage of this continuing resolution.

Ms. MIKULSKI. Madam President, this joint funding resolution is not what anyone wanted. We are in this position because the last Congress failed to do its job. We had no choice. We were determined to stay within strict spending limits while trying to address compelling needs. I believe we have done the best we can do. We were able to take care of the most important priorities facing the nation without going over our spending limits.

In the Commerce, Justice, Science chapter of this resolution, we were able to increase funding for the Department of Justice by \$1.4 billion over last year to ensure there were no cuts to the FBI and the war against terror. We provided the FBI with a \$333 million increase over the old CR which fully funds the FBI, U.S. attorneys and the Bureau of Prisons. More importantly, the additional \$1.4 billion eliminates the cuts to State and local law enforcement proposed in the President's budget. At a time when crime rates are going back up according to the most recent FBI crime statistics, we fully fund the COPS program, as well as programs to fight gangs and sexual predators. Protecting our neighborhoods and communities remains our No. 1 priority and this extra funding is proof of our commitment to make America safer.

We were also able to make a down payment on our innovation and competitiveness agenda. We added \$335 million to the National Science Foundation's research account to increase our commitment to basic research that will lead to new breakthroughs in science, technology and future innovation to keep America competitive in the global economy. In addition, we added \$38 million to the National Institute of Standards and Technology to increase research grants and an additional \$12 million to modernize their laboratory facilities. Finally, we gave the Patent and Trademark Office the full \$1.7 billion called for in the President's fiscal year 2007 budget request and ensured that all patent fees stay with the Patent Office.

While I would have liked to have increased funding for NASA, there was simply not enough extra funding available for us to do so. Within the limits of NASA's fiscal year 2006 operating plan, we added an extra \$460 million to exploration while protecting other critical NASA programs in science and aeronautics. With only 7 months left in this fiscal year, I believe NASA will be able to manage their programs in exploration with minimal impact to the overall schedule.

This bill cuts \$3.3 billion in Military Construction funds required to implement the 2005 Base Realignment and Closure round. By putting the entire year's BRAC Military Construction program on hold, the current situation has caused adverse disruptions to important military planning. In Maryland alone, the Defense Department is unable to execute over \$300 million worth of projects, preventing the construction of badly needed facilities that directly support our warfighters. This delay also has a huge impact on the economy of the State of Maryland, in the construction industry and other key support industries. Finally, the continuing resolution blocks critical projects required to implement the 2005 Base Realignment and Closure, BRAC, recommendations, jeopardizing the ability of our military installations to

complete required BRAC actions on time.

I, along with the other members of the Maryland congressional delegation, have sent a letter to the Chairmen and ranking members of the House and Senate Appropriations Committee, urging them to fully fund BRAC Military Construction in the fiscal year 2007 emergency supplemental spending bill. Both the House and Senate majority leaders have pledged their support for our effort. I will fight to add this vital funding to the emergency supplemental when it comes before the Senate in March.

So while this bill is not what anyone wanted, it is the best we could do considering what we were left with. I will support this continuing resolution and I will fight to do better next year.

Mr. NELSON of Florida. Madam President, I rise today to clarify an issue of concern to communities in my home state of Florida, particularly to those who have been affected by natural disasters in recent years.

The continuing resolution, H.J. Res. 20, contains a revision to the formula for funding the critical section 8 tenant-based rental assistance voucher program. Inefficiencies in the voucher funding formula in place since 2004 have resulted in the loss of vouchers for an estimated 150,000 families nationwide. My understanding is that the revised formula will provide sufficient funding for the number of families assisted last year, and provides a \$100 million pool to assist agencies who experience unusual circumstances during the transition.

However, due to the devastating hurricanes in 2004 and 2005, several of our Florida communities helped unusually low numbers of families last year. This is because the hurricanes devastated their housing stock they simply did not have the apartments and houses to rent. In some areas, the amount of need did not decline; there was simply a shortage of affordable housing options.

I rise to confirm my understanding that the section 8 funds for housing assistance payments already allocated by the Department of Housing and Urban Development, HUD, to a local housing authority will remain accessible.

If my understanding is correct, housing authorities may continue to use the funds in their possession, along with their fiscal year 2007 funds, to lease up to the authorized level of units under contract. This will ensure that our hurricane damaged communities and others who have seen losses in recent years due to unforeseen circumstances or the dislocations that have occurred since 2004 will be able to recover. As our communities rebuild, I want to make sure that our housing agencies will continue to have access to the available resources needed to serve low-income families.

Mr. CARDIN. Madam President, today I will vote in favor of the continuing resolution not because it is

perfect but because it is the responsible course of action for Congress to bring some fiscal sanity back to our Federal budget. The alternative, letting Government come to a screeching halt and blocking services to millions of Americans, is unacceptable.

The resolution we vote on today was drafted under the guidance of a Republican Congress and Republican President. Yet that same Congress, the 109th, refused to make difficult fiscal decisions and instead simply passed the buck to the current 110th Congress. So today we meet our constitutional responsibility to determine the Nation's budget and provide funding for programs that millions of hard-working Americans rely on to make ends meet.

Perhaps most unfortunate, today we are voting for appropriating funds for fiscal year 2007 that for most agencies are the same as fiscal year 2006 levels. In addition, it concerns me that this resolution gives too much power to Federal agencies. Under the formula prescribed in this resolution, each agency seemingly has wide discretion to determine which specific programs get slashed and which receive additional funds. I fear this widespread Federal discretion could have a negative impact on programs critical to Maryland, like the Chesapeake Bay Gateways and Small Watersheds Programs, the consolidation of the FDA Headquarters at White Oak, and the Ocean City hurricane protection project, to name only a few. I encourage the agencies to do the right thing and allocate appropriate funds for programs with track records of success because Congress will be watching.

Despite the shortcomings in this resolution, it does include some modest increases for important programs. In Maryland, scientists at the National Institutes of Health are on the cutting edge of unlocking some of our most complicated and devastating diseases. The additional \$620 million that this resolution allocates to NIH may lead to a groundbreaking cure or vaccine.

We must continue to do more to make a college education a reality for all families, and I am pleased to see that Pell grants will be expanded to help students afford college. In Maryland, the cost of receiving a public education has increased by nearly 40 percent at some State universities. A college education is key to achieving the American dream, and we must continue to make sure all children regardless of what zip code they live in or how much money their parents make have that opportunity.

Although some of Maryland's environmental programs might be affected, the increased funding in the Clean Water State Revolving Fund will enable Maryland communities to continue upgrading sewage treatment plants to help cleanup the Chesapeake Bay. This is a step in the right direction.

Maryland's transportation systems will also receive a much-needed boost,

with an additional \$86 million in highway funds and \$14 million more for transit funds. Amtrak will also receive much-needed funding so it can continue to help thousands of Marylanders get to work each day.

Again, this continuing resolution is far from perfect, and the circumstances under which we are passing it are far from ideal. It is unfortunate that this Congress was forced to finish the work of the prior Congress, but it is our responsibility to do so. Therefore, I support the continuing resolution and encourage my colleagues to do the same.

EXECUTIVE SESSION

NOMINATION OF NORA BARRY FISCHER TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Nora Barry Fischer, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Mr. LEAHY. Madam President, Nora Barry Fischer is an accomplished and well-respected attorney with over 30 years of legal experience. She is nominated to a seat on the United States District Court for the Western District of Pennsylvania. She received her law degree from Notre Dame University Law School, and graduated magna cum laude from St. Mary's College, Notre Dame, with a B.A. in history and humanistic studies. She has been an attorney with the law firm of Meyer, Darragh, Buckler, Bebenek & Eck, where she quickly rose through the ranks. She is currently a partner with the Pittsburgh law firm of Pietragallo, Bosick & Gordon, cochairing the firm's Defense Litigation Group. Ms. Fischer brings courtroom experience to the bench, having tried over 55 cases in State and Federal courts across the country. She has also served as a special master in state court and an arbitrator in Federal court on pro bono cases. She has been president of the Academy of Trial Lawyers of Allegheny County, served on the Executive Women's Council of Pittsburgh, and worked with the Allegheny County Bar Association to provide legal services to the underserved.

I thank Senator CASEY for expediting his consideration of this nomination. As a courtesy to Senator SPECTER, I asked the former majority leader to proceed to this nomination in December last year. Regrettably, Senator FRIST chose not to do so and Senator SPECTER's chairmanship of the Judiciary Committee ended without this nomination having been confirmed. I am glad that, at long last, the Senate

has turned its attention to this nomination and is granting its consent. I thank Majority Leader REID for acting promptly.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I have sought recognition to speak in favor of the pending nomination of a distinguished Pennsylvania lawyer, Mrs. Nora Barry Fischer, who is to be considered for the position of a U.S. district judge for the Western District of Pennsylvania.

Senator CASEY and I strongly endorse her confirmation. She is a Pennsylvania native with a distinguished academic record. She graduated magna cum laude from St. Mary's College with a B.A. degree in 1973 and received a law degree from Notre Dame Law School in 1976. She has had a distinguished law practice with the Pittsburgh firm of Meyer, Darragh, Buckler, Bebenek & Eck and later at Pietragallo, Bosick & Gordon. She served as an administrative partner in charge of recruitment and training and served as co-chair of the Defense Litigation Practice, which is Pietragallo Bosick's largest practice group. As Special Master for the Court of Common Pleas of Allegheny County, she handled conciliations, nonjury and jury trials by consent of the parties, which gives her a leg up on analogous judicial duties.

Mrs. Fischer is the recipient of a number of awards. The Pennsylvania Bar Association's Commission on Women in the Profession awarded her the Anne X. Alpern Award for her efforts to promote women in the law. The Pennsylvania Bar Association also recognized Mrs. Fischer for her work as co-chair of the Task Force on Health Care Delivery in Pennsylvania. She was named the recipient of the 2006 Professionalism Award by the Civil Litigation Section of the Allegheny County Bar Association for her faithful adherence to the highest standards of legal professionalism. She has been recognized as a Pennsylvania Super Lawyer and as one of the Top 50 Women Super Lawyers in Pennsylvania.

The American Bar Association has unanimously rated Mrs. Fischer "well qualified" to serve as a federal district court judge.

She is precisely the type of nominee we are looking for, and I believe she will do very well in this very important position.

Madam President, in the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Madam President, am I correct that there is a vote ordered at 4:45 p.m.?