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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania.

### PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rev. Henry Holley, Billy Graham Evangelical Association of Marietta, GA.

The guest Chaplain offered the following prayer:

"Blessed is the Nation whose God is the Lord."

Almighty God, our Heavenly Father, who made and sustained us as a Nation, we bow before Thee at this hour. Thou art our refuge and strength and a very present help in time of trouble.

Today, I pray for all those in authority and especially for the Senators of this great institution. I ask that You give them wisdom and blessing this day, to make decisions that would strengthen and prosper our Nation.

Thank You for Your grace and protection over our beloved United States of America. Cause us to know that righteousness exalts a nation, but sin is a reproach to any people. May we be renewed in mind and spirit so we can be a channel of Thy love to others. Thank You for the promise that someday every knee will bow and every tongue will confess that You are Lord, to the glory of God.

With respect for persons of other faiths, I humbly make my prayer in the Name of my Savior, the Lord Jesus Christ. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD.)

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 8, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, today following whatever time the leaders might utilize, the Senate will be in a period of morning business for 1 hour, the first 30 minutes will be for the majority, the second 30 minutes will be for the Republicans. Once morning business closes, under a previous order, the Senate will return to executive session and conclude the debate on the Casey nomination. Up to 30 minutes of debate is in order, and that time will be equally divided and controlled between Senators LEVIN and MCCAIN. At the end of that time, the Senate will conduct a

rollcall vote on confirming the nomination.

Through the Chair, I direct a question to my distinguished counterpart, the Senator from Kentucky. I would like to take about 10 minutes prior to the vote on Casey. We can put that in the order now, if you would like to also do that, and reserve that time, at least, whether you decide to do that or not. Shall we reserve the time?

Mr. MCCONNELL. I say to my friend, the majority leader, that will be fine. I may or may not use that time.

Mr. REID. I ask the request be amended to allow the last 20 minutes of the debate be equally divided between the Republican leader and me, and I will take the final 10 minutes prior to the vote.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. After the confirmation vote, the Senate will proceed to the continuing funding resolution.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

### THE GUEST CHAPLAIN

Mr. ISAKSON. Mr. President, I pause for a moment to pay tribute and welcome Rev. Henry Holley, our Chaplain of the day. It is a special occasion for me because this is personal. I have known Henry Holley for 30 years, his beautiful wife Betty and his daughter Debbie, who are with us today. I have known him in many ways. I would like the Senate to know, first of all, that this is a U.S. marine. For 22 years, he served the United States of America in the Marine Corps and retired in 1966, upon which time he joined the Billy Graham organization and for the last 40 years has traveled 12 million miles to countries around the world. He leads now the Graham evangelical organization throughout the Pacific rim. His reach is so important that it is countless millions of people. One evening in

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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1990, in Hong Kong, Dr. Henry Holley and Dr. Graham preached the Gospel to more than 100,000 people in Asia.

But he has a special reach. He has a reach around the corner and around the world. Just about any Tuesday, Wednesday or Thursday in Marietta, GA, at the Caribou Coffeehouse, which has been renamed the Caribou Cathedral, Henry holds court with countless individuals in our community, celebrating the joy of our life and the belief of his faith. And this Friday or Saturday he takes off again on his third trip, third trip to Korea and to China—this year. He will travel, before this year is out, probably a quarter of a million miles to countries around the world. He probably knows more leaders of business and politics, of Government and of religion than any single individual in the United States of America.

It is an honor and a privilege for me to introduce him to the Senate, but it is a greater privilege to know him as a friend, a pastor, and a mentor.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes with Senators permitted to speak for up to 10 minutes each, with the first 30 minutes under the control of the majority. The Senator from Oregon, Mr. WYDEN, is in control for up to 20 minutes and the Senator from Florida, Mr. NELSON, is in control of 10 minutes and the final 30 minutes under the control of the minority.

The Senator from Oregon is recognized.

#### SAUDI ARABIA AND COUNTERTERRORISM

Mr. WYDEN. Mr. President, as a member of the Senate Select Committee on Intelligence, I wish to talk a bit this morning about the all-important war against terrorism and particularly the sources of funding that allow the terrorists to obtain the resources with which they conduct this war.

It is impossible to talk about funding terrorism without mentioning Saudi Arabia. With its extraordinary oil wealth, the Saudis have a tremendous economy which is home to many strains of extremist Islamist thought. Over the years, the combination of wealth and extremism has proved to be a volatile combination.

A few years ago, a telethon in Saudi Arabia raised more than \$100 million for the families of "Palestinian martyrs," a group which reportedly included suicide bombers. According to public news reports, Saudi Arabia's ruler, King Fahd, ordered the fundraising drive as a way to channel public anger in the kingdom against the United States and Israel.

Just because the Saudis are no longer holding telethons for terrorists does

not mean that they aren't providing substantial funding for terrorism in other ways.

A number of Government agencies have noted that Saudi Arabia is a source of funding for hate-filled extremist ideologies, but Saudi-based support for terrorism does not stop there. In fact, it may be a part, a small part of what we face in this war against terrorism. According to the State Department, Saudi donors and unregulated charities have been a major source of funding and support, not just for groups that preach radical ideologies but for actual terrorist organizations.

I wish to cite now some specific examples. An examination of the public record reveals clear connections with some of the world's most infamous organizations, such as al-Qaida. The staff of the 9/11 Commission, for example, noted that the intelligence community identified Saudi Arabia as the "primary source of money for al-Qaida both before and after the September 11th attacks." They went on to say "fundraisers and facilitators throughout Saudi Arabia and the Gulf raised money for al-Qaida from witting and unwitting donors and divert[ed] funds from Islamic charities and mosques."

The Iraq Study Group, to look at another effort to examine these issues, stated that "Funding for the Sunni insurgency in Iraq comes from private donors in Saudi Arabia and other Gulf states," and Iraqi officials have reportedly asked the Saudi Government to do more to limit the support that these donors provide to Iraqi insurgents.

The State Department has reported that private Saudi donors are a primary source of funding for Hamas.

Early last year, Ambassador Crumpton, the State Department's coordinator for counterterrorism, told a House subcommittee that the Saudi Government, "had made a bit of progress in reducing the flow of funds from Saudi Arabia to Hamas and other Palestinian rejection groups, but conceded that the money funding these terrorists is still going on."

Other governments have gone even further in their statements with respect to the funding of terrorism. In the fall of 2005, Israeli officials announced they arrested an individual, who they claimed was acting as a courier between Hamas members in the Palestinian territories and Hamas members in Saudi Arabia. No other governments have confirmed this, but if it is correct, it certainly raises a host of troubling questions. Clearly, one can see that the threat posed by these donors goes beyond the spread of religious intolerance and extremely dogmatic forms of Islam. Rather, money is flowing from Saudi Arabia to support insurgent groups in Iraq; money is flowing from Saudi Arabia to Palestinian terrorist groups such as Hamas; money is flowing from Saudi Arabia to al-Qaida.

Under Secretary of the Treasury Stewart Levey summed up this situation pretty clearly. He said:

Is money leaving Saudi Arabia to fund terrorism abroad? Yes. Undoubtedly some of that money is going to Iraq, it's going to Southeast Asia, and it's going to other places where there are terrorists. There is money leaving Saudi Arabia.

I think it is also appropriate to put this in the context of what it means to folks this Pennsylvania and Oregon and everywhere else, and in effect what happens when you pull up at a gas station in Pennsylvania and Oregon is you are paying a terror tax. A portion of what you pay for gasoline in Pennsylvania or Oregon or elsewhere, in effect, finds its way eventually to the Government of Saudi Arabia, and then we see that the Saudis end up back-dooring it to various kinds of terrorist organizations.

The Government Accountability Office describes this problem very succinctly, stating it this way:

Saudi Arabia's multibillion-dollar petroleum industry, although largely owned by the government, has fostered the creation of large private fortunes, enabling many wealthy Saudis to sponsor charities and educational foundations whose operations extend to many countries. Government and other expert reports have linked some Saudi donations to the global propagation of religious intolerance, hatred of Western values, and support to terrorist activities. So that is what we are talking about when we talk about this terror tax which literally is paid every time an American pulls up in Pennsylvania, Oregon, or anywhere else and fills their tank with gasoline.

The former Director of Central Intelligence, James Woolsey, summed it up pretty well just recently. He said:

We live in a world where Saudi Arabia earns about \$160 billion from exporting oil and a big share of that, several billion dollars, goes to the Wahabbi sect for their worldwide work, which is to set up madrassas in Pakistan and other places. And the ideology that is taught in those madrassas is for all practical purposes the same as al-Qaida's.

As the GAO report notes, this problem appears to go beyond the funding of an "al-Qaida ideology"—it appears to be funding terrorist activities.

So let me now turn for a few minutes to the question of the Saudi Government's role in all of this. When you look at all the evidence, it is pretty clear there is a serious problem, and the question is, What has the Saudi Arabian Government been doing about all of this? Are they part of the problem? Are they doing anything to address it?

Let me review the history. First, there appears to be no question that in the first couple of years after the 9/11 attacks, Saudi Arabia was directly involved in supporting terrorism. The telethon that raised money for families of suicide bombers was sponsored by the Saudi King. In many ways, the Saudis' position changed when terrorism hit home in the aftermath of the horrible terrorist bombings that

hit Riyadh in mid-2003. Since then, there seems to be broad agreement throughout the U.S. Government that the Saudi Government's counterterrorism efforts have improved.

It is not at all clear that the Saudi Government is going far enough to help in this fight against terrorism. Following the Riyadh bombings, the Saudi Government instituted a number of new antiterrorism laws and policies, but all the evidence indicates they have fallen short with respect to implementation of those laws. Here is an example: The Saudi Government announced that all charitable donations distributed internationally must flow through a new national commission that purportedly would ensure the money did not end up in the hands of terrorists. It has now been nearly 3 years since this announcement was made, and the commission is still not yet up and running. Even worse, our Treasury officials reported last year that the Saudi Government's brandnew, highly touted finance intelligence unit was not "fully functioning." Similarly, while the Saudi Government has worked with the United States to designate particular charities as terrorist financiers, it is not always possible for our Treasury officials to independently verify that particular problem charities—the ones we are most concerned about—have actually been shut down.

Certainly, there have been some individuals in the Saudi Government who have attempted to address the terrorism question. At least since 2003, Saudi leaders have made a number of public statements indicating they wish to address the problem. But these examples make clear that the reality of what is needed to win this war against terrorism still is not in line with some of the rhetoric.

With respect to implementing and enforcing antiterrorism policies, the actions of the Saudi Arabian Government are questionable at best. There are two problems. The first is, as I have indicated, not all of the proposed new laws and policies have been implemented, and the second is that we have to get the Saudis to make a more aggressive commitment to enforcement. So you have to get them implemented, and then you have to get them enforced.

John Negroponte, of course, the Director of National Intelligence, has been following this. At one of our open meetings of the Intelligence Committee, I asked him his assessment of the situation. Director Negroponte indicated that, in his view, the situation had improved a bit since 2003, but he made it clear, stating specifically that more work needs to be done, especially in the area of private Saudi donors, and that more is needed to crack down on their activities.

This sentiment was echoed by the Congressional Research Service, which reported that no high-profile donors—none—had been subject to criminal

punishment by the Saudi Government. The State Department has said publicly:

Saudi Arabia should demonstrate its willingness to hold elites accountable.

But, unfortunately, in Saudi Arabia, the elites hold all the cards, and the Saudi Arabian Government, as indicated by the Congressional Research Service, is not willing to go after those who are most influential—the elites—in their country.

Now, some have gone even further and suggested that the Saudi Government might actually be involved in the propagation and financing of terrorism. The evidence on this point is inconclusive, but this does not rule out the possibility that lower level officials in the Saudi Government may, in fact, be involved in funding or facilitating terrorism. Given the high levels of corruption reported in Saudi Arabia, this is certainly a possibility.

Moreover, as the General Accounting Office points out, the distinction between the Government's support and funding versus that provided by entities and individuals, especially in the case of Saudi charities' alleged activities, is not always clear. The Saudi Royal Family is an excellent example. The Royal Family contains several thousand family members who collect Government allowances of varying amounts. If one of these royalties took a portion of their allowance money and funneled it to al-Qaida or Hamas, Saudi officials might claim that this did not even constitute Government support for terrorism. Certainly, I and others would say that the Government still bears significant responsibility.

I would also argue that just because Saudi leaders are not personally involved in financing terrorism, this should not absolve them from accountability. Most of my constituents would contend that if terrorist activities are being planned or financed inside Saudi Arabia, then the Saudi Arabian Government has a responsibility to get off the dime and stop it. As we say in our State, you are either part of the problem or you are part of the solution.

The Congress has a responsibility now to investigate this issue, and there are a number of key questions that ought to be answered.

First, how much money is flowing from Saudi Arabia to terrorist groups? Which groups are the major beneficiaries and to what extent is official corruption a major factor?

Second, there needs to be an examination of how far the Saudi Arabian Government has gone in implementing its new antiterrorist laws. Implementation and enforcement have clearly fallen short, but where can we see concrete examples of actual followup? What major gaps still remain?

Finally, there needs to be an examination of the internal situation in Saudi Arabia. Currently, the Saudi Government is run by a small group of men in their seventies and eighties. What is likely to happen when they are

gone? How secure is the regime now? What sort of government would be likely to emerge if the Royal Family lost their power?

It would be premature to try to offer answers to these and the other key questions. What is clear is that our Government will need to put more pressure on Saudi leaders than the current administration has applied thus far.

It also seems very likely the answers will have a dramatic effect for U.S. energy policy which currently perpetuates our dependence on foreign oil. My guess is that people in Pennsylvania, like Oregonians, think that just about the most red, white, and blue thing we can do for our country is to get a new energy policy. Certainly, as we go forward to look into the activities of the Saudis, a bipartisan effort to get a new energy policy is a key factor in ensuring our ability to protect our citizens at a dangerous time.

In the coming weeks and months, I plan to examine this issue as a member of the Senate Intelligence Committee. I have asked our chairman, our very able chairman, Senator ROCKEFELLER, to hold a closed hearing specifically dedicated to this topic, and one has been scheduled for this afternoon. It is time to bring to light the way in which Saudi oil money is fueling the fires of terrorism so people can actually see who is getting burned and what is necessary to protect the security and the well-being of Americans in a perilous world.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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#### IRAQ

Mr. NELSON of Florida. Mr. President, I will speak on the President's decision to escalate by 21,000 troops into Iraq and whether it will be effective. If we determine the likelihood of success is not going to be effective, and we put 21,000 more troops in harm's way in the middle of sectarian violence, then it doesn't seem to me to be a wise policy if it is not going to be effective. It is naturally legitimate to debate whether it is effective.

The President's plan specifically is among the 21,500 to take about 17,500 to put into Baghdad and another 4,000 into the western part of Iraq, Anbar Province. I happen to agree with the latter part because I was convinced by the Marine generals that an increase of our forces would help them augment the success they have had, since all of that area is almost entirely Sunni and the problem there has been al-Qaida and

the al-Qaida insurgents. I agree with that part of the President's strategy.

However, most of the troops—some 17,500—are scheduled to go into Baghdad, in the midst of the sectarian violence, and that is where I disagree. I point out to the Senate, the President's strategy is predicated on the fact of the Iraqi Army being reliable. Now, will it be reliable? If the President's strategy is predicated on that fact of the Iraqi Army being reliable, one would think the administration has come to the conclusion the Iraqi Army will be reliable. The fact is, they haven't.

In testimony after testimony by administration witnesses, not one witness in any of the hearings that have been held in the committees upon which I have the privilege of serving—the Senate Foreign Relations Committee, the Senate Committee on Armed Services, the Senate Intelligence Committee—not one witness has been able to state that the Iraqi Army will be reliable. To the contrary.

The Secretary of Defense, the new commander of American forces in Iraq, the new combatant commander for the United States Central Command—every one of them has been unable to answer in the affirmative that the Iraqi forces are going to be reliable. As a matter of fact, a few days ago the Secretary of Defense said to the Senate Committee on Armed Services that we will have to wait and see if they are reliable. The very underpinning of the President's strategy for success is an unknown.

I bring to the Senate's attention what has been released 2 days ago. This is the unclassified version of the National Intelligence Estimate. This is the best estimate by our intelligence community. Listen to what they have to say on exactly this subject. I am reading from the unclassified version.

Despite real improvements, the Iraqi security forces, particularly the Iraqi police, will be hard pressed in the next 12 to 18 months to execute significantly increased security responsibilities, and particularly to operate independently against the Shia militias with success. Sectarian divisions erode the dependability of many units. Many are hampered by personnel and equipment shortfalls and a number of Iraqi units have refused to serve outside of areas where they have been recruited.

That is word for word the National Intelligence Estimate, unclassified version, that says the same thing as Secretary Gates, General Petraeus, Admiral Fallon, and the soon-to-be new Army Chief of Staff, General Casey, who served for the last 2½ years in Iraq.

I come back to the question I continue to ask. If the President's plan for success by an escalation of troops in Baghdad is predicated on the Iraqi Army, the Iraqi security forces being reliable—since they are to take the burden of the clearing and then the holding of an area—and if no one can state they are reliable, why are we pursuing this plan of an escalation of forces into Baghdad?

We hope they are going to be reliable. We hope for the success of our forces. The stakes are high, unquestionably, of stabilizing Iraq. But is this the wisest course, putting 17,500 more American forces in Baghdad at high risk? In this Senator's opinion, the very underpinning, the foundation of the President's plan, is undermined by virtue of the fact that none of the administration principals can answer the question that they are reliable. They can't answer that question. Therefore, I do not think it is in the best interests of our country or of our troops to escalate these forces into Baghdad.

I yield the floor.

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

#### CONTINUING RESOLUTION

Mr. COBURN. Mr. President, I spend a few minutes talking about the supposed continuing resolution we are going to have that is really an omnibus. Every time we have an omnibus, the American people get hurt. The reason is we play games.

We came off an election in November of 2006 where we had the claim made that the party in power had used earmarks irresponsibly, had played the budget gimmicks, had done all these things. We had a claim we would work toward bipartisanship, be honest and open in what we do. I come to challenge that in terms of what I would call an "omni terrible" bill.

First, under the rules of the Senate, although we are going to be shut out on amendments, it is harmful for the American public that there are no amendments to this. It is harmful because, first, it destroys comity in this Senate. It creates hard feelings. I would be the first to admit that the procedure that is being used on this was first used by a Republican. It is wrong.

The second thing that is important is there are all sorts of budget gimmicks with it. The quote is we stay within the budget. That is a lie because what they do is they steal money from our grandchildren which they will get back on the next supplemental, but that won't have to be within the budget limitations. So we are playing games. Nothing has changed about the Senate and the wink and the nod to the American public about what is happening to our future financial conditions. Mr. President, \$3.1 billion out of this will be transferred to the next supplemental to pay for things that absolutely have to happen with our troops in terms of transferring them from Germany and the BRAC relocation process. That has all been stolen so we can do other things. They may be a priority, but maybe something else should be eliminated rather than to break the budget and charge more to our grandkids. So that is not true.

The third thing that is extremely wrong with this is the claim that this has no earmarks. In 2006 appropriations

bills, 96 percent of all earmarks were in report language. That means there is a bill that is a law and then there is language that accompanies the bill that is not law. That is where we find most of the shenanigans going on in Congress. And it is equal among Democrats and Republicans as far as the earmarks.

To make the claim that there are no earmarks in this bill is an outright falsehood that the American people should not accept. The reason it is false is there is a little statement in this bill that these earmarks don't carry the force of law. It doesn't say they eliminated them. But you know what. They don't carry the force of law now. They haven't for the last 10 or 12 years. They haven't ever carried the force of law, but they carry the force of coercion because the agencies know if this is written into the report language and they don't do it, there is retribution they will face when it comes to the Congress and the appropriations process.

Ninety-four percent of all the earmarks that were in 2006 in these bills are in this bill. To claim otherwise is inaccurate and it should make the people of America reject with disdain how this Senate operates.

I remind this Senate that it wasn't but 2 or 3 weeks ago that Senator DEMINT put in transparency of earmarks, much like Congresswoman PELOSI had asked. That was voted against by the majority of the Democrats until they found out they were going to lose. Then we modified it so they could vote "yes" after they had voted "no." That is okay if you don't want them, but be honest about it. The fact is, there is no transparency with these earmarks. Most Americans will never know how they got there. The lobbyists will know; the Members will know; the campaign checks that come from them will know. But the regular "American Joe" won't know.

So the claim that we are operating under a new standard, the claim that we are going to have bipartisanship, the claim that we are not going to use budget gimmicks is all a farce. It is a farce. Let's change that. Let's give the American people something to be proud of. Let's have the hard debates on the questionable areas on this bill.

I will spend a minute and talk about one area of this bill. The one area where we have been very successful in eliminating HIV infections has been women who are pregnant and are having babies who are HIV infected. In 1996, New York passed a law saying all babies whose mothers' status with HIV wasn't known would be tested, and if they carried the antibodies for the mother, they would be treated. New York, since that time, has gone from at least 500 babies a year getting infected with HIV to less than 7.

Connecticut passed a law in 1998. They have gone from whatever their level was to zero since 2001. It is an area of hope where we have made tremendous progress in terms of preventing transmission to young babies,

identifying pregnant women so they can be under treatment earlier so they don't go to full-blown AIDS, and preventing infection of other people by identifying people who are infected.

It is all based on an option of being able to opt out. If you do not want to be tested, you do not have to. This bill precludes any moneys to be spent on that. How dare we. How dare we stop the area where we are most effective in the country at preventing HIV infection.

Let me detail that a minute. For a newborn baby—we don't know the mother's status—it only costs us \$10 to identify whether that baby is carrying the antibodies from a woman who is infected with HIV. The treatment, which is 99 percent curative, costs \$75.

Now, to abandon all this, the treatment to treat a baby infected with HIV—which will result in this—costs a quarter of a million dollars for the first 10 years—\$25,000 a year. So it is not only that we are not preventing an infection, we are not preventing an infection after that through breast-feeding, we are wasting money that could go to buy drugs for those people who cannot afford drugs today who have HIV.

The HIV epidemic is totally controllable. To block the funding, especially for African-American women who carry the burden of this disease in pregnancy, is unconscionable. There is not a good answer for why this prohibition was put into this. And whoever did it—whoever did it—does not care a whit about the innocent children who are going to get the HIV infection, does not care about the African-American woman who is carrying it but does not know she has it, who could be treated and never progress to AIDS. What they care about is politics and political correctness.

Former President Clinton recently announced he thinks we need to reassess, we need to be testing. That is a 180-degree turn from where he was. Why? Because he looks at this country and says: Why aren't we controlling this epidemic? It is because we are not testing, we are making it too hard to be tested. We have had great advances in drugs. We have great ways to prevent transmission. But if we do not know who is carrying it—and one out of every three people in this country who have HIV does not know they are infected. So what we should be about is making testing easier—easier to do, more available, more accessible—and in a way that will make a major impact on people's lives.

I am sorry the majority leader has decided to run this bill this way because I think it portends lots of things for the future of this body that are not going to be good. Nobody can accuse me of being partisan on earmarks. I went after my own party harder than I went after anybody else. I did not see anybody last year from the other side come down here and challenge an earmark. I saw nobody in the last 2 years from the other side come down here

and challenge an earmark. And then to claim there are no earmarks in this bill, and to try to do a wink and a nod to the American public that oh, yeah, we are fixing it, when in fact 95 percent of them are there, it gives us cause to pause: Has anything changed? It has not. It is still the game, American public. The only way you are going to have this place cleaned up is transparency in everything we do.

I hope the majority leader will reconsider his position on not allowing amendments to this bill. If he does not, one, he hurts the next year and a half in this body in terms of relationship and fairness; but, No. 2, he hurts the American public worse than that.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Oklahoma for beginning to talk about this Omnibus appropriations bill that is coming to the floor in the form of a continuing resolution.

At this point, we are told the amendment tree will be immediately filled and there will be no amendments allowed to this over \$400 billion Omnibus appropriations bill. It is not too late for the distinguished leader of the Democrats, the majority leader, to allow some amendments. He said on the floor yesterday he was open to discussions and thought that probably maybe some amendments on the Democratic side and the Republican side would be in order.

When you take something that is this big—\$400 billion—this number of appropriations bills, and you see the incredible changes that have been made in these bills, without any hearings, without sufficient time to even digest everything that is in these bills, I think a few amendments are warranted.

I think Senator COBURN pointed out something that surely no one intended—surely no one intended—to stop babies from being able to have the HIV/AIDS test that would give them a chance at a quality of life which they will not be able to get if they do not have this test and catch potential AIDS in their bodies right at birth.

I am going to talk about one I know a lot about, and that is the military construction and BRAC. Military construction is completely dropped in this bill, completely dropped from last year's military construction bill. We passed this bill in the Senate. We tried to go to conference. The Senate sent it to conference. But we were not able to get the House to agree; therefore, the bill died last year.

I will say that it is not the Democrats' fault that bill died last year. But, nevertheless, the Democrats now are in charge, and I would ask the distinguished leader to acknowledge we have bills that have not been fully passed, conferenced, and sent to the President, but a continuing resolution that is unamendable is not the right

approach, particularly if we take to heart what the distinguished leader said was going to be different about the Senate under his leadership.

In fact, there is precedent. In 2003, the Republicans took over the Senate after the Democrats had been in control. There were 11 appropriations bills undone. Those 11 bills were put together in an Omnibus appropriations by the Republicans. There were 6 days of debate. There were 100 amendments offered. The majority of the amendments that were added to the bill were Democratic amendments.

So I think that is the precedent we should follow in the Senate. This is a body that is supposed to allow for discussion, debate, transparency, and minority rights. We are in the minority. We know that. But we have never been denied on such a continuing basis the ability to even affect legislation or amend legislation. That seems to be a pattern in the first 5 weeks of this session. I do not think it is what was intended by the majority when they took control of the Senate, and I think there is a chance to come together and maybe go a different way; that is, to allow amendments on major bills.

We now have a bill that is called a continuing resolution, and it strips BRAC, it strips the base closing construction that will keep the Base Closing Commission results that were adopted by Congress that are the law of this country from going forward with the 6-year timetable that was set out by Congress.

We have 6 years to do the construction that will prepare bases that are going to receive troops and to close bases in an expeditious manner so the cities that have these large amounts of land will be able to take over those bases and do something productive for their respective cities with those bases.

What we have now is a delay that will last 1 year. It is going to cause a backup in the system of adhering to the congressional responsibility for BRAC. It is going to begin to handicap the ability to move troops from overseas that are scheduled as early as this year to move.

Mr. President, 12,000 troops will begin to move that are part of the rebasing operation from foreign bases to American bases. Twelve thousand will not be able to move with all of the amenities we require.

Let me read excerpts from a few of the military leaders of our country, letters that were sent on behalf of the military of our country, asking that Congress act on both the military construction bills that were passed by both Houses of Congress but not conferenced last year and the \$3 billion that was taken out of the budget and spread throughout the other bills that are in this omnibus continuing resolution.

The Democrats have taken \$3 billion out of military construction to effect our mandate of a 6-year period in which the military has to make the

transfers we adopted in BRAC. It takes \$3 billion out of this year's budget and transfers it to other priorities that have never had 1 day of hearing and never had even a discussion in the committees.

This is a letter from Robert Gates, the Secretary of Defense:

As you prepare to complete the Joint Continuing Resolution, we urge you to include provisions to permit the execution of the Fiscal Year 2007 President's Budget request [as it relates to the Department of Defense].

Funding programs at FY 2006 levels under a year-long Continuing Resolution—

Which is what is in this bill—

would negatively impact critical priorities and missions within the Department. If the [continuing resolution] levels are set at [these] enacted levels, the Department will face shortfalls of over \$1 billion in the Defense Health Program—

Part of that is accommodated in this bill—

\$0.5 billion in Basic Allowance for Housing, and \$4 billion in the Base Realignment and Closure programs.

Now, this was sent before this omnibus continuing resolution came over. Part of those are funded but not the Base Realignment and Closure programs. Mr. President, \$3 billion of the \$4 billion requested was taken out.

Secretary Gates goes on to say:

Delays in completing BRAC could result in postponing scheduled redeployments from overseas stations to the United States. Deferring BRAC implementation would also impede community efforts to quickly transition the affected bases to civilian use, so that the impact of BRAC on local economies can be reduced. Furthermore, congressionally approved BRAC recommendations were developed to provide cost savings benefits; any delays will jeopardize those benefits.

Mr. President, I ask unanimous consent that the letter I have just read, addressed to Senator BYRD, with a copy to Senator COCHRAN, be printed in the RECORD.

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

SECRETARY OF DEFENSE,

Washington, DC, January 26, 2007.

Hon. ROBERT C. BYRD,

Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you prepare to complete the Joint Continuing Resolution, we urge you to include provisions to permit the execution of the Fiscal Year 2007 President's Budget request.

Funding programs at FY 2006 levels under a year-long Continuing Resolution (CR) would negatively impact critical priorities and missions within the Department. If the CR levels are set at FY 2006 enacted levels, the Department will face shortfalls of over \$1 billion in the Defense Health Program (DHP), \$0.5 billion in Basic Allowance for Housing (BAH), and \$4 billion in the Base Realignment and Closure (BRAC) programs. Funding for the DHP is needed to avoid reductions in health care benefits for members, retirees, and their families; funding for BAH is needed to ensure that members receive timely housing payments.

Delays in completing BRAC could result in postponing scheduled redeployments from overseas stations to the United States. Deferring BRAC implementation would also

impede community efforts to quickly transition the affected bases to civilian use, so that the impact of BRAC on local economies can be reduced. Furthermore, congressionally approved BRAC recommendations were developed to provide cost savings benefits; any delays will jeopardize those benefits.

Thank you for your help on this important matter. Our warfighters will be the direct beneficiaries of your assistance.

Sincerely,

ROBERT M. GATES.

Mrs. HUTCHISON. Mr. President, the \$3 billion that has been cut out is going to affect many important bases in our country. One of the bases is in Texas. Fort Bliss is in great need of military construction because it is designated by the Department of Defense to receive 30,000 troops, and there is much that needs to be done to prepare the base for those overseas redeployments.

I happen to know that one the best, of course. But let's talk about Fort Riley, KS, where a good number of the redeployed troops are also going to be stationed. They are very concerned in Kansas. I know Senator ROBERTS and Senator BROWNBACK plan to speak this afternoon. But I am speaking now because I am hoping the majority leader will decide that maybe we do need some amendments to this bill, that maybe we can work together in a bipartisan way and work these out.

These BRAC budget provisions have been adopted by the Senate. The military construction appropriations bill was a quite bipartisan bill that was adopted last year by the Senate as well.

When you look at Fort Riley in Kansas, which is one of the major-need areas for BRAC funding that we are going to talk about—I know Senators ROBERTS and BROWNBACK will expand on it—you have a Battle Command Training Center. This is for troops coming from Europe to Fort Riley for training. The major part of the military construction for Fort Riley is a training center. You have runway improvements, a child development center for quality of life for our troops—all of this is at Fort Riley, KS—a soldier-family medical clinic at Fort Riley, a division headquarters. All of that is Fort Riley, KS, which is one of the major areas that would be hit by this delay in taking out the \$3 billion from BRAC.

I have been talking to Senators CHAMBLISS and ISAKSON of Georgia. They will have a huge hit as well in Fort Benning. Fort Benning is another of those that is in need of great enhancement.

The PRESIDING OFFICER. The Senator from Texas has consumed 10 minutes.

Mrs. HUTCHISON. I ask unanimous consent to extend my time for 5 minutes.

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

Mr. CORNYN. Mr. President, I will not object, but may I inquire how much time remains to the minority under morning business?

The PRESIDING OFFICER. Six minutes 15 seconds.

Mrs. HUTCHISON. I did not realize that. I ask the Senator from Texas how much time he would like to have.

Mr. CORNYN. Mr. President, I was hoping to have at least 5 minutes, but I see that time is running short.

Mrs. HUTCHISON. Mr. President, I will give him 5 minutes. Just let me have the rest of that time and notify me when there is 5 minutes remaining then I will yield to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas has 1 minute.

Mrs. HUTCHISON. In Georgia, Fort Benning is going to be a major loser because of the delay. You have two major training barracks and training brigade complex units that will not be able to be started, a fire and movement range, a modified record fire range, brigade headquarters, training barracks complex No. 2, and the stationary gunnery range.

Again, we are trying to enhance training for our troops. Many of those being brought home, the 70,000 troops being brought home in the Department of Defense plan, are being brought home to increase their training capability.

I encourage and ask Senator REID to reconsider. Let's have some agreement on equal numbers of Republican and Democratic amendments. Let's have some say in this Omnibus appropriations bill. I cannot imagine we would pass a bill such as this with no amendment whatsoever in either House of Congress. I don't think that is what the American people hoped for when they voted last November.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized for the remainder of the time, 4 minutes 20 seconds.

Mr. CORNYN. I appreciate the courtesy of the senior Senator from Texas in giving me a few minutes to speak on this continuing resolution.

This is, to say the least, disappointing. We have a bill that addresses more than \$400 billion worth of spending but cuts \$3.1 billion from our men and women in uniform for the Department of Defense at a time when we hope to be able to build facilities in the United States to accommodate them and their families as we bring them back from places such as Europe and Korea and elsewhere. We know that we have an all-voluntary military. As a member of a military family myself—my father was in the Air Force for 31 years—it is more than just the individual servicemember who serves; it is a family proposition.

I urge the majority leader and the majority to reconsider this cut of \$3.1 billion in the very meat and bone of what it takes to recruit and retain a volunteer military. As the saying goes, you recruit an individual servicemember but you retain a family. These kinds of cuts, \$750 million of which will

come out of the money that is allocated for the State of Texas, are just extraordinarily unwise.

I have heard rumors to the effect that the majority is going to try to add this money back in the supplemental appropriations bill we will be taking up, I guess sometime in March. Of course, that would be a budgetary trick which would exacerbate the budget deficit and be in stark conflict with the kind of rhetoric we have heard from our colleagues on the majority side who have said that we need a pay-as-you-go budget. In other words, if there is going to be spending, there has to be commensurate offsets.

Cutting out of this so-called continuing resolution or Omnibus appropriations this \$3.1 billion for our military families and then coming back and adding it in as emergency spending in a supplemental avoids the budgetary requirement of an offset and, thus, will add to additional deficits which are irresponsible and certainly in conflict with the statements our colleagues have made on the other side.

Mrs. HUTCHISON. Would the Senator from Texas yield for a question?

Mr. CORNYN. I certainly will.

Mrs. HUTCHISON. I was just listening to his statement and agree that there is going to be a budget gimmick if this comes up in a supplemental. But is the Senator from Texas a part of an amendment we would like to proffer which would restore \$39.1 billion but cut .73 percent across the board in all of the other accounts in this bill except for defense, veterans, and homeland security, so that we could pay for it, be fiscally responsible, and yet do what we need to do for the Active-Duty military, not to drain their operations to fund military construction projects that should be funded in this bill? Is the Senator aware of that?

Mr. CORNYN. I am proud to be a cosponsor, along with the distinguished senior Senator from Texas, of an amendment which would accomplish that goal. This is the way to handle our budgetary responsibilities appropriately. I implore the majority leader to allow us an opportunity to have amendments and to have a full and fair debate on this continuing resolution. We started this Congress in a spirit of compromise, but certainly if the amendment tree is filled and we are denied an opportunity to have debate and consideration of an amendment such as that, it would be extraordinarily disappointing and in conflict with some of the early rhetoric and hopes we all had for bipartisan cooperation.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### NOMINATION OF GENERAL GEORGE W. CASEY, JR., TO BE CHIEF OF STAFF, UNITED STATES ARMY

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of Calendar No. 15, which the clerk will report.

The bill clerk read the nomination of General George W. Casey, Jr., to be Chief of Staff, United States Army.

The PRESIDING OFFICER. Under the previous order, there will be 50 minutes for debate, with the time equally divided and controlled by the senior Senator from Michigan, Mr. LEVIN, and the senior Senator from Arizona, Mr. MCCAIN, or their designees, and 10 minutes for each of the leaders.

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, may I inquire, how much time do I have again?

The PRESIDING OFFICER. There is 50 minutes total. The Senator from Arizona gets 15 minutes and 15 minutes for the Senator from Michigan, and the leaders have 10 minutes each.

Mr. MCCAIN. I thank the Chair.

I ask the clerk to tell me when I have consumed 8 minutes.

I come again this morning to the not particularly pleasant task of opposing the nomination of General Casey to be Chief of Staff of the U.S. Army. I preface my remarks, again, with my appreciation for honorable service to the country, his family, and the sacrifices they have made for many years. This isn't a question of character because his character is outstanding; it is a question of judgment.

I will try to put this in context, why I am in opposition. For several years, I and a number of others have bemoaned and complained and criticized and been saddened as we have watched this train wreck in Iraq. Not long after the initial invasion, I came back from a visit to Iraq and visited with the then-Secretary of Defense, who bears great responsibility for this debacle, and history will judge him very badly for his performance as Secretary of Defense. I told him how it was that we were not going to win, we were not going to succeed, that we didn't have enough troops over there, that Anbar Province was going to erupt—basically all the things many of us saw were going to transpire. General Casey, for 2½ years up until recently, would come back to the Congress and say that things were going well. I quoted many quotes yesterday, from time to time, including in 2005, saying we could start withdrawing by 2006 and on and on and on, completely divorced from reality on the ground, as was the Secretary of Defense.

I will state at the beginning that Presidents are responsible, but Presidents also rely on the advice and coun-

sel of their military leaders. That is a normal thing and has happened in every conflict.

President Bush said time and time again: I have said to the American people, as Iraqis stand up, we will stand down. But I have also said our commanders on the ground will make that decision. We will talk to General Casey. On and on. The Army is getting on its feet. We have turned over a lot of territory to the Army. They are good fighters. I have spent a great deal of time with General Abizaid and General Casey. They are in Washington. They are generals who will be happy to tell me the way it is, not the way they think I would like to it be.

Time after time, it has been clear that the President of the United States, as appropriate, has been relying on the advice and counsel of commanders in the field who did not give him appropriate information or recommendations. We are all responsible. In the military, you are responsible for the decisions you make on the battlefield, particularly when they cost our most valuable and important asset—American blood.

In his opening statement at a Senate Armed Services Committee hearing on September 29, General Casey said: "The capacity of Iraqi security forces has increased quantitatively and qualitatively over the past year" and "we have also developed with the Iraqis a readiness reporting system, not unlike the one we have in place for our own forces. So over the past 18 months we have built enough Iraqi capacity where we can begin talking seriously about transitioning this counterinsurgency mission to them."

Did he realize at the time that statement was wrong? And when did he tell someone?

At the same hearing, General Casey said:

More coalition is not necessarily better. More and more capable Iraqi security forces are better. Increased coalition presence speeds the notion of occupation. It contributes to the dependency of Iraqi security forces on the coalition. It extends the amount of time it will take for Iraqi security forces to become self-reliant and exposes more coalition forces to attacks at a time when Iraqi security forces are increasingly available and increasingly capable.

There has been no sign of that. Why did it take 15 months for General Casey to change that assessment and then not even agree with the new strategy of five additional brigades, which most of us pray is enough and most of us believe is a direct contravention to the Powell doctrine, which is, use overwhelming force in order to gain military victory?

President Bush said General Casey will make decisions as to how many troops we have there. Why did it take 2½ years? Why did it have to take 2½ years of steady degradation for General Casey to figure out we didn't have enough troops there, and the situation is worsening in Iraq.

The NIE that came out yesterday should frighten anyone, any American,

because of the stark depiction in the NIE—the public document—that states that the situation is grave and deteriorating in Iraq, which is also the conclusion of the Iraq Study Group, whether you happen to agree with their recommendations or not.

Mr. President, responsibility is one of the first things that is taught at our service academies. We are responsible for our decisions. When the Missouri runs aground, we relieve the captain. When four sailors are washed overboard, we relieve the captain. Now we are rewarding failure as we did during the Vietnam war when we named General Westmoreland as Chief of Staff of the Army after a failed search and destroy. There are eerie parallels here. General Westmoreland employed the search and destroy strategy which is counter to any counterinsurgency strategy. That kind of strategy is clear, hold, and build. That is what General Petraeus is trying to do now. That is not what has been done in the past under General Casey.

So what are we doing? We are promoting a general who has pursued a failed policy, advocated it to the President, whom he is responsible to advise, and he is advocating it to the Congress of the United States despite the overwhelming view by many of us that it was not a successful strategy. Still, today, where he will be in place if he is confirmed by the Senate, he will be responsible for the operation, training, and doctrine that will be employed in Iraq, and he still, to this day, as far as I know, from the hearing of a short time ago, believes—and I could give the quote—that we are not failing but we are succeeding. I don't know of anyone who believes that who is in a responsible position in Government.

Mr. President, it is with a bit of regret that I do this. Again, I repeat what I said yesterday. Senator LEVIN asked him:

I am wondering whether you would agree that what we are doing in Iraq was maybe a slow failure.

General Casey said:

I don't actually see it as a slow failure. I actually see it as slow progress.

How could you depict the situation in Baghdad today, with six helicopters being shot down in the last few weeks, with a spike in casualties that has taken place, and the continued level of sectarian violence, as a slow progress?

So I want to tell my friends that people in the military, particularly our young officers, are watching what we do here. We teach them in our service schools, and we teach our noncommissioned officers and junior officers: You are responsible for success or failure. That is why we appoint you as leaders. In this case, this leader, despite his honorable character and dedication to this country, has not led, and his responsibility has not been carried out.

So I hope my colleagues will turn down this nomination and that we will appoint one of the many highly qualified senior military officers we have to fulfill this position.

May I finally say that I am very nervous about this new strategy. I am very doubtful that we have enough troops. I don't know if the Maliki government will be strong enough. But if General Casey is appointed to this position, my confidence will be lowered because it is not appropriate to put someone who does not support wholeheartedly the new strategy in a position where he will be responsible for a great deal of it. To this day, he doesn't admit that this present strategy has failed.

Do I have any time remaining?

The PRESIDING OFFICER. The Senator has 5½ minutes.

Mr. MCCAIN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, again, it is extraordinarily ironic that my good friend from Arizona says there is no one in a high position in this Government who thinks we are succeeding, when the President, just 2 or 3 months ago, said we are absolutely winning in Iraq. That is the Commander in Chief—a pretty high position of responsibility. The Vice President, just last year, said that the insurgency is in its last throes, when it was not. So it was clear to everybody, and apparently to my good friend from Arizona because he says he had seen this for years—failure after failure in Iraq—identified by the highest levels and the highest level of this administration as being a success.

Year after year, we were told this is a successful strategy. Now all of a sudden, a general who was assigned to carry out that strategy and did the best he could, acknowledging some mistakes in implementation, is going to be held accountable by some who will vote against his nomination for the massive failures at the highest levels of civilian authority. The strategy was wrong going into Iraq; it was poorly implemented. The Iraqi Army was disbanded. That was not General Casey; that was before he came.

The people who made those decisions were given awards and medals by the administration. George Tenet was given a medal for his work. He said the intelligence was a slam-dunk, that there were weapons of mass destruction. Medal after medal was given to the civilian leaders. A Medal of Freedom was awarded to George Tenet. Ambassador Bremer was given a medal. He just disbanded the Iraqi Army and had a deaathification program, which was a complete failure because of its excess. He was given a Medal of Freedom.

William Haynes, General Counsel of the Department of Defense—his dubious legal judgment contributed to the interrogation abuses of detainees that led to the horrors of Abu Ghraib. He was given the Department of Defense medal for distinguished public service.

Under Secretary of Defense Doug Feith, who hyped false intelligence used to justify the war in Iraq, was given a medal.

Now you have a general who was given a strategy and was told to implement the strategy. Yes, he was optimistic that it could work. He is in charge of the morale of his troops. Now, suddenly, some say he should be, in effect, punished. He should carry the burdens that properly should be carried by the top civilian leaders of this Nation. It is not appropriate.

It is not fair that General Casey be held responsible for massive failures that were caused by the wrong policies, the deceptions, the ignorance, the arrogance, and the cockiness of civilian leaders in this administration. It is just plain wrong that this all be heaped onto his back.

What do we know about General Casey? By the way, we know he is forthright and acknowledges his mistakes. There is not a commander I know of who does not acknowledge his mistakes. Every commander worth his or her salt acknowledges mistakes, and General Casey has done that. In fact, he has given us a list of mistakes. We asked him what went wrong that you contributed to, and he gave us a list very openly. But you cannot lay the chaos and the violence in Iraq on General Casey's doorstep. This belongs on the doorstep of the top civilian leaders of this country who went into Iraq the way they did, who didn't plan for an aftermath, who disbanded the Iraqi army, and who perpetrated some of the other mistakes that have put us in some of the positions that we are in, in Iraq.

General Casey is a long and distinguished servant in the military, including the position of Vice Chief of Staff of the Army. This was preceded by assignments on the joint staff and a career commanding Infantry units at all levels, up to and including Division Command. He knows Iraq, he knows the challenges the Army faces in Iraq, he knows the Pentagon, and he knows the challenges he will be facing in the Pentagon if we confirm him. He has the knowledge and skills to carry out his primary responsibility as Chief of Staff, which is the training and equipping of soldiers, caring for them and their families.

I want to discuss two issues that have been raised. One is the general's decision to support an increase in U.S. forces in Iraq after previously opposing such an increase, and also the proposition that General Casey somehow or other should be denied this position because of mistakes that he may have made in Iraq.

First, the issue of additional troops. I pressed General Casey about this issue at his nomination hearing before the Armed Services Committee. He said his general view was that he agreed with General Abizaid's view that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future. That is something, it seems to me, that is key to those of us who oppose this surge. That goes to the heart of our argument—the fact that General Casey

believed more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future.

So how is it that now General Casey supports the surge? That is the question I asked him:

Senator LEVIN: We asked General Abizaid back in November when he appeared before this committee whether we needed more troops or he supported more troops going to Iraq. And this is just last November. And this is what he said. He said that he met with every divisional commander, General Casey, the Corps commander, General Dempsey. "We all talked together, and I said, 'In your professional opinion, if you were to bring in more American troops now, does it add considerably to our ability to achieve success in Iraq?' And they all said no. And the reason is because we want Iraqis to do more. It's easy for the Iraqis to rely upon us to do this work. I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future."

I asked General Casey:

Now, General Abizaid said that he spoke to you and that his opinion reflected your opinion and all the other commanders. Was that true when he said that?

General Casey: I'm not exactly sure when in November it was, but it was.

Senator LEVIN: So you've changed your view since November?

General Casey: As I described in my opening testimony, Senator, in mid-November was when the reevaluation of the plan was taking place. So I suspect John and I talked before that. And that does reflect my general view on additional U.S. forces in Iraq.

Senator LEVIN: It reflects a general view, but then there was some kind of reevaluation which took place in mid-November.

General Casey: That's right, Senator. We're constantly reevaluating how we're doing and what we need.

Senator LEVIN: But that position that General Abizaid stated was your position when you spoke to him in early November presumably still remains your general view.

General Casey: That's correct.

Senator LEVIN: Well, if that's your general view, what is the change? Why are you modifying your general view for this surge?

General Casey: What has changed, Senator, are several things. One, the development of a plan, a new plan that was conceived by the Iraqis and worked in concert with us; so there is a plan that laid out requirements for those forces. So just to say do you need more forces is one thing; to say do you need more forces to execute this plan is quite another. And we do need an additional two brigades to implement that plan.

Now, there is a new plan, a plan that I very strongly disagree with, the surge plan of the President. It is a new plan given to the commanders, and they are now told, with this new plan, to insert troops into neighborhoods of Iraq, hold that territory, and have more American troops—many more—embedded with Iraqi forces. That is the plan. That is the Commander in Chief's decision.

Will that require more troops? And now General Casey gives his honest answer that it will require, in his judgment, two additional brigades.

General Abizaid says it will require more brigades, but General Casey said two. I give him credit for giving his honest opinion.

So what has changed? He still believes in general that putting more troops in there takes the Iraqis off the hook, but if you change your plan, you change your mission and you say, as the Commander in Chief has, that is now our mission, that is what we are going to do, it is obviously up to the commanders to say how many additional troops it would take to carry out that mission.

That is an honest response, and that is the response we expect of our leaders. But his general view has been correct, and so has General Abizaid's. More American troops is a mistake. It takes the Iraqis off the hook. It lessens the responsibility on them to do what only they can do with their military and with their political leaders.

People who have visited General Casey in Iraq—colleagues—have always found him to be honest about the situation in Iraq and true to the pledge that he would give Congress his personal views, even if those views differ from the administration in power. And he did this again at his nomination hearing when he disagreed with the Commander in Chief's sudden epiphany that things are not going well in Iraq.

All of a sudden, now the Commander in Chief says we are on the road to slow failure. That is a new revelation. Until a few months ago, the Commander in Chief was telling the American people we are absolutely winning in Iraq. So now I pressed General Casey about that:

Do you agree with the President that now the situation in Iraq is maybe a slow failure?

He said:

I actually don't see it as a slow failure. I actually see it as slow progress.

Do I agree with his assessment? I do not. I have seen chaos in Iraq—consistent chaos, growing chaos. But do I admire an honest answer even when it disagrees with the Commander in Chief? I do. Even though I disagree with that answer, I think it was an honest answer that he gave to the committee.

What about denying him confirmation as Chief of Staff because of the mistakes he may have made? Again, I think this is an ironic argument given the fact that the architects of these policies, the architects of the major failures which led to the mess General Casey was assigned to clean up, are given medals—Medals of Freedom, medals by the Defense Department. They are given the medals, and now some will want to lay on General Casey's doorstep the mess that was not created by his policies but by the policies of others.

I want to read for the RECORD a statement of Senator JIM WEBB on the Casey nomination. He is tied up in a hearing, and so I will read this very brief statement into the RECORD for Senator WEBB:

Mr. President, I rise today to speak in support of GEN George Casey, Jr.'s, nomination as the Chief of Staff of the U.S. Army. General Casey's service to the Nation during a

long career and his experiences in Iraq qualify him well to address the formidable challenges facing the U.S. Army today.

Questions have been raised regarding General Casey's tenure as commander of the Multinational Force-Iraq. The national strategy in Iraq was flawed even before the invasion, and attacks on General Casey's performance only divert attention from the true architects of that strategy.

The situation faced by General Casey in Iraq represents the classic conundrum of military service at the highest level of command. In this administration, it has not been unheard of for some officers who spoke too loudly, very often, to have lost their jobs. At the same time, to speak too softly often causes the military leader, rather than the civilian boss, to be blamed when things go wrong. While I believe strongly that military leaders should be held accountable, General Casey performed as well as one could expect given the strategy for the war's direction that he inherited when he reported to Baghdad.

I wonder, Mr. President, if there is any time remaining.

The PRESIDING OFFICER. The Senator from Michigan has 25 seconds remaining.

Mr. LEVIN. I thank the Presiding Officer.

This is the conclusion of Senator WEBB's statement:

The consequences of a failed U.S. national strategy should be raised at a far higher level than General Casey's in Iraq.

Mr. President, I urge my esteemed colleagues to support General Casey's nomination to be the next Chief of Staff of the U.S. Army.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEVIN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I ask the two managers, is it possible that the Senator from Virginia could get 2, 3 minutes at most to speak?

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senator from Virginia be allowed 3 minutes to speak on this issue, not to be taken from the time remaining.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, and I obviously will not object, I apologize to the Senator from Virginia. I didn't realize he was here to speak on the nomination. If he is speaking in favor, I would have reserved some time for him.

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

The Senator from Alabama.

Mr. SESSIONS. Mr. President, would it be acceptable that I be given 2 minutes to speak after Senator WARNER?

Mr. MCCAIN. Mr. President, I ask further unanimous consent—and I tell my colleagues that I will not seek further unanimous consent after this; I will object to a further unanimous consent request—that an additional 2 minutes be given to the Senator from Alabama to speak on this issue.

The PRESIDING OFFICER. The unanimous consent request is 3 minutes for the Senator from Virginia and

2 minutes for the Senator from Alabama. Is there objection? Without objection, it is so ordered.

The Senator from Virginia.

Mr. WARNER. I thank the Presiding Officer. I thank the two managers of this very important nomination.

Mr. President, I have the deepest respect for my colleague, Senator MCCAIN. We have an association that goes back some 30 years. It is not often we are on different sides of an issue. I wish to respect Senator MCCAIN's evaluation of a military officer. I think probably he is as well qualified as anyone in this Chamber to speak to those critical issues.

I bring a different perspective to this nomination. There is going to be, clearly, a division of thought as to General Casey and his role as the senior officer in charge of our combat missions in Iraq. But I wish to clearly say that throughout the history of the United States, the doctrine is civilian control over the military.

True, we hold accountable, as best we can, those who we feel have not carried out their responsibilities in the best interests of the country. I believe the accountability of General Casey has been spoken to by the general himself. He recognizes mistakes were made, and I think he accepted that level of accountability he, as a military officer, had. But, indeed, it is the civilians above him, if there is greater wrong, who should be held accountable.

Second, I think of the institution of the U.S. Army. The Chief of Staff is the very pinnacle of the military service, and those nominations are exceedingly carefully thought out from the President on down through the Department of Defense before a nomination goes forward.

I was privileged for some many years to serve as the Navy Secretary and witness the careful process that went through selecting a chief of service. I was personally involved in two of those processes for the U.S. Navy. So I say to my colleagues, do take into consideration the differing views of Senator MCCAIN and others eminently qualified to assess this nomination, but I believe this nomination was carefully thought through at all levels. It represents the institution of the U.S. Army, and they have to take pride in their senior Chief of Staff.

I believe that General Casey, when one looks at the entirety of the record, is deserving of the support of colleagues in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator from Arizona for granting me this extra time. He is not required to do so.

I think we have had a problem and a difference of opinion for some time. Senator MCCAIN has been quite open that he is concerned about the troop levels in Iraq not being sufficient. History may well record he is right on

that regard, but our policy was different.

General Abizaid, the commander for that region, the Central Command, studied the area throughout his career. He was concerned about too many troops in Iraq from the beginning. General Casey came on after General Abizaid was CENTCOM commander and became the commander in Iraq. He was Vice Chief of Staff of the Army at that time, he was to be gone for 18 months. He ended up being away from his family for 30 months, 2½ years, and he executed the policy as best he could.

He testified that in his view, he didn't want to ask for a single soldier more than he needed to do the job. I don't know what the tension is, but there was a constant tension between the need to have more soldiers and to not take over the entire effort in Iraq.

General Abizaid and General Casey made their recommendations. We followed them. That experience in Iraq, in my view, can only make him better as Chief of Staff.

He was Vice Chief of Staff, lead our forces for 30 months in Iraq, and now he will be Chief of Staff. He was born in an Army hospital. His father was killed in Vietnam. He served 37 years in the Army. His son is a member of the Army.

He should not bear the brunt of a difference of opinion about how we should have conducted the effort in Iraq. He gave his absolute best effort to it. He could not help but have learned a lot in the process. He will be a fine Chief of Staff.

Mr. President, my time is up. I yield the floor.

Mr. FEINGOLD. Mr. President, I voted for GEN George W. Casey, Jr., to be U.S. Army Chief of Staff. While questions have been raised about General Casey's performance as U.S. commander in Iraq, I do not believe the general can be held responsible for the failures of a policy devised at the highest levels of this administration.

But my vote to confirm General Casey does not change my opposition to the President's policies in Iraq. The President has made the wrong judgment about Iraq time and again, first by taking us into war on a fraudulent basis, then by keeping our brave troops in Iraq, and now by sending 21,500 more American troops into harm's way.

The indefinite presence of U.S. military personnel in Iraq will not fix that country's political problems. And as we have seen over the last few years, sending more troops will not provide the stability in Iraq that can only come from a political agreement. Congress must develop the courage to confront this President on what has become one of the greatest foreign policy mistakes in our history.

Mr. DOMENICI. Mr. President, I would like to recognize the service of General Casey and speak in support of his confirmation as Chief of Staff of the Army.

General Casey has had a long and distinguished career. After his graduation

from Georgetown University in 1970, he received his commission and served in the mechanized infantry. During his career, he has commanded the 3rd Brigade of the 1st Cavalry Division and acted as the assistant division commander of the 1st Armored Division. In 1999, General Casey assumed command of the 1st Armored Division. Additionally, General Casey has served as Director of Strategic Plans and Policy at the Pentagon and as Director of the Joint Staff.

As we all know, General Casey has most recently served as the commander of Multi-National Forces—Iraq. As commander of our forces in Iraq, General Casey faced extremely difficult issues everyday.

I believe General Casey to be a good man, and I would like to again congratulate him on his promotion and thank him for his continued service to our country. I look forward to working with him while he serves as Chief of Staff of the Army.

Mr. DODD. Mr. President, I rise today to express my support for the confirmation of General George Casey to become the next Chief of Staff of the U.S. Army.

Let us be clear. Our soldiers are fighting a grueling and dangerous war. They need to know that their leaders will have no higher priority than their safety and well-being. I believe that General Casey will do just that.

He has been on the frontlines of the war in Iraq. As commander of U.S. forces there, he has overseen operations on the ground; he understands our soldiers' basic needs and will take action to keep them fighting safely and effectively.

I believe that in this new position, like GEN Peter Schoomaker before him, he will work hard to ensure that our soldiers have the equipment and support they need to get the job done.

Regrettably, I am concerned that some in this administration and in this Congress have decided to blame General Casey for the worsening situation on the ground. To them I would say that it is simply wrong, and frankly un-American, to hold one soldier responsible for the administration's policy failures in Iraq.

In his book, "Dereliction of Duty," H.R. McMasters put the blame for Vietnam on our military leaders. To McMasters, it was our generals who were at fault for not speaking out when they disagreed with the civilians at the Pentagon and White House.

As a result of their silence, America became further entrenched in Vietnam. Nine years ago, then-Chairman of the Joint Chiefs of Staff GEN Hugh Shelton took this message to heart; requiring all 17 four-star general commanders to read Major McMasters' book. The book had an impact. As the situation in Iraq has deteriorated, we have seen our generals stand up to civilian leaders—putting their country before their careers—and courageously advocating for alternative, more sensible policies.

Unfortunately, the same arrogance and incompetence that has blinded U.S. foreign policy for the past 6 years has also allowed the dire warnings from these generals to fall on deaf ears. The candor from the likes of Generals Shinseki and Riggs, and now Abizaid, Casey, and Schoomaker, has been rewarded with dismissal, transfer or demotion.

In my private meeting with General Casey in Iraq 2 months ago, he explained his concern over proposals to "surge" additional troops into Iraq if Iraqis are unable to meet their own responsibilities to unite politically and contribute more meaningfully to their own service.

He echoed these objections along with then-Central Command's top general, GEN John Abizaid, in a Washington Post report on December 21, 2006.

Obviously, General Casey is uniquely qualified to make these statements. He has been thoroughly immersed in our Iraq operations. And it is for this reason that he is uniquely prepared to assume the Army Chief of Staff post.

But there is another quality of his that I believe will also serve our Nation and our Army well during his tenure as Chief of Staff. It is his loyalty to our soldiers—from the newly enlisted private to the career officer.

I observed this quality firsthand 3 years ago on a visit to Walter Reed Medical Center. I met with soldiers recuperating from injuries they had suffered in Iraq and Afghanistan, and expressed my gratitude for their brave service.

General Casey happened to be at Walter Reed that day as well. I knew he was there for the same reason I was: to thank these soldiers for their service and to assure them that their sacrifices will never be forgotten.

The Chief of Staff must constantly exhibit such loyalty to his troops. He must be their strongest advocate and continue to address their needs, even when doing so is in direct conflict with the orders being handed down from civilian leadership. General Schoomaker, the outgoing Chief of Staff, has been faced with this situation time and again as the administration proposed inadequate budgets to carry out their deeply flawed Iraq strategy. And he has performed superbly.

As Chief of Staff for the last few years, General Schoomaker, has long voiced concern that the administration failed to budget for the replacement and repair of thousands of war-battered trucks, aircraft, and vehicles. In fact, it was General Schoomaker's testimony last year that compelled me to offer an amendment to fund these priorities and help begin restoring Army readiness. I regret that the White House decided to reward General Schoomaker's candor by replacing him at the Pentagon.

At his recent confirmation hearing the other day, I was pleased to hear that General Casey will resume Gen-

eral Schoomaker's mission to ensure that our forces are outfitted with the equipment they need to get the job done.

Mr. President, there are no easy answers in Iraq. But, when it comes to discerning tactics on the ground, our civilian leaders must defer to our generals. In this case, it is my sincere hope that the President takes heed of the advice of his newly installed Army Chief of Staff, to make the safety and well-being of our soldiers a top priority and not an afterthought. I urge my colleagues to join me in supporting this nominee for confirmation.

Mrs. BOXER. Mr. President, I support the nomination of General George Casey to be Chief of Staff of the U.S. Army and disavow attempts to blame him for the failures in Iraq.

The blame for the disastrous and reckless war in Iraq lies with the President, Vice President DICK CHENEY, former Secretary of Defense Donald Rumsfeld and Secretary of State Condoleezza Rice. The blame starts at the top. It is they who must be held accountable.

General Casey did not author the misguided doctrine of preemptive war. General Casey did not manipulate and politicize intelligence to sell the Iraq war to the American people. And General Casey did not fail to provide a political solution to end the sectarian violence that is now engulfing Iraq. It is the civilian leadership of the Bush administration that continues to fail us in Iraq.

When I traveled to Iraq and met with General Casey, he told me the truth. He said that the U.S. presence was fueling the insurgency. I appreciated his candor. He fully understood the dangers and challenges in Iraq. Unlike so many in the Bush administration, his view of the situation in Iraq was not distorted by rose-colored glasses.

General Casey did not lead us down this dangerous path in Iraq. Therefore I cast a "yes" vote.

THE PRESIDING OFFICER. The Senator's time has expired.

The Senator from Arizona is recognized for 5 minutes 20 seconds.

Mr. MCCAIN. Mr. President, let me make it clear, I don't support medals for failure. I don't support promotion to a higher position for failure. I believe that the awards and accolades Senator LEVIN alluded to that have been provided to those who have committed egregious failures was not only inappropriate, it was absolutely insulting.

I also, though, point out that history will judge many of these people who have been given medals of various types, and already that judgment has been harsh. All of us are more concerned about our place in history than we are medals. History and the American people are already judging the failures and the misleading statements, such as "stuff happens" and "mission accomplished" and a few "dead-enders" and "last throes" and all of those

statements which have been made over the past 3½ years which led the American people to believe we were succeeding in Iraq when many of us knew we weren't because we violated a fundamental principle called the Powell doctrine: If you want to win, you go in with overwhelming force.

The reason I am very concerned today, even though we have a very outstanding general in Petraeus, is that I am not sure we have enough troops still.

Throughout our history, military commanders have been held responsible. Abraham Lincoln held General McClellan responsible and fired him. In World War II, those who were in command who were responsible for December 7, 1941, were held responsible. In the Korean war, General MacArthur was held responsible. The fact is that military leaders are held responsible as well as civilian leaders.

Mr. President, I ask unanimous consent to print in the RECORD the number of times President Bush said that he relied on the judgment of the military commanders. Those military commanders did not exercise good judgment and therefore are responsible for the rosy scenario and the inaccurate depiction of facts on the ground in Iraq as they came before our committee, the Armed Services Committee, and spoke to the President of the United States and the American people.

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

PRESIDENT GEORGE W. BUSH ON SUPPORT FOR COMMANDERS/GENERALS

President Bush: "One of the things that's important is for—and one of the reasons why you trust the commanders on the ground is because there needs to be flexibility. And I explained to the Prime Minister that I'll be making my decisions based upon the recommendations of General Casey." (President George W. Bush, Press Conference, 7/31/06)

President Bush: "I have said to the American people, as the Iraqis stand up, we'll stand down. But I've also said that our commanders on the ground will make that decision. And I have—we'll talk to General Casey once he is—conferred with the new Government of Iraq." (President George W. Bush, Press Conference, 5/29/06)

President Bush: "And so the army is getting on its feet. We've turned over a lot of territory to the army. And they're good fighters; they really are. I spent a great deal of time with General Abizaid and General Casey—they were in Washington this past week—these are generals, you'd be happy to hear, who tell me the way it is, not the way they think I would like it to be." (President George W. Bush, Remarks On The War On Terror And A Question-And-Answer Session, Louisville, KY, 1/16/06)

President Bush: "The best people to give any politician advice about whether or not we're achieving a military objective is the people you put out there on the ground. I told you I've got good confidence in these generals and the people who report to them. These are honest, honorable, decent, very capable, smart people, and they'll decide the troop levels." (President George W. Bush, Remarks On The War On Terror And A Question-And-Answer Session, Louisville, KY, 1/16/06)

“President Bush said he relies on military advisors and other officials on the ground in Iraq to keep him abreast of the situation in the country, and they’re telling him civil war is not imminent. ‘This notion that we’re in civil war is just not true according to them,’ he told Wolf Blitzer in an interview taped earlier this week that aired today. (‘President Bush: Iraq Not On Brink Of Civil War.’ Congressional Quarterly, 9/24/06)

“Bush also has said he would rely on the opinions of U.S. military commanders in the two countries for determining how soon troops would be withdrawn. ‘As we see more of these Iraqi forces in the lead, we’ll be able to continue with our desire, our stated strategy that says as Iraqis stand up, we’ll stand down,’ the president said. ‘In 2006, we expect Iraqis will take more and more control of the battle space, and as they do so, we will need fewer U.S. troops to conduct combat operations around that country.’ (‘Bush Says U.S. Forces Will Be Reduced In Iraq, Afghanistan,’ State News Service, 1/4/06)

Mr. MCCAIN. Mr. President, in 2004, General Casey said:

My view of winning is that we are broadly on track to accomplishing our objectives . . . with Iraqi security forces that are capable of maintaining domestic order and denying Iraq as a safe haven for terror, and I believe we are on track to get there by December of 2005.

In September of 2005, General Casey said:

We have a strategy and a plan for success in Iraq, and we are broadly on track in achieving our goals.

Time after time, the American people were told that things were going fine, and they were not.

I wish to emphasize again that I believe General Casey has served this Nation honorably. I think he and his family have made great sacrifices for this country. I have nothing but respect. But to reward failure is going to send a message all around the military that I don’t think is a healthy one. I don’t support promotion and I don’t support medals for failure. I support people being held responsible, and I regret that those who are responsible on the civilian side have not been held more responsible, although, as we speak today, the American people, by their opinions as reflected in the polls, are certainly reflecting their judgment about the performance and responsibility of our civilian leaders.

I hope we can move forward and obtain successes in Iraq under this new strategy. I am not sure right now that General Casey completely supports it, and I don’t think that it enhances our chance for succeeding in Iraq. I urge my colleagues to vote against this nomination and select a leader, of which there are many, who is far more capable, in my view, of carrying out the new strategy in Iraq.

Mr. President, I yield back the remainder of my time, as I see the majority leader here on the floor.

Mr. REID. Mr. President, it is my understanding that I will be the last speaker. The distinguished minority leader is not going to speak at this time. So after I speak, we will vote. Is that the understanding of the Chair?

The PRESIDING OFFICER. That has not been made clear at this time.

Mr. REID. That is what I have been told. But if the minority leader comes to the floor to speak, he can, and I will make my statement now.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, when Harry Truman was President, he put a sign on his desk. It said: The buck stops here. He chose this message because it conveyed to the American public that, as President, Truman was responsible for everything in his administration. Everything.

The buck stops here. It is a phrase we should keep in mind as we vote on GEN George Casey’s nomination to be Army Chief of Staff.

Despite his service to our country, I know many Senators would like to vote no on General Casey’s nomination because he has been associated with a broken Iraq policy. I understand others would like to vote no in an attempt to make the general a scapegoat for a war that has gone horribly wrong. I believe there are still others who are using this nomination as a way to express opposition to the President’s escalation proposal, a plan General Casey once opposed but now supports. While I understand these reasons for voting no, I am reminded of that sign on President Truman’s desk. In Iraq, the buck stops with President Bush. The Commander in Chief, not General Casey, is responsible for the failed policy in Iraq.

Four years and running, the cost of the war has been staggering. We have lost, as of this morning, 3,111 of our soldiers and seen tens of thousands more wounded. The war has stretched our military and their families to the breaking point, depleted our Treasury of hundreds of billions of dollars, detracted our attention from al-Qaida and the real war on terror, and hurt our image in the Arab community and around the world. Yet despite all this sacrifice and all these costs and because of numerous errors by the Commander in Chief, America is less safe. We must change course.

Unfortunately, President Bush’s answer to this growing chaos and sectarian violence in Iraq is not a new direction but more of the same. He wants to send 48,000 more troops to Baghdad and give them mission impossible—policing an Iraqi civil war.

This so-called surge policy has many critics, and one of them used to be General Casey. On January 2 of this year, the general is quoted as saying in the New York Times:

It’s always been my view that a heavy and sustained American military presence was not going to solve the problems in Iraq over the long term.

In other words, escalation is not the answer. But just a month later, in his Senate confirmation hearing, he reversed course, saying:

The increase in the U.S. forces is a key piece of our new strategy to secure Baghdad.

One day, escalation was not going to solve the problem; the next day, escalation was a key piece of our strategy.

There is a troubling disconnect between General Casey’s two statements. I understand he has since attempted to explain his change of heart by noting, in the time between his two comments, that a new strategy, the so-called surge, had been propounded by the White House and more troops were needed to institute the President’s new policy. But does General Casey really believe this? Do we believe a general on the battlefield or in his plush Pentagon office? I will take General Casey at his word. After all, the buck stops with the President, not with General Casey.

Even though I have grave concerns about the direction of the war and General Casey, I will vote for his confirmation to be Army Chief of Staff. I do, however, pray that General Casey has the courage to speak his convictions in his new post. The last thing our Nation and our troops need is a ‘yes’ man with access to the Oval Office—someone who tells the President what he wants to hear and not what he needs to hear. ‘Yes’ men, such as Vice President CHENEY and former Secretary of Defense Rumsfeld and Wolfowitz, led us into this Iraq quagmire. To end the war, the President is going to have to start listening to and heeding the advice of those who disagree with him in order to get us out.

In the Senate this week, we attempted to give the President another chance to listen. We tried to give the bipartisan majority of Senators who oppose escalation the chance to send a clear message to President Bush. Unfortunately, our majority was silenced by a minority of Republicans who decided protecting the President was more important than sending him a message: Do not surge. Do not escalate.

It is time the White House and its champions in Congress stopped playing politics in the war. We have had enough politics and far too little diplomacy. What we need is a strategy that will succeed in Iraq. I hope General Casey will play such a role in bringing such a strategy about and, thus, I will vote for his confirmation.

Mr. President, I yield back all the time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of General George W. Casey, Jr., to be Chief of Staff, United States Army?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Florida (Mr. MARTINEZ) and the Senator from Ohio (Mr. VOINOVICH).

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

The result was announced—yeas 83, nays 14, as follows:

[Rollcall Vote No. 45 Ex.]

## YEAS—83

Akaka	Durbin	Murkowski
Alexander	Enzi	Murray
Allard	Feingold	Nelson (FL)
Baucus	Grassley	Nelson (NE)
Bennett	Gregg	Obama
Biden	Hagel	Pryor
Bingaman	Hatch	Reed
Boxer	Hutchison	Reid
Brown	Inhofe	Roberts
Brownback	Inouye	Rockefeller
Burr	Isakson	Salazar
Byrd	Kennedy	Sanders
Cantwell	Kerry	Schumer
Cardin	Klobuchar	Sessions
Carper	Kohl	Shelby
Casey	Kyl	Snowe
Cochran	Landrieu	Specter
Coleman	Lautenberg	Stabenow
Collins	Leahy	Stevens
Conrad	Levin	Tester
Corker	Lieberman	Thomas
Cornyn	Lincoln	Thune
Craig	Lott	Vitter
Crapo	Lugar	Warner
Dodd	McCaskill	Webb
Dole	McConnell	Whitehouse
Domenici	Menendez	Wyden
Dorgan	Mikulski	

## NAYS—14

Bayh	Coburn	Harkin
Bond	DeMint	McCain
Bunning	Ensign	Smith
Chambliss	Feinstein	Sununu
Clinton	Graham	

## NOT VOTING—3

Johnson	Martinez	Voinovich
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The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid upon the table, and the President shall be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate shall now resume legislative action.

## CONGRATULATING SENATOR THAD COCHRAN ON HIS 10,000TH VOTE

Mr. MCCONNELL. Mr. President, I rise on behalf of a colleague and friend, Senator THAD COCHRAN. Last Tuesday, THAD cast his 10,000th vote here in the Senate, and in typical fashion, we didn't hear a whole lot about it. As THAD once told a reporter:

That is just the way I was brought up. I believe you don't have to toot your own horn too much.

Always humble, THAD is the perfect embodiment of the southern gentleman, and the Senate is a better and more civil place because of him.

THAD's political career got off to an early start. As a teenager, he passed out campaign literature with his mom in Utica, MS. He helped his dad with voter registration drives, and a few decades later, he would make Bill and Emma Cochran proud by becoming the first Mississippi Republican in more than a century to win a statewide office—no small feat for a guy whose first job was working as a carhop at Gunn's Dairy Bar.

THAD was always a standout. An Eagle Scout, he earned varsity letters in football, basketball, baseball, and

tennis and was valedictorian of his high school class. He served with distinction in a 2-year tour with the Navy. He excelled in law school and became a partner in one of Mississippi's top law firms in just 2½ years. And he served the people of the Magnolia State with distinction and grace in the U.S. Congress for 35 years.

THAD's colleagues in the Senate have seen his humility up close. The people at the Neshoba County Fair got to see it for themselves a few years back. As THAD's car pulled up, a big crowd gathered around to shake his hand. So when the passenger side door opened, they all rushed in and got a good close look at THAD's personal assistant, Fred Pagen. They didn't expect to see THAD behind the wheel, nor do a lot of other folks who have picked him up at events in DC and back home.

THAD gets a lot of special treatment. The Ten Thousandth Vote Club is sort of like the Five Hundredth Home Run Club in baseball. As you might expect, Senator BYRD is the Hank Aaron of the Senate, but THAD might get there yet, and those of us who have had the good pleasure of working with him hope that he does.

Winston Churchill once said of an enemy:

He has all the virtues I dislike and all the vices I admire.

Mr. President, I feel the opposite about my friend, THAD COCHRAN. He has all the virtues I admire and none of the vices I dislike.

So I congratulate him on his many years of dedicated service and thank him for his friendship and, above all, his extraordinary example.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, if there were ever a time during my career here in the Senate where I say I associate myself with those remarks, I do now. THAD COCHRAN is a wonderful man. As the distinguished Republican leader said, he is strong. He doesn't talk very much. He is silent most of the time. He loves the Senate. He is one of the people I look to for maintaining the dignity of the Senate.

On the Appropriations Committee, which I have had the pleasure of serving with him since I came to the Senate, he is as dignified as he is in the Senate and as he is everywhere else. He believes in following regular order. He believes in working through the tedious process the Senate requires. I look forward to working with him this year.

Senator MCCONNELL and I have made a commitment, and Senator COCHRAN knows this, to do our appropriations bills this year. We are going to work together on a bipartisan basis to get those bills completed and Senator COCHRAN will be an integral part of our being able to do this.

We all have fond memories of THAD COCHRAN. My personal feeling of warmth relates to a trip we took. I took my wife Landra and he took his lovely wife Rose and we had a wonder-

ful time. Senator Glenn was there leading the delegation. I will always remember that. I will always remember the relationship of the two of you.

So as we proceed through the difficult days ahead of us in the Senate, everyone within the sound of my voice should understand that one reason we will be able to make it through the troubled waters of the Senate is because of THAD COCHRAN.

The PRESIDING OFFICER. The Republican whip is recognized.

Mr. LOTT. Mr. President, I want to thank my colleague from Vermont, Senator LEAHY, for allowing me to go next in line so I can speak briefly about my colleague from the State of Mississippi. I thank Senator MCCONNELL for his remarks, and Senator REID. They did a magnificent job summing up the character of this great Senator from Mississippi.

Senator COCHRAN and I have been in the Congress together now for—this is our 35th year. We came together in the House of Representatives in 1973. He moved over to the Senate in 1978. He was elected, and came here in 1979, and eventually I tagged along with him again.

Senator COCHRAN and I go back to the 1960s. We were both students at the same university, the University of Mississippi. His wife Rose and I were in the same class, and we worked together in student activities. I always felt I had a special friendship with Senator COCHRAN because of my friendship also with his wife Rose.

Our parents were schoolteachers—both his mother and father and my mother. We both started out as Baptists, and I think we still are, in a way. Just right down the line, we have a lot in common. In fact, some people wonder how I get as many votes as I do in Mississippi. It is because I think some people get confused between THAD and TRENT, and I am known in some areas as Thad Lott, but it seems to work. I benefit by standing in the reflection of his great stature in our State of Mississippi.

I am very proud of my colleague from our State. We have had some great Senators from our State, but Senator COCHRAN is rising to the level of the stature of the best of those. So I am very proud of the record he has achieved here, the number of votes he has cast, and I am hoping that he will cast 10,000 more before he decides to leave this great institution.

But I must say on a very personal note, I have never been more proud of my colleague from Mississippi than I was in the aftermath of Hurricane Katrina in 2005 and 2006. His quiet, steady, methodical, rational effort to help us get what we needed to recover from that major disaster was an incredible thing to watch. The respect he has in this institution on both sides of the aisle helped him to lead the way in getting the help we needed for our State. I was belated in doing it, but I will never quit doing it, when last fall

I thanked the Senate—the Congress—for what they did do for us after that hurricane. Everything Senator COCHRAN and I and others from our State asked the Congress to do, they did it, and we will always be in debt.

On the 1-year anniversary of that cataclysmic event in our State, he and I were sitting on the same platform as the Sun came up in Biloxi, MS, on August 29, 2006—a hot morning. A year earlier, the water had been about—probably 25 feet from where we were sitting. The surge was that high, or more. There were many of us on that platform: mayors, supervisors, Congressmen, the Governor. We were all taking deep bows for all the money we had brought to the people of this devastated area.

Finally, I had about all I could stand, including taking my own bows, and I finally rose and said: It is fine to share the credit, and there are many of us here who have done our best. But most of us could not be taking credit for what has happened if it were not for the man sitting right behind me on this platform, Senator THAD COCHRAN of Mississippi.

It is an incredible thing we have experienced in terms of pain and suffering but also in honor and in glory and in appreciation for what has happened since then. So I hope there are many other high-water marks in his great career, but none will ever be appreciated so much as the service he gave to our State and to our country in the aftermath of that hurricane.

Thank you, my colleague. It is a pleasure serving with you.

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

Mr. BYRD. Mr. President, I think the Senator from Vermont has to go to a meeting quickly. How much time do you need?

Mr. LEAHY. Less than a minute.

Mr. BYRD. I yield to the Senator for that purpose.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from West Virginia, the most senior person here and, of course, the one who serves the closest with Senator COCHRAN on the Appropriations Committee. I could not help but think, listening to the wonderful things my distinguished other friend from Mississippi, Senator LOTT, was saying about Senator THAD COCHRAN, about a recent trip overseas we took together, and I heard him saying many of those same things out of the hearing of Senator COCHRAN, praising Senator COCHRAN very much on that trip with myself and other Senators. I mention that because sometimes praising you outside your presence means more than doing it inside your presence.

THAD COCHRAN is as close a friend as I have ever had in the Senate. We have traveled together overseas. I have traveled to Mississippi with him. He explained to me I had to slow down my speech a little bit. He has come to Vermont with me. My late parents

used to tell me what a nice young man he is. I know how much my mother and father enjoyed meeting him not only in Vermont but in subsequent visits to Washington.

I recall what Senator Stennis once said of Senator COCHRAN: He is a Senator, all in capital letters. You could hear John Stennis's voice boom over here: He is a Senator's Senator. He is a Senator. Most importantly to me, he is my good friend.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, Senators know of my good nature, and so some of them want me to yield, which I will do. I am the President pro tempore. I wouldn't ask another President pro tempore to do that. But may I yield to my seatmate, Mr. DODD.

Mr. DODD. Mr. President, I thank my seatmate and colleague from West Virginia. I just want to add my voice to those who have spoken and those who are about to speak in saying that—just to repeat what Senator LEAHY said well—we use the words “Senator's Senator” with some frequency here, but if I were to ask the question of which Senators reflected that expression more so than anyone else, it would have to be my colleague from West Virginia and my colleague from Mississippi. It is a pleasure to serve with him. I admire him immensely. He is exactly what a Senator ought to be: a good legislator and a good person who cares about his country, and I am proud to serve with him.

Mr. KENNEDY. Mr. President, I know the Senator from West Virginia wants to make his comments. I wonder if I could just have one moment as well.

Mr. BYRD. Of course. I yield to my friend from Massachusetts, Mr. KENNEDY.

Mr. KENNEDY. Mr. President, I had the good fortune of meeting THAD COCHRAN before he was even a Senator. This was when he was wearing the uniform of the U.S. Navy and he was stationed up in the New England area in the late 1950s and early 1960s. I didn't know at that time, when I was about to become a freshman Senator and he was in the service of our military, that our paths would cross again in this wonderful Chamber, or that he would go on to have the kind of career he has had in the Senate. But it was evident then, so many years ago, that this impressive young naval officer possessed the same qualities we all see today. Then as now, THAD COCHRAN possessed a deep sense of fairness and compassion, a great commitment to this country we all love, and, above all, good judgment and good humor.

THAD and I don't always agree on policy matters—and more often than not we find ourselves on the opposite side of the issues—but those disagreements never diminish my respect for his thoughtfulness, and nor do they diminish the friendship I feel toward him.

So I, too, want to join my colleagues in paying tribute to an extraordinary Senator and a great patriot as he marks this wonderful milestone. The people of Mississippi are fortunate indeed to have him fighting for them every day in the U.S. Senate, and all of us are lucky as well to call THAD COCHRAN our colleague and friend. He is a Senator of great integrity, and we congratulate you THAD on this extraordinary day.

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

Mr. BYRD. Mr. President, last week my friend—my friend—Senator THAD COCHRAN, the very distinguished member of the Senate Appropriations Committee, achieved a milestone in his career of public service to the people of Mississippi and the United States. Senator COCHRAN cast his 10,000th vote, his 10,000th rollcall vote, a record only 27 other Senators have achieved since the founding of this great Republic.

A Senator's vote is so much more than a number on the final tally. Each and every vote represents an investment of time, research, and analysis on the part of himself and, in many cases, on the part of the staff, also on a given issue. Each vote is an evaluation of what best serves one's constituents, one's State, and one's country.

Over these many years, I have personally noted that Senator COCHRAN approaches his responsibility with diligence. I have many reasons to know that. He approaches his votes with diligence, with a fine and keen intelligence, with sterling courage—he is from Mississippi—with courage and compassion.

This son of public-spirited and politically aware schoolteachers demonstrated all these qualities at an early age as an Eagle Scout—I was never an Eagle Scout; I was a Tenderfoot—as a valedictorian—I know what that means—class valedictorian, as a varsity athlete—I don't know what that means—as a varsity athlete in four sports. Man, that is something, a varsity athlete in four sports. He is a hard worker—I know what that means—at whatever task to which he applies himself. I can't say much more than that.

Senator COCHRAN achieved a scintillating academic record at the University of Mississippi School of Law and went on to serve as a naval officer in the Armed Forces of the United States. The discipline and the critical thinking he learned in those venues has served him well during his tenure in the Congress.

The senior Senator from Mississippi has been a Member of the Senate since 1978, and 1978 was when I was serving as the Senate majority leader. He served three terms in the House of Representatives prior to that—and so did I, three terms in the House of Representatives.

Throughout this time, Senator COCHRAN has paid particularly close attention to the needs of his constituents in Mississippi. That was his duty. Most

recently, after his home State was hit by the worst natural disaster in the history of the United States, the distinguished Senator—a colleague of his has already spoken of that but I mention it here—Senator COCHRAN used his role as the chairman of the Senate Committee on Appropriations to advance legislation that provided over \$87 billion—that is “billion;” a billion is one dollar for every minute since Jesus Christ was born—Mr. COCHRAN provided over \$87 billion in supplemental Federal assistance to the States affected by Hurricanes Katrina and Rita.

A country western artist once asked in song “where would we be without the love of a woman?” “Where would we be without the love of a woman?” Undoubtedly, the love and the support of his wife of over 42 years, Rose—I remember Rose—helped Senator COCHRAN achieve this great milestone. As I have risen to recognize the Senator, I also wish to salute Rose. She was a beautiful lady, very warm smile, Rose.

Again, I congratulate my colleague whose record in this Senate has been that of a true Christian gentleman and a man of genuine political humility.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I join my many colleagues today in recognizing this remarkable achievement of my longtime friend, THAD COCHRAN, who has crossed the threshold of casting 10,000 rollcall votes in the U.S. Senate. In the over 200-year history of the Senate, only 28 Senators have reached this historic milestone. THAD and I both are privileged to be 2 of the 28.

THAD and I were first elected to the Senate in 1978, and we are the only remaining Republican Senators of the class. He was sworn in 4 days prior to my taking the oath of office; and, consequently, he is senior to me. I have always dutifully acknowledged that seniority.

Colleagues have extolled his extraordinary record, and I shall not add further to his wonderful chapter of public service to Mississippi and our Nation.

I have, however, a most unique, unlike any other Senator, reason to have the highest regard for this wonderful man. For an extensive period in my life, over 20 years, I was a bachelor. There was a tragic loss of a life in our community—Belle Haven—of a man greatly admired and respected by all. I was privileged to have a friendship with this man. THAD helped his family and widow in the wake of that tragedy.

There came a time in the years that followed that loss when I said to THAD, you know, this widow is someone I admire greatly, could I be of help, for I am making little or no progress whatsoever in gaining her attention. Being very protective, he allowed he would—in his own good time—try to draw his friend’s attention to me. And I am so grateful today to have my extraordinary wife, Jeanne, who as you well know, loves you dearly.

Mr. BYRD. Hear, hear.

Mr. WARNER. I don’t know that I would be standing here today, given my wayward ways in life, had it not been for THAD COCHRAN and this wonderful lady who cares for me now. So, THAD, I wish you well. What the future holds for both of us remains to be seen. But I am proud to be counted among your most devoted friends.

As one describes you, I would say you reflect all the qualities a Senator should have—but foremost among them, is always your calm dignity. I yield the floor.

I yield the floor.

(Applause.)

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I ask to be able to address the Senate as if in morning business for up to 5 minutes.

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

Mr. ISAKSON. At the outset, let me say as a rookie in the Senate, I add and echo everything that was said about Senator COCHRAN. He is truly one to whom all of us who are new to this body should subscribe and hope in time we could equal his accomplishment.

#### PRAYERS FOR CONGRESSMAN NORWOOD

Mr. ISAKSON. I rise for a moment to ask all Members of the Senate to join me in expressing their concern, their hopes, and their prayers for Congressman CHARLIE NORWOOD. Congressman NORWOOD, of Georgia, yesterday notified the House and the Senate that he would be returning to his home in Augusta.

A little over 2 years ago, CHARLIE had a lung transplant to try to correct a degenerative disease which he had had with him throughout his life. That transplant was successful and he returned to the House of Representatives and, as he always did, he represented the State of Georgia with courage, with dignity, and with tenacity.

Unfortunately, last year, cancer occurred in the lung and successfully was removed by surgery. But it has reappeared now in his liver. CHARLIE is fighting for his life.

His lovely wife Gloria is in Augusta with him, and his countless thousands of friends are there. But in this business that we go through in this Senate, there is always a time that all of us should reflect on the blessings we have, and that is the blessing of life. I pray now that the good Lord will look after CHARLIE and give him as much of that life as He possibly can.

I think it is also appropriate that we reflect a minute on how important his service in the Congress has been. We all know that domestically health care, affordability of health insurance, doctor-patient relationship is probably the singular thing the American people look to us to help solve. CHARLIE NORWOOD and his cosponsorship of Norwood-Dingell laid a platform for which

one day many of those problems will be solved. He has fought tenaciously for better health care, for better patient-doctor relationships, and a better relationship between the Federal Government and the providers of lifesaving health care around the country.

At this moment, while a champion of health care is in dire straits himself, I hope all Members will join me and pray that his recovery will be fast and swift and that God puts His blessed hand on his shoulder.

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

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

#### CONGRATULATING SENATOR THAD COCHRAN ON HIS 10,000TH VOTE

Mr. NELSON of Florida. Mr. President, I just want to say a word about my friend, THAD COCHRAN. What a terrific gentleman and fellow legislator he has been over the years.

When I have gone to him to work out an appropriations problem, particularly with regard to the 2004 hurricanes we had—and you will recall we had four hurricanes within the span of 6 weeks in Florida, and we so desperately needed that assistance coming in to FEMA—Senator COCHRAN was there ready to help.

Mr. President, if I could get Senator COCHRAN’s attention.

Senator COCHRAN, I am saying some good things about you, and I just want to say what a gentleman you have been to this Senator, particularly with regard to that time we had such difficulty in Florida during the 2004 hurricanes. When I came to you asking for appropriate help, you were there. And then, lo and behold, the next year is when you had your set of hurricanes, and it was my privilege to try to help return the favor.

You are a real gentleman, and passing the 10,000 vote mark is quite an achievement.

Mr. President, I yield the floor.

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.

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

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

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, let me just say that when the distinguished majority leader is prepared to go forward or the chairman of the Appropriations Committee is ready to proceed to H.J. Res. 20, I will stand down. But I wish to take this opportunity to also commend my colleague, Senator COCHRAN.

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

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

Mr. President, I yield the floor.

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

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

The assistant legislative clerk read as follows:

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

The PRESIDING OFFICER. The majority leader is recognized.

#### AMENDMENT NO. 237

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

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

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

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

The amendment is as follows:

At the end of the resolution add the following:

This division shall take effect 2 days after date of enactment

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 238 TO AMENDMENT NO. 237

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

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

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

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

The amendment is as follows:

In the amendment strike 2 and insert 1

#### MOTION TO COMMIT

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

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

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

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

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

The amendment is as follows:

#### AMENDMENT NO. 239

At the end of the regulation add the following:

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 240

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

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

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

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

The amendment is as follows:

In the amendment strike 5 and insert 4.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 241 TO AMENDMENT NO. 240

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

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

The amendment is as follows:

In the amendment strike 4 and insert 3.

#### CLOTURE MOTION

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

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

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on Calendar No. 18, H.J. Res. 20, Continuing Funding resolution.

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

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

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

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

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

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

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

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

The Republican leader is recognized.

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

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

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

Mr. President, I yield the floor.

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

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

The PRESIDING OFFICER. The Senator from Texas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Third, there is no emergency spending in this resolution.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

and Technology receives an increase of \$50 million.

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

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

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

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

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

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

(See exhibit 1.)

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

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

I yield the floor.

#### EXHIBIT 1

#### THE INDEPENDENT BUDGET A BUDGET FOR VETERANS BY VETERANS

FEBRUARY 2, 2007.

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

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

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

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

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

Sincerely,

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

CARL BLAKE,  
*Acting National Legis-  
lative Director, Par-  
alyzed Veterans of  
America.*

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

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

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### MORNING BUSINESS

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

#### BASE REALIGNMENT AND CLOSURE

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senate is in morning business.

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

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

Mrs. HUTCHISON. I thank the Chair.

The PRESIDING OFFICER. The Senator from Texas.

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

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

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

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

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

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

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

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

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

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

project seems to me, clearly, will cause all kinds of backlogs and make it very difficult for our military people to plan. It could actually drive up costs significantly, could it not?

Mrs. HUTCHISON. Yes, and I point out the cost savings projection is \$20 billion over the period we would be closing and then gearing up the bases that are being consolidated.

In addition to that, it has been said the majority intends to bring this \$3.1 billion back in the supplemental, but the supplemental is outside the budget process; therefore, it is going to be \$3.1 billion added to the deficit, which will have to be subtracted from the \$20 billion savings we were envisioning from the BRAC.

I have to say to the distinguished Senator from Alabama, I didn't like some of the recommendations of BRAC, but we passed it, the President signed it, and Congress has mandated the Department of Defense to go through with it. We certainly cannot do it halfway if we are going to be responsible stewards of the security of our country, as well as its tax dollars.

Mr. SESSIONS. I agree. I don't think there is anyone here who is more committed to frugality and trying to manage our dollars well in this Senate. I certainly believe in that strongly. We knew upfront we were going to have to have some initial moneys to make these moves and consolidations to save money for years and years to come.

This has the potential to eliminate the whole process, to eviscerate the process and actually run our costs up over the long run; wouldn't the Senator agree?

Mrs. HUTCHISON. I am very concerned about it. I think we are going to cut back on the savings. We are thwarting the mandate we set down by not going forward.

We should have governed last October 1. We should have gone forward in November and December, but for a variety of reasons, including some on our own side, we didn't do that. Now we have an opportunity to do it, and do it right. I am just hoping, and I haven't given up hope, that we will do this the right way; that we will pay for it so that we achieve the objective of staying within that budget because we can do that. It has been planned for, it has been in the budget, and we shouldn't have to add it to a supplemental and increase the deficit for these particular projects.

Mr. SESSIONS. Mr. President, I thank the excellent Senator from Texas for her work, and I believe she is doing it the right way. She is doing it by staying within our budget.

This funding of BRAC was put in at \$5.5 or \$6 billion. It was within the budget. What has happened is that money was spent on other programs, and now it looks as though if we are to fund it, we are going to have to add it to the supplemental, which is extra spending and extra debt, more than we should have.

I thank Senator HUTCHISON for her leadership.

Mr. BUNNING. Mr. President, will the Senator yield for a question?

Mrs. HUTCHISON. I will be happy to yield to the Senator from Kentucky.

The PRESIDING OFFICER. The gentleman yields to the Senator from Kentucky.

Mrs. HUTCHISON. Mr. President, I still control the floor. I am yielding for a question.

The PRESIDING OFFICER. The Senator is yielding for a question.

Mr. BUNNING. Mr. President, I also rise to express my complete dismay at the events that have unfolded on the floor of the Senate this week concerning not only debate on Iraq but the BRAC itself. I hope the American people are watching this debate.

Mr. BYRD. Mr. President, will the very distinguished Senator just allow me 1 minute to make a response to the discussions that have been going on here? Just for 1 minute.

Mrs. HUTCHISON. Mr. President, I will be happy to yield to the Senator from West Virginia for a response for 1 minute.

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

Mr. BYRD. Mr. President, I thank the Chair, and I thank the Senator.

I want to assure all Senators that this resolution does not reduce funding for AIDS. In fact, it has significant increases with regard to funding for base closures. This resolution has a \$1 billion increase above the levels available under the current continuing resolution. The remaining \$3.1 billion that the Senator from Texas is seeking can be addressed—and I assure her can be addressed—in the war supplemental that the Senate will consider next month. There is no need to cut funding for the FBI, the NIH, for NASA, or for our Nation's highways.

I thank the Senator, and I thank the Chair.

Mrs. HUTCHISON. Mr. President, I yield to the Senator from Kentucky for a question.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

#### DOING THE SENATE'S BUSINESS

Mr. BUNNING. First of all, I hope the American people are watching the debate and paying close attention to it. This debate is not just an important lesson in civics and civility, it is a debate that goes back to the days of our Founding Fathers. The Founding Fathers created the Senate to be a body of unlimited debate. This institution was created to be a deliberative body. It was not created for speed or for quick action.

I would like to remind my friend, the majority leader, whom I wish were on the floor, that the Senate is not the House of Representatives. The majority leader and I both served in the House of Representatives. Unlike the House, however, we do not have a rules

committee in the Senate that sets the rules for floor debate. Any Senator can come to the floor seeking recognition to speak and offer amendments. In the House, the majority can roll the minority through the Rules Committee. This cannot be done in the Senate. The minority party cannot be ignored. Yet our friends on the other side of the aisle are trying to dictate the terms not only of the debate on Iraq and the resolutions concerning them, they are telling 49 Republicans in the Senate how business will be conducted in the Senate.

I want to be very clear that I would vote in opposition to the Warner resolution. Nonbinding resolutions that question military decisions made by our Commander in Chief and top military generals are not in the best interests of our Nation. But I do support the right of Senator WARNER to get an up-or-down vote on his resolution, even though I would oppose it.

Earlier this week, we had a vote to invoke cloture on the motion to proceed with the Warner resolution. Forty-seven Republicans voted against the motion because we believe we should have more debate, not less, and the ability to offer other resolutions. Yet many of my friends on the other side of the aisle accuse my Republican colleagues of not wanting to debate this issue and not wanting to vote on the Warner resolution. And, not surprisingly, the media is regurgitating the talking points from the other side of the aisle. But nothing could be further from the truth.

Senator WARNER, the author of the resolution favored overwhelmingly by the Democrats, voted against invoking cloture on his own resolution because he believes in Republicans keeping their rights as Senators. We want a fair debate, not a one-sided conversation. We are asking for more debate, not less, like many on the other side of the aisle suggest.

Our request is a simple one. If we are going to vote on the Warner resolution, those of us who oppose this resolution should at least be allowed to offer our own resolution, and the senior Senator from New Hampshire offered his resolution concerning funding for the war in Iraq. Some have said his resolution is incorporated in the Warner resolution, but they are missing two key points. The Gregg resolution expresses our full support of our troops and not support that is just cloaked behind other language that criticizes their mission.

My friend, my good friend, General Petraeus, whom the Senate unanimously confirmed, said in his confirmation hearing that a resolution condemning the President's new Iraq strategy would have a detrimental effect on troop morale. It must be our top priority to assure American troops that we will not cut off their funding midmission. We already are cutting some of their funds, as seen in this year's continuing resolution.

I find it ironic that some of the same Senators who have been on the Senate

floor assuring their full support for the troops are the same individuals who are cutting their funding behind closed doors. I am talking about the funding for the Base Realignment and Construction Program. This is a program that, by law, we have to complete in 6 years. Yet my friends across the aisle have decided not to fund this program because it is not a priority.

Well, it is a priority for me. By doing this, they will cause a delay for up to 1 year for military base construction. Because of this, and I ask my good friend, the Senator from Texas, what happens to the 12,000 troops that will not be able to be redeployed back home from Iraq or from Germany or from around the world?

Mrs. HUTCHISON. Mr. President, I appreciate the Senator from Kentucky asking the question, and I will read a letter signed by all four of the Joint Chiefs of Staff, dated last November, where they are asking that we pass a short-term CR rather than a complete year's CR because they are so concerned about that very issue. They say in their letter:

As required by law, we are executing thousands of interrelated moves to implement all the base realignment and closure projects by September 2011 and to reposition our forces under the Global Defense Posture review. Disruptions in resources will cause delays and desynchronize these moves. This, in turn, can disrupt our force generation and deployment schedules, which ultimately degrades readiness while increasing the burden on servicemembers and their families.

So we know now from their own reports, I would say to the Senator from Kentucky, that 12,000 of those who are scheduled to be coming home just this year are going to be delayed, which is going to cause a domino effect all the way down the line. It is incomprehensible that we have this opportunity, but we are not able to go forward.

I thank the Senator from Kentucky for asking the question.

Mr. BUNNING. Mr. President, to say that I find this disappointing is quite an understatement.

I ask the majority leader to allow us to have a full and fair debate on the CR and allow us to offer amendments. We should be able to debate and vote on the Gregg resolution. This is a resolution that does not play into our enemies' hands. General Petraeus commented that a commander needs to show the enemy that there is no hope of victory. The Gregg resolution does this. It expresses our absolute support for our Commander in Chief and our men and women in Iraq, instead of showing that the will of the American people has been stripped by opportunistic terrorists.

Mr. President, for Republicans, this is not about a Senate procedural process but about the priorities of the American people. Our Republican leader, my colleague from Kentucky, has tried all week to negotiate to get a vote on the Gregg resolution, in conjunction with the other resolution, the Warner resolution. I appreciate Sen-

ator MCCONNELL's efforts, but the majority leader, and many on both sides of the aisle, do not want the vote on the Gregg resolution. Instead, they claim that Republicans do not want to debate the war in Iraq. This is completely false. The American people need to know that, and the media needs to report the truth.

No one Republican, not one to whom I have spoken, is running from this debate. We want to debate the war in Iraq. Many of us oppose the Warner resolution. It is nonbinding. It sends the wrong message to our enemies and our allies. It will not end the war in Iraq, and it will not bring peace to the Middle East. But we should vote on it, and we should vote on the Gregg resolution because even though the Gregg resolution is nonbinding, it actually relates to the proper role of the Congress with respect to war.

Essentially, the Gregg resolution says that Congress will not vote to defund the war when we have troops in harm's way. This is the proper role of Congress. It does not deter from the Commander in Chief. We don't dictate military strategy, but we do have the power of the purse. We can either fund the war or not fund the war. I am not a lawyer, thank God, but I have spent over two decades in Congress, in both the House and the Senate. And I know the proper role of the legislative branch. I know the rules of the House, and I know the rules of the Senate. I also know the importance of not sending the wrong message to our troops in the field.

Mr. President, I have voted to send my own son into war. That was the full war. I know the stakes are very high. I know this is an issue that is on every American's mind. But I resent my colleagues on the other side of the aisle saying that Republicans are running from this debate. We are not. I hope today that we can remind my colleagues that this is the U.S. Senate, and the minority has its say. We should vote both on the Warner resolution and the Gregg resolution and we should also vote to have amendments to the CR and be able to address the BRAC problem that we face and what will happen if they reduce this by \$3.2 billion.

I have an editorial of the New York Times I will submit for the RECORD at this time. I ask unanimous consent that it be printed in the RECORD, and I yield to my good friend from Texas.

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

[From the New York Times, Feb. 7, 2007]

IT'S THE WAR, SENATORS

It is not an inspiring sight to watch the United States Senate turn the most important issue facing America into a political football, and then fumble it. Yet that is what now seems to have come from a once-promising bipartisan effort to finally have the debate about the Iraq war that Americans have been denied for four years.

The Democrats' ultimate goal was to express the Senate's opposition to President

Bush's latest escalation. But the Democrats' leaders have made that more difficult—allowing the Republicans to maneuver them into the embarrassing position of blocking a vote on a counterproposal that they feared too many Democrats might vote for.

We oppose that resolution, which is essentially a promise never to cut off funds for this or any future military operation Mr. Bush might undertake in Iraq. But the right way for the Senate to debate Iraq is to debate Iraq, not to bar proposals from the floor because they might be passed. The majority leader, Harry Reid of Nevada, needs to call a timeout and regroup. By changing the issue from Iraq to partisan parliamentary tactics, his leadership team threatens to muddy the message of any anti-escalation resolution the Senate may eventually pass.

As it happens, the blocked Republican alternative, proposed by Judd Gregg of New Hampshire, itself represents an end run around the Senate's constitutional responsibilities. The rational way to oppose cuts in funds is to vote against them, if and when any ever come before the Senate. Mr. Reid should not be shy about urging fellow Democrats to vote against this hollow gimmick, which tries to make it look as if the senators support Mr. Bush's failed Iraq policies by playing on their fears of being accused of not supporting the troops.

America went to war without nearly enough public discussion, and it needs more Senate debate about Iraq this time around, not less. The voters who overturned Republican majorities in both houses last November expect, among other things, to see energized Congressional scrutiny of the entire war—not just of the plan for an additional 21,500 troops but also of the future of the 130,000 plus who are already there.

Another Republican resolution, proposed by Sen. John McCain, gives the appearance of moving in that more promising direction by ticking off a series of policy benchmarks and then urging the Iraqi government to meet them. But listing benchmarks is one thing. It is another to spell out real consequences for not meeting them, like the withdrawal of American military support. Instead of doing that, the McCain resolution hands an unwarranted blank check to Mr. Bush's new Iraq commander, Lt. Gen. David Petraeus. It breathtakingly declares that he "should receive from Congress the full support necessary" to carry out America's mission.

Frustrated by the Senate's fumbles, the House plans to move ahead next week with its own resolution on Mr. Bush's troop plan. When the Senate is ready to turn its attention back to substance again, it should go further.

Senators need to acknowledge the reality of four years of failed presidential leadership on Iraq and enact a set of binding benchmarks. These should require the hard steps toward national reconciliation that the Iraqi prime minister, Nuri Kamal al-Maliki continues to evade and that the White House refuses to insist on.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I will yield up to 15 minutes to Senator ROBERTS, after which I will yield up to 10 minutes to the Senator from Georgia, Senator CHAMBLISS.

I am going to send my remarks to the desk and ask unanimous consent they be printed in the RECORD after Senator CHAMBLISS has spoken. I will need to follow him in that order. I ask unanimous consent my remarks be printed in the RECORD after Senator CHAMBLISS.

The PRESIDING OFFICER. Is there objection to the sequence of speakers? The Senator from Washington.

Mrs. MURRAY. Reserving the right to object. I ask to amend the request of the Senator to limit each Senator to 15 minutes apiece, under her order. But I also request Senator KENNEDY be inserted after your first two speakers, so the order I believe—your first two speakers were?

Mrs. HUTCHISON. Senator ROBERTS and Senator CHAMBLISS.

Mrs. MURRAY. I ask unanimous consent Senator KENNEDY be allowed 15 minutes after Senator CHAMBLISS.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, Senator INHOFE has been here for several hours as well. He has been waiting patiently, as has Senator SHELBY. I ask if it would be possible to allow the people who are on the floor to be put in an order. If Senator KENNEDY would be able to then come after Senator ROBERTS, Senator CHAMBLISS, Senator SHELBY, and Senator INHOFE?

Mrs. MURRAY. Mr. President, again reserving the right to object, what we do on the floor is allow Senators to go back and forth. Senator KENNEDY has also been waiting. He is not on the floor, but he has been waiting his turn.

I again ask if the Senator will allow us to go ahead and let your two Republican Senators speak, then allow Senator KENNEDY to speak, and then go back to your side of the aisle?

The PRESIDING OFFICER. The Senator from Texas?

Mrs. HUTCHISON. Mr. President, at this point I think I will keep the floor and yield to Senator ROBERTS for 15 minutes and let me talk to Senator MURRAY. I wish to try to accommodate Senator MURRAY, but I will not do that at this time.

I yield up to 15 minutes to Senator ROBERTS.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Parliamentary inquiry: I assume the Senator from Texas can only yield for a question at this time; is that not correct?

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. Will the Senator from Texas withhold for a second. It takes unanimous consent to yield for more than a question.

Mrs. HUTCHISON. Mr. President, I believe the Senator from Washington asked for me to yield to her for a question, and I will yield to her for a question.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, at this time I will object. I will suggest the absence of a quorum—

Mrs. HUTCHISON. Mr. President, I have the floor.

Mrs. MURRAY. Mr. President, I object.

Mrs. HUTCHISON. Mr. President, I have the floor.

The PRESIDING OFFICER. Objection is heard. The Senator from Texas. Mrs. HUTCHISON. Mr. President, I will yield to the Senator from Kansas for a question at this time. For a question only.

The PRESIDING OFFICER. The Senator from Kansas.

#### BRAC

Mr. ROBERTS. Mr. President, I do have a question, and it involves what I believe to be an utter failing by Congress on behalf of our Nation's military men and women. My question to my colleague from Texas is this. I know in Kansas we are at risk of losing \$365 million in regard to BRAC construction. My question would be to the Senator whether the same thing is true in Texas.

I think, probably to put it in perspective, I need to get a little background information so the Senator could reply. That brings attention to why I am bringing a question to the distinguished Senator and why I wished to take the floor for 15 minutes. I hope we don't get into an objection. I certainly have no problem with Senator KENNEDY speaking on any subject. I think he does that very well—and often.

Basically, let me say, with apologies to the Lizzie Borden family, that:

The Democrat House took a continuing resolution axe,  
and gave the military 40 whacks,  
and when they saw what they had done,  
then they gave Kansas 41.

I don't think that is right. I am not here to speak about our military presence in Iraq. We have moved away from the debate on our presence in Iraq. We must now address the issue of support for our troops at home, and that is why I am going to ask the Senator a question, as soon as I give the background in regard to the question I have.

As we have heard some of my colleagues already state today, we are in danger of underfunding military construction associated with BRAC by over \$3 billion—actually it is \$3.1 billion. Should the Senate let this occur, we will have failed our Nation's soldiers and their families.

Why did this occur? Because there was \$6 billion within the military budget, within the Department of Defense, who wanted \$6 billion for BRAC construction. Is that not correct, I ask my distinguished friend?

Mrs. HUTCHISON. The distinguished Senator from Kansas is exactly right. You know, it was pointed out earlier that we had \$1.5 billion in fiscal year 2006, with the implication that we were increasing from that amount in this budget because it has \$2.5 billion. The problem is, in 2006, the money was planning money, now we are trying to actually build the project and we are missing \$3.1 billion. Now we are in the building stage.

Mr. ROBERTS. Basically, if I understand the Senator, we are down to \$2.88 billion, which means if we had a whole

pie and there were six slices, now we are down to less than three. And somehow or other the Department of Defense has to spread that money for BRAC construction to these other projects? That is going to be extremely difficult.

I am trying to figure out why on Earth the House acted in such a fashion. I think it is, if I read the press about this—and I ask the Senator if she would agree—it is that under the banner of "earmark reform," there was at least a theory, by some, that all of the money in the \$6 billion was somehow earmarks.

I ask another question. The \$3.1 billion is the first time in my memory where we have had a breach in the agreement to say we are not going to fund nondefense programs—which are very meritorious and should stand on their own right, and I support many of them—out of the military budget. I can't remember when we have done that.

Mrs. HUTCHISON. The Senator is correct. I have no memory of ever doing that. Of course, there are no earmarks in the BRAC funding. The funding, the \$3.1 billion that was set out was all Department of Defense. They are doing the planning for BRAC, not Congress. There are no earmarks.

Mr. ROBERTS. If I could ask my distinguished colleague one more question? I am going to own up. The \$365 million for Kansas in BRAC construction funding, there were no earmarks to that, no earmarks. That was requested by the Department of Defense and put in the President's budget for projects that are essential for our men and women in uniform when they come back from Iraq.

There were three earmarks in there. They are gone and I understand that. I had one for a childcare center, TODD TIAHRT had one for lighting a ramp on a runway—I don't know what you are going to do if you don't have any lights on a runway when you land—and then there was another vehicle maintenance center at Fort Riley to take all the humvees and vehicles back from the desert and get them fixed up and replenished. They are gone. The rest of it, the \$365 million that is at risk in Kansas, goes for projects in regard to BRAC construction.

I don't know if this happened because of somebody who didn't know what was going on—sheer incompetence or ignorance—or this was political, under the banner that we are going to stop all the earmarks. This is not an earmark.

As a matter of fact, let me ask the Senator from Texas a question. Is not the breach of taking \$3.1 billion from military spending and putting it over into non-Federal spending—isn't that an earmark, a \$3.1 billion earmark by itself?

Mrs. HUTCHISON. It would appear the Senator is correct.

Mr. ROBERTS. Let me go on with a little background about this because I want the Senator to understand how

serious the situation is in Kansas. Should this \$3.1 billion deficit be allowed to move forward and become law, soldiers in Kansas and many other States will suffer greatly. As I said before, \$375 billion—I have been saying \$365 billion. I am \$10 billion short—\$375 million worth of Kansas BRAC-related projects will be put at risk, and there are even more projects at risk in future years if the operational tempo of the Army is disrupted.

I wish to be sure all of our colleagues understand exactly what this shortfall could mean—as it would be in Texas or Oklahoma or any State—what this would mean to our men and women in uniform and their families based in our respective States.

The Combat Aviation Brigade, which is coming to Fort Riley, KS, as a result of the BRAC process, is in danger of losing \$152 million for a complex that will house their barracks, their office space, their hangars, their fueling aprons, and their crash rescue fire station.

This unit, this aviation brigade, is going to deploy to Iraq soon, and they need these facilities when they return. The commanding general at Fort Riley, General Carter Hamm, told me yesterday that if the aviation brigade comes home in 2008 to find these projects incomplete, they will have to live in dated facilities.

What do I mean by dated facilities? We call them the white elephant barracks. They have holes in the walls. There are even rumors they have snakes underneath these barracks.

The general said they will have to live in dated facilities that will provide worse living conditions than the brigade will find in Iraq.

Let me repeat that statement to the Senator from Texas. I don't know if she has a dire situation like this. I will ask her to respond, for our colleagues.

If this construction fails to move forward, members of the air brigade will return to housing at Fort Riley that will be below anything they have experienced in Iraq. Is this the way the Senate wants to treat these soldiers? Does the Senator from Texas have a similar situation, where men and women in uniform coming back will find their housing less than what it was in Iraq? I am incredulous.

Mrs. HUTCHISON. Absolutely incredible. As a matter of fact, 30,000 troops are going to be moving into Fort Bliss. There have been many accommodations begun. But now it is going to stop in its tracks and we are going to have the same situation. We could be having either substandard barracks or worse, it could be tents or mobile homes.

Mr. ROBERTS. Let me ask the Senator another question and give a little background. Not only is the air brigade in danger of losing all of their support facilities—they need a new runway, specifically they need a \$17 million runway. That is in danger of being cut from this \$3.1 billion earmark. That is what I call it—a cut in an earmark

going to nondefense programs. I find it unacceptable to move these people and then inadequately support them when they return home. Fort Riley is also in danger of losing an \$87 million division headquarters, a sustainment brigade headquarters, to support another group of soldiers who will be returning from their current deployment in Iraq. If these facilities are not done by the time they return, they will be required to live in trailers, modular buildings. That is not acceptable. These soldiers are already sacrificing for the Nation. I refuse to ask them to also sacrifice when they return home from a deployment.

Let me mention something else to the Senator. As a result of the BRAC process, nearly 11,000 soldiers and their families have already begun moving back to Fort Riley. This is unprecedented growth. I know at Fort Bliss the situation is somewhat similar. But Fort Riley does not have the support facilities to ensure these soldiers and families have full access to health, dental, and childcare.

Let me ask the Senator from Texas another question, if I could have her attention. At Fort Riley we do not have the facilities to ensure these 11,000 soldiers and their families full access to health, dental, and childcare. Is there a similar situation in Texas?

Mrs. HUTCHISON. Absolutely. Absolutely. We are talking about all the facilities that would accommodate the move of soldiers and their families. So you have childcare facilities—the Senator from Georgia is on the floor and he has essential not only childcare facilities and housing and barracks but training facilities. The reason we are bringing the troops home from Germany is for better training facilities, and at Fort Benning, part of this BRAC funding is for the training facilities that are the upgrades the Department of Defense is trying to give to our men and women for their readiness for their missions.

Mr. ROBERTS. Mr. President, I truly appreciate the response of the Senator from Texas. The reason I ask that is we are losing a \$17.5 million health and dental clinic and a \$5.7 million child development center, which will make an enormous difference in the quality of life in regards to the soldiers coming back.

There is another project I want to mention, and the Senator has brought it up. We need a \$27 million battle command training center. What is that all about? That is 4,000 people going through that center which is going to be improved, who are going immediately to Iraq to serve under General Petraeus to see if that mission can work, and they are following the doctrine General Petraeus laid down at Fort Leavenworth, KS, which is the intellectual center of the Army. This center is necessary for training command, control, and communications functions that are critical to the training of the brigade and division staff. If

you don't want to have them go to Iraq, rest assured they need the training to basically have them prepared for any kind of national security threat in the future.

Another Kansas project in jeopardy of losing funding that is of deep concern to me and should be of deep concern to the Army is the joint regional correctional facility at Fort Leavenworth. This is a little different. I don't know if the Senator has something like this, but I would ask the Senator a question. We need to build a joint regional correctional facility to house prisoners from around the Nation who are moved to Kansas. Currently, the Army is stretched to its limit. It needs these new beds for prisoners, and as the general told me, there is no place to put them.

The Acting Commanding General at Fort Leavenworth, BG Mark O'Neill, told me yesterday, add to the equation that the facility is underfunded at \$68 million—they need \$95 million at a bare minimum. What do we do with the prisoners? That is \$27 million more than was even budgeted.

So the House is saying they will receive zip, nada, zero. Now, that is a correctional facility. I know it doesn't compare to the readiness problem, but with more prisoners and no place to put them, what are we going to do? That is a real problem.

I want to give you some good news, and I am going to ask the Senator if she has a similar situation in Texas. Kansas leaders share my concern. Last night, our Governor Sebelius's Military Council passed a unanimous resolution supporting our efforts to bring this amendment before the Senate.

I ask unanimous consent the letter of support be printed in the RECORD at this point.

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

GOVERNOR'S MILITARY COUNCIL,  
STATE CAPITOL,  
Topeka, KS, February 7, 2007.

Hon. PAT ROBERTS,  
U.S. Senator,  
Washington, DC.

DEAR SENATOR ROBERTS: Today, the Governor's Military Council (GMC) passed unanimously a resolution in support of your amendment to H.J. Res. 20 which would fully restore funding for implementation of the 2005 Base Realignment and Closure (BRAC) round to the level requested by the Administration.

Full funding of the BRAC budget request is critical to military readiness, quality of life, as well as Department of Defense's transformation efforts. Furthermore, failure to fully fund the budget for BRAC will delay implementation of base closure and realignment actions, postponing indefinitely the realization of budget savings resulting from the BRAC round and the completion of BRAC movements for all affected military installations.

The GMC was originally constituted through an Executive Order signed by Governor Kathleen Sebelius as the Governor's Strategic Military Planning Commission (The Commission) in January of 2004 to represent the State of Kansas during the 2005 BRAC process.

In January of 2006, the Commission stood down and the GMC was created by another Executive Order to support the military in the State of Kansas. The GMC's membership consists of 25 individuals from the communities in which the state's four major installations are located, state legislators, the Adjutant General and representatives of the Kansas Congressional Delegation.

We thank you for your leadership on the issue of critical importance to our nation's military and the military installations in the State of Kansas.

Sincerely,

JOHN E. MOORE,

*Chair, Governor's Military Council.*

Mr. ROBERTS. This bipartisan support shows how important these funds are to our military. So underfunding BRAC MILCON by \$3 billion, or even \$1, sends a terrible message to our troops. It tears to shreds the bipartisan support involved with the BRAC process.

Isn't it ironic, I would say to the Senator from Texas, and to you, Mr. President, and to my colleagues, that at a time when many of our colleagues in the House and Senate are saying, bring the troops home now, and everybody wishes we could, these same colleagues in the House—again, either through ignorance or incompetence or politics—apparently do not think it is necessary to provide the facilities that will support these troops and their families.

There is no other option, I say to the Senator from Texas and to my colleagues. I urge the majority leader to support our troops and their families by allowing a vote on this amendment, and I urge my colleagues to support it.

I thank the Senator from Texas for yielding me this time for these many questions.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Kansas for pointing out some of the real problems delaying this BRAC funding are going to bring. I hope the distinguished majority leader and the distinguished chairman of the Appropriations Committee will find a way we can move the BRAC military construction forward. It is essential that we do this, and we can do it. We have a week in which we can work out any details that need to be worked out. I think it is very important that we do what is right for our country. We have time to do it. There is no reason not to do it, and we can do it in a fiscally responsible way.

What has been suggested by the distinguished chairman of the Appropriations Committee is that we will handle this in a supplemental, that we will put \$3 billion into the supplemental. But, of course, that means we will be spending \$3 billion outside of the budget and added to the deficit, which is not necessary. We can fix this with a very small cut across the board of all of the projects in the bill, except for Defense, Homeland Security, Veterans. I think anyone can put together a program that has less than a 1-percent cut, and I think most people would say our pri-

orities should be the active-duty military, that we should have the ability to put the housing and the childcare centers and the training facilities in place that would accommodate the needs of the military. My goodness, look what our military people are doing for us and for our country.

The idea that we wouldn't give them what they need to do the job, and when they come home, to have a place to stay and live and do their training so they can be the very best, would be unthinkable. It would be unthinkable. So I do hope we can go forward. I don't remember ever taking up an Omnibus appropriations bill with no amendments in order. I hope it will be possible that we will be able to take it up in the normal process—or maybe not even the normal process. We would settle for not normal, but for some number of amendments.

#### ORDER OF PROCEDURE

Mrs. HUTCHISON. Mr. President, I would propound a unanimous consent request. I ask unanimous consent that during the period of morning business, Senators be permitted to speak therein for up to 10 minutes each, and that the following Senators be recognized in this order: Senators HUTCHISON, INHOFE, CHAMBLISS, KENNEDY, and LEAHY; and following that, Senator SHELBY be recognized for up to 45 minutes; and that after this sequence, the sides alternate where appropriate.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, reserving the right to object, this is, as I am sure the Senator from Texas knows, somewhat unusual, and not the way this is normally done. Normally we would alternate from side to side. I have actually discussed this with some of the Senators on her side. However, in the interests of at least having some idea of where we are going to go so we won't have to do the procedural fix of having Senators stand up and propound speeches that are put in the form of a question as we have been seeing here for some time, I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered. The unanimous consent request is granted.

Mrs. HUTCHISON. Mr. President, my remarks will not last 10 minutes, and I hope the Senator from Georgia will be able to have his time in turn, because he has been waiting for quite a long time.

#### ACCOMMODATING THE NEEDS OF THE MILITARY

Mrs. HUTCHISON. Mr. President, what we are asking with the amendment I have tried to put forward but which was ruled out of order is to simply restore the \$3.1 billion that was cut from the Base Closing Commission military construction. We cut—not we, but the bill that is on the floor that we are not able to amend—\$3.1 billion out

of the Base Closing Commission military construction funding. Our amendment, the Hutchison-Inhofe amendment, has 27 cosponsors. That is almost one-third of the Senate, and there are many who said they would like to sponsor the amendment but in deference to their leadership did not feel they could, because so many States have major projects in this BRAC military construction funding.

These are not projects that any Member of Congress put in this bill or in the bill that passed the House and Senate. These are the Department of Defense projects, for them to be able to meet the congressionally mandated deadline of 2011 for finishing the BRAC process. So they are projects that were selected in order of priority by the Department of Defense. There is not one earmark, not one congressional add in the military construction budget that we are trying to restore. We are trying to restore the budget we have already passed so the Department of Defense can meet the deadline we have set.

I think this amendment should be in order. It is my great hope that the distinguished leader and the distinguished chairman of the Appropriations Committee will allow it to go forward with no further delay, because there is going to be a delay if we wait until the supplemental. Not only will the \$3 billion be outside of the scope of the budget and add \$3 billion more to the deficit, but it will, in fact, delay the building projects for yet another 2 months, which will be a whole half year that the Department of Defense will be strapped for the funds to do what it needs to do to have its synchronized movement of troops be able to accomplish what they are trying to accomplish.

I hope we will have a reconsideration. I hope the House will work with us. We have a whole week to do it. We have done things in 24 hours that were harder than this, and I believe that delaying the return of 12,000 troops to facilities they deserve to have is not a good bargain. So I am very hopeful we will eventually have true bipartisanship in the Senate, true bipartisanship in the Appropriations Committee, which has been the tradition in the Senate for all these years. I ask that the majority in leadership help work with us to accommodate the needs of the military.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Oklahoma is recognized for 10 minutes.

Mr. INHOFE. Mr. President, let me inquire as to how much time is left open from the 10 minutes of the Senator of Texas?

The PRESIDING OFFICER. There is 5 minutes 40 seconds.

Mr. INHOFE. Mr. President, I ask unanimous consent that those 5 minutes be divided between myself and Senator CHAMBLISS.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. INHOFE. And that at the conclusion of the unanimous consent request wherein the last speaker, it is my understanding, is the Senator from Alabama, Mr. SHELBY, that the Senator from Pennsylvania, Mr. SPECTER, be recognized for 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I have been watching this debate as it has taken place. I am disappointed that procedurally we dropped the ball. We were hoping to be able to speak all afternoon on probably the most immediate crisis we are facing in terms of the budget; that is, the BRAC process.

Let me share a couple of ideas as to what this is all about. A lot of people are not all that familiar with the process we are talking about. The BRAC process is the Base Closure Realignment Commission. It was brought to our attention and first voted on by a Congressman from Texas, Dick Arme. Prior to that time, it appeared that all of our military establishments that were in the United States had been looked at as economic bases. Consequently, it is very difficult to close down some that are either not efficient or not needed for defending the country.

It was the idea of Congressman Arme to put together a system to take politics out of the base-closure system and to allow some criteria to be put forth and have a base-closure commission make recommendations and then take those recommendations and put them into effect. The bottom line would be they may find, in my State of Oklahoma, that one of our installations should be closed or should be realigned and part of it moved somewhere else. If that is the case, we would have to vote on the overall picture. You could not pick or choose. That way, as nearly as you can take politics out of a procedure on this Senate floor, I believe they successfully did that.

We had the first BRAC round back in 1988. We have had four since then. The last one is the one we are talking about now.

I have to say that when we came to this fifth BRAC closure vote as to whether we are going to allow the Commission to reconvene and make determinations as to priorities, I voted against it. I led the opposition. In fact, we only lost it by two votes. We have had a BRAC round, after all.

I made a statement from this Senate floor, from this podium, that whatever recommendations they came up with on this independent, nonpartisan BRAC Commission, I would not object to, and that is exactly what has happened.

The problem we are facing—and I can remember so well saying in the Senate before this last round was decided upon, I said it may be that we will save \$20 billion over a period of time with another BRAC round. We don't know that for sure, but there is one thing we do know; that is, it is going to cost us

a lot of money in the next 3 or 4 years, right when we are going to need the funding for our military.

We went through the 1990s downgrading and downsizing the military. I remember this euphoric attitude that many people had—the Cold War is over, and we no longer need a military. Consequently, the attention was not given to the military.

I have a chart I have not used for quite a while. This is during the Clinton administration, from fiscal year 1993 through fiscal year 2001. If we take the black line, that shows that if we merely kept the budget we had for the military from fiscal year 1993 and added nothing but inflation, the black line would represent the amount of the budget and what it would have been at the end of that period of time. The red line represents what the President's budget—it was President Clinton at that time and what he was requesting. You can see the huge difference in there, about a \$412 billion difference.

Congress, in its wisdom, increased the President's budget insofar as military spending is concerned to this line right here. Nonetheless, over that period of time, while we did bring it up a little bit, it still was \$313 billion below what a static budget would have been from that year, in bringing that year forward.

That is the problem we are facing in the 1990s, the late 1990s. I remember so many times coming to the Senate and saying that we will rue the day we downgraded the military. And we did. We went down to about 60 percent of the force strength, did away with and slowed down a lot of our military modernization programs.

I remember watching other countries producing better equipment, so when we send our young people out to do battle, they don't have the kind of equipment someone else might have. A good example would be our non-line-of-sight cannon, artillery piece. The best piece we have today is the Paladin. That is World War II technology where you have to swab the breach after every shot—something that is totally unacceptable. There are five countries, including South Africa, that make a better cannon than we have. We are going to remedy that now, and we have future combat systems where we will start modernizing.

We also slipped behind in the Air Force. I remember when General Jumper at that time came to the Senate, in 1998, and he said that now the Russians are making the Su series, and he referred to the Su-35 and he said it was better than any strike vehicle we have, our F-15s and F-16s. Now we have an F-22 that will do a better job. This is what happened to us in the 1990s.

Now we come to the BRAC process. We had an opportunity to save \$20 billion. But to do that, we have to build installations in different areas, divest ourselves of other installations. That is where we are today.

As has been said by several speakers in the Senate, we are in a position now

going into a continuing resolution, that it would tie us to the 2006 budget. If this happens, the BRAC funding that is necessary to implement the changes to accommodate our fighting troops over there, in their rotations coming back home—all of these things that are taking place are things that can't be taking place now because we are \$3 billion short.

My next chart shows we are scraping just to fund the BRAC process. The money the military needs to pursue the BRAC round in fiscal year 2007 is \$5.6 billion. You can see that on the chart. That is the amount the President requested. That is also the amount in our authorization bill, the John Warner National Defense Authorization Act. Those on the Senate Committee on Armed Services authorized this \$5.6 billion. The Senate appropriators thought they could shave a little bit off, so they cut from that \$4 billion. That brings it down to \$5.2 billion.

Because there is no appropriated amount, the BRAC was funded at the fiscal year 2006 level, which is \$1.6 billion—far lower than what is required to even start the process of this latest BRAC round. Under the continuing resolution now being considered, the funding was increased by \$1 billion, which puts us at a total of \$2.5 billion less what the military is going to have to have. That means it is a \$3.1 billion shortfall. I know it is confusing, so we put it on a chart so we can clearly understand it. That is what is necessary to carry out those requirements we had in the BRAC round.

We did get \$1 billion. Let me tell Members where that came from. The Democrats scraped and squeezed all the unfunded amounts that were needed to be funded by the CR. They were able to get an extra \$13 billion to fund their own priorities. We talked about those priorities, many of them social programs, many of them programs I would support, some programs I would oppose. To me, they were not in the league of necessity that we have in our military construction in carrying out and implementing BRAC.

The chart shows the amount of money, the \$13 billion, and where this money went. If you go around the chart, you see Veterans' Administration, \$4.5 billion—we supported that; defense health, \$1.4 billion; State and Foreign Ops—this is HIV/AIDS, which has been talked about in the Senate—that is \$1.25 billion; law enforcement, \$1.35 billion—quite frankly, I am not sure what that is referring to; pay raise for Federal workers, \$1 billion; Labor-HHS, Head Start, AIDS, Social Security, and so forth, Pell grants, that is \$2.3 billion; Interior Department, \$200 million. Finally, after everyone else is taken care of, everyone else has been funded, there is \$1 billion left over to put toward BRAC. The need was \$4.1 billion. It brings it down to the \$3.1 billion. So the need is still there. That is how we got where we are today.

What this Senate needs to do is to evaluate and establish priorities as to

what is really significant. What do we need to add? We are at war. It is inconceivable to me, when we come along with a BRAC process that applies housing and other needs for our troops who are rotating back and forth, that we are not able to do that.

One of the concerns I have that I have not talked about in the Senate is the problems we have in the communities. One of the reasons my State of Oklahoma has always, throughout all BRAC processes, all five of them, benefited—and I am bragging a little bit here, and I know other States do a good job—Oklahoma has always done an excellent job on community support. In our five major military installations, we have the communities building hospitals, doing child health care, helping with roads, donating land. For that reason, we have always done a very good job of that in my State. A lot of people were concerned when the BRAC processes took place; that is something which has actually been a benefit to my State. However, in this case, there isn't a State that isn't involved either in pluses or minuses, but overall it is a way to take care of those kids when they come back, when they rotate through.

We have two things that are happening right now. We are trying to rotate our troops who were in battle, and the second thing is, we are trying to establish a program where, instead of sending some of our people overseas for 3 and 4 years with their families, to bring them back and let them rotate.

With that, I am going to yield the floor. It is my intention to come back. I have quite a few more things to talk about.

**THE PRESIDING OFFICER.** Under the previous order, the Senator from Georgia is recognized for 12½ minutes.

**Mr. CHAMBLISS.** Mr. President, let me say to my friend from Oklahoma, as well as to my colleague from Texas, we appreciate their leadership on this issue, restoring this funding for the transition as required under BRAC. The Senator from Oklahoma and I both went through some very difficult times under BRAC. Now, to not be able to carry out the direction of the Commissioners with the difficult decisions that were made is simply not right. Without his leadership, we would not be where we are today.

**Mr. INHOFE.** Will the Senator yield?

**Mr. CHAMBLISS.** I yield.

**Mr. INHOFE.** The point I was trying to make in terms of community support, many communities in Georgia and Oklahoma have made commitments predicated on this next BRAC round coming forward. I ask the question, Aren't you a little concerned how to face the communities if we renege on what the Government's portion is?

**Mr. CHAMBLISS.** The Senator is exactly right. I will address that in my comments in a few minutes. It is not fair to the taxpayers in general but specifically those communities that are affected, as communities in Okla-

homa and Georgia are, that we now come back and say: I know you have made these plans and you were preparing to receive additional infrastructure, but now it will not happen because the folks in the Senate have decided they want to spend that money on social programs as opposed to spending it on our military.

I do rise today to support my colleagues in restoring funds for the Department of Defense fiscal year 2007 BRAC requirements in the continuing resolution. The fiscal year 2007 President's budget requested \$16.7 billion for MILCON, which included \$5.7 for fiscal year 2005 base realignment and closure actions required to meet a statutory deadline of September 15, 2011, to complete all realignments and closures.

The fiscal year 2007 Defense authorization bill authorized MILCON appropriations of \$17.4 billion after accounting for \$278 million in prior year rescissions proposed by appropriators in both Chambers. The final authorized amount was \$17.1 billion—\$400 million above the President's budget for fiscal year 2007.

The Senate passed a fiscal year 2007 MILCON appropriations bill at \$434 million below the fiscal year 2007 President's budget by cutting the BRAC request and accounting for additional rescissions. The House version of the fiscal year 2007 MILCON appropriations bill is \$803 million below the President's budget, and it cut BRAC and \$500 million in projects requested in the President's budget. No conference allocation was provided and a conference agreement was never reached.

A continuing resolution was enacted through February 15, 2007, at levels equaling the fiscal year 2006 appropriations, but currently does not allow for military construction new starts in fiscal year 2007. In addition, the fiscal year 2006 BRAC appropriation is \$4 billion below the request for fiscal year 2007. Therefore, over 90 percent of the authorized fiscal year 2007 MILCON projects will not be able to be constructed.

The new CR language proposed by House and Senate appropriators on January 30 would provide fiscal year 2007 MILCON funds at levels requested in the fiscal year 2007 President's budget, but would underfund BRAC in fiscal year 2007 by \$3 billion, seriously jeopardizing the ability of the Department of Defense to carry out all BRAC actions by 2011.

Senator INHOFE offered a bill in early January that I cosponsored along with several other Members of the Senate that would appropriate funds for all MILCON projects authorized in the fiscal year 2007 Defense authorization bill.

The administration issued a Statement of Administration Policy on January 30, strongly opposing the reductions that are in the continuing resolution we are considering. The Secretary of Defense and the service chiefs and Secretaries have met with many of us

to provide an assessment of the impact on military programs as well as military readiness. By cutting \$3.1 billion in the fiscal year 2007 BRAC request, the proposed continuing resolution does not allow the Department to carry out the investments and the timing required to complete all BRAC initiatives by 2011. That is a statutory requirement established to assist communities affected by BRAC by mandating an accelerated transition to aid in economic recovery.

Deferring funds will result in higher contract costs as construction will be delayed and ultimately compressed in a tighter execution timeframe, forcing a greater demand for limited resources. Resolving this issue has the support of key members of the Senate Appropriations Committee, as well as many military and local community advocacy groups.

I understand the chairman of the Senate Appropriations Committee intends to attempt to restore BRAC funding in the supplemental appropriations bill. But what kind of solution is this? Supplemental funds have been requested by the President for military operations in Iraq as well as Afghanistan. The funds requested in the supplemental are critically needed to purchase equipment for force protection and IED defeat initiatives. These funds would be used to train and equip Iraqi security forces. The funds will be used for military intelligence, coalition support, and other regional operations in the global war on terror.

Since when do base realignments and closures qualify as an emergency directly supporting the global war on terror? How do we explain to the American taxpayer that BRAC should be considered along with body armor, additional military end strength, and vehicles being used in Iraq and Afghanistan?

Furthermore, we are having this discussion because my colleagues who developed the resolution share with all of us the common goal to reduce overall Government expenditures. In that spirit, what critical warfighting requirement do we cut in the supplemental to pay for the BRAC increase that is proposed? What do we deny to our frontline fighting troops? While I heard the idea of funding BRAC in the supplemental, I have not heard one idea on how we pay for it.

Do they instead advocate for an increase in the supplemental? Why not just add funds to the resolution we have in front of us, as this is proper? Could it be they want to hide the additional funds they have inserted for domestic programs by pushing BRAC to an inappropriate method of funding? Is this how we propose to manage military appropriations for the future? By using budget gimmicks and shell games which will have devastating results for the military and for local communities? We must address full fiscal year 2007 funding for BRAC in this continuing resolution.

Including funds for BRAC in the CR is critical to modernizing and increasing the readiness of our Armed Forces.

The current CR provides \$2.7 billion for Base Realignment and Closure programs, which is \$3.1 billion below the President's request, as I previously stated. These reductions are inconsistent with congressional emphasis on force and readiness. Such a severe reduction to BRAC funding will force the Department to rephase BRAC implementation plans. This will have a negative ripple effect on the movement of troops and missions throughout our global defense posture restructuring.

This planned approach could delay force rotations to Iraq and Afghanistan, as well as the Army's overall readiness posture, which relies on completing the Modular Force conversions on time. This move will impact readiness. And soldiers at Fort Campbell, Fort Drum, and Fort Stewart will not have adequate places to train, work, or sleep.

This move will devastate the Department's ability to complete BRAC actions within statutory deadlines. It will stymie efforts to construct facilities and move equipment and people to receiver locations, thereby impeding our ability to realize savings and organizational efficiencies. Over 82 percent of the fiscal year 2007 BRAC request is for construction that is required before these moves can occur. The current continuing resolution cuts funding for family housing by \$300 million below the President's request. This will directly and adversely affect the quality of life of our servicemembers by perpetuating the continued use of inadequate facilities where they work, train, and live.

Regarding my home State of Georgia, the following projects will be in jeopardy—and these are going to have very serious consequences to the ability to train and give quality of life to the soldiers, which they deserve—a child development center at Fort Benning; two trainee barracks complexes at Fort Benning; training brigade complex at Fort Benning; fire and movement range at Fort Benning; modified record fire range at Fort Benning; brigade headquarters building at Fort Benning; stationary gunnery range at Fort Benning; Marine Corps Reserve center at Robins Air Force base; Marine Corps Reserve center in Rome, GA; three facilities to prepare Moody Air Force Base to receive A-10 aircraft; and relocation of a vehicle maintenance complex at Robins Air Force Base.

None of these improvements can be made for our fighting men and women without this funding. It is imperative we do so in this CR.

Mr. President, I inquire as to how much time I have remaining?

The PRESIDING OFFICER (Mr. NELSON of Nebraska). There is 1 minute 55 seconds.

#### COMMENDING CONGRESSMAN CHARLIE NORWOOD

Mr. CHAMBLISS. Mr. President, in that remaining minute 55 seconds, I will very quickly say a word of commendation about a good friend of mine, a good friend of all Members of Congress, who is now serving in the other body, Congressman CHARLIE NORWOOD.

Congressman NORWOOD has been in a severe battle for his life for the last 3 years, and he is having a tough time. He has made a decision to now go back to Augusta, GA, and spend the rest of his time with his family.

And, boy, what a great warrior CHARLIE NORWOOD has been. It was my privilege to be elected to Congress with Congressman NORWOOD in 1994. He is an avowed conservative. He does not back away from any of his positions in supporting conservative values. He is a strong supporter of our men and women who wear the uniform of the United States. He is a Vietnam veteran. He is a very professional dentist. And he is one of the greatest guys I have ever had the privilege of being associated with.

As CHARLIE and his wife Gloria return to Augusta to spend the rest of his time there, I want to say it has been a privilege to know him. It has been a privilege to serve with him. I hope to have the opportunity to spend some more time with him in the next several weeks, months, whatever it may be.

But he is a great trooper. He is a great American. And I hope all Members of this body, as well as all Americans, will keep Congressman NORWOOD and his wife Gloria in their thoughts and prayers.

Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from Vermont.

#### APPROPRIATIONS

Mr. LEAHY. Mr. President, one thing that should be noted, and has been noted on this floor today, is that the former chairman of the Senate Appropriations Committee and its members got all the appropriations bills passed out of Committee early on last year. Had they been brought up by the then-leadership in the House and the Senate we would not even be talking about a CR because, of course, they would have been passed and signed into law.

But 2 weeks ago, the Senate and House Appropriations Committees finished drafting H.J. Res. 20, the joint spending resolution. The House passed the joint resolution on January 31 by a bipartisan vote of 286 to 140. The current continuing resolution left to us by the last Congress expires on February 15. So we have to act.

Total funding in the joint resolution is within the ceiling imposed by President Bush and the Republican Congress last year for fiscal year 2007. There are, however, some adjustments from the fiscal year 2006 funding levels in the continuing resolution that the Republican Congress agreed to.

During the past month, we worked together on a bipartisan basis to make these adjustments so there would not be severe hardships to the most vulnerable people or layoffs of Federal employees.

As chairman of the State and Foreign Operations Subcommittee I am gratified by the additional funding that was included to meet urgent humanitarian needs that do not reflect any partisan interest. These are moral needs.

I thank Chairman BYRD and Ranking Member COCHRAN for their help and also the ranking member of the subcommittee, Senator GREGG of New Hampshire, and also his able staff for their support and cooperation during this process, and Tim Rieser and Kate Eltrich of my staff for what they have done.

The adjustments include additional funding to combat HIV and AIDS. Under the continuing resolution we enacted last year funding within State and Foreign Operations to combat HIV and AIDS totaled \$2.57 billion, including \$445 million for the Global Fund that fights also tuberculosis and malaria.

Under H.J. Res. 20, those amounts will go to \$3.84 billion and \$625 million, respectively, again, with bipartisan support. I thank Senators DURBIN and BROWNBACK and the others who supported me in this effort.

Currently, only 20 percent of the people needing AIDS drugs in poor countries get them, and only 10 percent of the people at risk of infection are receiving the services to help them protect themselves.

If we had continued funding at last year's level, we would not have been able to provide lifesaving antiretroviral drugs to an estimated 350,000 HIV-infected people.

According to the Office of the Global AIDS Coordinator, 110,000 to 175,000 people would die of HIV-related causes if the fiscal year 2006 funding levels had not been increased in the joint resolution. Funding to combat malaria would have been frozen at the fiscal year 2006 level under the continuing resolution passed last year.

Of course, malaria is something we do not have to worry about in this country. It is both preventable and treatable. Yet it kills more than a million people each year. Most of those who die are African children. An expansion of programs to combat malaria would have been stalled under the continuing resolution and the eight additional countries targeted for the next round of malaria prevention and treatment would have been placed on hold.

The additional funding will enable us to meet our commitment to cut malaria-related deaths by 50 percent in 15 of the hardest hit countries in Africa. These funds will go to support the purchase of lifesaving drugs, the distribution of insecticide-treated bed nets, and the treatment of pregnant women at risk for malaria.

What we do here will help people none of us here will ever meet. Yet think of nearly a million children in Africa who would die if we do not act. So it becomes a moral issue. America, again, helping people we will never know or see, but we do it because it is the moral thing to do and we have the wealth and technology to do it.

Under H.J. Res. 20, funding for international peacekeeping operations will receive an additional \$113 million above the amount in the continuing resolution enacted last year. This will ensure that our assessed dues to the U.N. are paid and we do not fall further behind in our support for troops in 13 countries, including Lebanon, Sudan, Haiti, and the Congo where, again, it is in our best interests to support these peacekeeping missions.

We provide \$50 million to support the African Union troops in Darfur and southern Sudan. These funds had been omitted last year, but they are needed for the 7,000 troops at 34 camps throughout Sudan. When we read about the genocide in Sudan, about the children who have been murdered, women who have been raped, people who have been killed as they flee the ashes of their homes, how can we, as Americans say we can't do something to stop it?

There is \$20 million here to support Iraqi refugees. That is an amount which, unfortunately, will only begin to address the catastrophe that is unfolding. In fact, additional aid, as we know, will be needed for Iraqi refugees in the fiscal year 2007 supplemental. The number of refugees is going up every day. The ability to care for them is insufficient.

So the clock is ticking. The urgency with which the Senate must act to pass the joint funding resolution should be measured not in time but in human lives. As Members of the Senate and the American people can readily see, this legislation involves issues of life and death.

The additional funds were designated by the chairmen and ranking members of the Senate and House Appropriations Committees to support the priorities of both Democratic and Republican Senators, without exceeding the total funding ceiling set by the President.

I have said so many times on the floor of the Senate, on questions of diseases that could be prevented, if Members of the Senate have young children or grandchildren or their friends do, we know that at certain times as they are growing up they go to the pediatrician, they get vaccinated against measles and other diseases. And they are protected. We take it as a matter of course. We get the bill and we pay it, but that bill is close to the amount many people in Africa would earn in a year. They also know that their children may not get those vaccinations. They will not go to the pediatrician when they are 5 years old because many of them die before they are 5 years old.

Oftentimes the mothers are not there to care for them either because of hundreds of thousands of women die needlessly in childbirth.

We can make a dramatic change. I agree with the President, I agree with Members on both sides of the aisle, and I commend those who have supported this. But also to those people around the world who have urged America, the most powerful Nation on Earth, to stand up and do these humanitarian things, this is a small down payment on what the wealthiest, most powerful Nation on Earth can do. It is something that speaks to the moral character of America and makes us a better nation and makes the lives of people we will never see better.

I am reminded of my dear friend Bono, who is known all over the world for doing this, and who I commended for helping people throughout the world who would never hear his music, who do not recognize him, who will never buy a ticket to one of his concerts but whose lives are measurably better because of him. We have it in our power to do the same thing.

Madam President, while I have been here the occupant of the Chair changed from the time I started my comments to now. I hope it will show on the RECORD and will be corrected to say "Madam President." One of the problems when you have been here as long as I have is you get used to saying "Mr. President." And, of course, the Chair is now occupied by the Senator from Minnesota, one of the welcome new faces in the Senate, somebody who has improved the Senate just by being here.

I was reminded of some who came here at a time when this was an all-male Senate, and it has improved substantially by the fact that it is no longer nor ever will be, I believe, in our lifetimes, an all-male body.

I apologize to the Presiding Officer who came to the Chair following the distinguished Senator from Nebraska. Of course, I refer to her with pride, I might say, and with gratitude, as Madam President.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Under the previous order, the Senator from Alabama has 45 minutes.

#### CONGRATULATING SENATOR THAD COCHRAN ON HIS 10,000TH VOTE

Mr. SHELBY. Madam President, before I get into what I want to talk about this afternoon at length, and that would be Iraq and our military operation there, I would be remiss if I didn't say a few words about our colleague and friend, Senator THAD COCHRAN of Mississippi, the former chairman and now the ranking Republican on the Appropriations Committee, who cast, as we all know from our colleagues' talks today, his 10,000th vote in the Senate. I have known Senator COCHRAN for 28 years, since I first came to the U.S. House of Representatives. I

can tell you, without any reservation, he is a gentleman. He is a bright, very engaged Senator. He knows the appropriations process, but he is courteous to all of us. He will always listen to us, although his position might be 180 degrees from what we are talking about.

I congratulate him for this achievement. This is a milestone in the Senate. I don't know if I will ever be here for 10,000 votes. Not many people, as Senator BYRD mentioned this morning, have. So this is a feat in itself. I congratulate Senator COCHRAN for his diligence and his service to the Nation and to the people of Mississippi in the Senate and, before then, in the House of Representatives, and also as a naval officer, as a young man out of Old Miss Law School.

#### IRAQ

Mr. SHELBY. Madam President, I rise today to discuss U.S. military operations in Iraq.

Four years ago, we invaded Iraq to disarm an oppressor's regime and restore control of that country to its own people. In the early hours of March 20, 2003, the United States, joined by our coalition partners, began a military campaign against the regime of Saddam Hussein. Code named "shock and awe," the first 24 hours of combat operations filled the country with punishing air attacks. As the massive firestorm of bombs and missiles targeted Iraqi leadership, ground forces rolled towards Iraq's capital.

Without question, our military operations were swift and decisive. Approximately 120,000 U.S. troops, as well as a number of forces from our coalition partners, led the invasion into Iraq. Ground forces moved into Baghdad, formally occupied the city, and the Hussein government collapsed approximately 3 weeks after military operations began. Saddam Hussein and his top leadership were captured, killed, or forced into hiding by coalition forces.

With Saddam on the run many Iraqis celebrated the downfall of the oppressive regime.

While some fighting in Iraq continued, the major battles appeared over just one month after the start of the military campaign. And 43 days after announcing the beginning of the war, President Bush declared that, "Major combat operations in Iraq have ended. In the battle of Iraq, the United States and our allies have prevailed."

Undoubtedly, the President was wrong. After remarkable success during the initial combat operations, it appears that the Bush administration did not sufficiently prepare for the consequences of their military victory. The Bush administration could not have known everything about what it would find in Iraq.

But it could have, and should have, done far more than it did.

As George Washington once said, "There is nothing so likely to produce

peace as to be well prepared to meet the enemy." In the aftermath of the overthrow of Saddam Hussein and the Baathist regime, the U.S. proved it was ill-equipped for the post combat environment it would face. As a result, the Bush administration made grave and glaring political, military, and intelligence miscalculations.

As it turned out, the defeat of the Iraqi army was just the beginning of the war. Prewar plans drastically underestimated the number of troops necessary in a post-Saddam Iraq.

The troop level of the invasion force proved inadequate to hold the country together after Saddam's regime was removed. The Bush administration failed to heed the warnings of experienced, senior military officers who stressed the need for a large force structure in country to provide security.

In particular, on the eve of the invasion, then Chief of Staff of the Army, General Eric Shinseki, predicted "something on the order of several hundred thousand soldiers" would be required to keep peace in a postwar Iraq.

While it is evident that General Shinseki was on the mark with his force calculations, the general's comments were quickly dismissed by the Department of Defense as "wildly off the mark." Consequently, the U.S. invaded with what proved to be an insufficient number of troops to secure a postwar Iraq.

Immediately after the invasion, it was readily apparent that serious miscalculations, poor prewar planning, misguided assumptions, and wildly optimistic administration reporting was the order of the day. When the Iraqi Government collapsed, there was no framework in place capable of filling the military, political, and economic void.

U.S. combat units were assigned to patrol large urban areas with no sense of their mission and no standard set of operating procedures. Looting and other criminal activities were rampant. The U.S. forces were vastly inadequate to control the mounting violence, since the Bush administration had mistakenly believed that U.S. forces would be greeted as liberators rather than as occupiers. The reality was widespread lawlessness throughout the country.

To make matters worse, Secretary of Defense Donald Rumsfeld denounced the extent of the chaos as simply an expression of pent-up hostility towards the old regime.

"It's untidy," Rumsfeld said. "And freedom's untidy. And free people are free to make mistakes and commit crimes."

We clearly underestimated the disorder and chaos the toppling of the regime would cause. Then we failed to effectively respond to it once it did. The Bush administration simply did not believe that a major reconstruction effort would be required and they were unprepared when the Iraqi infrastructure collapsed. As a result, interagency ri-

valry and turf wars between the Departments of Defense and State plagued the immediate restoration of security and basic services.

Amid the escalating violence and civil disorder, the Department of Defense deployed a small reconstruction effort, led by retired Lieutenant General Jay Garner. Garner became the Bush administration's fall guy for the problems and chaos in Iraq. He was blamed for not implementing key services or restoring order fast enough. Yet, he was prevented from cooperating with planners in the Central Command and denied key personnel increases. He was replaced less than one month after reconstruction efforts began.

At this critical juncture, perhaps the single most important event in the destabilization of Iraq after the cessation of large scale military operations occurred—Garner's replacement, Ambassador Paul Bremer, demobilized the Iraqi Army.

The abrupt decision in May 2003 to disband the entire force, including apolitical conscripts, may have been one of the most grievous mistakes made by our occupying force. The decision allowed enemies of a democratic Iraq the time necessary to regroup and infiltrate the under-secured nation.

We disbanded an organization that would have been vital for providing security and assisting in the rebuilding. The 300,000 strong force almost immediately morphed from soldiers to bitter, unemployed, armed terrorists who became prime recruits for the insurgency efforts. The result of this one decision, gave an enormous boost to the forces of instability in Iraq.

In the fall of 2003, the administration faced the dilemma of securing a nation with a limited occupation force and no Iraqi security structures in place.

While the Bush administration could have opted to deploy additional forces from the United States, the Department of Defense chose to speed up the Iraqi Army training program. The effect, inevitably, produced Iraqi soldiers who were neither properly trained nor fully committed to the mission.

This problem became even more severe with the creation of the Iraqi Civil Defense Corps. The Corps' purpose was to provide local militia forces as adjuncts to the Iraqi army. However, the Bush administration was impatient to create more Iraqi troops to illustrate that additional U.S. forces were unnecessary.

They once again increased the training pace which restricted the vetting process of the Iraqi troops. The result was an Iraqi Civil Defense Corps limited in its combat capability, thoroughly infiltrated by insurgents, who predictably collapsed whenever committed to combat.

With nothing to fill the power void left by the regime's fall, the U.S. ended up creating a failed state that allowed the insurgency to develop.

The United States did not anticipate the deeply divided Iraqi society—one

with the Sunnis resentful over the loss of their dominant position and the Shiites seeking power commensurate with their majority status—would devolve the country into sectarian violence.

The Bush administration was clearly unprepared for the likelihood that these ethnic differences and the dramatic shift in the power dynamics would cause the sects to engage in violent conflict. Perhaps even more importantly, the administration did not foresee that the U.S. military, as an occupying force, would itself be the target of resentment and armed attacks.

Since the invasion, lingering Shiite resentment and Sunni fears associated with the shift in power have helped transform local and individual political or economic disputes into broader religious confrontations. Moreover, the Bush administration insisted that all of the problems of the country were caused by the insurgency, rather than that all of the problems of the country were helping to fuel the insurgency. Security was not established after the fall of the Ba'athist government and still remains beyond our grasp.

As a result, the hardening of sectarian and ethnic identities in a postwar Iraq has created significant anxiety among Iraq's neighbors, many of whom also have religiously and ethnically diverse populations. Toppling the regime and dismantling the Iraqi armed forces removed a potential military threat to the Middle East region. Yet, it also eliminated the area's principal strategic counterbalance to Iran. The instability and violence in Iraq, coupled with Iraq's neighbors' fears of an emboldened and potentially hostile Iran, has created new concerns among Middle Eastern nations and sparked increased interest in the future of Iraq.

In particular, Gulf governments worry that escalating sectarian violence in Iraq could spread to Iraq's mainly Sunni neighbors and force them into conflict with Shiite-controlled Iran. Gulf governments also believe that regions in Iraq could become safe havens for terrorist organizations if the Iraqi government collapses or the U.S. withdraws troops precipitously.

As we debate a strategy for Iraq, we need to make certain we paint the big picture and understand what is at stake. If we precipitously withdraw our troops, we will open the door for the Iranians to exert even more influence in both Iraq and the Middle East.

Iran clearly has regional aspirations that will significantly increase without a counterbalance in the Persian Gulf.

However, more than just the strategic balance of the region is at stake. The oil reserves in Iraq are vast—believed to be only second in size in the Middle East to those of Saudi Arabia. Imagine over half the world's oil in the hands of the mullahs in Tehran. Picture the world with another nuclear power that hates the United States and all it stands for. The President is correct when he states that those who say

the future of Iraq is not a direct threat to our national security are deluding themselves.

Madam President, we are now living with the consequences of successive policy failures. The blunders, miscalculations, and failed leadership made by the Bush administration continue to this day.

As I stand here today, one thing is clear—we are at a crossroads.

One month ago, President Bush addressed the Nation and outlined a new strategy in Iraq. Since that time, the merit and purpose of escalating U.S. troops has been debated around the country. This week, the Senate brought forth several resolutions expressing various viewpoints on the subject.

One resolution, introduced by Senators WARNER and LEVIN, disagrees with the troop escalation strategy, but like all the resolutions on Iraq, it is not binding. It cannot deter the President from sending more troops. It cannot withdraw the troops currently in Iraq. And it does not limit the President's power as Commander-in-Chief. That is set in the Constitution.

However, what this resolution does is state that we, the United States Senate, the same body that 4 years prior authorized the use of force in Iraq, no longer has confidence in the U.S. strategy in Iraq.

Far more significantly, it sends the message to our brave fighting men and women that although the Senate will not stop you from deploying and engaging the enemy, we do not think you can succeed in your mission. That is a message I refuse to send.

Therefore, I do not support the Warner-Levin resolution. Our service members need clear direction—not mixed messages from the United States Senate. The Armed Forces need support, both materially and morally, from the policymakers who sent them into combat. Ambiguity has no place in our strategy or operations in Iraq.

My opposition to this resolution, however, should not be confused with blind support of the President's policy. I have grave concerns and serious doubts about the future of Iraq and what role the United States will play there. As we scrutinize the new strategy put forth by the President, numerous and troubling questions arise about the future of U.S. involvement.

Should we put more of our servicemembers in harm's way?

Is the number of troops in the surge enough? Or do we need more?

Is it too late to recover and should we just cut our losses and begin to withdraw our troops?

If we did withdraw, what would be the cost?

American prestige?

An unleashing of transnational terrorism?

The establishment of Iran as the dominant force in the Middle East?

Will the Iraqi government step up to help secure the country? Or will send-

ing more troops only delay Iraq's government from taking more responsibility?

The questions could go on and on. In the words of Winston Churchill who once said, "You ask, what is our policy? You ask, what is our aim?" I believe there are three fundamental questions that must be answered before moving forward:

What is our goal in Iraq? How do we measure success? Just stating that success is the establishment of a democratic and secure government in Iraq is too broad a definition. It represents an endless engagement for the U.S. We need more definable, measurable objectives. That is a basic principle of war.

How do we achieve it? What is our strategy? Not just our military strategy, but our overall strategy involving military, political, economic, and social components.

And is this new plan set forth by the President a viable option? Is it a rational strategy that will lead to achieving our objectives, which will in turn lead to success in Iraq?

When combat operations began, our goal was straightforward—to enable Iraq to be stable, unified, and democratic, able to provide for its own security, a partner in the global war on terror, and a model for reform in the Middle East.

Four years later, the country has descended into chaos. While the formal political framework for a democratic government has advanced, insurgent and sectarian violence has increased and become more widespread. Is it still plausible to believe that the U. S. can unify this country so that it will be able to sustain a viable democratic government?

We are fighting an insurgency in Iraq. American forces and the Iraqi people have the same enemies—the Shiite, Sunni, and al-Qaida terrorists, illegal militias, Iranian agents, and Saddam loyalists who stand between the Iraqi people and their future as a free nation.

Only through a combination of military force, political dialogue, economic development and reform, and increased security for the population will we be able to restore peace. Therefore, we are now confronted with this question: How will the United States reverse Iraq's steady decline into sectarian and radical religious chaos and bring stability to violence-torn parts of the country?

In the announcement of an imminent deployment of 21,500 additional U.S. servicemembers to Iraq, the Bush administration radically shifted its Iraq policy.

By increasing the amount of "boots on the ground," many of the basic tenets of the President's Iraq strategy thus far have been repudiated—in particular, that political progress would eventually suppress the violence. The question now becomes, will the increase in our armed forces in Baghdad help stabilize the country and stop the spiral into a civil war, or is it too late?

We have entered into a quagmire, and there is no easy exit. This is not a war that will be won overnight and it is dangerous to believe that if we set an artificial time line to withdraw troops that the terrorist violence would not follow us home.

The consequence of failure in Iraq is the strengthening and growth of radical extremists who will use the country as a safe haven for their terrorist organizations to threaten the safety and security of the United States and the entire free world.

No one appears to have the answer to the calamity that is the current state of affairs in Iraq.

Even those outspoken detractors of the Bush plan do not offer practical alternatives. Cutting and running is not an option, not for the United States. Even the appearance of doing so under another name is unacceptable, I believe, at any level. It is clear, though, that things cannot continue forward on this path. The administration and the Congress must find a viable strategy for U.S. involvement in Iraq.

I will not stand before you, Madam President, and assert that the Bush plan is not without flaws, nor will I state I am completely confident an additional 21,500 troops will turn the war around, will stabilize Baghdad. We will know that answer soon enough, all of us. But what I do know is this: When you vote to send troops into combat, it becomes your responsibility to ensure their mission is clearly defined, they have realistic military objectives, and they have the best equipment to achieve these goals.

As Congress debates the President's plan—and we will—as new ideas and strategies, perhaps new resolutions are brought forward, one thing, I submit, must remain constant: the support we give our soldiers, our service members around the world in harm's way.

I acknowledge there are different views within Congress about the way forward in Iraq, but Congress, in my judgment, should never let political infighting lead to bartering for bullets. Cutting off funding for our troops or even under any kind of name or guise should never be an option. The members of the U.S. Armed Forces willingly face grave dangers for each and every one of us. They have bravely faced sometimes an unknown enemy and have done everything that has been asked of them. Abandoning our servicemembers, our soldiers, hampering their ability to fight or cutting off funds for necessary military equipment or supplies cannot be an alternative, in my judgment. We should never take any action that will endanger our Armed Forces fighting in combat.

No one, I believe, wants to bring our troops safely home more than I do or you do, Madam President. Yet while many oppose sending more troops, no one in Congress has yet proposed an alternative that allows Iraq to stabilize. Therefore, the last question I pose to the Senate is: Why is no one looking

for a way to win as opposed to simply a way out? This should be part of the debate in the few weeks ahead.

I yield the floor. 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. LOTT. 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. LOTT. Madam President, if I may inquire about the situation, are we now considering the continuing resolution, the appropriations bill?

The PRESIDING OFFICER. The Senate is in a period for the transaction of morning business. The Senator is permitted to speak for up to 10 minutes.

#### CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2007

Mr. LOTT. Madam President, I will take advantage of the 10 minutes, then, to talk about the pending continuing resolution or, as others refer to it, the Omnibus appropriations bill. I have watched bills of this nature come and go over the years. Obviously, it is not the best way to do the job.

On occasion—I remember back in 1996 and two or three times since I have been in the Senate—we actually completed all of our appropriations by the end of the fiscal year, and that is the way it ought to be done. In order to get that done, we have to start working on it in May, not June, not July, and not in the fall. Regular order is the way it should be done, and I am pleased to hear our two leaders say that is the way they intend to proceed this year.

But for a variety of reasons, sometimes in spite of our best efforts, we don't often complete our work by the end of the fiscal year because it is quite difficult to get agreement as to what the figures will be in providing funds for the people's business in the Federal Government.

And so we pass these continuing resolutions. They always bother me because they pull in a huge number of agencies, bureaus, departments, and money into one big pile, and it is very hard to know all that is going to go on as a result of that kind of procedure. That is where we find ourselves.

This is a \$463 billion bill, as I am sure others have pointed out, and it funds most all of the discretionary programs of the Federal Government, from transportation and education to housing. The only thing it doesn't include is defense and homeland security. And so here we are trying to finish up that process for this year's funds, this fiscal year.

We can certainly exchange criticisms of how we got here, and I think there is some legitimate criticism that is due. But the way we handled things the last time we had a similar situation, in 2003, we did go through an amendment

process. According to Senator MCCONNELL, I think we had close to probably 100 amendments. We voted about 30 times, but we got through it in a reasonable period of time, and we can do that here, too.

I understand the leadership would like to go ahead and move through this as quickly as possible and get on to the regular business in the calendar year, so I can't be too critical about that. But I am very concerned about how we deal with some of the substantive issues in this legislation.

I have no doubt Democrats and Republicans have issues they think should have been funded that are not going to be funded by this bill, and others believe some of the things that are funded shouldn't be. One should never believe that there are not earmarks on an appropriations bill. I have tried to deal with earmarks. I have tried to out-wrestle appropriators ever since I have been in Congress, going back to when I was in the House. You always lose because they know where all the numbers are buried. So don't be fooled. There are some earmarks in here. Maybe they are justified. There are what we call anomalies, which are those situations where if we do not increase the funding it will create some problems.

The perfect example is the Federal Aviation Administration. We don't want the FAA furloughing air traffic controllers, so we have to add enough funds to make sure they have their straight-line funding or whatever is necessary to make sure they can continue their operations.

There are, however, two or three areas that specifically bother me. I am not a fan of the base closure procedure. I have voted against it every time it has come up while I have been in Congress. I did it in the House, and I have done so in the Senate. I have always opposed BRAC. I think it is an abrogation of responsibility of those serving in the Congress. We shouldn't hand off to some commission the decision as to whether we leave a base open or close it, or what troops are moved in and moved out.

Rightly or wrongly, we did it. As part of that package, we told our different communities that we were going to clean up the base facilities that were going to be closed and that we were going to have remediation so that when the community got it back they had something that was usable and not environmentally dangerous. We told communities in Kansas and in Georgia that we were going to move huge new numbers into their bases to take the place of bases that we were closing in Europe and other bases around the country.

We said we were going to provide additional funds to provide training facilities and living facilities to improve the quality of life for our troops and their families, so that when they do come back by the thousands—and 12,000 are being added to at least one of

the bases in the country—we will have the facilities to provide for proper housing and training.

This bill, however, cuts out \$3.1 billion that was to go for that purpose, and it redistributes that money around social welfare spending. We can debate the value of those other programs, but my question is: Is that a wise thing to do right now when we are trying to bring some of our troops home from Europe? Who are they defending the Europeans against? The Soviet Union? It is gone. Eastern Europe is part of Europe now. So I really am concerned.

I do think we should have it paid for, and a .8-percent, across-the-board cut will take care of the funds so that it is revenue neutral. I just think it sends a terrible message, once again, to our troops, troops whom we have been fighting to bring home from these remote assignments, that when they get here there is going to be a problem. They are going to be living in World War II barracks in Fort Leavenworth, KS. I am sure Senator ROBERTS talked about that. And that is an issue we need to address.

Some people have said we will add the \$3.1 billion back with the appropriations supplemental bill, but that means it will be added to the deficit. I think we should provide the funds and make sure they are paid for.

There are a number of other areas to which others have referred. Education is one area. We can argue over our priorities, but I have every reason to believe that there are some areas in education where we need to be able to adjust the numbers a little bit.

So I wanted to talk about the substance, first of all. I think Republicans and Democrats should be able to have a reasonable number of amendments. I am not for an unlimited number. I don't think we should use it to be dilatory. But there has never been a bill written that was perfect, and neither is this one. We need to have a few opportunities for Democrats and Republicans to offer some relevant amendments.

I don't think we ought to get off and relitigate budget issues or budget process issues or issues with regard to Iraq but not directly related here, but I do think we should allow a few amendments. I would urge our leaders to come to that agreement. I would urge Senator REID to be amenable to that. The majority is never going to be able to force their way in the Senate. It doesn't make a difference how big the majority is or how much power they have. It doesn't work that way. How do I know? I found out the hard way, more than once.

I don't think we should have a permission slip in the Senate. We can't have a deal where in order to offer an amendment we have to have permission. No. This is the Senate. Senators are going to offer their amendments. Sooner or later, they are going to do it.

I even filled up the tree. I am tied for the record of filling up the tree. Senator George Mitchell and I are the

champs. I filled up the tree nine times, and I blocked amendments. What happened? They were all back on the next bill. If I out-maneuvered them and pushed them off from that bill, they were back on the next bill.

In fact, it seemed as though the same 100 amendments appeared on every bill. Sooner or later in the Senate the majority has to ante up and kick in. We have to just let out a little steam, just a little pressure, turn the spigot a tad. If you don't, it is going to blow up in your face.

We are all adjusting to our new roles. We are learning how, once again, to be in the minority. It is not the preferred role, but it is one where we can have an effect, and it can be fun. There is a new majority in town. Lots of power. They are going to run this thing.

No. This is a consensus body. We will adjust. We will learn our new role, the loyal opposition within the Senate, as will the majority.

The one thing I like about our leaders now in the Senate, these are experienced hands. These are not new kids on the block. They know what they are doing. They are naturally going to have to test each other out a bit, but I believe with time we are going to see the Senate make a little more progress.

I wish we could begin that on this bill. We are not going to agree to a deal where the majority leader says: OK, I give you a permission slip to offer an amendment, and by the way, I am also going to tell you what that amendment is. No. No. That is not going to happen. It might happen here, or it might happen there, but the majority cannot ultimately dictate things like this, especially when we are talking about things such as abandoning assistance for AIDS babies.

There are some things we can do with babies who have AIDS. There are drugs that can keep them from being born with AIDS, or to address their problems and they live a happy, normal life. So we don't want to eliminate that funding. That is just one example of where we need to have an amendment in order, and I hope that we will find a way to do that.

Madam President, \$460 billion is a lot of money, and most of it is for very good purposes, but this is the Senate, and I hope we can find order and a way to do this. We could probably get three or four amendments on each side, have some debate on those amendments, and be out of here by next Wednesday and feel as though we did the best we could. I think that would be a good idea. I think it would be good for the country.

I am committed to being here and helping in any way I can. There is nobody here who has ever been in leadership who has clean hands, but I think we ought to learn from the past, learn from the recent past and find a better way to get the job done.

Madam 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. COCHRAN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

#### REMEMBERING LEWIS H. WHITE, JR.

Mr. COCHRAN. Madam President, when most Americans were celebrating annual religious holidays and the beginning of a new year, my family was mourning the loss of one of our favorite and most outstanding relatives, Louis H. White, Jr. Louis White was the husband of my father's sister, Dale White. Their children, Charlotte and Curtis, in addition to being my first cousins, were good friends as well.

Louis White was a member of the famed "greatest generation," made up of those who left homes and families and volunteered to serve in the armed services during World War II. He left college at Mississippi State University and became an officer in the Army Air Corps. He was qualified soon as a pilot of a B-17 and flying combat missions over Germany. He and his crew were shot down eventually, and he spent several months in a prisoner of war camp before being liberated by the Russians as they moved into Germany from the east.

After the war, after completing his engineering studies, graduating from college, he became an outstanding engineer, enjoying a career of great success as a paper company executive, where he designed and managed the operation of several large paper mills in Florida, Alabama, and Texas.

My parents, my brother, and I often enjoyed visits with him and his family during holidays, particularly when they were living on Santa Rosa Island, near Pensacola, FL.

When Louis retired, he was a senior staff project engineer with BE&K, an engineering firm in Birmingham, AL, where he was involved for 11½ years at high levels of management in the paper industry. At his retirement celebration, it was said he should qualify for the "Guinness Book of World Records" because of 52 years of never missing a day of work because of illness or the weather.

His first job, incidentally, was at age 14, when he was a dairy delivery boy. He always was dutiful and dependable. In the German prison camp, for instance, he developed an exercise routine that helped save his life and the lives of those who decided to exercise with him every day. He once told me about a Red Cross package that would come with an assortment of things that would help the prisoners survive, that they included things such as vitamin pills, cigarettes, and other things. He would trade the cigarettes for vitamin pills, for those who wanted to swap.

His example of generosity with his voluntary contributions in the commu-

nities where he lived to the schools his children and grandchildren would attend, helping install, personally, the infrastructure of cables and wiring necessary for all the classrooms to have computers, for example, were marks of his contribution to his community.

The quality of his life, the patriotism he displayed, his courage in battle, his survivability under the most difficult and challenging circumstances in the prisoner of war camps, his loyalty to his family and the level of excellence of his career as an engineer in business and industry are worthy of emulation and high praise.

I extend my heartfelt compassion and love to his wife and family members who miss him greatly. We wish them well and thank them for the support they gave him throughout his life and his career.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

#### CONGRATULATING SENATOR THAD COCHRAN ON HIS 10,000TH VOTE

Mr. SPECTER. Madam President, I sought recognition for a number of purposes. But first, let me congratulate my distinguished colleague, the senior Senator from Mississippi, for casting his 10,000th vote today. Senator COCHRAN came to the Senate after the 1978 election, having served previously in the House of Representatives for 6 years, and has had an illustrious career. He served on the Judiciary Committee for 2 years and demonstrated, at an early point in his Senate career, his wisdom by leaving the Judiciary Committee after only 2 years. All those hot-button issues—school prayer, abortion, flag burning, et cetera—were not for Senator COCHRAN. He was on the big issues of the day and specialized in appropriations.

He has been the distinguished chairman of the Appropriations Committee and has an outstanding record. I challenge anybody to search the record, 10,000 votes, and find any mistakes by Senator COCHRAN. It has been, truly, an outstanding career.

Beyond his extraordinary capability as a Senator, he is always of good cheer, always personable, always upbeat. He has made a great contribution to the Senate and to the House before that. He will have many more years of very distinguished service for the Senate.

#### SENATE RULES CHANGE

Mr. SPECTER. Madam President, I turn to the subject of submitting a resolution which I spoke about yesterday, and I do formally submit the resolution at this time. This resolution will eliminate the practice of filling the tree, which means there is a procedure to eliminate the opportunity of a Senator to offer an amendment.

This is a particularly problematic week for the Senate. We are on Thursday, and twice this week action has

been taken in the Senate, on two separate matters, to foreclose Senators from offering amendments. I spoke on Monday and again yesterday on the subject of U.S. policy in Iraq, and we have a bill which has been offered by Senator LEVIN, and the majority leader was expected to fill the tree, if given an opportunity to do so. No denial has been made of that practice, which was anticipated by the majority leader.

A motion to proceed is a debatable motion under Senate rules. When you have a matter as important as the Iraq war, there ought to be very careful consideration given by the Senate—reputed to be the world's greatest deliberative body. Immediately upon taking up the bill, the majority leader filed a cloture motion. It was kind of odd, even for people not versed in Senate procedure, to bring up a bill which is debatable and immediately to file a motion to cut off debate, but that was what was done.

On the Republican side, there was an interest in having alternative resolutions, ideas considered—by Senator MCCAIN, to support the surge with benchmarks; by Senator WARNER, to express opposition to a surge of 21,500; and by Senator GREGG, to have a resolution which would deal with the prohibition against funding for the troops—which obviously nobody wants to do. The troops are in harm's way. We are not going to cut off funding.

But behind the scenes what was happening was negotiations between Senator REID and Senator MCCONNELL—the agreement could not be reached giving the Republicans a fair opportunity to offer alternative resolutions, so almost all Republicans joined together to reject the cloture motion and keep the debate going.

It is not understood in America what is happening because it is arcane, it is esoteric, it is unintelligible—they can't figure it out. But the popular view, the public perception was the Republicans were trying to protect the President, to cut off debate on the Iraq policy and not to have a vote. That, simply stated, was not true.

I have been on the record for some time, expressing my skepticism about the surge position. There is no doubt that Senator WARNER opposes the President's position because he is the author of the resolution to express disapproval on the surge position. He voted against cloture. No doubt, Senator HAGEL was against the President's proposal. He has been the most severe critic of the President's proposal. Senator HAGEL also voted against cloture, as did almost all Republicans. But the perception was the Republicans were trying to block debate in the consideration of the resolution of disapproval.

After I announced my intention to introduce this rule change, I went to the third floor, to the press gallery, to sit down with the reporters to explain and to answer questions, to try to get a public discussion on what was happening. One of the reporters from the

wire services commented that no story was written about it because it couldn't be explained to anybody beyond the beltway. It could not be explained.

Two of the newspapers on Capitol Hill carried brief stories about it, but the matter has been dropped. Republicans have lost the public relations battle. The issue will be taken up in the House. Maybe it will be reconsidered in the Senate. But this procedure of allowing the majority leader to stop alternative considerations is inappropriate and unfair.

There are some pretty good authorities for the proposition that this procedure is inappropriate. I wish to cite three very distinguished Senators: Senator HARRY REID, the majority leader; Senator RICHARD DURBIN, the assistant majority leader; and Senator CHRIS DODD, Democrat from Connecticut. As I said yesterday, this business about filling the tree has been practiced by both parties. The Congressional Research Service did a study that showed that going back to Senator DOLE in the 1985–1986 Congress, every majority leader has used this procedure—Senator Dole, Senator BYRD, Senator Mitchell, Senator LOTT, Senator Daschle, Senator Frist, and now Senator REID, twice in 1 week. In the fifth week of the new session, it is twice already being used. So that Democrats and Republicans are equally at fault. If people want to know whom to blame in Washington, it is a pretty good conclusion it is equally divided, that the bickering is the responsibility of both parties—a plague on both houses.

But when we Republicans controlled the Senate and we had the PATRIOT Act, Senator REID had this to say on February 28 of last year. He was speaking in defense of a fellow Democrat's ability to offer amendments to the PATRIOT Act reauthorization. This is what Senator REID said:

Of course, even a good bill can be improved. That is why we have an amendment process in the Senate . . . I am disappointed that he has been denied that opportunity by a procedural maneuver known as "filling the amendment tree."

This is a very bad practice. It runs against the basic nature of the Senate. The hallmark of the Senate is free speech and open debate. Rule XXII establishes a process for cutting off debate and amendments, but Rule XXII should rarely be invoked before any amendments have been offered.

That is what Senator REID said less than a year ago. I couldn't say it better. In fact, I couldn't say it as well.

Then, a few days later on March 2, Senator REID said this:

Don't fill the tree. This is a bad way, in my opinion, to run the Senate.

Then Senator DURBIN spoke on May 11 of 2006 on the tax increase prevention and reconciliation act. Speaking about that conference report, this is what Senator DURBIN had to say:

The Republican majority brings a bill to the Senate, fills the tree so no amendments can be offered, and then files cloture, which stops debate. So we cannot have this conversation. We cannot offer amendments.

Well, that is exactly the plan for the Iraq issue, and that is what is being done now on the continuing resolution which has been filed.

Senator DOLE had this to say, speaking about health care legislation:

I want to point out to our colleagues why I am terribly disappointed with the procedures we have been confronted with this evening dealing with this legislation . . . This is the Senate. This Chamber historically is the place where debate occurs. To have a process here this evening . . . to basically lock out any amendments that might be offered to this proposal runs contrary to the very essence of this body . . . If you believe the Senate ought to be heard on a variety of issues relating to the subject matter—when the amendment tree has been entirely filled, then obviously we are dealing with a process that ought not to be . . . the Senate ought to be a place where we can offer amendments, have healthy debate over a reasonable time, and then come to closure on the subject matter.

Well, ARLEN SPECTER doesn't have to say anything more on the subject because Senator REID, Senator DURBIN, and Senator DODD are much more eloquent than I. So I offer this resolution to correct this problem for the future. It is very hard to change a Senate rule, but nobody has proposed it in the past, to my knowledge, and today we will start on it.

Beyond the procedure used by the majority leader, the leader of the Democrats, to shut off debate and consideration of alternative proposals on the Iraq policy, the majority leader has utilized the procedure again on the continuing resolution.

Now the continuing resolution characteristically is a brief document, usually about a page, which says the Government will continue to operate under existing appropriations, since there has not been time to consider a new appropriations package. But what we have in H.J. Res. 20 is an omnibus bill running 137 pages. I want to have an opportunity to amend it. Other Senators want to have an opportunity to amend it. Some have spoken on the floor of the Senate here today. But we are foreclosed from doing so.

When the announcement was made that we were going to go to this kind of a procedure, in my capacity as chairman last year, now ranking member of the Appropriations Subcommittee on Labor, Health and Human Services, and Education, I wrote a letter to Senator REID asking that we follow regular order and consider the appropriation bills sequentially. I sent identical letters to Speaker PELOSI, the Republican leader, BOEHNER, in the House, Senator MCCONNELL, Senator BYRD, Representative OBEY, Representative LEWIS, and Senator COCHRAN, the leaders of both bodies and the chairmen and ranking members of both Appropriations Committees. Because if we had the will; we had the time; we had the way, to get it all done. But the leadership has chosen not to follow that path, and now we have a continuing resolution which does not allow for any amendments. That is not in the public interest.

After having been in the Senate for 26 years and being on the Appropriations Committee for 26 years, I have turned into a rubberstamp. That is what the Senators are here, those who did not have a say in the preparation of this continuing resolution. We are all rubberstamps: Take it or leave it. Now we would employ the procedure used on the Iraqi issue to avoid cutting off debate, but the Treasury will run out of money at midnight on February 15—that is Thursday night—so we have the option of closing down the Government if we don't approve this rubberstamp procedure, and we are not going to do that. We had experience with the closing down of the Government back in December of 1995, and it was a very bitter experience; great political peril in closing down the Government.

Here we have a very important measure. For a few minutes I want to point out what has happened to the subcommittee which funds health care, which is our No. 1 capital asset; you can't do anything if you don't have good health, and I can testify to that personally from my own experience in the last 2 years. Secondly, education. If you are not trained, you can't do anything, even with good health. The Department of Labor on job training and worker safety. The level of the budget for fiscal year 2005 was \$143.4 billion. The President has proposed a budget for fiscal year 2008 of \$141.5 billion. If you take a look at the cuts in the budget for Health, Education and Labor and you add in the inflationary factors, the committee is being asked to operate at a level of \$14.7 billion less than the fiscal year 2005 budget. That simply is inadequate to take care of the National Institutes of Health, offering the greatest chance through medical research to find cures for Alzheimer's and Parkinson's and cancer and heart disease; funding for Head Start, funding for Title I, funding for education programs, funding for job training. It simply is totally insufficient.

Those are the kinds of matters we ought to address on this continuing resolution. That is what we ought to be talking about, instead of having our last vote before noon on a Thursday as part of our 5-day workweek. We have yet to see that; we have yet to take the time we need to consider these matters. Had we taken up these appropriations bills in regular order, as I asked the leadership back on January 10, we would have had adequate time to do so.

It is my hope that one day, and hopefully sooner rather than later, the Senate will change its rules so the majority leader will not be able to create a procedural morass to stop Senators from introducing amendments. It is my hope Senator REID's admonitions when the shoe was on the other foot back last year, that filling the tree is a bad practice, it runs against the basic nature of the Senate, the hallmark of the Senate is free speech and open debate, and similar comments by Senator DUR-

BIN and Senator DODD, that we will be able to have a process so when an issue such as Iraq comes before the Senate, we can function as a deliberative body and we can have debate; we can consider alternative matters, and we can decide what U.S. policy should be. Because the President is not the sole decider. It is a shared responsibility; that when we have a budget and a resolution to fund the U.S. Government, we are not shut out from offering amendments.

Madam President, I ask unanimous consent that the resolution be printed in the RECORD.

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

S. RES. \_\_\_\_\_

*Resolved*, That (a) rule XV of the Standing Rules of the Senate is amended by adding at the end the following:

"6. Notwithstanding action on a first degree amendment, it shall not be in order for a Senator to offer a second degree amendment to his or her own first degree amendment."

(b) The amendment made by subsection (a) shall take effect at the beginning of the 111th Congress.

Mr. SPECTER. Madam President, I ask unanimous consent that the summary of the statements of Senators REID, DURBIN, and DODD be printed in the RECORD at this time.

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

Sen. Reid (NV)—talking to a new Senator in the chair, "she should have seen when the Republicans were in the majority. We didn't have amendments. They filled every tree." 2/6/07 (Tues.) Iraq debate

Sen. Reid (NV)—Speaking in defense of a fellow Democrat's ability to offer amendments to the Patriot Act reauthorization: "Of course even a good bill can be improved. That is why we have an amendment process in the Senate . . . I am disappointed that he has been denied that opportunity by a procedural maneuver known as 'filling the amendment tree.' This is a very bad practice. It runs against the basic nature of the Senate. The hallmark of the Senate is free speech and open debate. Rule [twenty-two] XXII establishes a process for cutting off debate and amendments, but Rule XXII should rarely be invoked before any amendments have been offered . . . I will vote against cloture to register my objection to this flawed process." 2/28/06 Patriot Act Reauthorization

Sen. Reid (NV)—"Don't fill the tree . . . That is a bad way, in my opinion, to run this Senate." 3/2/06 Patriot Act

Sen. Durbin—Speaking about the 2005 Tax Reconciliation conference report: "The Republican majority brings a bill to the Senate, fills the tree so no amendments can be offered, and then files cloture, which stops debate. So we cannot have this conversation. We cannot offer other amendments." 5/11/06 Tax Increase Prevention and Reconciliation Act of 2005 Conf. Rept.

Sen. Dodd—Speaking about healthcare legislation: "I want to point out to our colleagues why I am terribly disappointed with the procedures we have been confronted with this evening dealing with this legislation . . . This is the Senate. This Chamber historically is the place where debate occurs. To have a process here this evening . . . to basically lock out any amendments that

might be offered to this proposal runs contrary to the very essence of this body . . . if you believe the Senate ought to be heard on a variety of issues relating to the subject matter—when the amendment tree has been entirely filled, then obviously we are dealing with a process that ought not to be . . . the Senate ought to be a place where we can offer amendments, have healthy debate over a reasonable time, and then come to closure on the subject matter." 05/11/06 Health Insurance Marketplace Modernization and Affordability Act of 2006

Mr. SPECTER. Madam President, I ask unanimous consent that a copy of my letter of January 10 to Senator REID, which notes identical records to the other leaders in the House and Senate, be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, January 10, 2007.

Hon. HARRY REID,  
Majority Leader, U.S. Senate,  
Washington, DC.

DEAR HARRY: In light of the significant problems caused to so many entities funded by the federal government to operate under a continuing resolution, I urge the leaders of both Houses and the Chairmen and Ranking Members of the Appropriations Committees of both Houses to bring the unfinished Appropriation bills for fiscal year 2007 to the floors of the House and Senate as early this year as possible.

The extraordinary problems caused for so many entities are typified by a letter which I received yesterday from Chief Judge Paul Michel of the United States Court of Appeals for the Federal Circuit. With this letter, I am enclosing a copy of Judge Michel's letter. I am also enclosing a copy of a memorandum prepared by my Staff Director on Appropriations, Bettilou Taylor, itemizing some of the major problems faced by federally-funded entities.

Last year, I tried repeatedly and unsuccessfully to have my Subcommittee's bill on Labor, Health & Human Services and Education brought to the Senate floor for action. My House counterpart, Chairman Ralph Regula, and I were prepared to conclude our bill and wrap it up in a conference report. We could still do so on short order. As an alternative to considering the bills individually, there could obviously be an omnibus bill excluding earmarks which could be taken up in relatively short order.

I know there is other pressing business to be taken up by both Houses on many matters, but we could find time to complete action on key items from last year's appropriation process if we have a sense of urgency to do so.

I appreciate your consideration of this request.

I am sending identical letters to Speaker Pelosi, Representative Boehner, Senator McConnell, Chairman Byrd, Chairman Obey, Representative Lewis and Senator Cochran.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. Madam President, I ask unanimous consent that a letter from Judge Paul Michel to me, dated December 18, about the problems caused to the Federal judiciary to the U.S. Court of Appeals for the Federal Circuit, which was referenced in my letter to Senator REID and others, be printed in the RECORD.

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

U.S. COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT,  
Washington, DC, December 18, 2006.

Hon. ARLEN SPECTER,  
U.S. Senate,  
Washington, DC.

DEAR ARLEN: With the new Congressional leadership suggesting a Continuing Resolution at the 2006 appropriated level, the Judiciary is threatened with degradation of essential functions because of increased costs mandated by law. Thus, the funding level of 2006 applied in 2007 has the effect of nearly a ten percent reduction.

Although the Judiciary can and should improve efficiency and do its share of belt-tightening, the funding reduction suggested would impede critical operations to a material degree.

As your own proposals on habeas corpus, NSA wire taps, immigration and other priorities illustrate, federal courts are becoming not less but more important to the welfare of the country and to its security.

I imagine the new leaders are so focused on eliminating earmarks that they are unaware of the operational impact of the cuts being discussed. In addition to the Appropriations Committee and subcommittees, surely the Judiciary Committee has a crucial role here. As a member of the Executive Committee of the Judicial Conference, I would welcome the opportunity to brief you and Senator Leahy on this urgent subject.

Best,

PAUL R. MICHEL,  
Chief Judge.

Mr. SPECTER. Madam President, I ask unanimous consent that the chart showing the fiscal impact on the budgetary process from the fiscal year 2005 to the President's recommended budget of 2008 be printed in the RECORD, demonstrating the problems we have on adequately funding health, education, job training, and worker safety.

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

*Fiscal Years 05 Through 07*

<i>Dollars in billions</i>	
FY'05 Enacted .....	\$143.4
FY'06 Enacted .....	141.5
FY'07 President's Budget .....	137.4
FY'07 Budget Resolution—Specter/ Harkin amendment passed (73-27) Assumed an additional \$7 billion ....	
FY'07 302(b) allocation for Labor-HHS over the FY'07 budget .....	+5.0
FY'07 Senate reported bill .....	142.4
FY'07 Continuing Resolution thru Feb 15, 2007 .....	142.1
FY'07 H.J. Res 20 plus additional sub- committee allocation .....	+2.3
Total Labor-HHS in H.J. Res 20 .....	144.4
Total over FY'07 President's budget .....	+7.0

*Fiscal Year 08*

<i>Dollars in billions</i>	
FY'05 Enacted .....	\$143.4
Inflation as measured by the price index for the GDP:	
To restore to the FY'05 level plus FY'06 inflation—3.1 .....	3.5
To restore to the second year (FY'07) inflation—2.5% .....	2.9
To restore to the FY'08 inflation— 2.4% .....	2.9

NIH:

To restore NIH plus FY'06 bio- medical inflation—4.5% .....	1.3
To restore NIH plus FY'07 bio- medical inflation—3.7% .....	1.1
To restore NIH plus FY'08 bio- medical inflation—3.7% .....	1.1

	<i>Dollars in billions</i>
FY'08 with inflation only .....	156.2
FY'08 President's budget .....	141.5

Shortfall .....

14.7  
Based on the updated inflationary costs—the FY'08 President's budget would require an additional \$14.7 billion or 10.4% more to fund programs at the FY'05 inflation adjusted level.

Mr. SPECTER. Madam President, I ask unanimous consent that the summary prepared by the Congressional Research Service as to the use of the procedure to fill the tree since the 99th Congress be printed in the RECORD.

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

TABLE 1.—INSTANCES WHERE A SENATE MAJORITY LEADER OR DESIGNEE FILLED THE AMENDMENT TREE: 1985–2006<sup>1</sup>

Congress	Senate Majority Leader	Number of times floor leader/designee filled the tree	Measures/subjects on which tree was filled
99th (1985–1986)	Robert Dole (R-KS)	5	Congressional Budget Resolution Public Debt Limit Legislation National Defense Authorization Act
100th (1987–1988)	Robert C. Byrd (D-WV)	3	Parental and Medical Leave Act Campaign Finance Reform Omnibus Trade and Competitiveness Act of 1987
101st (1989–1990)	George J. Mitchell (D-ME)	0	
102nd (1991–1992)	George J. Mitchell (D-ME)	1	Balanced Budget Amendment
103rd (1993–1994)	George J. Mitchell (D-ME)	9	Economic Stimulus Legislation Cays in the Military Senate Whitewater Investigation
104th (1995–1996)	Robert Dole (R-KS) Trent Lott (R-MS) (As of 06/12/96)	5	Minimum Wage Increase White House Travel Office Investigation Constitutional Amendment on Congressional Term Limits Immigration Control and Financial Responsibility Act
105th (1997–1998)	Trent Lott (R-MS)	3	Bipartisan Campaign Reform Act ISTEA/Transportation Funding
106th (1999–2000)	Trent Lott (R-MS)	9	Education (Ed-Flex) Social Security Lockbox Year 2000 (Y2K) Legislation Africa Growth Act H1-B Visa Immigration Labor-HHS/Ergonomics Homeland Security Act of 2002
107th (2001–2002)	Thomas A. Daschle (D-SD) 01/03/01—01/20/01 and also 06/06/02—01/07/03. Trent Lott (R-MS) 01/20/01—06/06/02.	1	
108th (2003–2004)	William H. Frist (R-TN)	3	Energy Policy Act of 2003 Class Action Fairness Act Jumpstart our Business Strength Act
109th (2005–2006)	William H. Frist (R-TN)	5	Lawful Commerce in Arms Act Tax Relief Extension Reconciliation USA Patriotic Act Amendments Health Insurance Marketplace Modernization Act

<sup>1</sup>As of September, 2006. Preliminary draft, subject to additional review and revision.

Mr. SPECTER. I thank the Chair, and I yield the floor. I know my colleagues are waiting to speak.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

CONTINUING APPROPRIATIONS

Mr. REED. Madam President, I want to speak very briefly about the resolution pending, H.J. Res. 20, the resolution that is funding the Government for the remainder of the fiscal year.

I particularly want to talk about the veterans health care issues in this continuing resolution. This is not a perfect solution to the problem of funding our Government going forward. Nevertheless, it is, I believe, an equitable and fiscally responsible approach, particularly since we are trying to address the failure of the leadership in the last Congress to pass all the appropriations bills.

We are in a very difficult position where this continuing resolution will get us through this fiscal year and allow us to begin to work on the following year 2008 fiscal year appropriations bills and budget so we can take all of those in regular order and hopefully pass them all by the end of this fiscal year, which would be September 30. The continuing resolution we are discussing today freezes the level of spending at most agencies at fiscal year 2006 levels, while at the same time increasing funding for priorities such as caring for our Nation's veterans. This is one of the key priorities Senator BYRD and others insisted upon. Frankly, I want to commend Senator BYRD for his leadership, as well as other members of the Appropriations Committee, for bringing this continuing resolution to the floor.

The resolution before the Senate would make veterans funding a priority by adding \$3.6 billion above the fiscal year 2006 appropriated levels for the VA health care system. This is one of the few areas where there is a substantial growth in spending, and it is appropriate. If we do not take care of our veterans, then we are breaking a trust that they established by serving valiantly in the uniform of the United States, and we are sending a very bad signal to those young men and women who serve today. We honor their sacrifice by taking care of today's veterans, and certainly giving them the confidence that they will be taken care of in the future.

The VA estimates it will treat 219,000 more patients in fiscal year 2007 than it did in fiscal year 2006. So obviously they need the increased resources. The VA estimates it will have 4.2 million more outpatient visits this year than it did in fiscal year 2006, and the Veterans' Administration estimates it will treat almost 26,000 more patients on an inpatient basis this year than it did last year. For medical services and administration not provided, this increase would mean that the VA would be short more than \$250 million a month—not total but \$250 million a month—in funding for critical medical services, leaving the VA with little

choice but to push out waiting times, defer maintenance, and put off purchasing new equipment.

Included in this \$3.6 billion increase is an additional \$271 million for medical facilities. First-rate medical facilities are essential to deliver first-rate health care services to our veterans. The additional funding will ensure that leaky roofs and broken pipes will be fixed in a timely fashion. It also means there will be no disruption in food and dietetic services for veterans seeking inpatient care at any of our VA medical centers throughout the Nation.

These are not designed to scare veterans or the American people, that the VA was close to facing some of these maintenance problems and some of these basic problems of feeding veterans at hospitals. That is the reality unless we act today. That is why it is so essential that we not only increase this funding for the Veterans' Administration but we also pass this continuing resolution in a timely fashion.

We don't need to look too far back in history to see what shortchanges at the VA would mean. This Senate stood united on both sides of the aisle a year and a half ago when the administration's poor actuarial modeling and budget created a shortfall of almost \$3 billion. It was the Congress that responded. If we do not pass this resolution, which includes the needed additional funding for the Veterans' Administration health care system, we will have no one to blame but ourselves for this shortfall.

I don't think we can face veterans and active soldiers and say we did not pass this budget, this continuing resolution. That is why the resolution made veterans the No. 1 priority. They have defended this country bravely, honorably, and at a minimum we owe them this increase.

I thank Chairman BYRD for his leadership. I urge my colleagues to swiftly pass this measure so we can continue to serve those veterans who have served this country so well.

I yield the floor.

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

Mr. BURR. Madam President, I applaud the Senator from Rhode Island, my colleague, someone committed to standing up for what our veterans need. My hope is that we are not only fixing roofs in the future but we are actually updating facilities that need to be updated to be able to handle the increasing veterans population. Many of those facilities are in my State of North Carolina.

I take somewhat of an objection to something he stated—that we are here today because of our lack of moving these bills in the last Congress. This Senate requires tremendous bipartisan support. Without that bipartisan support, things come to a screeching halt. That is what happened last year. It was described as an election. There were some who did not want to see an appropriations process happen.

As a matter of fact, it happened some time ago in this Senate, when the majority and the minority were in different positions, when the majority came in and was handed the appropriations bills. We were in the majority. I wasn't here, but my understanding is that they went through days, if not weeks, of amendments. They came up with an omnibus bill. That is not what we did here.

We are headed into 2007, the 110th Congress, but what was the action? The action today was that the majority leader came to the Senate and offered the resolution, filled the amendment tree, filed cloture, and went off the bill. We are debating this in morning business. We are not debating it as part of the resolution.

Now, I correct my dear friend, Senator SPECTER, from Pennsylvania. He said no amendments would be offered. In fact, there were two amendments offered. They were offered by the majority leader. The first one was at the end of the resolution, this multipage document, add the following:

This division shall take effect two days after the enactment.

And then he filed a second-degree amendment that said: In the amendment strike 2 and insert 1.

Not a lot of substance to that amendment. Not much at all. As a matter of fact, it is hard to find someone here who can actually state what it means. And grammatically, what he has done is he has now changed the amendment to say: This division will take effect "one days" after date of enactment. That is how much attention the majority leader spent on his own amendments.

Now, the fact that he did this, what does it do to the rest of us? It means we cannot offer amendments. It means that for those who are concerned with the BRAC process—which is a transformation of our military in the United States; it is a consolidation of our base structure; it is putting the right people at the right place, training for the right thing, so that America can be safer based upon new threats—what does it do? It doesn't fund any of it.

Here is a process that is supposed to be complete by 2011, and in 2007 we are going to fund none of what BRAC called for in the legislation passed by this body. In North Carolina, that is \$300 million to Fort Bragg alone. That money was to build barracks, a vehicle maintenance shop for the 4th Brigade Combat Team, and a multipurpose training range. Without these funds, none of that will be completed.

As a matter of fact, I can say, just like my colleagues who came to the Senate floor, that our military bases are everyone's; they do not belong just to the States in which they are located. Our military leadership, our soldiers, our military families have begun this multiyear process to meet the requirements that Congress has given to them in the legislation we passed, and now we have done it without the fund-

ing. We risk not only placing communities and bases in disarray, but we will delay vitally needed transformation in our military.

I don't understand how my colleagues on the other side of the aisle can look the American people in the eye, tell them they support our sons and daughters, husbands and wives, brothers and sisters overseas, and simultaneously refuse to add the critical funds needed to take care of those very same troops—their families, their children, their husbands, their wives, their children—here at home. But the actions of the majority leader have, in fact, accomplished just that because there is not an opportunity for me, or for Senator HUTCHISON, who is the ranking member on the Committee on Appropriations Subcommittee on Military Construction, to offer an amendment—one that would be overwhelmingly accepted. But if you allow one, potentially you have to allow another.

Fort Bliss, TX, which is scheduled to absorb 17,000 soldiers and 10,000 family members under BRAC, is losing \$463 million because Congress did not fund it in this continuing resolution. Fort Benning, GA—\$300 million that was going for barracks for the troops and a brigade training complex.

What does this mean? It means that as we try to bring troops back in from Germany and other bases around the world—we have made a determination we do not need to forward-deploy like that—we can bring them back on our soil. They can be with their families in neighborhoods where they can feel like a part of the community instead of on foreign land where only the base is considered United States territory. It means we are going to have to keep them there, or we will have to bring them back here but not have the housing for them. I have gone through that in Fort Bragg. I have had 18- and 19-year-old soldiers living in 1950s era barracks, and the Congress, in their infinite wisdom, was able to fund the type of housing that was needed at Fort Bragg and many other installations.

Now, at a time when we have already planned for these families and these troops to come back, what does Congress say? I am sorry, we will not fund it in this bill? We are going to wait until 2008, and then it may or may not be funded? Maybe that is an objective on someone's part to try to knock BRAC off and to not have this consolidation. If it is, they have to question the decisions made by our military leaders and agreed to by Congress that said this is in our long-term best interest. It doesn't end with the discussion on BRAC, as sorry as I am to see a process that excludes our ability to effect the funding that is needed for military construction and for the base realignment and closure process.

Late last year, in the last week this Congress was in session in the 109th Congress, we passed what I thought was one of the most important pieces of legislation the 109th Congress dealt

with. It dealt with the threat we are faced with from chemical, biological, radiological and nuclear threats, naturally produced, intentional, or accidental. It dealt with things such as anthrax and smallpox, Ebola and Marburg. We were challenged to try to revamp our entire structure of countermeasure research and development in this country, and I daresay by unanimous consent in the Senate and in the House of Representatives we passed that important bill, one that identified the problems we had in America but, more importantly, the problems we had with our ability to take basic research, in many cases funded by companies or by the National Institutes of Health, and to convert that basic research into a countermeasure, a vaccine, an antiviral that would give us the security of being able to look at the American people and say: If terrorists get ahold of anthrax, don't worry, we have something to protect you. We have a vaccine we can give you. If, by chance, Marburg, a disease, gets out of Africa, we have a countermeasure we can give to you if, in fact, you are infected.

We were able to create this new entity which actually put the Federal Government in a position where we have facilitated the commercialization of that basic research, where we did not rely on only 1 company out of 100 to succeed because somehow they were able to go into the private marketplace and find enough money to make it through this challenging drug and vaccine development and approval process designed in America. We created the Biomedical Advanced Research and Development Authority, referred to as BARDA. BARDA was the structure at the Department of Health and Human Services. It was a structure that was under development for 2 years in Congress—enough time that sunlight was brought to every piece of it. I daresay it was one of the most open processes this Senate has seen in some time. Members had the opportunity to address every word of every sentence of every paragraph of the bill. At the end of the day, they were convinced it was the right piece of legislation, and it was passed into law.

There is only one problem. We have it in place now, and the continuing resolution doesn't fund it. Yes, \$160 million was intended to be in the appropriations bills to kick start BARDA, to allow this structure to be set up under a new Assistant Secretary for Preparedness and Response and to begin to sort through the research being done at academic institutions across the country, small pharmaceutical companies, biotechnology companies, big PhRMA and to get them all to participate because for the first time they knew what the rules were.

We added a number of biological agents to our threat list. That is a function the Secretary of Homeland Security does on a regular basis as we see new threats arise. When we increase the size of that threat list, that

means somebody has the responsibility in the Federal Government to begin an intense research and development process to try to create a countermeasure for it. One would think at a time when we just doubled the size of that potential list of threats that it would be high on the priority list of the Congress of the United States to fund the only mechanism we have to actually create the countermeasures. But, no, in this particular continuing resolution, it is minus the \$160 million to fund BARDA.

Even worse than that, there is no opportunity in this process to offer an amendment to a bill that 100 percent of the Senators present that day voted for, that the House voted unanimously for and the President signed into law just last December.

On one side, we put our soldiers and their families on hold. To some degree, we put on hold the plans of our military leaders. On the other side, we recognize the threats we face from people who want to do bad things and from Mother Nature. We understand the responsibilities we have to prepare these countermeasures, these vaccines, these antivirals for the entire population, and we still cannot fund it. I guess we are not having the debate because we know it would become law, it would be funded. And if it was funded, then we would break the caps, so we would have to find somewhere else to get the money.

I was willing to come to the floor and propose some ways to get the money or to propose to my colleagues that I thought it was important enough that we break the cap by \$160 million, which I seldom do on this floor. This is in the face of not only the threats we know about, but it is also the threat of pandemic flu. It is those natural things such as pandemic flu that we cannot look down the road and know what is around the corner. But if we have the right mechanism in place and if it works and if it is tested, we can respond in an expeditious way and begin to have those things we think are so important for the American people.

BRAC will not be settled in this continuing resolution. We will put our military on hold. We will put the changes on hold. If that has an effect on our tempo—even at a time we are at war—I guess some have made a decision that is the way it is. As it relates to bioterrorism, chemical, biologic, radiological, even pandemic flu, we put that on hold, too, because we are not going to fund the creation of the project.

We did all that because of two amendments—two amendments—that were offered by the majority leader: “At the end of the resolution add the following; this division shall take effect 2 days after date of enactment,” and followed up by a secondary amendment that says, “In the amendment strike 2 and insert 1.” Now we have an amendment that says—or a law that says—this division shall take effect “1

days” after enactment—clearly, no thought. It is a nice way of shutting us out from offering amendments.

I do not think the plan for this bill was to set a host of unlimited amendments. As a matter of fact, I hope and I believe we will finish the continuing resolution before the 15th, which is the date the Federal Government's money runs out. There is no scare or threat the Federal Government is going to run out of money and shut down. I think every Member is committed to do that. I am, too.

But I think it is important that we come down and talk about the things we left out but, more importantly, that we point out to everybody the fact that we were not even given the opportunity to put them back in, that when we denied the ability of Members of the Senate to consider changes to a bill—much less not have a vote—we have cut the American people out of the process, we have cut out the people who send us here to represent them. Sometimes they like it, sometimes they do not, but they expect us to take a position.

Well, that is what could have happened with two very valuable amendments, two that I believe would have overwhelmingly been accepted. Would it cause a little difficulty on our part trying to figure out where to take the money from? Probably so. But right now, in the scope of everything we are faced with, I cannot think of two more important things for us to have in this continuing resolution than to fund the troops, their families, their housing, their daycare, their schools, and to allow this transition in our military to take place as it relates to the consolidation of our bases around the world.

I certainly cannot think of anything that gets very much higher on the priority list than to make sure we have the vaccines, the countermeasures, the antivirals one might need if, Heaven forbid, we were ever attacked using chemical, biological, radiological or nuclear weapons or, in fact, Mother Nature is just so mean to us. In fact, the threat is so extensive to our country, we need to be prepared.

We could be there. We will not be there, but we could. And it is all because of the choices that were used to move this bill.

I thank the Presiding Officer for her indulgence, and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Thank you, Madam President.

Madam President, when we convened here in January, we had an unprecedented meeting of the new Members of the U.S. Senate, both Republican and Democratic, in the Old Supreme Court Chamber where the Senate used to meet. There were a lot of very nice speeches by the new majority leader, Senator REID, and by the Republican leader, Senator MCCONNELL, about efforts at bipartisan cooperation. I think those were welcomed by all of us and I think welcomed by the American people as well because, frankly, I think

they believe—and I think they are right—sometimes there is too much emphasis put on party and not enough emphasis put on the well-being and the welfare of the American people at large.

Well, we had a good start. We started out on ethics and lobbying reform. As you will recall, we initially had a vote to close off debate, and we got over that minor hurdle after that cloture motion lost and we were able to shape a bill that got the support of an overwhelming bipartisan majority of the Senate on lobbying and ethics reform. So that was a good start.

Then we moved on to the minimum wage and small business tax and regulatory relief. And we had, I guess, another period of testing there, people trying to figure out what all this new majority and new minority meant and how we might work together. Lo and behold, we got through that in a bipartisan way, and we passed a minimum wage bill, with small business tax and regulatory relief that, again, I think we could all look at and say: I don't agree with 100 percent of it, but on balance this is a good bill. This is the kind of thing we ought to be doing together.

Well, I would say that notwithstanding that good start—and I think it was a good start—we have stumbled a little bit in recent days. We see a resolution on the Iraq war where we have requested the opportunity to present alternatives that reflect the diversity of views in the Senate. Yet the majority leader, in his wisdom, decided we were not going to have an opportunity to vote on those different views, some of which are espoused by his own caucus. So we are not able to get to a vote on any of those resolutions—yet, I predict they will come back. We will be back on those issues. The issue itself is not going to go away. We are going to have plenty of opportunities to vote on whether we are going to support our troops and the mission we have called upon them to do.

But, here again, we have stumbled again on this continuing resolution. It is not, as we all know, technically speaking, a continuing resolution, which would be to continue the spending at levels of 2006 into the 2007 year. This is really what would probably more properly be called an Omnibus appropriations bill. Rather than breaking things down into their constituent parts and passing, let's say, a Department of Defense bill, a Labor, Health and Human Services bill, and different appropriations bills, this is one big, huge, appropriations bill and I think most appropriately called Omnibus appropriations.

Although I will correct myself. I think this is really—if I had to give it a name, I would call it an “Ominous” appropriations bill. The reason I say that is for the reason that has been pointed out by a number of our colleagues today. What it does is it demonstrates an unwillingness to provide the financial resources necessary for

our military during a time of war. And I think that is ominous. I hope it does not give us a foretaste of the future, when we have seen our military underfunded at times and resulting in a later effort to try to catch up.

I remember the Secretary of the Department of Defense, Secretary Gates, just a couple days ago, in the Armed Services Committee, of which I am a member, said: Do you know what. We would accept a lower level of funding if it was kept relatively constant so we could actually plan rather than have the spikes and the valleys, the changes from year to year, from appropriations bill to appropriations bill.

But my point is, this bill, by cutting \$3.1 billion from our military during a time of war, is simply penny-wise and pound-foolish. I may be too generous when I say it is penny-wise because the money that is actually cut from the military is then distributed through a variety of other programs, which means in the end, when we pay the bill, which we ultimately will have to pay, we are going to add to the debt rather than—and we have seen \$3.1 billion in new spending that could not otherwise be done without cutting the military—but causing us problems by exacerbating a deficit that none of us would like to see compounded.

But I want to mention—because I just met with MG Robert Lennox, who is the commanding general at Fort Bliss in El Paso, TX—El Paso will, as a result of this last Base Realignment and Closure Commission, receive an additional 20,000 new uniformed servicemembers and about 25,000 in addition to that, for a total of 45,000 people, including the family members who will move there. The \$3.1 billion that was cut from this bill will have a direct impact on General Lennox's ability to build the infrastructure necessary to accommodate those 45,000 servicemembers and their families in El Paso, TX.

It also will have an impact on places around Texas such as Camp Bullis where an Armed Forces Reserve Center is in jeopardy; places at Fort Sam Houston, which is a principal location for Army medicine; places such as Grand Prairie; Seagoville; Fort Worth Joint Reserve Base; Carswell Air Base; Lackland Air Force Base in San Antonio, my hometown; Laughlin Air Force Base in Del Rio, TX; and Randolph Air Force Base, also in San Antonio, TX.

All of those various programs to try to build the infrastructure and accommodate this Base Realignment and Closure Commission are in some jeopardy, and it is because our colleagues, the leadership on the other side, has determined that, without an opportunity for amendment, without an opportunity to vote on alternatives, we are going to take \$3.1 billion from the military and give it to other programs and projects.

The problem we have in an All-Volunteer military is that we depend not only on our ability to recruit service members but also to retain those service members in our All-Volunteer mili-

tary. And, of course, quality of life issues are very important—housing, various facilities. Of course, I mentioned this earlier today, but the saying goes: You recruit a servicemember, you recruit an individual, but you retain a family because it is important we provide the services to sort of cushion the sacrifices that so many family members make when their loved one is serving in our Armed Forces.

I am disappointed to see what started out as laudable efforts at bipartisan cooperation in the way we craft legislation on the floor of the Senate sort of degenerate into partisan railroading of important legislation. I fear what will happen is, when we come back to the supplemental appropriations bills that will be necessary to fund our military, we will then, out of these emergency supplemental appropriations, try to make up for this \$3.1 billion.

The only difference is that it will result in \$3.1 billion in new spending rather than the required offsets that would be necessary to maintain fiscal responsibility. An amendment that the senior Senator from Texas and I have cosponsored, along with others, would provide such an offset. And if allowed to have a vote on that amendment, for less than a three-quarters of 1 percent, across-the-board cut in this Omnibus appropriations bill, exclusive of defense spending, we could restore the complete \$3.1 billion that this current Omnibus appropriations bill cuts. We could tell our men and women in the military that we not only appreciate and support them but actually back that up with real action and a real financial commitment to make sure they have what they need.

I am disappointed that after we got off to such a good start in terms of bipartisan cooperation, we find ourselves now where the majority party is attempting to dictate the terms of this Omnibus appropriations bill, without any input, without any opportunity for votes on any amendments that some of us believe are in the best interests of the military and in the best interests of the country. It represents an unfortunate and unwelcome development.

In the end, I predict the new majority will learn what the old majority learned, that no single party gets to dictate how things happen around here because of the 60-vote requirement to close off debate. The magic number, of course, for the majority is 60. The magic number for the minority is 41. That gives us the power we need to get a seat at the table. But it is clear that the majority leader has made a calculation that he can pass this legislation without any contribution, any amendments, any opportunity to vote on important amendments. Unfortunately, not only is the kind of bipartisan cooperation we started off with during the first month we have been here in January the loser, I am afraid as a result of this ill-advised cut in our military that our military is the loser as well.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise to address my serious concern about our consideration of H.J. Res. 20, an Omnibus appropriations measure, rather than completing our work on the remaining 2007 appropriations bills. As my colleagues are well aware, fiscal year 2006 appropriations expired on September 30, 2006. And with the exception of the Departments of Defense and Homeland Security, the Federal Government is currently operating on its third temporary continuing resolution set to expire next week. We are now considering a fourth continuing resolution, H.J. Res. 20, to fund the Government through the end of the fiscal year.

Passage of a continuing appropriations resolution, as some have incorrectly labeled it, is not the solution to our outstanding appropriations obligations. This de facto Omnibus appropriations bill covers almost 50 percent of the Federal discretionary budget at a cost of \$463.5 billion. Repeatedly managing by continuing resolution, as we have done for nearly half a year, is inherently wasteful and inefficient. It results in wasteful spending, disruption and chaos in the operations of Federal programs, and dramatic productivity slowdowns. So many of our agencies have been in limbo during the last several months.

In recent years, many Federal departments have taken positive steps toward streamlining their budgets and tightening the reins of their daily operations, conduct that ought to be rewarded. Instead, when Congress failed to complete its appropriations work on time, these departments were forced to put critical projects on hold.

Such a funding shortfall has particularly adverse effects on human-capital-intensive agencies, such as the Government Accountability Office where attracting and retaining good employees is critical to running a competitive and productive organization. Agencies such as the GAO have made it clear that without budget certainty, they risk losing top-quality personnel. They are unable to properly recognize and reward individuals for good service which often pushes employees to look for other nongovernment opportunities.

For too long we have allowed a negative perception of Government workers to dominate our thinking, and we have not committed the necessary resources to funding and keeping capable, hard-working civil servants. This human capital problem contributes to a negative perception of the Federal Government, and it prevents important departments and agencies from providing their customers, our constituents, with the necessary goods and services they deserve.

Just think of somebody who is thinking about coming to work for the Federal Government and they have heard that we haven't been able to pass a

budget or appropriations around here for 5 months. What kind of an organization do they think we are?

This added pressure on human capital is not limited to the GAO. In fact, there are lots of similar agencies, such as the SEC, the FBI, and the IRS, which experienced the same problem over these past 5 months. There are going to be horror stories all through this year as a result of the fact that we are going to pass a continuing resolution or an omnibus resolution.

Additionally, long-term budget uncertainty caused many companies with Government contracts to lay off people. Our inability to complete the appropriations work prevented agencies and departments from adequately planning programs and ultimately interfered with the timely award of contracts. So for the past 5 months, contractors have been uncertain whether work would be available and were forced to put a freeze on hiring. I understand that.

Two years ago, I had a nephew working for a company that had a contract with NASA. They said: They haven't passed the budget. They laid everybody off. And it wasn't until several months later that finally they could bring people back on. By that time, they had lost half their people.

Sometimes programs are ineffective, and their budgets should be reduced or eliminated. For example, under the normal appropriations process, the House would have terminated 53 programs, for a savings of \$4 billion. Well, an omnibus can reduce the budget, but it goes about it in entirely the wrong fashion. Instead of undergoing negotiations and discussions over the individual merit of specific programs, the omnibus indiscriminately cuts and appropriates funds. This is neither a thoughtful nor responsible approach to managing our budget.

On the flip side, there are many programs and agencies in which we ought to be investing more resources. By failing to pass the outstanding appropriations bills and by passing an omnibus bill instead, we are ignoring America's infrastructure which is the foundation of our economy. Our physical infrastructure is a critical component of making America more competitive and maintaining our quality of life for future generations. But if we keep up this attitude toward our fiscal obligations, if we continue ignoring the upkeep of our infrastructure, we risk tremendous disruptions to our commerce and decrease protection against natural disasters. Hurricane Katrina was a wake-up call for all of us and makes the point. Had we completed our appropriations work on time and adequately funded the Army Corps of Engineers, we would have been attending to the needs of the country. For nearly half a year, we could have brought in more civil engineers, increased construction, designed stronger levees, and made real progress on improving water infrastructure. Instead, we are 5 months be-

hind in the construction of our infrastructure and even further behind keeping our Nation competitive and safe.

What about our dependence on foreign sources of energy. I still believe one of this Nation's most pressing challenges is reforming our national energy policy. Finding a way to harmonize our energy, economic, and environmental concerns is critical to keeping our Nation strong. I know my colleagues here today agree with me that we need a second declaration of independence and that we must invest in new, alternative forms of energy. This body failed to complete its appropriations work on time, and now we have uncertainty at a critical moment when we are trying to free ourselves from entanglements in the Middle East and increase our competitiveness in the global marketplace.

If we had funded the appropriations in the routine manner 5 months ago, the Nuclear Regulatory Commission could have been preparing for the estimated eight applications it expects to receive this year from the nuclear energy industry for the construction of new nuclear reactors. Let me add the NRC anticipates receiving an additional 22 applications next year. They have been furiously working to prepare for this tidal wave of construction which requires hiring an additional 300 or more people. They haven't been able to do it because the budget hasn't been there because we have been fiddle-faddling around over here.

Yet our failure to act has delayed this process. It has introduced uncertainty for both the NRC and the nuclear energy industry at a time when we cannot afford to be dependent on foreign sources of oil. Our inability to fulfill our fiscal responsibilities has put the NRC 5 months behind in preparation, and it has put the country behind on the road to energy independence.

It is not just the Federal Government that suffers. States, counties, cities all depend on funding from Washington. I was a county commissioner. A part of our budget was the Federal budget. I was mayor of Cleveland. Part of our budget was Federal money coming into the city. All of these local governments, State governments right now have been in limbo trying to figure out when we are going to do our job.

Maintaining and improving America's transportation system is also vital to our economy, the environment, and the welfare of the American people. The Interstate Highway System is one of the country's greatest public works projects but requires a Federal investment. States plan their highway construction programs for the coming year based on their anticipated Federal funding set by SAFETEA-LU. By failing to pass the 2007 Transportation appropriations bill, States could not plan for the future and were forced to delay construction projects for the upcoming year.

I will get a report on that from around the country on all the projects that are going to be delayed because we didn't do our work or that are not going to move forward.

In my State of Ohio, for instance, construction costs and increased inflation forced our Department of Transportation to cancel and postpone nearly \$450 million in highway projects. They didn't know what they were going to get.

Democrats have a right to point fingers at Republicans for failing to complete their work on the outstanding appropriations before December. But let's be clear, Democrats behaved equally poorly when they lost the majority in 2002. At that time, Majority Leader Daschle was unable to pass a budget for 2003. Subsequently, Democrats did not complete their work on appropriations before going home for the winter recess. When we came back in January 2003, we took up the issue of appropriations within 3 days. We passed three continuing resolutions through February 20, at which point the Senate voted on an omnibus bill, much the same as we are doing today.

The fact is, we both have dirty hands. This is not just a Democratic or Republican issue. Both parties have acted irresponsibly. Congress has the power of the purse, but we are not the best steward of the taxpayers' money if time and time again we blindly pass omnibus bills and fund programs without accounting for how those programs are performing.

These are not isolated instances. Let me point out—and the public should know—in 25 of the past 30 years, Congress has failed to enact all the appropriations bills by the start of the fiscal year. In fact, the last time Congress enacted appropriations bills by the September 30 deadline was 1997. And for 17 of the past 30 years, Congress has had to combine two or more appropriations bills together in omnibus and minibus legislation. When are we planning to get it done on time? By failing to do our job, we are starving the executive branch of Government and preventing it from doing its job. This is irresponsible.

One way around this annual appropriations problem is to convert the annual budget cycle into a biennial or 2-year cycle. This would save Congress valuable time eaten up every year debating appropriations matters. We spend most of our time on agency appropriations, on the budget, and no time on oversight. Under biennial budgeting, we would convert the annual budget, appropriations, and authorizing processes into a 2-year cycle. The first year would be reserved for the budget and appropriations process. The second year would be to conduct oversight and pass authorizing legislation. This would leave Congress more time to examine programs to determine which are wasteful, which should receive more funding and which should be terminated altogether. Congress

would have more time to finish its business by the deadline the law imposes.

A 2-year budget proposal is long overdue. We have been talking about this since I came to the Senate in 1999, Senator DOMENICI and I and many others. We ought to reintroduce that bill. In fact, I intend to reintroduce that bill with several of my colleagues to see if we can't go to a 2-year budget cycle.

Operating without a budget impacts our effectiveness in fighting the war on terror. It affects our ability to maintain and improve our transportation infrastructure and enhance our education system. You will be hearing more about that from Senator ALEXANDER. It further contributes to the public perception that Congress has no appreciation of the importance of management and the impact of our irresponsible conduct on the delivery of services to the people in the States—our constituents. It is incredible to me, as someone who has been a mayor and Governor, that the Senate has not completed its appropriations work.

In Ohio, the law mandated that we complete our appropriations responsibilities by the end of the year. And it was the same way when I was mayor of the city of Cleveland. The city charter mandated that we do our work. If we had not completed our budget and appropriations work, we would have been reprimanded by the media roundly and recalled by the voters. Of course, we were also bound to balance our budget, which this body has been unable to do since 2000.

We have been on the path of fiscal irresponsibility for too long. Given the facts, it is an indication to the American people that we are not doing our job, our work. Congress may hold the power of the purse, but we undermine our credibility by starving good managers and agencies of necessary resources and by turning a blind eye to failing programs. This is about more than allocating funds, it is about good management and good public policy.

All of us, on a bipartisan basis, should pledge that we will not shirk our responsibilities by passing a de facto omnibus piece of legislation. As important, at this stage of the game, we should vow, all of us—the majority leader and our minority leader should come together on the floor of the Senate and pledge to the American people that we are going to pass our budget, and we are going to get our appropriations done by the deadline we are supposed to have it be done by, so next year we are not repeating the same thing we have this year.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. The Senator has that right. We are now in morning business.

## THE BUDGET

Mr. ALEXANDER. Mr. President, no Member of the Senate has more experience in various levels of government than the Senator from Ohio, Senator VOINOVICH, who just spoke. He was a commissioner, a mayor, a lieutenant Governor, a Governor, and a Senator. Since he has come here, no Senator has spent more time on the drudgery—some Senators would say—of understanding the operations of government, how the budget decisions we make affect different parts of the Federal Government, different parts of society, the State and local governments, and how the civil service system works, how employees are fairly treated. I salute the Senator for his work.

I think we ought to hear him carefully when he reminds us of one of the most obvious solutions to that problem, the 2-year budget. That idea has broad support in this Chamber, and it is a very simple idea. It says we will make our budget every 2 years. If we have to make adjustments in the odd year, we can do that. We already do that from time to time, but then in the intervening year, we would have plenty of time to look over our programs, make sure they work, and perhaps repeal some of them and add some better ones and check the stacks of regulations. If you look at all of the regulations that small colleges in Ohio and Tennessee have to wade through every year, that stack is very high. I brought them down on the floor one time. Surely, we can get rid of those. On both sides of the aisle we would like to do that. Our process doesn't appear that way. As our Republican whip sometimes says, process is often substance in the Senate, and a 2-year budget would be a force for orderliness, a force for review of programs; it would cause us to repeal and change and revise laws.

We have plenty of forces for adding laws or spending more money. We need forces for review and repeal. The people around America who elect us and depend upon us to provide the funds we provide in an orderly flow could then make their plans and spend the money more wisely. The example the Senator from Ohio gave is a good one, about the Nuclear Regulatory Commission. On this floor, what do we hear more often than anything else now? We hear let's stop the dependence upon foreign oil or at least let's reduce it, and let's deal with global warming.

How do we do that? There are lots of different ways to try to do that, but in a country such as ours that produces and uses 25 percent of all of the energy in the world, we don't have many ways to produce large amounts of carbon-free energy; 70 percent of our carbon-free energy comes from nuclear power in the United States. So when we slow down the processing applications for new nuclear power plants—a process we invented, which our Navy used without incident since the 1950s, a process

which France uses to produce 80 percent of its power—so when we slow ourselves down, we are delaying urgent action on global warming and on dealing with our dependence upon foreign oil.

That was a very good example the Senator used. I salute his interest and his call for a biennial budget, a 2-year budget, and his focus on the practical problems our failure to deal with appropriations bills on time cause, and it can be shared all around the room.

#### TEACHER INCENTIVE FUND

Mr. ALEXANDER. Mr. President, I wish to speak about a casualty of the budget process. It is a very disheartening development, and I hope it is an oversight, not the first symbol of the new Democratic Congress's education agenda because I don't think it should be, and I cannot believe that it would be. I don't believe that the Senator from Massachusetts, the Senator from Iowa, the Senator from Rhode Island, and others who care about education would agree that killing the Teacher Incentive Fund should be held up and said here is the way the Democrats plan to approach education. But, in fact, that is what came over from the House of Representatives. What they did was kill a Federal program, passed in a bipartisan way in No Child Left Behind called the Teacher Incentive Fund. They reduced the Teacher Incentive Fund from \$100 million a year to \$200,000 in this current year. What does the program do? It helps reward outstanding teachers and principals of children who attend low-income, poor-performing schools. That is what it does. This cut threatens a crucial effort to improve the Memphis schools and also other schools all across our country in 16 major cities and States.

It is a disheartening development and one I hope will change. The loudest criticism I hear of the No Child Left Behind bill is it is not properly funded. What kind of response is it to say we are going to knock \$100 million out of the most important program that helps to train teachers and principals to help low-income children in poor-performing schools succeed? That doesn't make much sense to me.

So I have submitted an amendment—it is on file—which would increase the teacher incentive fund from \$200,000 this year to \$99 million, which is the level that was approved in the appropriations bill. It is also the level President Bush requested for the current year. The funding comes out of funds available under the education title of the Labor, HHS, Education section of the joint funding resolution. Unlike a traditional appropriations bill, the resolution doesn't fully allocate all of the dollars under the education title. So as a result, I have been advised by the Legislative Counsel's Office that our amendment doesn't need an offset.

I will add that President Bush, in the budget we received this week, has asked for \$200 million for next year. So

this would permit us to do what was intended to be done by the No Child Left Behind bill.

I ask unanimous consent that my amendment be printed in the RECORD at the end of my remarks.

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

(See Exhibit 1.)

Mr. ALEXANDER. Mr. President, let me mention a few of the details of the Teacher Incentive Fund, so that we can understand what happened in the House of Representatives. The Democratic majority in the House reduced the teacher incentive fund from \$99 million to \$200,000. The proposed cut jeopardizes 5-year grants that were made to 16 grantees, largely serving big-city schools and low-income students with low academic achievement. The cut will take away funds from Chicago, Denver, Memphis, Houston, Dallas, and Philadelphia. The proposed cut will take away funds from State programs in New Mexico and South Carolina. Many of these programs were developed in full consultation with teachers and principals and with their unions. As an example, Philadelphia's grant application was written and endorsed by the local teachers union. So I am trying to figure out who is against this? It would not be the teachers, principals, or the districts. Neither Democrats nor Republicans. So how did it get cut from \$100 million to \$200,000?

One of the most critical problems we have to solve today is how to retain outstanding teachers and principals. The more we understand about low-performing schools, the more we understand that, except for the parent, the most important people in that child's ability to succeed are the teacher and the principal. The quality of the teacher and the quality of the school leaders are the most important factors. The elimination of funding, as has been done by the joint funding resolution, could have a significant impact upon the Teacher Incentive Fund. As a result, for example, of the joint funding resolution, the Department of Education has already decided that they will have to delay the national evaluation of the Teacher Incentive Fund until 2008. So we have delayed, for a year, helping these children be exposed to teachers and principals who have more capacity, and we won't learn anything from that evaluation for another extra year.

The proposed cut in funding in the current year will undermine the current grant competition that is going on. Applications are due on February 12, 2007. So say you are sitting in Providence, Knoxville or San Francisco, and you are in the midst of an application to bring in New Leaders for New Schools or some other group, they say to the school district: OK, we will train all your teachers, send them to the Wharton School in the summer and work with them for a year, and on a continuing basis we will help these principals and teachers; we will help

the principals become better school leaders. But then the New Leaders for New Schools will say you have to give the principal some autonomy, let them hire and fire the best teachers, let them make decisions. So there is this alliance. In many cases, the teachers union is involved, as in the Philadelphia case. They make concessions. So everybody is working together to try to say: What can we do to help these low-performing schools succeed?

Today, in a roundtable we had about No Child Left Behind, I suggested we are not talking about No Child Left Behind in the correct way. We are catching people doing things wrong instead of catching people doing things right. The truth of the matter is that across our country we have about 100,000 schools, more or less, and in about 75 percent of those schools, they are succeeding in what we call adequate yearly progress. Those schools are succeeding in adequate yearly progress. Now, those schools, I would say, are high-achieving schools. What we find is most of the schools I would call achieving schools. Any school that has succeeded in No Child Left Behind for a couple of years I would call a highest achieving school. One which has succeeded for 1 year would be a high-achieving school. One with only one subgroup of children who don't quite make the standards, I would call that an achieving school. So we have mainly 15, 20 percent of our schools where we need to go to work and do things differently.

These children can succeed. Memphis has a large number of low-performing schools, as we call them, but it is not because the children cannot learn. I was there during spring break last year at one of the new public charter schools in Memphis. They go to school early in the morning and leave at 5 in the afternoon. They were in AP biology courses in the 10th grade. They can all learn. They needed extra help in a different way, and the difference it has made there starts with a good school leader and an excellent teacher. Memphis plans to take this money from the Teacher Incentive Fund and take every single one of its principals through this year-long training, the summer programs, the continuing education, and then Memphis decided to give those teachers autonomy.

So that is what we are killing when we kill this program, not just in Memphis, but in many other school districts. The northern New Mexico network, the DC public schools, the Chicago public schools, Denver, Mare Island Technology Academy in California, Houston, Guilford County, NC, Alaska, the whole State of South Carolina, a couple of districts in Texas—they are all in the middle of this. They are making applications for more. They expect these to be 5-year grants. They are doing what we asked them to do, and then we come along and kill the program right in the middle of the year.

I ask unanimous consent to print after my remarks a list of the current grantees and programs.

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

(See Exhibit 1.)

Mr. ALEXANDER. Mr. President, following that, I ask unanimous consent to print in the RECORD a letter from Secretary Margaret Spellings of the Department of Education pointing out what difficulty this decision by the House of Representatives will cause to the teacher incentive fund.

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

(See Exhibit 2.)

Mr. ALEXANDER. Mr. President, finally, let me make this observation. I was visited today by representatives of the Tennessee Education Association. I have not always gotten along well with the Tennessee Education Association because of the subject we are discussing today. In 1983, I proposed the first master teacher program in the country, the first attempt by a State to pay teachers more for teaching well and to reward principals in the same way. The National Education Association went apoplectic for over a year. We had a brawl for a year and a half. We finally passed a program and our Career Ladder Program lasted for several years, until I got out of office is really what happened, and then it gradually went away. Mr. President, 10,000 teachers were rewarded, paid more, their retirement pay was more, and we talked about that today. I appreciated very much their visit because this includes some teachers who were part of that Career Ladder Program. They are the leadership of the teachers' union, the teachers' association in Tennessee. They came to see me about it, and they were very honest.

They said any program that picks one teacher out and rewards outstanding teaching or rewards an outstanding principal is difficult to do because it is hard to make it fair. But we must do it. Almost everyone agrees that if we make any progress in education, especially with low-income children in poor performing schools, we have to find a way to pay good teachers more and good principals more and keep them in those schools. We have to do it.

So this teacher incentive fund is a real casualty here, and I hope the majority whip, the assistant Democratic leader—he is here—I know he cares deeply about education, about the program in Chicago which is part of this.

Maybe it is an oversight. Maybe it is a casualty that both Republicans and Democrats have had to deal with over the past 2 months. What I hope is, if there are any amendments allowed to this joint funding resolution, this amendment will be one of them. If it is not, I hope we can work together in the Senate, as well as in the House, and do what President Bush has asked us to do, not only put \$200 million in for next year, but send a signal to the big city

school districts across America: Don't give up, we want to help you train and hire outstanding teachers and outstanding principals.

#### EXHIBIT 1

(Purpose: To provide additional funds for the Teacher Incentive Fund)

On page 72, line 20, strike "of which not to exceed \$200,000" and insert "of which \$99,000,000".

#### EXHIBIT 2

##### CURRENT GRANTEEES

##### NORTHERN NEW MEXICO NETWORK (NEW MEXICO)

The Northern New Mexico Network for Rural Education, a Non-Profit Organization, is partnering with four New Mexico school districts: Espanola Schools, Springer Schools, Cimarron Schools and Des Moines Schools. They seek funding for the Teacher Incentive Fund to implement a performance-based compensation program to serve a region of the state where high levels of poverty, high concentrations of Native American and Hispanic students, and extreme rural conditions pose unique challenges to public education systems. Three of the school districts—Cimarron, Des Moines and Springer—are small (less than 500 students), and serve a large geographical area—all over 1,000 square miles. The fourth district, Espanola, serves almost 5,000 students

##### NEW LEADERS, INC. (D.C. PUBLIC SCHOOLS)

This project includes a coalition among D.C. Public Schools, New Leaders for New Schools, Mathematica, Teachscape, and Standard & Poors to provide direct compensation to teachers and principals who have demonstrated their ability to move student achievement. D.C. Public Schools' currently works with the Center for Performance Assessment to "incentivize" the creation of more standards and data-driven classrooms and schools. The project plans to complement this current effort in the District of Columbia where the achievement gap is particularly troubling due to the over 90 percent of public school students coming from poverty stricken families.

##### CHICAGO PUBLIC SCHOOLS (ILLINOIS)

The Chicago Public Schools, in collaboration with the National Institute for Excellence in Teaching (NIET), proposes the Recognizing Excellence in Academic Leadership (REAL) program. At the center of REAL is the NIET Teacher Advancement Program (TAP). The TAP performance-based compensation system—including multiple evaluations and opportunities for new roles and responsibilities—will drive recruitment, development, and retention of quality staff in 40 high need schools that serve approximately 24,000 students in the Chicago public school system.

##### SCHOOL DISTRICT NO. 1 FOR THE CITY AND COUNTY OF DENVER (COLORADO)

The Denver Public Schools proposes a two-fold district-wide expansion of its Professional Compensation System for Teachers (ProComp). First, Denver PS will develop, implement, and evaluate a performance-based compensation system for principals through a national strategic partnership with New Leaders for New Schools. Second, Denver PS will strengthen its professional development, information and technology, and student assessment systems to ensure ProComp is consistently and rigorously implemented district-wide.

##### NEW LEADERS, INC. (MEMPHIS CITY SCHOOLS)

This project includes a coalition among Memphis City Schools, New Leaders for New Schools, Mathematica, Teachscape, and Standard & Poors to maximize their pros-

pects of attracting, developing, supporting, and retaining a community of high-performing educators to drive academic achievement in the short and long-term. The project will likely span 17 schools that directly affect 10,000 students in Memphis City Schools—the largest school district in the state of Tennessee and the 21st largest in the nation.

##### MARE ISLAND TECHNOLOGY ACADEMY (CALIFORNIA)

Mare Island Technical Academy, an LEA, proposes to expand a current project to award incentives to teachers and principals instrumental in increasing student achievement. It will also award incentives to those taking the lead in implementing Strategic Plan and Professional Learning Communities initiatives in 2 independent middle and high school charter schools serving a total of 780 students with 32 teachers and 2.5 principals/administrators, in Vallejo, CA. Mare Island attracts a percentage of neighborhood students from 2 elementary schools within a block of Mare Island: Loma Vista with a 61.4% and Wiedenmann with a 67.0% free or reduced-price lunch rate.

##### HOUSTON INDEPENDENT SCHOOL DISTRICT (TEXAS)

The Houston Independent School District is the largest public school district in Texas and the seventh largest in the United States. Houston ISD proposes Project S.M.A.R.T. (Strategies for Motivating and Rewarding Teachers), an incentive plan for teachers that focuses on teacher effectiveness and growth in student learning. The proposed performance-pay program will provide incentives to 109 teachers and principals at Houston ISD campuses. A total of 27 schools have been targeted for inclusion of the S.M.A.R.T. program using TIP funds.

##### GUILFORD COUNTY SCHOOLS (NORTH CAROLINA)

Guilford County Schools has proposed a financial recruitment/retention project for the 2006-2007 school year called Mission Possible and plans to expand the program to an additional seven schools using TIF funds. The seven schools proposed for expansion include: Bessemer Elementary, Cone Elementary, Falkener Elementary, Union Hill Elementary, Allen Middle, Aycock Middle, and Penn Griffin Middle.

##### NEW LEADERS, INC. (CHARTER SCHOOLS IN VARIOUS STATES)

This project includes a coalition among New Leaders for New Schools, Mathematica, and most of the nation's highest-performing charter schools and charter school networks, including the national KIPP network, Achievement First, Uncommon Schools, Aspire Public Schools, YES College Prep Schools—and others. The project will likely span 47 schools, 47 principals, and 1,186 teachers in charter schools throughout the nation.

##### CHUGACH SCHOOL DISTRICT (ALASKA)

Chugach School District serves as the fiscal agent of the Alaska Teacher and Principal Incentive Project, created in partnership with Lake and Peninsula School District, Kuspuk School District and Chugach (the fiscal agent). The Alaska Department of Education and Early Development and the non-profit Re-Inventing Schools Coalition are also participating in this proposed project. This project expands on Alaska's performance pay initiative funded by the Alaska Legislature.

##### SOUTH CAROLINA DEPARTMENT OF EDUCATION (SOUTH CAROLINA)

This project, which is a modified version of an existing Teacher Advancement Program (TAP), aims to implement a performance-based compensation system to address problems with recruitment and retention in 23

high-need schools in six districts. By the fifth year of the project, SC TIF has the potential to affect more than 60,000 children and 5,000 teachers and principals. These modifications include higher and varied teacher bonuses, the introduction of principal and assistant principal bonuses, more competitive Master and Mentor Teacher addendums, a new focus on marketing and recruiting, raising the value-added percentage in the performance pay from 50% to 60%, using MAP tests to give K-3 teachers an individual value-added score, and inclusion of related arts in the individual value-added gains calculations.

**DALLAS INDEPENDENT SCHOOL DISTRICT (TEXAS)**

For the past decade, the Dallas ISD has provided incentives to teachers, principals, and other campus staff based on the value-added performance of their students under the Outstanding School Performance Award program. This project builds on this history and existing apparatus to identify and reward effective principals based on a combination of direct and value-added measures of student achievement and reward effective teachers based on value-added measures of their students' achievement. In addition, the project includes refinement of the Dallas database for tracking student-teacher assignments; incentives for principals and teachers to participate in substantive, high-standards professional development; incentives for highly effective teachers to move to and stay in high needs campuses; and procedures for insuring the integrity of test results.

**SCHOOL DISTRICT OF PHILADELPHIA  
(PENNSYLVANIA)**

The overall purpose of Philadelphia's initiative is to pilot a performance-based staff development and compensation system that provides teachers and principals with clear incentives that are directly tied to student achievement growth and classroom observations conducted according to an objective, standards-based rubric at multiple points during each school year. Twenty high-need urban elementary schools (grades 3-8) that have demonstrated high degrees of faculty buy-in will participate in the pilot. Leaders from the School District of Philadelphia's administration and from the two unions representing all Philadelphia teachers and principals have designed the pilot and will oversee its implementation.

**OHIO DEPARTMENT OF EDUCATION (OHIO)**

Key strategies of the Ohio Teacher Incentive Fund (OTIF) include implementing the Teacher Advancement Program (TAP) in the Cincinnati and Columbus City Schools, expanding the Toledo Review and Alternative Compensation System (TRACS) in the Toledo City Schools, and developing and implementing the Cleveland Teacher Incentive System, a program modeled on TRACS, in the Cleveland City Schools. OTIF is a cooperative venture of the Ohio Department of Education; Columbus, Cleveland, Cincinnati, and Toledo City Schools; and the National Institute for Excellence in Teaching.

**EAGLE COUNTY SCHOOL DISTRICT (COLORADO)**

In the past five years, Eagle County School District has invested over \$4.5 million (not including performance awards) to implement a performance-based compensation system for teachers and principals based on the Teacher Advancement Program (TAP). This project is an expansion of the program and will utilize TIP grant funding to improve the quality of Master and Mentor teachers through increased salary augmentations and increased training. It will cover 13 high-need schools.

**WELD COUNTY SCHOOL DISTRICT (COLORADO)**

This project will be implemented in the 4 high-need schools in the Weld County School

District. The district currently ranks last in teacher compensation compared to neighboring districts. The project objectives state that by year 2, a comprehensive principal and teacher differentiated compensation system based on student achievement gains and classroom evaluations will be fully operational. The Superintendent of Student Achievement of this district will manage the project.

**EXHIBIT 3**

THE SECRETARY OF EDUCATION,  
Washington, DC, February 8, 2007.

Hon. LAMAR ALEXANDER,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR ALEXANDER: Thank you for your efforts to amend the Joint Funding Resolution, H.R. 20, to provide level funding (\$99 million) for the Teacher Incentive Fund (TIF).

As you may know, the lack of a fiscal year 2007 appropriation for TIF would have a significant impact on the program. The Department (ED) remains concerned that a lack of funding for TIF in fiscal year 2007 would jeopardize our ability to make timely continuation funding available for current grant recipients. While ED has reserved \$8.8 million from fiscal year 2006 funds to cover the increased costs proposed for the second year of operation for the 16 current TIF grantees, this amount will not cover all continuation costs for grantees.

A lack of fiscal year 2007 funding for TIF would also significantly limit our ability to support technical assistance to TIF grantees and ensure that information on teacher and principal compensation reform is available not only to TIF grantees, but also to the general public.

Finally, a lack of fiscal year 2007 funding would impact our ability to begin a national evaluation of the TIF program, which Congress called for when appropriating funds for this program. Our planned evaluation will be delayed until fiscal year 2008 unless funds are appropriated.

It should also be noted that a lack of funding in fiscal year 2007 may undermine the current TIF grant competition that is underway (with applications due on February 12, 2007). Potential grantees may be dissuaded from applying for TIF grants or spending time and resources developing high-quality applications if they believe the program's funding is in jeopardy.

Again, I thank you for your leadership on this important issue. Please do not hesitate to call if I can answer any additional questions.

Sincerely,

MARGARET SPELLINGS.

The PRESIDING OFFICER. The majority whip.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. The Senate is in morning business. The Senator from Illinois may speak for 10 minutes.

Mr. DURBIN. Mr. President, I say to my colleague from Tennessee, whose interest in education is well recognized, I couldn't agree with him more. Not only is this program important, it is important to me. When the superintendent of the Chicago Public School System, Arnie Duncan, called me yesterday and said we need this money, I said to him: I know you do. It breaks my heart that we cannot give it to you at this moment.

I can go through the sordid history that brought us to this continuing resolution—our failure to pass the appropriations bills in the normal fashion last year, extending the Government on a piecemeal basis with a CR, as we call them, for a few months, and now facing the awesome task of funding the rest of the year with certainly limitations in funding that have caused a great deal of deprivation. This is a clear illustration and example of a program that is worth funding and that should be funded.

I say to my friend from Tennessee, if we cannot resolve it in this particular bill—and I doubt that we can because of the extraordinary circumstances—please let me join him and let's have others join in making sure this program is solid and funded for the next fiscal year. It is a good program, an excellent program. I want to see it move forward.

The quality of teachers may be the single greatest determinant in the success of education. I certainly want to join the Senator from Tennessee in making that happen.

**IRAQ**

Mr. DURBIN. Mr. President, I want to move to another topic and say for anyone who has followed the debate this week on Iraq, it has been a frustration. We came to the Senate with the clear direction of the American people to change course in Iraq. Unfortunately, the minority—the Republican minority—decided it was more important to change the subject than to change course. So they defeated our efforts to bring this issue of our policy in Iraq to a debate on Monday.

In the Senate, it takes 60 votes to do anything that is important or controversial. And so we needed help from the Republican side of the aisle because we only have 51 when we are at full complement, and with Senator JOHNSON recuperating, we only had 50. We needed 10 of their stalwarts to join us, to move forward and say: Let's have this debate on Iraq.

I was hopeful we would have that many. At least seven or eight Republican Senators said they disapprove of President Bush's plan to escalate this war. I thought that was a good starting point, and maybe others will join in to make sure there is a real debate.

Come time for the vote on Monday, we fell short. The Democrats came and voted, with all but one exception, to move forward on the debate, but our Republican friends would not join us. So the debate on Iraq stopped in its tracks. Efforts were made over the next day or two, with no success whatever, to try to revive this debate on Iraq. Now we find ourselves in a position where we moved to the next stage.

That debate was about the Warner resolution, a Republican from Virginia, with bipartisan sponsorship that we agreed on the Democratic side would be the vote. I don't know how more accommodating the majority could be to

say to the minority, in this case the Republicans: We will let one of your own write the resolution that we will debate. That is what we said on the Warner resolution. We went further and said to the Republican minority: And then the countervailing resolution, the one in opposition to Warner, write that as well. And they did. That was the resolution of Senator JOHN MCCAIN of Arizona. So we had two competing Republican resolutions in a Senate with a Democratic majority.

To argue we are playing politics with this issue, I think, fails on its face. I don't know how we could be more accommodating, but obviously we didn't reach enough on the other side to get the debate started.

Interestingly enough, I happened to turn on the television last night in my office and here Senator JOHN WARNER came to the floor to try to explain what happened when seven or eight Republican Senators who said they opposed the President's plan, some who openly supported Senator WARNER's resolution and Senator WARNER himself, all voted not to debate his resolution. It is hard to explain to most people who try to follow the arcane procedures of the Senate.

Having said that, the debate is not over. The debate will continue, maybe not on the Senate floor for the next few days. But all across America, in grocery stores, in offices, in churches, all across America, people are talking about this war. When I am contacted by people back in my hometown of Springfield, IL, or Chicago, people are saying this has to change. I understand what they are thinking about in terms of their own children, in terms of the brave soldiers who are there, and in terms of the families who are waiting patiently for their loved ones to return.

We will return to this debate, but the next stage is not going to be a sense-of-the-Senate resolution. The next stage is going to be much more serious. As I said on the floor before, the Warner resolution was a sense-of-the-Senate resolution, which is merely an expression of sentiment. Important as it is, it is still very thin soup compared to an actual amendment or bill which could make some change in the way we wage this war. That is the next stage. The House may take it up before us because we have to pass the spending bill, and then we are going to return to it.

Senator REID, our majority leader, has made it clear. The Republicans will not prevail when it comes to stopping this debate on Iraq. We believe the last election was very clear. The American people want us to change the policy in Iraq. We change it by deliberating and debating and reaching the best consensus we can, and that is what we will try to do.

I hope enough Republicans will join us in this debate. This is critically important. If they are loyal to the President and loyal to his policies, then so be it; stand on the floor and defend

them. If they agree with us that there has to be a change, that this escalation of the war moves us in the wrong direction, they will also have a chance to have their voice on the floor. But to try to shut down the debate time and again will not ultimately work. The American people want us to face this issue and face the reality of this war and what it means to us.

The National Intelligence Estimate, just recently released, paints a very bleak picture in Iraq about a civil war that is complicated by an insurgency that is being fought by both Iraqis and foreign al-Qaida fighters, along with widespread violent crime. There have been 2 million refugees in Iraq so far, by the estimate of major international agencies. Some 34,000 Iraqi civilians were killed last year. Another 1,000 died last week alone—Iraqi civilians. These are not the insurgents and terrorists. Many of these are innocent people—men, women, and children—who happened to go to the market or school on the day a bomb was detonated.

We have lost more than 3,100 soldiers as of today. In this month of February, 8 days into this month, we have lost 26 American soldiers, more than 3 a day. As we postpone this debate for days and weeks, American soldiers continue to die and continue to be injured. That is the reality. We have to understand the urgency of this debate and the urgency to get it right.

The President says he needs 21,500 troops more in Baghdad and Iraq. Certainly now the CBO tells us the real number could be 35,000 or 48,000 because those 21,500 are ground troops, combat troops. They need support troops as well, and many of them will be in harm's way.

When asked how much this new escalation of the war will cost, the President estimates \$5.6 billion over 8 months. The Congressional Budget Office takes a look and says: No, you are wrong; \$27 billion over 12 months.

Some of us remember a man named Lawrence Lindsey, head of the White House's National Economic Council, who made the fatal political error in 2002 of saying that he thought the war in Iraq could cost us between \$100 billion and \$200 billion. For his estimate, for his candor, Mr. Lindsey was canned. He was fired. Secretary Rumsfeld got on television and said: I think the war might cost us \$50 billion. That is on the record. The record shows us he was wrong.

To date, the American taxpayers have paid over \$350 billion for this war. With the new request, it will go to over \$500 billion.

Imagine the debate we just had between Senator ALEXANDER and myself about \$200 million to improve teachers and schools across America that we cannot afford because we are spending \$2.5 billion a week on this war in Iraq. We cannot afford to improve the quality of our teachers in America's schools because of the money we have

committed to a war in Iraq, a war which, sadly, has no end in sight and a war which is being escalated by this President.

Some argue—I heard it on the floor repeatedly—that any debate about the President's policy is going to hurt the morale of the troops.

This is a copy of The Washington Times, a newspaper which I don't frequently read, but this morning's newspaper says: "War foes will not hurt morale," contradicting the statement made by some that if we express opposition to the President's war policy, we are going to hurt morale. Who was it who said that war foes—those who question the President's policy—will not hurt morale? It turns out to be none other than GEN Peter Pace of the U.S. Marine Corps, who is, of course, Chairman of our Joint Chiefs of Staff. He said it. I want to quote it. I thought this was excellent:

From the standpoint of the troops, I believe that they understand how our legislature works and that they understand that there's going to be this kind of debate. They understand democracy. They understand you can disagree with the President without being disloyal to the men and women in uniform. They understand you can question whether we have enough troops, whether they are adequately armored, whether they are adequately trained, and question those policies of the President without in any way reflecting on our admiration for the troops and their service to our country.

We are fighting for a democracy in Iraq. That is what we say. A democracy has open debate and disagreement with leadership. If we can't have the same open debate and disagreement with the leadership in America, then we are not exercising the powers of our own democracy.

Finally, I would say, Mr. President, that a friend of mine and colleague in the Senate, Senator ENSIGN of Nevada, came to the floor yesterday and quoted me. Unfortunately, Senator ENSIGN's statement was not accurate. He quoted me as saying recently that:

If we need initially some troops in Baghdad, for example, to quiet the situation, make it more peaceful so that our soldiers start coming home, then I—myself—would accept it.

Well, he used this as evidence that many Democrats, including myself, had said, well, they are for increasing the number of troops. Here is what I was saying. If we need some additional troops to quiet the situation in Baghdad, then I would be open to it. If there was truly a plan to exit this untenable situation, where a short-term shift in troops to Baghdad could make a difference, I would happily entertain it.

But the fact is that this is not a short-term proposal, it is not part of a plan that clearly brings our troops home, and putting more troops in the heart of a civil war does not quiet the situation. Our troops have achieved what is achievable in Iraq. As the new

NIE states, Iraq is now in a civil war and worse. That is not a battle that U.S. troops can win. Only the Iraqis can. The President's plan clearly is not designed to bring our troops home. Nor is he being honest about its costs or the numbers of men and women who will be sent to Iraq in this escalation.

My respect for Senator ENSIGN is not diminished by this misunderstanding.

Mr. BROWNBACK. Mr. President, I am very concerned that the continuing resolution does not adequately support our Armed Forces at this critical time. Our military commanders tell me that the resolution passed by the House of Representatives could deprive our bases of \$3.1 billion of crucial Federal funding. I am particularly concerned about the nearly \$375 million of BRAC funding that is supposed to go to Fort Leavenworth and Fort Riley. As a member of the Military Construction Appropriations Subcommittee, I support the Hutchinson-Inhofe amendment to reinstate the \$3.1 billion for BRAC that will be lost in the current version of the continuing resolution.

Several of Fort Riley and Fort Leavenworth's projects are in jeopardy unless full funding is restored, including: the Regional Correctional Facility at Fort Leavenworth, the Battle Command Training Center at Fort Riley, the Child Development Center at Fort Riley, Fort Riley's Consolidated Soldier and Family Medical Clinic, Fort Riley runway improvements, phase I of the Combat Aviation Brigade complex, and the increment 2 of the First Division headquarters construction.

Unless we correct this problem in the continuing resolution, it will have a domino effect on future BRAC funding, which will be detrimental to our operations around the world. Fort Riley is a good example. First Division soldiers from Fort Riley continue to deploy in support of Operation Iraqi Freedom. Fort Riley trains the soldiers who will embed with both Afghan and Iraqi forces. Right now, Fort Riley has enough soldiers deployed overseas that it can manage base operations. But as one Fort Riley official put it a few weeks ago, world peace is Fort Riley's worst nightmare: if all the soldiers come home, there is no place to house them all. We need to fund BRAC priorities to stay on schedule and make sure the appropriations process in the Senate does not adversely affect the ability of our Armed Forces to execute their missions.

We cannot afford to play games with military construction funds. We worked hard last year to write good legislation that funded key priorities. That funding should be restored. All of us come to the floor pledging to support the men and women of our Armed Forces. Our promises of support will ring hollow if we fail to turn our words into action. We need to restore full funding to military construction in this continuing resolution.

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

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

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. We are still in morning business, I believe.

#### CLARIFYING A STATEMENT ON IRAQ

Mr. DURBIN. Mr. President, I earlier came to the floor and spoke of a statement made on the Senate floor by Senator ENSIGN. I misread my notes for that statement. I want to clarify that Senator ENSIGN did, in fact, quote me accurately when he said that I had made a statement:

If we need initially some troops in Baghdad, for example, to quiet the situation, make it more peaceful so that our soldiers start coming home, then I would accept it.

That, in fact, was a statement that I had made. The point I would like to make at this moment is, that was part of a longer interview. In the longer interview I raised questions about whether this would be part of a strategy to bring our troops home. That has been my position consistently.

My feeling was, if, as we move troops—into Baghdad to protect that city, trying to bring peace to it so our troops could come home, I could understand that. But I believe today, as I believed when I made that statement, that whatever movement of troops we would make would have to be with the clear understanding that our troops were coming home.

I apologize if my earlier statement suggested that Senator ENSIGN had said something different. He did accurately quote me, but the quote that he used did not accurately reflect my feeling on the entire situation.

I want to make that clear to Senator ENSIGN. As I said when I finished my remarks, my feelings for him are not diminished and my feelings that this war should end and our troops should come home soon are not diminished either.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

#### HONORING OUR ARMED FORCES

SERGEANT RANDY MATHENY

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

United States Army National Guard SGT Randy Matheny of Nebraska. Sergeant Matheny was killed in Baghdad when an improvised explosive device detonated next to the vehicle he was in. He was 20 years old.

Sergeant Matheny was part of a close-knit family in McCook, NE. A 2004 graduate of McCook High School, Sergeant Matheny is remembered as a quiet but likable young man who enjoyed learning about auto technology and computers.

Following in the footsteps of two older siblings, he joined the Army in March, 2005 as a heavy-vehicle driver. His sister, Karen, is currently serving her second tour with the Army National Guard in Iraq. His brother, Paul, is a private first class in the regular Army. Sergeant Matheny had been serving in Iraq with the 1074th Transportation Company since early fall. We're proud of Sergeant Matheny's service to our country as well as the service of thousands of brave Americans who are currently serving in Iraq.

In addition to his brother and sister, Sergeant Matheny is survived by his father Gary Matheny; his mother Jan Collins, and her husband Duane Collins; and stepsisters Kori Collins and Laci Ingels.

I ask my colleagues to join me and all Americans in honoring Sergeant Randy Matheny.

#### MAYORS UNITE TO FIGHT GUN VIOLENCE

Mr. LEVIN. Mr. President, on January 23, over 50 members of Mayors Against Illegal Guns met in Washington, DC, for the coalition's 2007 National Summit. Mayors from 27 States and the District of Columbia shared practices and strategies, discussed the importance of forging alliances with gun owners, and united in opposition to laws that restrict cities' access to, and use of, gun trace data. They also heard the results of a bipartisan national poll which shows strong support for tougher enforcement of existing gun laws and common sense provisions to prevent and solve crimes.

The original group of 15 mayors first met in April 2006 in New York City, where they pledged to seek the involvement of up to 50 mayors from around the country. By early June 2006, 52 mayors had joined the coalition. Within a few days following the conclusion of the 2007 summit, 31 additional mayors from across the Nation joined the coalition. The coalition currently includes 154 mayors from 44 States and the District of Columbia.

As cochair of the coalition, New York City Mayor Michael Bloomberg described this growth by saying:

Our coalition is growing because—as the national summit showed—mayors of both parties are committed to doing more to keep illegal guns off the street, which threaten the safety of our citizens, especially our police officers. The 31 new mayors joining the ranks of our coalition demonstrate that momentum is building for our effort to crack

down on illegal guns and convince state legislatures and Congress to take ideology out of law enforcement.

The coalition's basic principle is that keeping illegal guns off the street is not an issue of ideology but of law enforcement. It, therefore, is united in taking a commonsense approach to fighting illegal guns at the local, State and Federal levels. The vast majority of guns used in crimes are purchased and possessed illegally. Most gun dealers, however, are honest business people that carefully follow the law. According to gun crime trace data, 85 percent of dealers do not sell any guns used in crimes. It is only a small number of irresponsible dealers that cause the vast majority of problems. In fact, it is only about 1 percent of gun sellers who account for 60 percent of all guns used in crimes.

According to a national survey conducted by Greenberg Quinlan Rosner Research and the Terrance Group on behalf of Mayors Against Illegal Guns, 84 percent of Americans say they are concerned about gun violence. This concern crosses partisan lines, and spans big cities and small rural areas alike. Eighty-two percent of Americans favor either tougher enforcement of existing laws or tough new laws. This strong public support for commonsense measures serves to reinforce what we should already know. I would like to urge this Congress to follow the example of these mayors and work in a bipartisan manner to promote and pass sensible gun safety legislation.

#### HONORING INDIANAPOLIS COLTS

Mr. BAYH. Mr. President, today I pay tribute to the Super Bowl Champions from my home State of Indiana, the Indianapolis Colts. The Colts' 29-17 historic win over the Chicago Bears in Super Bowl XLI was the first professional football championship for the State of Indiana and a proud moment for our State and country.

As Tony Dungy hoisted the Lombardi Trophy high into the rainy Miami night, the first African American coach to do so, I was reminded of what people used to say about the great Joe Louis: "He is a testament to his race, the human race." This was a great moment for African Americans but one that we all should take pride in. Tony Dungy, Peyton Manning, Jim Irsay, and the entire Colts team and organization are a testament to what professional athletes should be, and they should be commended for winning with class, courage, and character.

It is rare in today's sports world that an organization carries itself with such character and class, on and off the field. Throughout the year, the Colts battled week after week, fighting uphill, and never buckling under the pressure.

Once the playoffs started, the Colts' true character shined even brighter. They never lost faith in themselves and prevailed as a team. Their conduct this

season should be an example for all other teams, not an exception.

I will never forget sitting with my two young boys cheering as our team won the Super Bowl, but it was just as important that they got to see professional athletes carry themselves with such integrity. I congratulate the Indianapolis Colts on their Super Bowl victory and for the example they set for my children and the millions of others who I hope are inspired by their example.

#### DOMESTIC PET TURTLE MARKET ACCESS ACT

Ms. LANDRIEU. Mr. President, I come to the floor today as a cosponsor of the Domestic Pet Turtle Market Access Act of 2007. If enacted, this bill would re-open the U.S. market to allow the sale of baby turtles as pets. In Louisiana, we have 72 licensed turtle farmers who produce over 13 million turtles year with a farm value of \$9 million. Unless Congress enacts this bill, this industry will die and Louisiana will bear the brunt of the loss.

Since 1975, the FDA has banned the sale of turtles sold as pets due to health concerns regarding salmonella poisoning. The FDA, through its Center for Veterinary Medicine, banned the sale of baby turtles in the U.S. due to salmonella poisoning occurring in children in households with pet turtles.

The industry has survived by taking their market abroad to Asia. Asia has developed their own turtle market and is no longer in need of U.S. turtles. As a result, U.S. turtle farmers have nowhere to sell their product, and they are barely getting by.

Three decades have now passed and our knowledge of the salmonella bacteria and the technology for treating this bacterium has greatly advanced. Scientists at Louisiana State University have developed salmonella treatments for pet turtles. Thanks to these methods, pet turtles can be treated for salmonella before they are shipped for sale. This treatment, combined with a much higher awareness of how serious salmonella poisoning is and how one prevents transmission of the bacteria, is more than enough to protect individuals who seek to own pet turtles—in fact, it will be more protection than any other amphibian or reptile seller currently provides.

Other similar amphibians and reptiles are not banned for sale in the United States and they also carry salmonella and are a potential health threat. There is no requirement that these pets be treated for salmonella before sale. As a result, the FDA has singled out one industry primarily located in Louisiana.

This bill will require the turtle industry to submit a plan to the FDA for approval. Turtle farmers will be required to demonstrate how they will treat turtles and ensure compliance with this act. The FDA must approve the plan if an acceptable treatment is

chosen by the turtle farmer and it exceeds current similar methods being used by other amphibian and reptile pet sellers.

The Louisiana turtle industry will become a dead industry this year unless Congress enacts this bill and allows the U.S. market to re-open. In 30 years, our understanding of salmonella prevention and the technology and science has advanced tremendously. This bill keeps intact important safety provisions to protect individuals and at the same time allows the re-opening of a market to stop an important industry in Louisiana from dying. I support this bill, and I hope the rest of the Senate will join me in supporting this commonsense bill that will protect consumers, protect farmers, and bring the joy of caring for pet turtles to millions.

#### TRIBUTE TO JACOB N. PERKINS

Mr. WARNER. Mr. President, today with a deep sense of sadness, I wish to speak in honor of a wonderful man, Jacob N. Perkins—a former staff assistant in my office, who passed away on February 5, 2007. Although "Jake" worked for me some time ago—in 1990 and 1991—he remained a key part of what I like to call the extended Warner staff family.

Jake first came to my office as a summer intern from Virginia Tech University. From day one, he impressed all of us with his profound work ethic, his absolute dedication and loyalty, his keen interest in government and politics, and his generosity of spirit. In fact, Jake was such an impressive young man that, after his internship, he was hired on as a member of my permanent staff to serve as my chief mail clerk. He always carried out his responsibilities in an exemplary fashion, giving 150 percent of effort each and every day.

Upon leaving my office, Jake returned to Virginia Tech to finish his undergraduate work. In 1994, he received his bachelor's degree in political science, compiling nearly a 4.0 average his final 2 years of school. After graduating at Virginia Tech, Jake attended law school at the University of Maryland in Baltimore.

Through all the time that has passed, Jake has remained a steadfast friend of my office, supporting my campaigns and projects whenever possible and maintaining warm and important friendships with current and former staff members. Indeed, only this past Christmas, he was the principal organizer of our annual staff alumni luncheon.

In recent years, Jake began to have significant health problems. His passing away this past Monday at the early age of 37, reportedly due to kidney transplant complications, is a tragedy.

Jake was a remarkable man in so many ways. For one, you would never have known he was ill, not even for a day. He was the type of man who never

complained, who was always upbeat, and who continuously looked out for his friends and family.

He was an avid Virginia Tech sports fan, an unflinching fan of the New York Yankees, and always eager to enjoy a game of golf with his friends.

Jake had a tremendous community presence in his home of Poolesville, MD. From his leadership role in the local Chamber of Commerce, to organizing and serving as chair of "Poolesville Day" in honor of his beloved community, to helping coach youth basketball teams, to serving as an announcer at local school sporting events, Jake's dedication to community service exemplified the motto of his alma-mater, Virginia Tech: *Ut Prosim*—that I may serve.

Jake Perkins was a big man with a big presence. The biggest thing about him, however, was his heart. He will be greatly missed by this Senator and many WARNER staff members past and present.

My sincere condolences go out to his dear mother, Mrs. Ellen Perkins of Poolesville, MD, and his brother and sister-in-law, Michael and Shoshana Perkins. We thank you for the gift of Jake's friendship in our lives. We will miss him, but we are forever grateful for the time we had with him. Jake Perkins will always be remembered.

#### CONGRATULATING BILL O'NEIL

Mr. LEAHY. Mr. President, today it is my honor to salute a longtime Vermont athletic coach, Bill O'Neil, of Essex High School. Bill has been named the 2006 Hockey Coach of the Year by the National Federation of State High School Associations. While he has amassed an impressive record in his 35 years of coaching hockey, softball and girls soccer, winning over 900 games and 16 State championships, Bill has always instilled in his players the simple attitude that the game is more than just the win. Learning to play the game, positive sportsmanship, community involvement and academics are even more important to Coach O'Neil. To his players, Bill is a coach, mentor, teacher and lifelong friend.

I am delighted that a Vermonter has been recognized with such a prestigious honor. The Burlington Free Press recently published an article about Coach O'Neil's recognition. I ask unanimous consent that the article, "O'Neil Tops in the Nation," by Ted Ryan, be printed in the RECORD.

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

[From the Burlington Free Press,  
Feb. 8, 2007]

O'NEIL TOPS IN THE NATION  
(By Ted Ryan)

In 35 years of coaching at Essex High School, Bill O'Neil has won over 900 games and 16 state championships in three sports.

He's been a Vermont coach of the year twice in girls' soccer, twice in boys' hockey and three times in softball.

In 2006, his Hornets won the girls' soccer and boys hockey state titles and finished second in softball.

Now, O'Neil is the national high school boys' hockey coach of the year for 2006. "It blew me away," O'Neil said after Essex athletic director Ed Hockenbury informed him of the honor.

"I'm very surprised, very flattered," O'Neil said. "It's a very humbling experience. How can you describe how you feel?"

He said he was staggered at thinking of the many coaches for such hockey beds as Minnesota, Michigan, Massachusetts, Colorado, "even California" who were deserving of such an honor, awarded by the National Federation of State High School Associations.

O'Neil had been named the Section 1 boys hockey coach for 2006, making him eligible for the national award. Two other Vermont coaches, Northfield High School baseball coach Frank Pecora and Woodstock Union High School football coach Jim McLaughlin, were also Section 1 winners.

"Bill is extraordinarily dedicated and hard-working," said Essex athletic director Ed Hockenbury. "He loves spending his time with kids. Win or lose, he is a role model who exemplifies class and dignity in the coaching profession. He is very deserving of this award."

O'Neil will be honored by the Vermont Principals Association at its annual VPA Hall of Fame dinner in May.

O'Neil's boys' hockey teams have reached the finals 15 times, winning the title 11 times. His 2005-06 team went 19-4 and defeated BFA-St. Albans in the championship game.

Whatever the sport, O'Neil said, he has been fortunate to work for athletic directors—Paul Henry, Bruce Wheeler, Melba Masse and Hockenbury—who "emphasize the importance of involvement with kids, that it's more than winning."

"They've never been just about winning. When I'd go in and say we're down, they'd say, 'You're doing a good job with the kids. They've learned the game, they're coming along and they're doing stuff in the community.'"

"All of these mentors of mine have made these programs, not just my programs but all in Essex athletics. All the coaches here are esteemed," O'Neil said. "You don't see anybody that only wants to win and that's what matters."

O'Neil acknowledged that he is not often on the same page as the youth hockey coaches, but said, "They do a huge job of teaching kids the game, getting them involved and making them have some pride in the game and, I'd like to think, respect for the game and all that goes with it."

However, he said, he is concerned that the heavy game schedules for youth teams tend to take something away from appreciation for the sport.

At 35 years of coaching and counting, O'Neil said he can no longer demonstrate everything on the ice or field, but he's still invigorated by young assistants.

"I think more and more about that time being over," said O'Neil of his coaching tenure. "That bothers me. Sometimes I'm so old-school about stuff . . . but I like what I'm doing and I enjoy the kids."

With his children growing and leaving home, O'Neil said, "The coaching thing is my reward at the end of the day."

"As much as I like teaching, I love coaching," said the English teacher.

And as long as he feels that way, Bill O'Neil will continue adding to one of the most impressive coaching careers in Vermont high school history.

#### ADDITIONAL STATEMENTS

##### HONORING THE LIFE OF THE LATE LORNE "GUMP" JOHN WORSLEY

• Mr. COLEMAN. Mr. President, today I wish to recognize a hockey legend whose personality and character remind us all of the human side of sports; Lorne "Gump" John Worsley. During his years playing professional hockey in Minnesota, beginning his career with the St. Paul Saints and finishing with the Minnesota North Stars, he found a special place in the hearts of fans who knew him simply as "the Gumper."

Lorne Worsley was born in Montreal, Quebec, on May 14, 1929. As a child, he was given the nickname "Gump" because the cowlick in his hair looked almost identical to that of comic strip character Andy Gump. The nickname would follow him for the rest of his life. Despite growing up penniless during the Great Depression, Gump dreamed of being a professional hockey player, a dream that would lead him into the history books as one of the most memorable and accomplished goalies in hockey.

In 1950, Gump Worsley began his professional hockey career, playing for the St. Paul Saints of the U.S. Hockey League. That year, Gump obtained the first of many future accolades when he was named the league's Rookie of the Year. Two years later, in 1952, Gump joined the National Hockey League's New York Rangers, where his debut season earned him the Calder Trophy as NHL Rookie of the Year.

As Gump Worsley's career progressed, so did his accomplishments. After being acquired by the Montreal Canadiens, his hometown team, in 1963, Gump helped lead the team to four Stanley Cup Championships in the span of 5 years—winning titles in 1965, 1966, 1968, and 1969. During his time with the Canadiens, Gump was awarded the Vezina Trophy as the NHL's top goalie in both 1966 and 1968. In 1966, his record was 29-14-6 with a goals-against-average of 2.36. In 1968, he amassed a record of 19-9-8, with an amazing goals-against-average of just 1.98.

In 1970, Gump joined the Minnesota North Stars, helping fuel the team to the NHL playoffs in three consecutive seasons. Gump Worsley retired from the sport he loved in 1974 with a record of 335-352-150, including 43 shutouts. Over the course of his career, Gump was selected to the National Hockey League's All Star Game four times—in 1961, 1962, 1965, and 1972. After his retirement as a player, Gump remained active in hockey as a scout for the Minnesota North Stars. In 1980, Gump was inducted into the Hockey Hall of Fame.

Sadly, Gump Worsley passed away on January 26, 2007, at the age of 77. The world of hockey and the State of Minnesota now mourn the passing of a legend. Among his many accomplishments, Gump will be remembered for

not being the “prototypical” athlete and also for not wearing a goalie’s mask until the final six games of his career. Fellow hockey legend Lou Nanne described Gump Worsley as “the most unlikely-looking athlete, but when he strapped on the pads, he was one of the best in the game.” Gump Worsley’s determination to achieve his goals is an example of success that we can all strive for in our lives, and that is why today we honor “the Gumper.”●

#### THE FACE OF IDAHO AGRICULTURE FOR A DECADE

● Mr. CRAPO. Mr. President, one of the marks of a successful government official is his or her ability to bridge the gap between the public and the agency in order to foster a positive and productive relationship that benefits the public good. Someone who not only accomplishes this, but takes this principle to a level of excellence, is nothing short of exceptional. A fellow Idahoan, Pat Takasugi, is just such an individual. Pat retired from the Idaho State Department of Agriculture on December 31, 2006, serving as its director for the past 10 years, under three governors. A third-generation farmer from Wilder, ID, Pat promoted excellence in Idaho agriculture on multiple fronts for a decade: foreign trade, conservation, regulation, compliance, inter-agribusiness partnerships, and beneficial relationships among producers, processors, consumers, and international partners.

Pat served his country with distinction even before leading the Idaho Department of Agriculture. He attained the rank of captain in the Army and served as a Green Beret A-team commander in the Special Forces.

Pat’s knowledge of agriculture is rooted deeply in his family and, as a grower of alfalfa seed, onions, wheat, pea seed, and garden bean seed, he has a well-rounded sense of Idaho crops and the conditions and processes necessary for success. It is a fact that agriculture in Idaho and in the United States is a complex and highly interdependent system. All parts, from regulations to funding to common practices to the actual production on the ground, must work in concert in order to keep our food supply safe and efficient, and our agri-businesses thriving. Pat understands these multifaceted relationships on a systemic level; this strength lent itself to superior leadership and accomplishment in his role as director.

Regulations pose particular challenges to any commodity system; Pat met these challenges headon, pushing for a commonsense, financially feasible regulatory system. He created a Customer Assisted Inspection Program for fruits and vegetables. He moved the Weights and Measures Bureau to computerized inspection forms. He streamlined the pesticide applicator licensing process. He increased education on the proper use and application of pesticides; and he was instrument, in

drafting a Memorandum of Understanding among EPA, Idaho DEQ, and industry to deal with regulatory compliance of confined animal operations including feedlots and dairies. Compliance goes hand in hand with regulations: Pat worked to improve chemigation site and equipment inspections.

Agriculture today is responding in positive and responsible ways to the environment. Pat led the way in many efforts to help Idaho agriculture respond to environmental concerns, including better identification of ground water pollutants and response strategies, increasing collections of unused pesticides, successfully fighting both Eurasian Milfoil and noxious weeds and improving the smoke management program, including local outreach to affected communities.

Throughout, Pat worked to promote Idaho agriculture products by initiating the “Idaho Preferred” marketing program. He also consistently worked to protect Idaho’s agriculture producers by creating a seed fund to mirror the Commodity Indemnity Fund and improving the Warehouse Control Program. Finally, he emphasized protection of Idaho’s food industry by creating the Idaho Food Quality Assurance Lab and working to isolate the potato cyst nematode outbreak and reassure our trading partners that Idaho produce remains dependably safe. Others recognized his expertise and vision. He served as president of the National Association of State Directors of Agriculture; chairman of several national committees supporting the State’s commodity indemnity fund, foreign market development and agriculture research. He served as cochair of NASDA’s Warehouse Task Force, a member of USDA’s Agricultural Air Quality Task Force, and cochair of the US-Canada Provincial State Advisory Group.

Undoubtedly, Pat recognizes the importance of foreign markets to Idaho agriculture. He was particularly supportive of market development overseas, participating in several foreign trade missions and several commodity groups.

I especially appreciate Pat’s commitment to including multiple stakeholders during agriculture policy formulation and review. He reached out to national organizations, State, and industry leaders in Idaho and the tribes to promote partnerships that aimed to solve rather than perpetuate challenges to successful agriculture in Idaho. Pat’s community outreach efforts included support of the Access Yes Program to allow sportsmen and women on to private land and the creation of a user-friendly public Web site for the Department.

Pat handled challenges such as the detection of brucellosis in Idaho livestock, grass-burning issues, and the bankruptcy of the ABT alfalfa seed company with strong leadership and deft crisis management.

Pat will be sorely missed, and his boots impossible to fill. I am honored to have worked with such a remarkable individual over the years and wish him well as he, in his own words, goes home and “starts walking fields and driving tractors—doing what real people do.” Idaho agriculture will always bear the indelible mark of Pat’s legacy.●

#### TRIBUTE TO JOHN M. QUEEN III

● Mrs. DOLE. Mr. President, I congratulate Mr. John M. Queen III, of Waynesville, NC, for recently becoming the president of the National Cattlemen’s Beef Association.

John is the president and owner of John Queen Farms, a third generation cattle farm located in the mountains of North Carolina. He is a family man, a successful businessman, and a proven leader in his community and the beef industry. Over the years, John has been involved in almost every area of the beef industry from production to sale, and he has served in numerous leadership roles in the beef industry at the county, State, and national levels.

With his extensive knowledge and experience as a member of the beef industry, John Queen is the kind of leader the beef industry needs right now. In the coming months, a new farm bill will be written that will impact our livestock producers. As a producer, John Queen understands these issues firsthand, and he will have the opportunity to serve as an advocate for his fellow livestock producers.

The beef industry today is at a pivotal crossroads. As Congress works to secure fair and open markets in Europe and Asia, the beef industry must continue to work diligently to foster consumer confidence in one of our Nation’s largest export commodities. As we continue to work with the Canadian Government and governments in Asia to reopen their markets to U.S. beef, we will need diligent and creative leaders such as John Queen to help promote our beef to consumers around the world.

I am very pleased that a fellow North Carolinian will be leading the National Cattlemen’s Beef Association. This is a great day for our cattlemen, and for North Carolina as a whole.●

#### IN HONOR OF RICHARD H. SHAPIRO

● Mr. DOMENICI. Mr. President, today I wish to express my gratitude to Richard H. Shapiro for 18 years of service to the Congress in his capacities as program director and executive director of the Congressional Management Foundation, CMF. As he enters retirement, I wish the best for Richard and his family. They should know that the contributions he made during his tenure at the CMF have had positive impacts, direct or indirect, on the way every office in the Congress is managed.

Rick started working for the Congress in the late 1970s, when he was

hired as a staff investigator for what was then the Senate Permanent Subcommittee on Investigations. Following the completion of his graduate education in public administration at Princeton, Rick returned to the House of Representatives as staff director for a number of subcommittees. His work in the Congress and as a management consultant in the private sector helped Rick develop a sense of the importance of effective management to the oversight responsibilities of Congress.

During his work at the CMF, Rick has helped the organization mature from a small and little known non-profit into an established and highly used resource for congressional offices. Over the past 18 years, the CMF has doubled the size of its staff and quadrupled the size of its budget. More importantly, under Rick's leadership, the CMF has greatly increased the variety of services it offers to Member offices and committees. The CMF has prepared books specifically tailored to address management issues faced by congressional staff members; it provides confidential consulting services to offices struggling with problems of organization, operations, and performance. Lastly, the CMF has also increased the variety of training programs it offers to senior congressional staff members on topics as varied as strategic planning and interoffice communications.

I thank Rick for all his years of service to Congress. During his career, he dedicated himself to improving the efficiency and productivity of Congress. Rick's commitment to supporting this legislative body is unmatched and I know that Members of Congress and their staff will suffer a great loss when he retires. Rick, you have accomplished a lot during your time with us, and we are forever appreciative. Again, thank you for all of your hard work.●

#### CELEBRATING ALEXANDER MCGREGOR DAO DOANE'S 1ST BIRTHDAY

● Mr. INOUE. Mr. President, it is my great privilege to pay tribute to Alexander McGregor Dao Doane as he celebrates his first birthday on February 17, 2007, with his parents, W. Allen and Christina Doane. This is the couple's first child, born at 11:44 a.m. at the Queen's Medical Center in Honolulu. At birth, Alexander was 7 pounds 9½ ounces and 20 inches long.

In addition to being happy and fulfilled parents, the Doanes are pillars in Hawaii's corporate leadership circle. Allen is chairman of the board and chief executive officer of Alexander and Baldwin. Founded in 1870, it is one of the oldest and most prestigious companies operating in Hawaii, with its primary focus in real estate development, ocean cargo carriage and sugar production. Christina was born in Saigon, Vietnam, and immigrated to Hawaii as a child where she would earn her bachelor's degree from the University of Hawaii, a master's in business adminis-

tration from Hawaii Pacific University, and enter the field of corporate marketing. She is presently enjoying the full-time joys of motherhood.

To give you some sense of the depth of the Doanes' commitment to our community, 8 days after Alex's birth, on February 25, 2006, as the event co-chairs, Allen and Christina, hosted the American Heart Association's Heart Ball. With more than 1,200 guests in attendance, \$792,000 was raised for this worthy charity. They never skipped a beat. I am very proud to call Allen and Christina, and now Alex, my constituents from the great State of Hawaii.

Alexander is named for one of the founders of Alexander and Baldwin, Samuel Thomas Alexander. He was described as "outgoing and adventurous, the idea man." Who knows what the future will hold for Alexander McGregor Dao Doane. It is no happenstance that Alexander and Baldwin's common stock is traded on the NASDAQ Stock Market under the symbol ALEX. Happy Birthday.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

#### ENROLLED BILL SIGNED

At 10:04 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 434. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through July 31, 2007, and for other purposes.

At 12:29 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 187. An act to designate the Federal building and United States courthouse and customhouse located at 515 West First Street in Duluth, Minnesota, as the "Gerald W. Heaney Federal Building and United States Courthouse and Customhouse".

H.R. 238. An act to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail project, California.

H.R. 365. An act to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes.

H.R. 482. An act to direct the Secretary of the Interior to transfer ownership of the American River Pump Station Project, and for other purposes.

H.R. 742. An act to amend the Antitrust Modernization Commission Act of 2002, to extend the term of the Antitrust Modernization Commission and to make a technical correction.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 187. An act to designate the Federal building and United States courthouse and customhouse located at 515 West First Street in Duluth, Minnesota, as the "Gerald W. Heaney Federal Building and United States Courthouse and Customhouse"; to the Committee on Environment and Public Works.

H.R. 365. An act to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes; to the Committee on Environment and Public Works.

H.R. 482. An act to direct the Secretary of the Interior to transfer ownership of the American River Pump Station Project, and for other purposes; to the Committee on Energy and Natural Resources.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2007" (Rept. No. 110-4).

By Mr. LEVIN, from the Committee on Armed Services, without amendment:

S. 372. An original bill to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 110-5).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 36. A resolution honoring women's health advocate Cynthia Boles Dailard.

S. Res. 37. A resolution designating March 26, 2007 as "National Support the Troops Day" and encouraging the people of the United States to participate in a moment of silence to reflect upon the service and sacrifice of members of the Armed Forces both at home and abroad.

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 188. A bill to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BIDEN from the Committee on Foreign Relations.

\*John D. Negroponte, of New York, to be Deputy Secretary of State.

By Mr. LEAHY for the Committee on the Judiciary.

Norman Randy Smith, of Idaho, to be United States Circuit Judge for the Ninth Circuit.

Nora Barry Fischer, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Marcia Morales Howard, of Florida, to be United States District Judge for the Middle District of Florida.

John Alfred Jarvey, of Iowa, to be United States District Judge for the Southern District of Iowa.

Sara Elizabeth Lioi, of Ohio, to be United States District Judge for the Northern District of Ohio.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ENSIGN (for himself, Ms. MURKOWSKI, Mr. STEVENS, Mr. CRAIG, Mr. CRAPO, Mr. INHOFE, and Mr. KYL):

S. 525. A bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 2 circuits, and for other purposes; to the Committee on the Judiciary.

By Mr. PRYOR (for himself, Mr. CHAMBLISS, and Ms. MIKULSKI):

S. 526. A bill to amend title 38, United States Code, to expand the scope of programs of education for which accelerated payments of educational assistance under the Montgomery GI Bill may be used, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FEINGOLD (for himself and Mr. KYL):

S. 527. A bill to make amendments to the Iran, North Korea, and Syria Nonproliferation Act; to the Committee on Foreign Relations.

By Mr. FEINGOLD:

S. 528. A bill to amend the Agricultural Adjustment Act to prohibit the Secretary of Agriculture from basing minimum prices for Class I milk on the distance or transportation costs from any location that is not within a marketing area, except under certain circumstances, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FEINGOLD:

S. 529. A bill to allow the modified bloc voting by cooperative associations of milk producers in connection with a referendum on Federal Milk Marketing Order reform; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FEINGOLD (for himself and Mr. SCHUMER):

S. 530. A bill to prohibit products that contain dry ultra-filtered milk products, milk protein concentrate, or casein from being labeled as domestic natural cheese, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. McCAIN:

S. 531. A bill to repeal section 10(f) of Public Law 93-531, commonly known as the

"Bennett Freeze"; to the Committee on Indian Affairs.

By Mr. HATCH:

S. 532. A bill to require the Secretary of the Interior to convey certain Bureau of Land Management land to Park City, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI:

S. 533. A bill to amend the National Aquaculture Act of 1980 to prohibit the issuance of permits for marine aquaculture facilities until requirements for the permits are enacted into law; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BIDEN:

S. 534. A bill to bring the FBI to full strength to carry out its mission; to the Committee on the Judiciary.

By Mr. DODD (for himself and Mr. LEAHY):

S. 535. A bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes; to the Committee on the Judiciary.

By Mr. KOHL (for himself and Mr. LEAHY):

S. 536. A bill to amend the Organic Foods Production Act of 1990 to prohibit the labeling of cloned livestock and products derived from cloned livestock as organic; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. LANDRIEU (for herself, Mr. LOTT, Mr. KERRY, and Mr. LIEBERMAN):

S. 537. A bill to address ongoing small business and homeowner needs in the Gulf Coast States impacted by Hurricane Katrina and Hurricane Rita; to the Committee on Small Business and Entrepreneurship.

By Ms. LANDRIEU:

S. 538. A bill to reduce income tax withholding deposits to reflect a FICA payroll tax credit for certain employers located in specified portions of the GO Zone, and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU (for herself, Mr. LOTT, and Mr. KERRY):

S. 539. A bill to address ongoing economic injury in Gulf Coast States impacted by Hurricanes Katrina and Rita by reviving tourist travel to the region; to the Committee on Environment and Public Works.

By Mr. VITTER (for himself and Ms. LANDRIEU):

S. 540. A bill to require the Food and Drug Administration to permit the sale of baby turtles as pets so long as the seller uses proven methods to effectively treat salmonella; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FEINGOLD:

S. 541. A bill to amend the farm Security and Rural Investment Act of 2002 to promote local and regional support for sustainable bioenergy and biobased products, to support the future of farming, forestry, and land management, to develop and support local bioenergy, biobased products, and food systems, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CRAIG:

S. 542. A bill to authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in the State of Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself, Mr. SUNUNU, and Mr. LEVIN):

S. Res. 76. A resolution calling on the United States Government and the international community to promptly develop, fund, and implement a comprehensive regional strategy in Africa to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace in eastern Chad, and Central African Republic, and Darfur, Sudan; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the names of the Senator from Utah (Mr. HATCH), the Senator from Kansas (Mr. BROWNBACK), the Senator from Utah (Mr. BENNETT) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 93

At the request of Mr. STEVENS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 93, a bill to authorize NTIA to borrow against anticipated receipts of the Digital Television and Public Safety Fund to initiate migration to a national IP-enabled emergency network capable of receiving and responding to all citizen activated emergency communications.

S. 368

At the request of Mr. BIDEN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Florida (Mr. NELSON), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 368, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 388

At the request of Mr. THUNE, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 388, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 430

At the request of Mr. BOND, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 431

At the request of Mr. SCHUMER, the name of the Senator from Iowa (Mr.

GRASSLEY) was added as a cosponsor of S. 431, a bill to require convicted sex offenders to register online identifiers, and for other purposes.

S. 442

At the request of Mr. DURBIN, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 442, a bill to provide for loan repayment for prosecutors and public defenders.

S. 456

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 456, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 459

At the request of Ms. SNOWE, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 459, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 465

At the request of Mr. NELSON of Florida, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 465, a bill to amend titles XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care options and legal rights for care near the end of life, to promote advance care planning and decisionmaking so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes.

S. 486

At the request of Mr. KENNEDY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 486, a bill to establish requirements for lenders and institutions of higher education in order to protect students and other borrowers receiving educational loans.

S. 511

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 511, a bill to provide student borrowers with basic rights, including the right to timely information about their loans and the right to make fair and reasonable loan payments, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By MR. ENSIGN (for himself, Ms. MURKOWSKI, Mr. STEVENS, Mr. CRAIG, Mr. CRAPO, Mr. INHOFE, and Mr. KYL):

S. 525. A bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 2 circuits, and for other purposes; to the Committee on the Judiciary.

Ms. MURKOWSKI. Mr. President, I am pleased to be joined by my colleagues, Senators ENSIGN, STEVENS, KYL, CRAIG, CRAPO, and INHOFE, in introducing the Circuit Court of Appeals Restructuring and Modernization Act of 2007.

Our legislation will create a new Twelfth Circuit comprised of Alaska, Washington, Oregon, Idaho, Montana, Nevada and Arizona and will go far in improving the efficiency and effectiveness of the current Ninth Circuit U.S. Court of Appeals.

One need only look at the sheer geographic size of the Ninth Circuit to find reasons for reorganization. The Ninth Circuit extends from the Arctic Circle to the Mexican border, spans the tropics of Hawaii and crosses the International Dateline to Guam and the Northern Mariana Islands. Encompassing nine States and some 1.4 million square miles, the Ninth Circuit, by any means of measure, is the largest of all U.S. circuit courts of appeal. In fact, it is larger than the First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eleventh Circuits combined.

The Ninth Circuit serves a population of nearly 60 million, almost twice as many as the next largest Circuit. It contains the States that experience the fastest growth rate in the Nation. By 2010, the Census Bureau estimates that the Ninth Circuit's population will be more than 63 million—an increase which will inevitably create an even more daunting caseload.

The only factor more disturbing than the geographic magnitude of the circuit is the magnitude of its ever-expanding docket. The Ninth Circuit has more cases than any other circuit. Based on figures from March, 2006, the Ninth Circuit had 71 percent more cases than the next largest circuit—that is equivalent to the caseload of the Third, Seventh, Eighth and Tenth Circuits combined.

Moreover, because of the sheer magnitude of cases brought before the courts, citizens within the court's jurisdiction face intolerable delays in getting their cases heard. The median time to get a final disposition of an appellate case in the Ninth Circuit takes nearly 4 months longer than the national average. Former Chief Justice Warren E. Burger called the Ninth Circuit's docket an "unmanageable administrative monstrosity."

The massive size and daunting caseload of the Ninth Circuit result in a decrease in the ability of judges to keep

abreast of legal developments within the circuit. The large number of judges scattered over the 1.4 million square miles of the circuit inevitably results in difficulty in reaching consistent circuit decisions. This lack of judicial consistency discourages settlements and leads to unnecessary litigation. Reversal rates by the Supreme Court remain astonishingly high. In 2005, 87.5 percent of the Ninth Circuit cases brought before the Supreme Court were reversed or vacated. In 2006, 96 percent were reversed or vacated.

Another problem with the Ninth Circuit is that it is never able to speak with one voice. Because of its size, the Ninth Circuit is the only circuit where all judges do not sit en banc, or full court, review of panel decisions. Rather than splitting the Ninth Circuit at the time the Fifth Circuit was split, Congress decided to permit the Ninth Circuit to test a "limited" en banc procedure. The limited en banc allows a full court to be comprised of 11 members, rather than 28. Therefore, 6 members of the 28 are all that is necessary for a majority opinion.

Former Chief Justice Burger strongly opposed the limited en banc procedure:

Six judges can now bind more than 100 Article III and Article I judges, and this is simply contrary to how a court should function. I strongly believe the Ninth Circuit should be divided.

The legislation that I and my colleagues introduce today is the sensible reorganization of the Ninth Circuit. No one court can effectively exercise its power in an area that extends from the Arctic Circle to the tropics. Our legislation creates a circuit which is more geographically manageable, thereby significantly reducing wasted time and money spent on judicial travel.

Additionally, caseloads will be much more manageable. Whatever circuit that contains California will always be the giant of the circuits, but as you can see from this chart, caseloads before the new Ninth Circuit and the new Twelfth Circuit are much more in line with other circuits. Such reductions in caseload will clearly improve uniformity, consistency and dependency in legal decisions.

Additionally, this legislation is not novel. Since the day the circuit was established, over a century ago, there have been discussions to divide it. Over the last several decades, Congress has held hearings and debated a split and even mandated two congressional commissions to study the issue each of which recommended dividing the circuit. In fact, the scholarly White Commission, which reported to Congress in 1998, concluded that restructuring the Ninth Circuit would "increase the consistency and coherence of the law, maximize the likelihood of genuine collegiality, establish an effective procedure for maintaining uniform decisional law within the circuit, and relate the appellate forum more closely to the region it serves."

Furthermore, splitting a circuit to respond to caseload and population

growth is by no means unprecedented. Congress divided the original Eighth Circuit to create the Tenth Circuit in 1929 and divided the former Fifth Circuit to create the Eleventh Circuit in 1980.

We have waited long enough. The 60 million residents of the Ninth Circuit are the persons who suffer. Many wait years before cases are heard and decided, prompting many to forego the entire appellate process. In brief, the Ninth Circuit has become a circuit where justice is not swift and not always served.

By Mr. PRYOR (for himself, Mr. CHAMBLISS, and Ms. MIKULSKI):

S. 526. A bill to amend title 38, United States Code, to expand the scope of programs of education for which accelerated payments of educational assistance under the Montgomery GI Bill may be used, and for other purposes; to the Committee on Veterans' Affairs.

Mr. PRYOR. Mr. President, I come to the floor today with Senator CHAMBLISS and Senator MIKULSKI to introduce legislation that is important to my constituents and young veterans all across America.

Many of our soldiers, sailors, airmen, and Marines coming back from Iraq and Afghanistan are having a difficult time finding work. I find this troubling, and I feel that we have a responsibility to support our returning veterans who are looking for work. Currently, unemployment among veterans between the ages of 20 and 24 is over 15 percent—nearly double the unemployment for non-veterans in the same age group.

At the same time, many of the fastest growing sectors of our economy are in vast need of an additional skilled labor source. The Department of Labor has identified industry sectors that are expected to experience high growth over the next several years, including trucking, construction, hospitality, and financial services. In fact, the trucking industry, which is very important to my State, currently has a driver shortage of 20,000 drivers. That shortage is expected to grow to 110,000 by 2014.

We have industries in need of skilled employees and we have many young men and women in need of good, high-paying jobs. Our legislation is intended to help match those with needs through increased training benefits in the Montgomery GI Bill. The GI Bill, established after World War II, was a commitment that Congress made to veterans of that war. We would like to extend that commitment to reflect the job opportunities of our modern economy.

To accomplish this task, I join Senators CHAMBLISS and MIKULSKI in reintroducing the Veterans Employment and Training Act—the VET Act. During the 109th Congress, Senator Burns and I worked very hard on moving this legislation, and we made a lot of

progress. Late last year, the language was approved by the Committee on Veterans Affairs and even passed the full Senate. Unfortunately, the clock ran out on the 109th Congress and the bill never became law. We were very close last Congress, and I'm hopeful that this Congress will continue moving the VET Act forward and make it law.

The VET Act would expand for veterans the Accelerated Payment Program under the Montgomery GI bill to include job training education in five high-growth sectors of the economy—high technology, transportation, energy, construction, and hospitality—for the next 4 years to help veterans returning from the war on terror transition to the civilian workforce.

Many of the training programs for employment in the identified sectors are short but they are often more costly at the beginning. The current structure of the GI Bill only provides veterans with the option of a smaller monthly stipend. This arrangement works well for traditional education institutions, such as 2 and 4-year institutions. However, this same arrangement is not conducive to the nature of our changing economy and the nature of high growth occupations.

A reconfigured and expanded Accelerated Payment Program has the potential to pay big dividends for our veterans and our economy. The Arkansas Employment Security Department estimates that between one-third and one-half of all nonfarm jobs in Arkansas are in sectors that would benefit from this legislation.

For the benefit of my colleagues, let me briefly review a few reasons why I think this legislation is a wise policy decision.

First, I believe the VET Act will help veterans returning from Iraq and the war on terror. Accelerating GI Bill benefits for training in high-growth occupations will help place veterans faster in good-paying jobs.

Second, passing the VET Act will encourage returning veterans to pursue careers in occupations that will contribute most to the U.S. economy. These sectors identified by the Department of Labor are expected to add large numbers of jobs to our economy over the next several years. This legislation will assist in matching the available workforce with our needs to keep our economy growing.

Third, the VET Act will help make short-term, high-cost training programs more affordable to veterans. GI bill benefits are paid monthly with a maximum monthly stipend of \$1,000. Many of the training programs for occupations identified by the Department of Labor as high-growth are short term and high cost in nature. Truck driver training courses typically last 4 to 6 weeks, but can cost up to \$6,000. Without this legislation, GI bill benefits will only cover between \$1,000 and \$1,500 of the cost. Such a low offset discourages veterans from using GI bill

benefits from these types of training programs. Accelerated benefits would cover 60 percent the cost, and benefits would be paid in a lump sum.

Last, the VET Act will help place veterans in good-paying jobs at a very low additional cost to the Federal Government. This bill merely enhances benefits already available—the total cost of the accelerated benefits program for high-tech occupations is only \$5.7 million. This is a very small percentage of total benefits available to veterans already. Any additional cost will be small and incremental compared to the immediate payoff of reducing unemployment among young veterans and enhancing employment opportunities in high-growth occupations.

To date, 10 veterans and industry organizations have endorsed our legislation, including the American Legion, AMVETS, American Trucking Associations, Owner-Operator Independent Driver's Association, Associated General Contractors, and the National Restaurant Association, among others.

Distinguished colleagues, I believe this is good legislation that will benefit our veterans and our economy. I look forward to working with all of you to enact the VET Act and stand ready to assist you in your mission of helping our veterans succeed in civilian life. I ask unanimous consent that the text of the legislation, the Veterans Employment Act of 2007, be printed in the RECORD.

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

S. 526

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Employment and Training Act of 2007" or the "VET Act".

#### SEC. 2. EXPANSION OF PROGRAMS OF EDUCATION ELIGIBLE FOR ACCELERATED PAYMENT OF EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) IN GENERAL.—Subsection (b) of section 3014A of title 38, United States Code, is amended by striking paragraph (1) and inserting the following new paragraph (1):

“(1) enrolled in—

“(A) an approved program of education that leads to employment in a high technology occupation in a high technology industry (as determined pursuant to regulations prescribed by the Secretary); or

“(B) during the period beginning on October 1, 2007, and ending on September 30, 2011, an approved program of education lasting less than two years that (as so determined) leads to employment in—

“(i) the transportation sector of the economy;

“(ii) the construction sector of the economy;

“(iii) the hospitality sector of the economy; or

“(iv) the energy sector of the economy; and”.

(b) CONFORMING AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

**“§3014A. Accelerated payment of basic educational assistance”.**

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 30 of such title is amended to read as follows:

“3014A. Accelerated payment of basic educational assistance.”.

By Mr. FEINGOLD:

S. 528. A bill to amend the Agricultural Adjustment Act to prohibit the Secretary of Agriculture from basing minimum prices for Class I milk on the distance or transportation costs from any location that is not within a marketing area, except under certain circumstances, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FEINGOLD. Mr. President, today I am offering a measure which could serve as a first step towards eliminating the inequities borne by the dairy farmers of Wisconsin and the upper Midwest under the Federal Milk Marketing Order system.

The Federal Milk Marketing Order system, created nearly 60 years ago, establishes minimum prices for milk paid to producers throughout various marketing areas in the U.S. For 60 years, this system has discriminated against producers in the Upper Midwest by awarding a higher price to dairy farmers in proportion to the distance of their farms from areas of high milk production, which historically have been the region around Eau Claire, WI.

My legislation is very simple. It identifies the single most harmful and unjust feature of the current system, and corrects it. Under the current archaic law, the price farmers receive for fluid milk is higher the further they are from the Eau Claire region of the Upper Midwest. This provision originally was intended to guarantee the supply of fresh milk from the high production areas to distant markets in an age of difficult transportation and limited refrigeration. But the situation has long since changed and the provision persists to the detriment of the Wisconsin farmers even though most local milk markets do not receive any milk from Wisconsin.

The bill I introduce today would prohibit the Secretary of Agriculture from using distance or transportation costs from any location as the basis for pricing milk, unless significant quantities of milk are actually transported from that location into the recipient market. The Secretary will have to comply with the statutory requirement that supply and demand factors be considered as specified in the Agricultural Marketing Agreement Act when setting milk prices in marketing orders. The fact remains that single-basing-point pricing simply cannot be justified based on supply and demand for milk both in local and national markets and the changing pattern of U.S. milk production.

This bill also requires the Secretary to report to Congress on specifically which criteria are used to set milk

prices. Finally, the Secretary will have to certify to Congress that the criteria used by the Department do not in any way attempt to circumvent the prohibition on using distance or transportation cost as basis for pricing milk.

This one change is vitally important to Upper Midwest producers, because the current system has penalized them for many years. The current system is a double whammy to Upper Midwest dairy farmers—it both provides disparate profits for producers in other parts of the country and creates artificial economic incentives for milk production. As a result, Wisconsin producers have seen national surpluses rise, and milk prices fall. Rather than providing adequate supplies of fluid milk, the prices often lead to excess production.

The prices have provided production incentives beyond those needed to ensure a local supply of fluid milk in some regions, leading to an increase in manufactured products in those marketing orders. Those manufactured products directly compete with Wisconsin's processed products, eroding our markets and driving national prices down.

The perverse nature of this system is further illustrated by the fact that since 1995, some regions of the U.S., notably the central States and the Southwest, are producing so much milk that they are actually shipping fluid milk north to the Upper Midwest. The high fluid milk prices have generated so much excess production that these markets distant from Eau Claire are now encroaching upon not only our manufactured markets, but also our markets for fluid milk, further eroding prices in Wisconsin.

The market-distorting effects of the fluid price differentials in Federal orders are shown by a previous Congressional Budget Office analysis that estimated that the elimination of orders would save \$669 million over five years. Government outlays would fall, CBO concluded, because production would fall in response to lower milk prices and there would be fewer government purchases of surplus milk. The regions that would gain and lose in this scenario illustrate the discrimination inherent to the current system. Economic analyses showed that farm revenues in a market undisturbed by Federal orders would actually increase in the Upper Midwest and fall in most other milk-producing regions.

While this system has been around since 1937, the practice of basing fluid milk price differentials on the distance from Eau Claire was formalized in the 1960's, when the Upper Midwest arguably was the primary reserve for additional supplies of milk. The idea was to encourage local supplies of fluid milk in areas of the country that did not traditionally produce enough fluid milk to meet their own needs.

That is no longer the case. The Upper Midwest is no longer the primary source of reserve supplies of milk. Un-

fortunately, the prices didn't adjust with changing economic conditions, most notably the shift of the dairy industry away from the Upper Midwest and towards the Southwest, and specifically California, which now leads the Nation in milk production.

The result of this antiquated system has been a decline in the Upper Midwest dairy industry, not because it can't produce a product that can compete in the marketplace, but because the system discriminates against it. Over the past few years Wisconsin has lost dairy farmers at a rate of more than 5 per day. The Upper Midwest, with the lowest fluid milk prices, is shrinking as a dairy region despite the dairy-friendly climate of the region. Some other regions with higher fluid milk prices are growing rapidly.

While the distance provision is a longstanding inequity, a recent proposal threatens to heap additional inequities on top of the current distance provision. A new proposal has been made asking the USDA to change the pricing formulas by decoupling fluid milk, Class I and II, price and the price for milk used in dairy products, Class III and IV, along with increasing the support for fluid milk. This would advantage areas with high fluid milk utilization by providing them a relatively higher price and disadvantage areas like Wisconsin where cheese-making is also a major use for milk. This price signal would likely then cause overproduction in these regions, eventually driving down the price for milk used in dairy products and the price received by Wisconsin's dairy farmers.

On top of this double-threat is a third negative impact. Decoupling the fluid milk price will undercut the Milk Income Loss Contract (MILC) safety net in Wisconsin because the trigger price for counter-cyclical support is based on Class I price in Boston. A higher fluid milk price will mean the MILC safety net is less effective, especially for regions that depend on the now decoupled class II and IV price like Wisconsin. It is very conceivable that this new proposal would allow the Class III and IV price to plummet while the Class I price remains above the trigger, eliminating the MILC safety net's usefulness for Wisconsin family dairy farmers.

I joined with Senator KOHL and Representative OBEY in sending a letter expressing these concerns to Secretary Johanns last month. In this letter we urge the USDA to reject this proposal which would amount to further unfair treatment in the federal regulations for Wisconsin's hard-working dairy farmers.

In a free market with a level playing field, these shifts in production might be acceptable. But in a market where the government is setting the prices and providing that artificial advantage to regions outside the Upper Midwest, the current system is unconscionable.

I urge my colleagues to do the right thing and bring reform to this outdated

system, eliminate the inequities in the current milk marketing order pricing system and reject proposals to add further inequity into the system.

I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 528

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Federal Milk Marketing Reform Act of 2007".

**SEC. 2. LOCATION ADJUSTMENTS FOR MINIMUM PRICES FOR CLASS I MILK.**

Section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) in paragraph (A)—

(A) in clause (3) of the second sentence, by inserting after "the locations" the following: "within a marketing area subject to the order"; and

(B) by striking the last 2 sentences and inserting the following: "Notwithstanding subsection (18) or any other provision of law, when fixing minimum prices for milk of the highest use classification in a marketing area subject to an order under this subsection, the Secretary may not, directly or indirectly, base the prices on the distance from, or all or part of the costs incurred to transport milk to or from, any location that is not within the marketing area subject to the order, unless milk from the location constitutes at least 50 percent of the total supply of milk of the highest use classification in the marketing area. The Secretary shall report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the criteria that are used as the basis for the minimum prices referred to in the preceding sentence, including a certification that the minimum prices are made in accordance with the preceding sentence."; and

(2) in paragraph (B)(ii)(c), by inserting after "the locations" the following: "within a marketing area subject to the order".

By Mr. FEINGOLD.

S. 529. A bill to allow the modified bloc voting by cooperative associations of milk producers in connection with a referendum on Federal Milk Marketing Order reform; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FEINGOLD. Mr. President, today I am re-introducing a measure that will begin to restore democracy for dairy farmers throughout the Nation.

When dairy farmers across the country supposedly voted on a referendum eight years ago to consolidate and modernize the order system, perhaps the most significant change in dairy policy in sixty years, they didn't actually get to vote. Instead, their dairy marketing cooperatives cast their votes for them.

This procedure is called "bloc voting" and it is used all the time. Basically, a Cooperative's Board of Directors decides that, in the interest of time, bloc voting will be implemented for that particular vote. It may serve

the interest of time, but it doesn't always serve the interests of their producer owner-members.

While I think that bloc voting can be a useful tool in some circumstances, I have serious concerns about its use in every circumstance. Farmers in Wisconsin and in other States tell me that they do not agree with their cooperative's view on every vote. Yet, they have no way to preserve their right to make their single vote count.

I have learned from farmers and officials at the U.S. Department of Agriculture (USDA) that if a cooperative bloc votes, individual members have no opportunity to voice opinions separately. That seems unfair when you consider what significant issues may be at stake. Coops and their individual members do not always have identical interests. Considering our Nation's longstanding commitment to freedom of expression, our Federal rules should allow farmers to express a differing opinion from their coops, if they choose to.

The Democracy for Dairy Producers Act of 2007 is simple and fair. It provides that a cooperative cannot deny any of its members a ballot to opt to vote separately from the coop.

This will in no way slow down the process at USDA; implementation of any rule or regulation would proceed on schedule. Also, I do not expect that this would often change the final outcome of any given vote. Coops could still cast votes for their members who do not exercise their right to vote individually. And to the extent that coops represent farmers' interests, in the majority of cases farmers are likely to vote the same as their coops. But whether they join the coops or not in voting for or against a measure, farmers deserve the right to vote according to their own views.

I urge my colleagues to return the democratic process to America's farmers, by supporting the Democracy for Dairy Producers Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 529

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

The Act may be cited as the "Democracy for Dairy Producers Act of 2007".

**SEC. 2. MODIFIED BLOC VOTING.**

(a) IN GENERAL.—Notwithstanding paragraph (12) of section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, in the case of the referendum conducted as part of the consolidation of Federal milk marketing orders and related reforms under section 143 of the Agricultural Market Transition Act (7 U.S.C. 7253), if a cooperative association of milk producers elects to hold a vote on behalf of its members as authorized by that paragraph, the cooperative association shall pro-

vide to each producer, on behalf of which the cooperative association is expressing approval or disapproval, written notice containing—

(1) a description of the questions presented in the referendum;

(2) a statement of the manner in which the cooperative association intends to cast its vote on behalf of the membership; and

(3) information regarding the procedures by which a producer may cast an individual ballot.

(b) TABULATION OF BALLOTS.—At the time at which ballots from a vote under subsection (a) are tabulated by the Secretary of Agriculture, the Secretary shall adjust the vote of a cooperative association to reflect individual votes submitted by producers that are members of, stockholders in, or under contract with, the cooperative association.

By Mr. FEINGOLD (for himself and Mr. SCHUMER):

S. 530. A bill to prohibit products that contain dry ultra-filtered milk products, milk protein concentrate, or casein from being labeled as domestic natural cheese, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FEINGOLD. Mr. President, I am pleased to reintroduce the Quality Cheese Act of 2005. This legislation will protect the consumer, save taxpayer dollars and provide support to America's dairy farmers, who have experienced a roller-coaster in prices over the past few years.

When Wisconsin consumers have the choice, they will choose natural Wisconsin cheese. But in the past some in the food industry have pushed the Food and Drug Administration (FDA) to change current law, which would leave consumers not knowing whether cheese is really all natural or not.

If the Federal Government creates a loophole for imitation cheese ingredients to be used in U.S. cheese vats, some cheese labels saying "domestic" and "natural" will no longer be truly accurate.

If USDA and FDA allow a change in Federal rules, milk substitutes such as milk protein concentrate, casein, or dry ultra filtered milk could be used to make cheese in place of the wholesome natural milk produced by cows in Wisconsin or other parts of the U.S.

I was deeply concerned by these efforts a few years ago to change America's natural cheese standard. Efforts to allow milk protein concentrate and casein into natural cheese products fly in the face of logic and could create a loophole that would allow unlimited amounts of imported milk proteins of unknown quality to enter U.S. cheese vats.

While the industry proposal was withdrawn, my legislation would permanently prevent a similar back-door attempt to allow imitation milk as a cheese ingredient and ensure that consumers could be confident that they were buying natural cheese when they saw the natural label.

Over the past decade, cheese consumption has risen at a strong pace due in part to promotional and marketing efforts and investments by

dairy farmers across the country. Year after year, per capita cheese consumption has risen at a steady rate.

These proposals to change our natural cheese standards, however, could decrease consumption of natural cheese by raising concerns about the origin of casein and milk protein concentrate. Use of such products could significantly tarnish the wholesome reputation of natural cheese in the eyes of the consumer and have unknown effects on quality and flavor.

This change could seriously compromise decades of work by America's dairy farmers to build up domestic cheese consumption levels. It is simply not fair to America's farmers or to consumers. After all, consumers have a right to know if the cheese that they buy is unnatural. And by allowing milk protein concentrate milk into supposedly natural cheese, we would be denying consumers the entire picture.

The proposed change to our natural cheese standard would also harm the American taxpayer. If we allow MPCs to be used in cheese, we will effectively permit unrestricted importation of these ingredients into the United States. Because there are no tariffs and quotas on these ingredients, these heavily subsidized products would quickly displace natural domestic dairy ingredients.

These unnatural foreign dairy products would enter our domestic cheese market and could depress dairy prices paid to American dairy producers. Low dairy prices, in turn, could result in increased costs to the dairy price support program as the federal government is forced to buy domestic milk products when they are displaced in the market by cheap imports. So, at the same time that U.S. dairy farmers would receive lower prices, the U.S. taxpayer would pay more for the dairy price support program—and in effect be subsidizing foreign dairy farmers and processors.

This change does not benefit dairy farmers, consumers or taxpayers. Who then is it good for?

It would benefit only the subsidized foreign MPC producers out to make a fast buck by exploiting a system put in place to support our dairy farmers.

This legislation addresses the concerns of farmers, consumers and taxpayers by prohibiting dry ultra-filtered milk, casein, and MPCs from being included in America's natural cheese standard.

Congress must shut the door on any backdoor efforts to undermine America's dairy farmers. I urge my colleagues to pass my legislation and prevent a loophole that would allow changes that hurt the consumer, taxpayer, and dairy farmer.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 530

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Quality Cheese Act of 2007".

#### SEC. 2. NATURAL CHEESE STANDARD.

(a) FINDINGS.—Congress finds that—

(1)(A) any change in domestic natural cheese standards to allow dry ultra-filtered milk products, milk protein concentrate, or casein to be labeled as domestic natural cheese would result in increased costs to the dairy price support program; and

(B) that change would be unfair to taxpayers, who would be forced to pay more program costs;

(2) any change in domestic natural cheese standards to allow dry ultra-filtered milk products, milk protein concentrate, or casein to be labeled as domestic natural cheese would result in lower revenues for dairy farmers;

(3) any change in domestic natural cheese standards to allow dry ultra-filtered milk products, milk protein concentrate, or casein to be labeled as domestic natural cheese would cause dairy products containing dry ultra-filtered milk, milk protein concentrate, or casein to become vulnerable to contamination and would compromise the sanitation, hydrosanitary, and phytosanitary standards of the United States dairy industry; and

(4) changing the labeling standard for domestic natural cheese would be misleading to the consumer.

(b) PROHIBITION.—Section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341) is amended—

(1) by striking "Whenever" and inserting "(a) Whenever"; and

(2) by adding at the end the following:

"(b) The Commissioner may not use any Federal funds to amend section 133.3 of title 21, Code of Federal Regulations (or any corresponding similar regulation or ruling), to include dry ultra-filtered milk, milk protein concentrate, or casein in the definition of the term 'milk' or 'nonfat milk', as defined in the standards of identity for cheese and cheese products published at part 133 of title 21, Code of Federal Regulations (or any corresponding similar regulation or ruling)."

By Mr. McCAIN:

S. 531. A bill to repeal section 10(f) of Public Law 93-531, commonly known as the "Bennett Freeze"; to the Committee on Indian Affairs.

Mr. McCAIN. Mr. President, I am pleased to introduce legislation that would repeal section 10(f) of Public Law 93-531, commonly known as the "Bennett Freeze." Passage of this legislation would officially mark the end of roughly 40 years of litigation and landlock between the Navajo Nation and the Hopi Tribe. Congressman RICK RENZI has introduced an identical version today in the House of Representatives.

For decades the Navajo and the Hopi have been engrossed in a bitter dispute over land rights in the Black Mesa area just south of Kayenta, AZ. The conflict extends as far back as 1882 when the boundaries of the Hopi and Navajo reservations were initially defined, resulting in a tragic saga of litigation and damaging Federal Indian policy. By 1966, relations between the tribes became so strained over development and access to sacred religious sites in the disputed area that the Federal Government imposed a construction freeze on the disputed reservation land. The

freeze prohibited any additional housing development in the Black Mesa area and restricted repairs on existing dwellings. This injunction became known as the "Bennett Freeze," named after former BIA Commissioner Robert Bennett who imposed the ban.

The Bennett Freeze was intended to be a temporary measure to prevent one tribe taking advantage of another until the land dispute could be settled. Unfortunately, the conflict was nowhere near resolution, and the construction freeze ultimately devastated economic development in northern Arizona for years to come. By some accounts, nearly 8,000 people currently living in the Bennett Freeze area reside in conditions that haven't changed in half a century. While the population of the area has increased 65 percent, generations of families have been forced to live together in homes that have been declared unfit for human habitation. Only 3 percent of the families affected by the Bennett Freeze have electricity. Only 10 percent have running water. Almost none have natural gas.

In September 2005, the Navajo and Hopi peoples' desire to live together in mutual respect prevailed when both tribes approved intergovernmental agreement that resolved all outstanding litigation in the Bennett Freeze area. This landmark agreement also clarifies the boundaries of the Navajo and Hopi reservations in Arizona, and ensures that access to religious sites of both tribes is protected. As such, the Navajo Nation, the Hopi Tribe, and the Department of Interior all support congressional legislation to lift the freeze.

The bill I'm introducing today would repeal the Bennett Freeze. The intergovernmental compact approved last year by both tribes, the Department of Interior, and signed by the U.S. District Court for Arizona, marks a new era in Navajo-Hopi relations. Lifting the Bennett Freeze gives us an opportunity to put decades of conflict between the Navajo and Hopi behind us. I urge my colleagues to support this legislation.

By Mr. HATCH:

S. 532. A bill to require the Secretary of the Interior to convey certain Bureau of Land Management land to Park City, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, I rise to introduce the Utah Public Land Conveyance Act of 2007, S. 532. This legislation is designed to improve the management of public lands and open space for the benefit of the citizens of Park City, UT.

Park City has an existing lease on an 88-acre parcel of Bureau of Land Management land known as Gambel Oak and on a 20-acre parcel of BLM land known as White Acre. The leases for these properties have been for recreational and public open space purposes. This legislation would convey

these two parcels to Park City, so that they can be better managed for recreation and open space. The BLM has limited resources and is not able to manage these lands for the full benefit of the public.

It's important to note that although these parcels of lands would be conveyed to Park City, they would continue to be protected from development and could be used only for recreational and public open space purposes. Moreover, this bill would require Park City to pay fair market value for the land.

I believe having public lands interspersed with private lands within a city's boundary creates unnecessary management headaches, and the land conveyance to Park City will help bring cohesion to Park City's overall effort to manage their city's growth for the benefit of its citizens.

Along those lines, the legislation also would allow two small parcels of BLM land in Park City to be auctioned off to the highest bidder, thus allowing these lands to be brought under the city's zoning scheme. Proceeds of these sales would go to the Department of the Interior to pay for the costs of administering this legislation. The remaining proceeds would be given to the BLM and dedicated toward restoration projects on BLM lands in Utah.

As you can see, this legislation goes a long way to simplify and consolidate the management of lands in Park City, UT. The legislation allows the BLM to focus to a greater extent on the public lands which lay outside of city limits while raising revenue to facilitate that effort.

I appreciate the efforts of Congressman ROB BISHOP who has worked hard to put this legislation together and has introduced a companion bill in the House, H.R. 838. I look forward to working with him to get this legislation passed for the good people of Park City.

I urge my colleagues to support this legislation.

By Ms. MURKOWSKI:

S. 533. A bill to amend the National Aquaculture Act of 1980 to prohibit the issuance of permits for marine aquaculture facilities until requirements for the permits are enacted into law; to the Committee on Agriculture, Nutrition, and Forestry.

Ms. MURKOWSKI. Mr. President, today I am reintroducing an important bill on a subject that was not resolved last year, and which continues to be an outstanding issue for those of us who are dependent on healthy and productive natural populations of ocean fish and shellfish.

Simply put, this bill prohibits further movement toward the development of aquaculture facilities in Federal waters until Congress has had an opportunity to review all of the serious implications, and make decisions on how such development should proceed.

For years, some members of the Federal bureaucracy have advocated going

forward with offshore aquaculture development without that debate. While the administration has entertained some level of public input, the role of Congress must not be undermined. Doing so, would be an extraordinarily bad idea.

The Administration is in the final stages of preparing a bill to allow offshore aquaculture development to occur, and it plans to send the bill to Congress in the very near future. In the last Congress, the Administration proposed legislation to provide a regulatory framework for the development of off-shore aquaculture. While their draft bill is an improvement, it still does not establish clear mandatory environmental standards for the aquaculture industry.

I remain steadfast that any proposal should meet the standards of the National Environmental Policy Act, the Magnuson-Stevens Fishery Conservation and Management Act and the Jones Act. Why should this industry be exempt from the same laws that our commercial fisheries are subject to? Why should this industry not go through the same rigorous environmental review as any other activity that will have impacts on the environment?

Scientists, the media and the public are awakening to the serious disadvantages of fish raised in fish farming operations compared to naturally healthy wild fish species such as Alaska salmon, halibut, sablefish, crab and many other species.

It has become common to see news reports that cite not only the general health advantages of eating fish at least once or twice a week, but the specific advantages of fish such as wild salmon, which contains essential Omega-3 fatty acids that may help reduce the risk of heart disease and possibly have similar beneficial effects on other diseases.

Educated and watchful consumers have also seen recent stories citing research that not only demonstrates that farmed salmon fed vegetable-based food does not have the same beneficial impact on cardio-vascular health, but also that the demand for other fish that we use as feed in those fish farms may lead to the decimation of those stocks. Yet the Administration's bill does not address feed in a meaningful way.

Those same alert consumers may also have seen stories indicating that fish farms may create serious pollution problems from the concentration of fish feces and uneaten food, that fish farms may harbor diseases that can be transmitted to previously healthy wild fish stocks, and that fish farming has had a devastating effect on communities that depend on traditional fisheries.

It is by no means certain that all those problems would be duplicated if we begin to develop fish farms that are farther offshore, but neither is there any evidence that they would not be

. . . I certainly don't believe it is prudent to extend the site permits to 20 years, as in the draft bill, given all of the questions and uncertainties of the environmental risks.

Not only do the proponents want to encourage such development, they also want to change the way decisions are made so that all the authority rests in the hands of just one Federal agency. I believe that would be a serious mistake. There are simply too many factors that should be evaluated—from hydraulic engineering, to environmental impacts, transportation and shipping issues, fish biology, management of disease, to the nutritional character of farmed fish, and so on—for any existing agency.

We cannot afford a rush to judgment on this issue—it is far too dangerous if we make a mistake. In my view, such a serious matter deserves the same level of scrutiny by Congress as the recommendations of the U.S. Commission on Ocean Policy for other sweeping changes in ocean governance.

The "Natural Stock Conservation Act" I am introducing today lays down a marker for where the debate on offshore aquaculture needs to go. It would prohibit the development of new offshore aquaculture operations until Congress has acted to ensure that every Federal agency involved does the necessary analyses in areas such as disease control, engineering, pollution prevention, biological and genetic impacts, economic and social effects, and other critical issues, none of which are specifically required under existing law.

I strongly urge my colleagues to understand that this is not a parochial issue, but a very real threat to the literal viability of natural fish and shellfish stocks, as well as the economic viability of many coastal communities. We must retain the oversight necessary to ensure that if we move forward on the development of off-shore aquaculture.

I sincerely hope that Congress will give this issue the attention it deserves. We all want to make sure we enjoy abundant supplies of healthy foods in the future, but not if it means unnecessary and avoidable damage to wild species, to the environment generally, and to the economies of America's coastal fishing communities.

I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 533

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Natural Stock Conservation Act of 2007".

**SEC. 2. PROHIBITION ON PERMITS FOR AQUACULTURE.**

The National Aquaculture Act of 1980 (16 U.S.C. 2801 et seq.) is amended—

(1) by redesignating sections 10 and 11 (16 U.S.C. 2809, 2810) as sections 11 and 12 respectively; and

(2) by inserting after section 9 (16 U.S.C. 2808) the following:

**“SEC. 10. PROHIBITION ON PERMITS FOR AQUACULTURE.**

“(a) DEFINITIONS.—In this section:

“(1) AGENCY WITH JURISDICTION TO REGULATE AQUACULTURE.—The term ‘agency with jurisdiction to regulate aquaculture’ means—

“(A) the Department of Agriculture;

“(B) the Coast Guard;

“(C) the Department of Commerce;

“(D) the Environmental Protection Agency;

“(E) the Department of the Interior; and

“(F) the Army Corps of Engineers.

“(2) EXCLUSIVE ECONOMIC ZONE.—The term ‘exclusive economic zone’ has the meaning given the term in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802).

“(3) REGIONAL FISHERY MANAGEMENT COUNCIL.—The term ‘regional fishery management council’ means a regional fishery management council established under section 302(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)).

“(b) PROHIBITION ON PERMITS FOR AQUACULTURE.—The head of an agency with jurisdiction to regulate aquaculture may not issue a permit or license to permit an aquaculture facility located in the exclusive economic zone to operate until after the effective date of a bill enacted into law that—

“(1) sets out the type and specificity of the analyses that the head of an agency with jurisdiction to regulate aquaculture shall carry out prior to issuing any such permit or license, including analyses related to—

“(A) disease control;

“(B) structural engineering;

“(C) pollution;

“(D) biological and genetic impacts;

“(E) access and transportation;

“(F) food safety; and

“(G) social and economic impacts of the facility on other marine activities, including commercial and recreational fishing; and

“(2) requires that a decision to issue such a permit or license be—

“(A) made only after the head of the agency that issues the license or permit consults with the Governor of each State located within a 200-mile radius of the aquaculture facility; and

“(B) approved by the regional fishery management council that is granted authority under title III of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.) over a fishery in the region where the aquaculture facility will be located.”.

By Mr. DODD (for himself and Mr. LEAHY):

S. 535. A bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes; to the Committee on the Judiciary.

Mr. DODD. Mr. President, I rise today to introduce the Emmett Till Unsolved Civil Rights Crime Act, legislation to provide for the investigation and prosecution of unsolved civil rights crimes. In this effort, I am proud to be joined by Senator LEAHY.

There are those who would say this bill is a case of “too little, too late.” In

some ways they would be right. Where is the justice, I suppose, when a monster such as Edgar Ray Killen roamed free for literally decades after killing young civil rights workers in this country? That fact alone speaks to the inexcusable failures of our legal system to bring to justice those who committed brutal crimes based solely on racial prejudice.

Not that many years ago, crimes of this type were rarely investigated in parts of our country. There was often little or no effort made whatsoever to determine who engaged in these brutal violent acts. In more recent history, of course, we have seen much stronger efforts and I applaud this work. However, I believe there remains good justification for dedicating an adequate amount of resources to go back and reopen the books on those tragic unsolved crimes. Those who engaged in these activities, who think they never have to worry another day in their lives about being pursued, take note—take note that you may never and should never have a sleep-filled night again, that we will pursue you as long as you live, that we will do everything in our power to apprehend you and bring you to the bar of justice.

That is the message we want to convey to the families, the friends, and others who lost loved ones, who put their lives on the line by advocating for greater justice, helping our Nation achieve that “more perfect union” that our Founders spoke about, that Abraham Lincoln articulated brilliantly more than a century and a half ago.

That is at the heart of this effort—to try to level this field. We will never be a perfect union, but each generation bears the responsibility for getting us closer to that ideal.

America stands for the principle of equal justice for all. Yet for far too long, many Americans have been denied that equal justice, and many despicable criminals have not been held accountable for what they have done to deprive people of those equal opportunities. This is a failure we can never forget.

So this Senate, in this Congress, on this date, early in the 21st century, is saying that we will not forget. This bill is on record. This bill seeks to right the wrongs of the past and to bring justice to people who perpetrated these heinous crimes because of racial hatred. We are saying that we want to create the mechanism to allow us to pursue these wrongdoers in the coming years. It cannot bring back and make whole those who have suffered and were murdered by a racist criminal hand. But it can reaffirm our Nation’s commitment to seek the truth and to make equal justice a reality.

To do this, we propose the creation of two new offices. The Unsolved Civil Rights Crime Investigative Office will be a division of the Federal Bureau of Investigation devoted to the aggressive investigation of pre-1970 cases in coordination with local law enforcement

officials. The Unsolved Crimes Section will be an office within the Civil Rights Division of the Department of Justice and will focus specifically on prosecuting those cases investigated by the new FBI office.

The hour is, obviously, very late. Memories are dimming. Those who can bring some important information to the legal authorities are passing away. This bill may be the last and best chance we have as a nation to write a hopeful postscript in the struggle for racial equality in our Nation.

We are pleased to be working with our friends in the House to help right these wrongs done in our past, especially Representative JOHN LEWIS, who has worked throughout his distinguished life to make sure that the promise of America can be realized for all our citizens.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 535

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Emmett Till Unsolved Civil Rights Crime Act”.

**SEC. 2. SENSE OF CONGRESS.**

It is the sense of Congress that all authorities with jurisdiction, including the Federal Bureau of Investigation and other entities within the Department of Justice, should—

(1) expeditiously investigate unsolved civil rights murders, due to the amount of time that has passed since the murders and the age of potential witnesses; and

(2) provide all the resources necessary to ensure timely and thorough investigations in the cases involved.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) CHIEF INVESTIGATOR.—The term “Chief Investigator” means the Chief Investigator of the Unit.

(2) CRIMINAL CIVIL RIGHTS STATUTES.—The term “criminal civil rights statutes” means—

(A) section 241 of title 18, United States Code (relating to conspiracy against rights);

(B) section 242 of title 18, United States Code (relating to deprivation of rights under color of law);

(C) section 245 of title 18, United States Code (relating to federally protected activities);

(D) sections 1581 and 1584 of title 18, United States Code (relating to involuntary servitude and peonage);

(E) section 901 of the Fair Housing Act (42 U.S.C. 3631); and

(F) any other Federal law that—

(i) was in effect on or before December 31, 1969; and

(ii) the Criminal Section of the Civil Rights Division of the Department of Justice enforced, prior to the date of enactment of this Act.

(3) OFFICE.—The term “Office” means the Unsolved Civil Rights Crime Investigative Office established under section 5.

(4) DEPUTY.—The term “Deputy” means the Deputy for the Unsolved Civil Rights Era Crimes Unit

(5) UNIT.—The term “Unit” (except when used as part of the term “Criminal Section”)

means the Unsolved Civil Rights Era Crimes Unit established under section 4.

**SEC. 4. ESTABLISHMENT OF SECTION IN CIVIL RIGHTS DIVISION.**

(a) IN GENERAL.—There is established in the Criminal Section of the Civil Rights Division of the Department of Justice an Unsolved Civil Rights Era Crimes Unit. The Unit shall be headed by a Deputy for the Unsolved Civil Rights Era Crimes Unit.

(b) RESPONSIBILITY.—

(1) IN GENERAL.—Notwithstanding any other provision of Federal law, and except as provided in section 5, the Deputy shall be responsible for investigating and prosecuting violations of criminal civil rights statutes, in cases in which a complaint alleges that such a violation—

(A) occurred not later than December 31, 1969; and

(B) resulted in a death.

(2) COORDINATION.—

(A) INVESTIGATIVE ACTIVITIES.—In investigating a complaint under paragraph (1), the Deputy shall coordinate investigative activities with State and local law enforcement officials.

(B) VENUE.—After investigating a complaint under paragraph (1), or receiving a report of an investigation conducted under section 5, if the Deputy determines that an alleged practice that is a violation of a criminal civil rights statute occurred in a State, or political subdivision of a State, that has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local law enforcement official to grant or seek relief from such practice or to institute criminal proceedings with respect to the practice on receiving notice of the practice, the Deputy shall consult with the official regarding the appropriate venue for the case involved.

(3) REFERRAL.—After investigating a complaint under paragraph (1), or receiving a report of an investigation conducted under section 5, the Deputy shall refer the complaint to the Criminal Section of the Civil Rights Division, if the Deputy determines that the subject of the complaint has violated a criminal civil rights statute in the case involved but the violation does not meet the requirements of subparagraph (A) or (B) of paragraph (1).

(c) STUDY AND REPORT.—

(1) STUDY.—The Deputy shall annually conduct a study of the cases under the jurisdiction of the Deputy or under the jurisdiction of the Chief Investigator and, in conducting the study, shall determine the cases—

(A) for which the Deputy has sufficient evidence to prosecute violations of criminal civil rights statutes; and

(B) for which the Deputy has insufficient evidence to prosecute those violations.

(2) REPORT.—Not later than September 30 of 2007 and of each subsequent year, the Deputy shall prepare and submit to Congress a report containing the results of the study conducted under paragraph (1), including a description of the cases described in paragraph (1)(B).

**SEC. 5. ESTABLISHMENT OF OFFICE IN FEDERAL BUREAU OF INVESTIGATION.**

(a) IN GENERAL.—There is established in the Civil Rights Unit of the Federal Bureau of Investigation of the Department of Justice an Unsolved Civil Rights Crime Investigative Office. The Office shall be headed by a Deputy Investigator.

(b) RESPONSIBILITY.—

(1) IN GENERAL.—In accordance with an agreement established between the Deputy Investigator and the Deputy, the Deputy Investigator shall be responsible for investigating violations of criminal civil rights statutes, in cases described in section 4(b).

(2) COORDINATION.—

(A) INVESTIGATIVE ACTIVITIES.—In investigating a complaint under paragraph (1), the Deputy Investigator shall coordinate the investigative activities with State and local law enforcement officials.

(B) REFERRAL.—After investigating a complaint under paragraph (1), the Deputy Investigator shall—

(i) determine whether the subject of the complaint has violated a criminal rights statute in the case involved; and

(ii) refer the complaint to the Deputy, together with a report containing the determination and the results of the investigation.

(C) RESOURCES.—The Federal Bureau of Investigation, in coordination with the Department of Justice, Civil Rights Division, shall have discretion to re-allocate investigative personnel to jurisdictions to carry out the goals of this section.

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act \$10,000,000 for fiscal year 2008 and each subsequent fiscal year through 2017. These funds shall be allocated by the Attorney General to the Unsolved Civil Rights Era Crime Unit of the Department of Justice and the Civil Rights Unit of the Federal Bureau of Investigation in order to advance the purposes set forth in this Act.

(b) ADDITIONAL APPROPRIATIONS.—Any funds appropriated under this section shall consist of additional appropriations for the activities described in this Act, rather than funds made available through reductions in the appropriations authorized for other enforcement activities of the Department of Justice.

(c) COMMUNITY RELATIONS SERVICE OF THE DEPARTMENT OF JUSTICE.—In addition to any amounts authorized to be appropriated under title XI of the Civil Rights Act of 1964 (42 U.S.C. 2000h et seq.), there are authorized to be appropriated to the Community Relations Service of the Department of Justice \$1,500,000 for fiscal year 2008 and each subsequent fiscal year, to enable the Service (in carrying out the functions described in title X of such Act (42 U.S.C. 2000g et seq.)) to provide technical assistance by bringing together law enforcement agencies and communities in the investigation of violations of criminal civil rights statutes, in cases described in section 4(b).

**SEC. 7. SUNSET.**

Sections 1 through 6 of this Act shall expire at the end of fiscal year 2017.

**SEC. 8. AUTHORITY OF INSPECTORS GENERAL.**

Title XXXVII of the Crime Control Act of 1990 (42 U.S.C. 5779 et seq.) is amended by adding at the end the following:

**“SEC. 3703. AUTHORITY OF INSPECTORS GENERAL.**

“(a) IN GENERAL.—An Inspector General appointed under section 3 or 8G of the Inspector General Act of 1978 (5 U.S.C. App.) may authorize staff to assist the National Center for Missing and Exploited Children—

“(1) by conducting reviews of inactive case files to develop recommendations for further investigations; and

“(2) by engaging in similar activities.

“(b) LIMITATIONS.—

“(1) PRIORITY.—An Inspector General may not permit staff to engage in activities described in subsection (a) if such activities will interfere with the duties of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.).

“(2) FUNDING.—No additional funds are authorized to be appropriated to carry out this section.”.

Mr. LEAHY. Mr. President, today, I am pleased to join Senator DODD in re-

introducing the Dodd-Leahy Emmett Till Unsolved Civil Rights Crime Act. This bill strengthens the ability of our federal government to investigate and prosecute unsolved murders from the civil rights era.

I thank Senator DODD for his leadership and commitment to enacting this meaningful civil rights bill. And I look forward to working with other Senators as this bill moves forward.

I am also very pleased that the Unsolved Civil Rights Crime Act once again includes the Missing Child Cold Case Review Act, which I sponsored in the last Congress to provide the investigative expertise of our Inspectors General in reviewing the cold cases of missing children.

Under current law, an inspector general's duties are limited to activities related to the programs and operations of an agency. My bill would allow inspectors general to assign criminal investigators to assist in the review of cold case files at National Center for Missing and Exploited Children. NCMEC, so long as doing so would not interfere with normal duties. I understand that our inspectors general are eager to provide this assistance, and this measure allows them legal authorization to do that. These cases need resolution. As parents and grandparents we all know that and, where our Government can provide its resources, it should.

The primary thrust of this bill targets murders from the civil rights era.

Nearly 52 years ago, the brutal murder of Emmett Till, a 14-year-old African-American teenager, stirred the conscience of our country. Young Emmett Till walked into a local country store in Money, MS, to buy some candy and allegedly whistled at the white store clerk. That night, two white half-brothers, J.W. Milam and Roy Bryant, kidnapped Emmett Till from his great uncle's home. Several days later, his brutally beaten and unrecognizable body was fished out of the nearby Tallahatchie River. No one was ever punished for this tragic and brutal murder.

Emmett Till's death served as momentum for change. It inspired a generation of Americans to demand justice and freedom in a way America had never seen before. During the civil rights movement, the road to Mississippi became the highway of change for an entire country.

Yet the movement had a darker side. Fifty-two years after Emmett Till's murder, the families of many Americans who lost their lives during the civil rights era are still awaiting justice. We must not forget their sacrifice. And one way to honor that sacrifice is acting before the window of time closes. New evidence of cold cases trickles in while older evidence continues to fade and witnesses age. We must have a sense of urgency to ensure that justice is rendered. We cannot afford to wait.

The Emmett Till Unsolved Crime Act would provide the Federal Government

with much needed tools to expeditiously investigate and prosecute unsolved civil rights era cold cases. To accomplish this goal, the legislation calls for the creation of new cold case units in the Justice Department and FBI solely dedicated to investigating and prosecuting unsolved cases that involved violations of criminal civil rights statutes, resulting in death, and occurring before January 1, 1970. This measure also seeks to provide proper coordination between federal officials and state and local government officials on these cases.

This bill ensures that the Federal Government is held accountable by requiring the Justice Department and FBI cold case units to submit annual reports to Congress describing which cold cases were selected for further investigation and prosecution and which were not.

By shedding light on unsolved civil rights era murders, I hope this bill will end our Nation's "quiet game" on civil rights murders. Justice is better served by allowing our entire nation to acknowledge past wrongs, including wrongs aided by lax law enforcement. Just this week, The Washington Post reported that the briefcase of slain Florida civil rights leader Harry T. Moore, which mysteriously disappeared 55 years ago from a local courthouse, was found in a barn. We must hold our government officials more accountable.

Progress has been made. According to a February 4, 2007, article in USA Today, entitled "Civil rights-era killers escape justice," since 1989, authorities in seven States have reexamined 29 killings from the civil rights era and made 28 arrests that led to 22 convictions, including this month's arrest of former Klansman James Seale for the May 2, 1964, abduction and killings of Henry Hezekiah Dee and Charles Eddie Moore.

Despite some progress, much remains to be done. Just how many people died during that period is uncertain. At the National Civil Rights Memorial in Birmingham, AL, is the Civil Rights Memorial Center, where 86 additional names appear on a wall dedicated to the "forgotten others." This bill ensures that no sacrifice in the pursuit of freedom goes unnoticed.

Even today, violence or the threat of violence serves as a barrier to full and equal participation in our society. On January 11, 2007, the NAACP asked the FBI to investigate three recent acts of violence and intimidation against African-American mayors, including shots fired into the home of Greenwood, LA's first black mayor and the mysterious shooting death of Westlake, LA's, first black mayor two days before he was scheduled to take office. And two days ago the Anti-Defamation League, which monitors racist hate groups, released a report showing that "Klan groups have witnessed a surprising and troubling resurgence by exploiting fears of an immigration explosion."

There is no place for racial violence or political terrorism in a democracy. We must rededicate ourselves, as a Nation and as individuals, to protecting the full human equality of all Americans. We start today by ensuring that the guilty do not go unpunished, or that justice—even if delayed—is denied. By passing this bill and enacting it into law, we continue our march toward building a more fair and just society.

By Mr. KOHL (for himself and Mr. LEAHY):

S. 536. A bill to amend the Organic Foods Production Act of 1990 to prohibit the labeling of cloned livestock and products derived from cloned livestock as organic; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. KOHL. Mr. President, I am introducing a bill to provide further clarity that cloned animals and the products of cloned animals may not be considered organic under the National Organic Program.

A recent article in the Washington Post suggested that there has been some confusion over this point at USDA. I would hope that the Department's advisory board on these matters would utilize existing law to protect the integrity of organic standards without Congressional intervention. I believe they have more than adequate authority to do so. But if they fail to do so, Congress may be left with no option but to intervene.

This bill has one purpose and one purpose only; to protect the integrity of organic standards. The conditions under which cloned animal products enter our general food systems will be much debated in the months and years to come. But I would hope that we can begin that discussion with general consensus that it is not acceptable for cloned food products to enter the marketplace under the organic label.

By Ms. LANDRIEU (for herself, Mr. LOTT, Mr. KERRY, and Mr. LIEBERMAN):

S. 537. A bill to address ongoing small business and homeowner needs in the Gulf Coast States impacted by Hurricane Katrina and Hurricane Rita; to the Committee on Small Business and Entrepreneurship.

By Ms. LANDRIEU:

S. 538. A bill to reduce income tax withholding deposits to reflect a FICA payroll tax credit for certain employers located in specified portions of the GO Zone, and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU (for herself, Mr. LOTT, and Mr. KERRY)

S. 539. A bill to address ongoing economic injury in Gulf Coast States impacted by Hurricanes Katrina and Rita by reviving tourist travel to the region; to the Committee on Environment and Public Works.

Ms. LANDRIEU. Mr. President, I again come to the floor today to high-

light the ongoing needs of our small businesses in the gulf coast who were devastated by Hurricanes Katrina and Rita. In Louisiana alone, these disasters claimed 1,464 lives, destroyed more than 200,000 homes and 18,000 businesses and inflicted \$25 billion in uninsured losses. Many of my colleagues here in the Senate have been down to Louisiana and have seen firsthand the size and scope of the destruction.

The Congress has been very generous in providing billions of Federal recovery dollars as well as valuable Gulf Opportunity—GO—Zone tax incentives to help spur recovery in the region. These resources will be key in the recovery of the region but there are additional needs on the ground that still must be addressed. That is why I am proud to introduce a comprehensive package of three bills today—the Gulf Coast Back to Business Act of 2007, the Helping Our States Through Tourism Act of 2007, and the Work, Hope, and Opportunity for the Disaster Area Today Act of 2007. I believe these three bills provide substantive, commonsense solutions for addressing needs on the ground in the gulf coast. I am pleased that my colleague from Mississippi, Senator LOTT, as well as Senator KERRY, chairman of the Senate Small Business and Entrepreneurship Committee, joined me in cosponsoring both the Gulf Coast Back to Business Act and the Helping Our States Through Tourism Act. My friend Senator LIEBERMAN, chairman of the Senate Homeland Security and Governmental Affairs Committee, also joined me by cosponsoring the Gulf Coast Back to Business Act. I appreciate my colleagues' support on these bills and hope that we continue to work in this bipartisan manner to provide real solutions for the gulf coast.

As you know, Katrina was the most destructive hurricane ever to hit the United States. The next month, in September, Hurricane Rita hit the Louisiana and Texas coast. It was the second most powerful hurricane ever to hit the United States, wreaking havoc on the southwestern part of my State and the east Texas coast. This one-two punch devastated Louisiana lives, communities and jobs, stretching from Cameron Parish in the west to Plaquemines Parish in the east.

We are now rebuilding our State and the wide variety of communities that were devastated by Rita and Katrina, areas representing a diverse mix of population, income and cultures. We hope to restore the region's uniqueness and its greatness. To do that, we need to rebuild our local economies now and far into the future.

My State estimates that there were 81,000 businesses in the Katrina and Rita disaster zones. As I mentioned, a total of 18,752 of these businesses were catastrophically destroyed. However, on a wider scale, according to the U.S. Chamber of Commerce, over 125,000 small- and medium-sized businesses in the gulf region were disrupted by Katrina and Rita. Many of these businesses have yet to resume operations

and others are struggling to survive. We will never succeed without these small businesses. They will be the key to the revitalization of the gulf coast.

After talking to the business leaders and small businesses in my State, there are three things that they need right now: immediate capital and their fair share of Federal recovery contracts, help in attracting more travel and tourism to the area, and tax relief, especially on some of the Gulf Opportunity—GO—Zone provisions which are set to expire.

For example, under current law, the SBA cannot disburse more than \$10,000 for an approved disaster loan without showing collateral. This is to limit the loss to the SBA in the event that a loan defaults. However, this disbursement amount has not been increased since 1998 and these days, \$10,000 is not enough to get a business up and running or to allow a homeowner to start making repairs. The Gulf Coast Back to Business Act increases this collateral requirement for Katrina and Rita disaster loans from \$10,000 to \$35,000.

To address the lack of access to capital for our businesses, this bill includes a provision to provide funds to Louisiana and Mississippi to help small businesses now. Not 3 months from now, but as quickly as possible. We are asking for \$100 million so that businesses can have money they need for to repair, rebuild, and pay their employees until they get back up and running again. The States know what the needs of their affected businesses are and we want to provide them with this money so they can start helping businesses now. These funds would bolster existing State grant/loan programs and would help Louisiana and Mississippi reach out to more impacted businesses.

Many businesses and homeowners are also coming up on the end of their standard 1-year deferment of payment on principal and interest on their SBA disaster loans. For most disasters, 1 year is more than enough time for borrowers to get back on their feet. But for disasters on the scale of Katrina and Rita, 1 year came and went, with communities just now seeing gas stations open and some homeowners are just now returning to rebuild their homes. This is a unique situation and for French Quarter businesses, where tourism is down at least 60 percent from pre-Katrina levels, to require them to start making payments on a \$50,000 loan is virtually impossible if there are no customers. Homeowners, too, are experiencing widespread uncertainty and I believe this current 1-year deferment requires serious reconsideration. That is why this bill gives borrowers an additional year to get their lives in order—allow residents to begin fixing their homes and allow businesses the time for economic activity to pick back up.

The Gulf Coast Back to Business Act also addresses the problem in which many of our local small businesses have been unable to obtain Federal re-

covery contracts. I understand that this is due to many reasons ranging from a lack of sufficient bonding to a lack of experience with contracts of these sizes and scope. That said, I know of countless local businesses with the right experience and personnel, yet they have had to settle for being a subcontractor on a contract some out-of-State company won. We appreciate out-of-State firms wanting to help our region recover, but if our local firms can do the work, they should get their fair share of these contracts. It is a no-brainer to let local firms rebuild their own communities but this has not happened on a wide scale in my State or across the impacted areas. This bill would fix that by designating the entire Katrina and Rita disaster area as a Historically Underutilized Business Zone. The expansion of this program to the devastated areas would help give our local small businesses a preference when they bid on Federal contracts. I should note that this proposal had bipartisan support in the 109th Congress and actually passed the Senate as part of the Fourth Emergency Supplemental Appropriations bill. However, despite the fact that this provision had widespread, bipartisan support from the gulf coast Senate delegation, it was stripped out in conference with the House of Representatives. So for the 110th Congress, I am pleased to re-introduce this provision in the Senate and to work closely with my colleagues to get our small businesses this vital help.

As I mentioned, following these disasters, about 18,000 businesses were catastrophically destroyed, many more economically impacted, and most still are struggling with the ongoing slowdown in travel and tourism to Louisiana. In terms of ongoing needs on the ground, the lack of tourism is stifling our full economic recovery, particularly the recovery of our small businesses in New Orleans. I do not think that people outside Louisiana know how vital tourism is to our economy. In 2004, tourism was the State of Louisiana's second largest industry—employing 175,000 workers. The tourism industry also had a \$9.9 billion economic impact in the State in 2004 and generated \$600 million in State/local taxes. That is huge for our State and, by all indications, 2004 was a record year for tourism to the State and 2005 was on course to beat that. But then came Hurricanes Katrina and Rita, and the subsequent levee breaks, and tourism literally came to a grinding halt for the rest of the year. Travel and tourism picked up somewhat in 2006 but it has remained slow and has economically impacted our small businesses, many of which are dependent on the steady stream of revenue coming in from out-of-State tourists.

For example, according to the New Orleans Conventions and Visitors Bureau, Mardi Gras brings in about 700,000 tourists each year. Jazz Fest, which is a world-renowned music festival in

New Orleans that happens each summer, usually draws half that—350,000 tourists. These tourists not only spend their time and money in New Orleans, but oftentimes travel around South Louisiana or even visit our friends next door in Mississippi. So in this respect, New Orleans is the gateway to tourism elsewhere in Louisiana and the rest of the gulf coast. For this reason, I believe it is important to not only spur travel/tourism to New Orleans but also to the rest of Louisiana and Mississippi as our smaller communities in these areas depend on tourism for their economic well-being.

Take Natchez, MS, for example. This historic town is full of beautiful antebellum homes and had a thriving business district pre-Katrina. It suffered minimal damage during the storm but now is struggling to get the word out that it is open for business. New Orleans is in much the same situation. Many parts of New Orleans, such as the Lower Ninth Ward and New Orleans East, do indeed have damaged houses and vacant businesses—as seen on television. But there are also parts of these communities which are slowly recovering and many parts of New Orleans, particularly the historic French Quarter, which survived Katrina are relatively unscathed. Despite that they are open and desperately need the revenue, businesses in the French Quarter are struggling to attract visitors.

With this mind, the Help Our States through Tourism Act, or HOST Act, which I am introducing as part of this legislative package, will provide significant assets to help our tourism sectors recover. In particular, this bill provides a total of \$175 million for tourism marketing for the States of Louisiana and Mississippi. This pool of money would not only be used for the promotion of the States, but also to help communities rebuild their tourism and cultural assets, such as arts and music, which makes them a unique attraction for visitors.

The \$175 million is also a wise investment for the Federal Government and not without precedent. In 2004, for every dollar spent on tourism in Mississippi, the State generated \$12 in revenue. Louisiana was even better, generating \$14 for every dollar spent on tourism that year. Also, when we talk about small business recovery, nothing helps our impacted small businesses more than having tourists return and spend money in these communities. In effect it works just as good as a grant but also helps the airline industry, our local restaurants and hotels, as well as the small businesses themselves. Furthermore, following September 11, Lower Manhattan was able to use supplemental Community Development Block Grant—CDBG—funds for tourism marketing. The State of Louisiana also recently used \$28.5 million of supplemental CDBG funds for the “Come Fall in Love With Louisiana All Over Again” campaign. Given that Katrina and Rita were the first and third most-

costliest disasters in U.S. history, as well as the unprecedented media coverage on the destruction, these funds are badly needed to spread the word that our impacted communities are ready for our friends from around the country, and the world, to return and enjoy our unique culture, cuisine, and entertainment.

This bill also authorizes the U.S. Small Business Administration to provide Economic Injury Disaster Loans to tourism-dependent businesses in Mississippi and Louisiana that can demonstrate direct economic impacts from the post-Katrina and Rita tourism/travel slowdown. In talking to Federal agencies as well as our local small businesses, it is clear to me that no one believed that the economic impact would continue this long. Businesses also expected Federal/State assistance much sooner so many were left in a position of lacking revenue but waiting, and waiting, for the promised recovery funds to get into their hands. It has slowly come in the past year but now many businesses who waited months for Federal financial assistance, are now struggling to stay in business with little/no customer base. These Economic Injury Disaster Loans would help our tourism-dependent businesses stay afloat since the economic injury, as well as the tourism slowdown, has lasted much longer than most experts expected.

The HOST Act also would establish a \$2.5 million fund in the Federal Treasury for Government agencies to hold conventions, workshops, and other events in the Katrina/Rita Disaster Area. Federal workers, like other convention visitors, bring in valuable revenue to our communities and pre-Katrina, New Orleans was one of the top convention destinations in the country. Post-Katrina, Federal agencies are already conducting activities and holding events in the disaster areas, but this fund would be separate of the normal administrative funds normally used for these purposes. Since this would be a separate pool of money that agencies could access, it would encourage more Federal agencies to hold their big conventions/events in the gulf coast. In the scheme of the billions allocated for recovery in the gulf coast, \$2.5 million is not a large sum of money, but for Federal agencies looking to hold large events, it would serve as incentive to choose New Orleans or Mobile or Natchez for their next event. This amount of money is also not large enough to severely impact other destinations such as Las Vegas or San Francisco, but would be just enough funds to, hopefully, steer a couple of large conventions in our direction.

I am also pleased to introduce the Work, Hope, and Opportunity for the Disaster Area Today Act of 2007 to help small businesses in the hardest hit areas of the Gulf Opportunity—GO—Zone as they work to succeed in a very challenging environment. We have made great progress in rebuilding our

communities and our local economies in the gulf coast. The Gulf Opportunity Zone Act of 2005 has produced needed investment in housing and provided businesses with important tax incentives to invest in new plant and equipment as part of their rebuilding. The Federal Government has made funding available to rebuild our levees. At the end of the last Congress, we passed the Domenici-Landrieu Outer Continental Shelf Revenue sharing bill that Louisiana will use to restore our wetlands as an additional barrier of hurricane protection.

However, we still face many challenges that are making it difficult for our small businesses. In Louisiana, as I mentioned, tourism—one of our most important industries—is down. We have had 22 percent fewer visitors and those that are visiting are spending 35 percent less money than before the storm. The city of New Orleans has lost more than half of its population. On top of this, labor costs and insurance premiums have skyrocketed, making it more expensive for businesses to keep paying the workers they have.

The combination of these various factors have hit our small businesses hard. They used the tax benefits of the Gulf Opportunity Zone Act to invest and rebuild, and they are open for business. But they are losing money because of downturn in tourism and they cannot afford to do that for much longer. I am hopeful that the HOST Act will address many of these needs but additional assistance is needed.

The Work, Hope, and Opportunity for the Disaster Area Today Act is a package of short-term tax breaks that will help put money in the hands of small businesses immediately, as well as extend tax breaks that already exist in the GO Zone. The main tax provision is a wage tax cut for employers. Small employers in the most heavily hit areas of the GO Zone—defined as those parishes and counties that experienced 60 percent or higher housing damage—will be eligible for a tax credit in the amount of FICA taxes they paid on up to \$15,000 in salary per employee. This would lower employer tax burdens immediately, leaving them more money in hand as an offset to the losses that they are experiencing.

My bill also contains a bonus business meals and entertainment deduction to encourage business travel to the GO Zone. Under current law, businesses can only deduct up to 50 percent of meals and entertainment expenses. The Work, Hope, and Opportunity Act would allow a full deduction for these expenses if they are incurred in the areas of the GO Zone that need it the most. This will bring more conventions, meetings and conferences to the Gulf.

We must also extend some of the expiring provisions in the GO Zone Act. For example, my legislation will extend the special small business Section 179 expensing that is available in the gulf coast. Small businesses in the rest

of the country can deduct up to \$112,000 in 2007 of the cost of investments they make in their businesses such as computers and software, or new equipment and machinery. GO Zone small businesses can deduct an additional \$100,000 for these investments. This special GO Zone benefit, however, will expire at the end of this year. The Work, Hope, and Opportunity bill will extend this much needed assistance until 2010. It will also extend the availability of the Work Opportunity Tax Credit for Katrina employees and the special 15-year depreciation schedule for restaurants, retail, and other leasehold property for the GO Zone.

In introducing this comprehensive legislative package today, I am hopeful that it sends the signal to gulf coast residents and businesses that Congress has not forgotten about them. Congress made great strides during the 109th Congress to help disaster victims, but that does not mean we should just write off recurring problems to the responsibility of States or disaster victims themselves. There are still ongoing needs in the gulf coast and I believe the 110th Congress should address these needs. I look forward to working closely with my colleagues on both sides of the aisle to provide substantive and lasting solutions for our small businesses.

I urge my colleagues to support these important pieces of legislation and ask unanimous consent that the text of the three bills be printed in the RECORD.

There being no objection, the text of the bills were ordered to be printed in the RECORD, as follows:

S. 537

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Gulf Coast Back to Business Act of 2007”.

**SEC. 2. FINDINGS.**

Congress finds that—

- (1) 43 percent of businesses that close following a natural disaster never reopen;
- (2) an additional 29 percent of businesses close down permanently within 2 years of a natural disaster;
- (3) Hurricane Katrina struck the Gulf Coast of the United States on August 29, 2005, negatively impacting small business concerns and disrupting commerce in the States of Louisiana, Mississippi, and Alabama;
- (4) Hurricane Rita struck the Gulf Coast of the United States on September 24, 2005, negatively impacting small business concerns and disrupting commerce in the States of Texas and Louisiana;
- (5) according to the United States Chamber of Commerce, more than 125,000 small- and medium-sized businesses in the Gulf Coast were disrupted by Hurricane Katrina or Hurricane Rita;
- (6) due to a slow initial Federal response and the widespread devastation in the affected States, businesses impacted by Hurricane Katrina are in dire need of increased access to capital and technical assistance to recover and prosper; and
- (7) without the full recovery and prosperity of affected businesses, the Gulf Coast, and the rest of the United States, will be negatively impacted.

**SEC. 3. DEFINITIONS.**

In this Act—

(1) the term “Disaster Area” means an area in which the President has declared a major disaster in response to Hurricane Katrina of 2005 or Hurricane Rita of 2005;

(2) the term “major disaster” has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); and

(3) the term “small business concern” has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).

**SEC. 4. SMALL BUSINESS CONCERN RECOVERY GRANTS.**

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce \$100,000,000 for the Economic Development Administration of the Department of Commerce to make grants to the appropriate State government agencies in Louisiana and Mississippi, to carry out this section.

(b) DISBURSEMENT OF FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Commerce shall disburse the funds authorized under subsection (a) as follows:

(A) \$75,000,000 to the State of Louisiana.

(B) \$25,000,000 to the State of Mississippi.

(2) PROPORTIONATE ALLOCATION.—Regardless of the amount appropriated under subsection (a), the amount appropriated shall be allocated among the States listed in paragraph (1) of this subsection in direct proportion to the allocation under that paragraph.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Grants awarded to a State under subsection (a) shall be used by the State to provide grants, which may be made to any small business concern located in a Disaster Area that was negatively impacted by Hurricane Katrina of 2005 or Hurricane Rita of 2005, to assist such small business concern for the purposes of—

(A) paying employees;

(B) paying bills, insurance costs, and other existing financial obligations;

(C) making repairs;

(D) purchasing inventory;

(E) restarting or operating that business in the community in which it was conducting operations prior to Hurricane Katrina of 2005 or Hurricane Rita of 2005, or to a neighboring area or county or parish in a Disaster Area;

(F) compensating such small business concerns for direct economic injury suffered as a result of Hurricane Katrina of 2005 or Hurricane Rita of 2005; or

(G) covering additional costs until that small business concern is able to obtain funding through insurance claims, Federal assistance programs, or other sources.

(2) CRITERIA.—

(A) IN GENERAL.—Notwithstanding any other provision of law, in making grants under paragraph (1), a State may use such criteria as the State determines appropriate, and shall not be required to apply eligibility criteria for programs administered by the Federal Government, including the Department of Commerce.

(B) EXCLUSION.—In making grants under paragraph (1), a State may not exclude a small business concern based on any increase in the revenue of that small business concern during the 12-month period beginning on October 1, 2005.

(3) ADMINISTRATIVE EXPENSES.—The Department of Commerce may use not more than \$1,500,000 of the funds authorized under subsection (a) to administer the provision of grants to the designated States under this subsection.

**SEC. 5. DISASTER LOANS AFTER HURRICANE KATRINA OR HURRICANE RITA.**

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by

inserting immediately after paragraph (3) the following:

“(4) DISASTER LOANS AFTER HURRICANE KATRINA OR HURRICANE RITA IN A DISASTER AREA.—

“(A) DEFINITIONS.—In this paragraph—

“(i) the term ‘Disaster Area’ means an area in which the President has declared a major disaster in response to Hurricane Katrina of 2005 or Hurricane Rita of 2005; and

“(ii) the term ‘qualified borrower’ means a person to whom the Administrator made a loan under this section because of Hurricane Katrina of 2005 or Hurricane Rita of 2005.

“(B) DEFERMENT OF DISASTER LOAN PAYMENTS.—

“(i) IN GENERAL.—Notwithstanding any other provision of law, payments of principal and interest on a loan to a qualified borrower made before December 31, 2006, shall be deferred, and no interest shall accrue with respect to such loan, during the time period described in clause (ii).

“(ii) TIME PERIOD.—The time period for purposes of clause (i) shall be 1 year from the later of the date of enactment of this paragraph or the date on which funds are distributed under a loan described in clause (i), but may be extended to 2 years from such date, at the discretion of the Administrator.

“(iii) RESUMPTION OF PAYMENTS.—At the end of the time period described in clause (ii), the payment of periodic installments of principal and interest shall be required with respect to such loan, in the same manner and subject to the same terms and conditions as would otherwise be applicable to any other loan made under this subsection.”.

(b) INCREASING COLLATERAL REQUIREMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, including section 7(c)(6) of the Small Business Act (15 U.S.C. 636(c)(6)), the Administrator may not require collateral for any covered loan made by the Administrator.

(2) DEFINITION.—In this subsection, the term “covered loan” means a loan in an amount of not more than \$35,000 made—

(A) under section 7(b)(1) of the Small Business Act (15 U.S.C. 636(b)(1));

(B) as a result of Hurricane Katrina of 2005 or Hurricane Rita of 2005; and

(C) after the date of enactment of this Act.

**SEC. 6. OTHER PROGRAMS.**

(a) HUBZONES.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking “or”;

(B) in subparagraph (E), by striking the period at the end and inserting “; or”;

(C) by adding at the end the following:

“(F) an area in which the President has declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) as a result of Hurricane Katrina of August 2005 or Hurricane Rita of September 2005, during the time period described in paragraph (8).”;

(2) by adding at the end the following:

“(8) TIME PERIOD.—The time period for the purposes of paragraph (1)(F)—

“(A) shall be the 2-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007; and

“(B) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007.”.

(b) RELIEF FROM TEST PROGRAM.—Section 711(d) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) by striking “The Program” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), the Program”; and

(2) by adding at the end the following:

“(2) EXCEPTION.—

“(A) IN GENERAL.—The Program shall not apply to any contract related to relief or reconstruction from Hurricane Katrina of 2005 or Hurricane Rita of 2005 during the time period described in subparagraph (B).

“(B) TIME PERIOD.—The time period for the purposes of subparagraph (A)—

“(i) shall be the 2-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007; and

“(ii) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007.”.

S. 538

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; ETC.**

(a) SHORT TITLE.—This Act may be cited as the “Work, Hope, and Opportunity for the Disaster Area Today Act”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

**SEC. 2. REDUCTION IN INCOME TAX WITHHOLDING DEPOSITS TO REFLECT FICA PAYROLL TAX CREDIT FOR CERTAIN EMPLOYERS LOCATED IN SPECIFIED PORTIONS OF THE GO ZONE DURING 2007.**

(a) GENERAL RULE.—In the case of any applicable calendar quarter—

(1) the aggregate amount of required income tax deposits of an eligible employer for the calendar quarter following the applicable calendar quarter shall be reduced by the payroll tax credit equivalent amount for the applicable calendar quarter, and

(2) the amount of any deduction allowable to the eligible employer under chapter 1 of the Internal Revenue Code of 1986 for taxes paid under section 3111 of such Code with respect to employment during the applicable calendar quarter shall be reduced by such payroll tax credit equivalent amount.

For purposes of the Internal Revenue Code of 1986, an eligible employer shall be treated as having paid, and an eligible employee shall be treated as having received, any wages or compensation deducted and withheld but not deposited by reason of paragraph (1).

(b) CARRYOVERS OF UNUSED AMOUNTS.—If the payroll tax credit equivalent amount for any applicable calendar quarter exceeds the required income tax deposits for the following calendar quarter—

(1) such excess shall be added to the payroll tax credit equivalent amount for the next applicable calendar quarter, and

(2) in the case of the last applicable calendar quarter, such excess shall be used to reduce required income tax deposits for any succeeding calendar quarter until such excess is used.

(c) PAYROLL TAX CREDIT EQUIVALENT AMOUNT.—For purposes of this section—

(1) IN GENERAL.—The term “payroll tax credit equivalent amount” means, with respect to any applicable calendar quarter, an amount equal to 7.65 percent of the aggregate amount of wages or compensation—

(A) paid or incurred by the eligible employer with respect to employment of eligible employees during the applicable calendar quarter, and

(B) subject to the tax imposed by section 3111 of the Internal Revenue Code of 1986.

(2) TRADE OR BUSINESS REQUIREMENT.—A rule similar to the rule of section 51(f) of

such Code shall apply for purposes of this section.

(3) **LIMITATION ON WAGES SUBJECT TO CREDIT.**—For purposes of this subsection, only wages and compensation of an eligible employee in an applicable calendar quarter, when added to such wages and compensation for any preceding applicable calendar quarter, not exceeding \$15,000 shall be taken into account with respect to such employee.

(d) **ELIGIBLE EMPLOYER; ELIGIBLE EMPLOYEE.**—For purposes of this section—

(1) **ELIGIBLE EMPLOYER.**—

(A) **IN GENERAL.**—The term “eligible employer” means any employer which conducts an active trade or business in one or more specified portions of the GO Zone and employs not more than 100 full-time employees on the date of the enactment of this Act.

(B) **SPECIFIED PORTIONS OF THE GO ZONE.**—The term “specified portions of the GO Zone” has the meaning given such term by section 1400N(d)(6)(C) of the Internal Revenue Code of 1986.

(2) **ELIGIBLE EMPLOYEE.**—The term “eligible employee” means with respect to an eligible employer an employee whose principal place of employment with such eligible employer is in one or more specified portions of the GO Zone. Such term shall not include an employee described in section 401(c)(1)(A).

(e) **APPLICABLE CALENDAR QUARTER.**—For purposes of this section, the term “applicable calendar quarter” means any of the 4 calendar quarters beginning in 2007.

(f) **SPECIAL RULES.**—For purposes of this section—

(1) **REQUIRED INCOME TAX DEPOSITS.**—The term “required income tax deposits” means deposits an eligible employer is required to make under section 6302 of the Internal Revenue Code of 1986 of taxes such employer is required to deduct and withhold under section 3402 of such Code.

(2) **AGGREGATION RULES.**—Rules similar to the rules of subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall apply.

(3) **EMPLOYERS NOT ON QUARTERLY SYSTEM.**—The Secretary of the Treasury shall prescribe rules for the application of this section in the case of an eligible employer whose required income tax deposits are not made on a quarterly basis.

(4) **ADJUSTMENTS FOR CERTAIN ACQUISITIONS, ETC.**—Under regulations prescribed by the Secretary—

(A) **ACQUISITIONS.**—If, after December 31, 2006, an employer acquires the major portion of a trade or business of another person (hereafter in this paragraph referred to as the “predecessor”) or the major portion of a separate unit of a trade or business of a predecessor, then, for purposes of applying this section for any calendar quarter ending after such acquisition, the amount of wages or compensation deemed paid by the employer during periods before such acquisition shall be increased by so much of such wages or compensation paid by the predecessor with respect to the acquired trade or business as is attributable to the portion of such trade or business acquired by the employer.

(B) **DISPOSITIONS.**—If, after December 31, 2006—

(i) an employer disposes of the major portion of any trade or business of the employer or the major portion of a separate unit of a trade or business of the employer in a transaction to which paragraph (1) applies, and

(ii) the employer furnishes the acquiring person such information as is necessary for the application of subparagraph (A),

then, for purposes of applying this section for any calendar quarter ending after such disposition, the amount of wages or compensation deemed paid by the employer dur-

ing periods before such disposition shall be decreased by so much of such wages as is attributable to such trade or business or separate unit.

(5) **OTHER RULES.**—

(A) **GOVERNMENT EMPLOYERS.**—This section shall not apply if the employer is the Government of the United States, the government of any State or political subdivision of the State, or any agency or instrumentality of any such government.

(B) **TREATMENT OF OTHER ENTITIES.**—Rules similar to the rules of subsections (d) and (e) of section 52 of such Code shall apply for purposes of this section.

**SEC. 3. BONUS BUSINESS TRAVEL DEDUCTION IN SPECIFIED PORTIONS OF THE GO ZONE.**

(a) **IN GENERAL.**—Section 274(n)(2) (relating to exceptions) is amended by striking “or” at the end of subparagraph (D), by striking the period at the end of subparagraph (E)(iv) and inserting “, or”, and by inserting after subparagraph (E)(iv) the following new subparagraph:

“(F) such expense is for goods, services, or facilities made available before January 1, 2010, in one or more specified portions of the GO Zone (as defined in section 1400N(d)(6)(C)).”

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to expenses paid or incurred after the date of the enactment of this Act, in taxable years ending after such date.

**SEC. 4. EXTENSION OF INCREASED EXPENSING FOR QUALIFIED SECTION 179 GULF OPPORTUNITY ZONE PROPERTY LOCATED IN SPECIFIED PORTIONS OF THE GO ZONE.**

Paragraph (2) of section 1400N(e) (relating to qualified section 179 Gulf Opportunity Zone property) is amended—

(1) by striking “this subsection, the term” and inserting “this subsection—

“(A) IN GENERAL.—The term”, and

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

“(B) **EXTENSION FOR CERTAIN PROPERTY.**—In the case of property substantially all of the use of which is in one or more specified portions of the GO Zone (as defined in subsection (d)(6)(C)), such term shall include section 179 property (as so defined) which is described in subsection (d)(2), determined—

“(i) without regard to subsection (d)(6), and

“(ii) by substituting, in subparagraph (A)(v) thereof—

“(I) ‘2009’ for ‘2007’, and

“(II) ‘2009’ for ‘2008’.”

**SEC. 5. EXTENSION OF WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES HIRED BY SMALL BUSINESSES LOCATED IN SPECIFIED PORTIONS OF THE GO ZONE.**

(a) **IN GENERAL.**—Section 201(b)(1) of the Katrina Emergency Tax Relief Act of 2005 (Public Law 109-73) is amended by striking “who is hired during the 2-year period” and all that follows and inserting “who—

“(A) is hired during the 2-year period beginning on such date for a position the principal place of employment which is located in the core disaster area, or

“(B) is hired—

“(i) during the period beginning on the date of the enactment of the Work, Hope, Opportunity, and Disaster Area Tax Act of 2007 and ending before January 1, 2010, for a position the principal place of employment which is located in one or more specified portions of the GO Zone (as defined in subsection 1400N(d)(6)(C) of the Internal Revenue Code of 1986), and

“(ii) by an employer who has no more than 100 employees on the date such individual is hired, and”.

(b) **EFFECTIVE DATE.**—The amendment made by this section take effect as if included in section 201 of the Katrina Emergency Tax Relief Act of 2005.

**SEC. 6. EXTENSION AND MODIFICATION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS LOCATED IN SPECIFIED PORTIONS OF THE GO ZONE; 15-YEAR STRAIGHT-LINE COST RECOVERY FOR CERTAIN IMPROVEMENTS TO RETAIL SPACE LOCATED IN SPECIFIED PORTIONS OF THE GO ZONE.**

(a) **EXTENSION OF LEASEHOLD AND RESTAURANT IMPROVEMENTS.**—

(1) **IN GENERAL.**—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking “January 1, 2008” and inserting “January 1, 2008 (January 1, 2009, in the case of property placed in service in one or more specified portions of the GO Zone (as defined in subsection 1400N(d)(6)(C))”.

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall apply to property placed in service after December 31, 2007.

(b) **MODIFICATION OF TREATMENT OF QUALIFIED RESTAURANT PROPERTY AS 15-YEAR PROPERTY FOR PURPOSES OF DEPRECIATION DEDUCTION.**—

(1) **TREATMENT TO INCLUDE NEW CONSTRUCTION.**—Paragraph (7) of section 168(e) (relating to classification of property) is amended to read as follows:

“(7) **QUALIFIED RESTAURANT PROPERTY.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term ‘qualified restaurant property’ means any section 1250 property which is an improvement to a building if—

“(i) such improvement is placed in service more than 3 years after the date such building was first placed in service, and

“(ii) more than 50 percent of the building’s square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.

“(B) **PROPERTY LOCATED IN CERTAIN AREAS OF GO ZONE.**—In the case of property placed in service in one or more specified portions of the GO Zone (as defined in subsection 1400N(d)(6)(C)), such term means any section 1250 property which is a building (or its structural components) or an improvement to such building if more than 50 percent of such building’s square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.”

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall apply to any property placed in service after the date of the enactment of this Act.

(c) **RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN IMPROVEMENTS TO RETAIL SPACE.**—

(1) **15-YEAR RECOVERY PERIOD.**—Section 168(e)(3)(E) (relating to 15-year property) is amended by striking “and” at the end of clause (vii), by striking the period at the end of clause (viii) and inserting “, and”, and by adding at the end the following new clause:

“(ix) any qualified retail improvement property placed in service before January 1, 2009, in one or more specified portions of the GO Zone (as defined in subsection 1400N(d)(6)(C)).”

(2) **QUALIFIED RETAIL IMPROVEMENT PROPERTY.**—Section 168(e) is amended by adding at the end the following new paragraph:

“(8) **QUALIFIED RETAIL IMPROVEMENT PROPERTY.**—

“(A) **IN GENERAL.**—The term ‘qualified retail improvement property’ means any improvement to an interior portion of a building which is nonresidential real property if—

“(i) such portion is open to the general public and is used in the retail trade or business of selling tangible personal property to the general public, and

“(ii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

“(B) IMPROVEMENTS MADE BY OWNER.—In the case of an improvement made by the owner of such improvement, such improvement shall be qualified retail improvement property (if at all) only so long as such improvement is held by such owner. Rules similar to the rules under paragraph (6)(B) shall apply for purposes of the preceding sentence.

“(C) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

“(i) the enlargement of the building,

“(ii) any elevator or escalator,

“(iii) any structural component benefitting a common area, or

“(iv) the internal structural framework of the building.”.

(3) REQUIREMENT TO USE STRAIGHT LINE METHOD.—Section 168(b)(3) is amended by adding at the end the following new subparagraph:

“(I) Qualified retail improvement property described in subsection (e)(8).”.

(4) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (E)(viii) the following new item:

“(E)(ix).....39”.

(5) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

S. 539

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Helping Our States Through Tourism Act of 2007” or the “HOST Act of 2007”.

#### SEC. 2. FINDINGS.

Congress finds that—

(1) in the 12-month period ending on June 30, 2005—

(A) tourism was the second largest industry in Louisiana, employing 175,000 workers;

(B) tourism was the fifth largest industry in Mississippi, employing 126,500 workers;

(C) tourism generated \$600,000,000 in State and local taxes in Louisiana;

(D) tourism generated \$634,000,000 in State and local taxes in Mississippi;

(E) tourism had a \$9,900,000,000 economic impact in the State of Louisiana;

(F) tourism had a \$6,350,000,000 economic impact in the State of Mississippi;

(G) the State of Louisiana generated \$14 in revenue for every dollar the State spent on tourism;

(H) the State of Mississippi generated \$12 in revenue for every dollar the State spent on tourism;

(2) Hurricanes Katrina and Rita severely impacted Louisiana’s travel and tourism industry, reducing—

(A) direct traveler expenditures by more than 18 percent between 2004 and 2005, from \$9,900,000,000 to \$8,100,000,000; and

(B) travel-generated employment by 9 percent between 2004 and 2005;

(3) Hurricane Katrina severely impacted Mississippi’s travel and tourism industry, reducing—

(A) direct traveler expenditures by more than 18 percent between 2004 and 2005, from \$6,350,000,000 to \$5,200,000,000; and

(B) travel-generated employment by nearly 18 percent between 2004 and 2005, from 126,500 jobs to 103,885 jobs; and

(4) the Gulf Coast economy cannot fully recover without the revitalization of the tourism industries in Louisiana and Mississippi.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Small Business Administration

(2) DISASTER AREA.—The term “disaster area” means the areas in Louisiana and Mississippi in which the President has declared a major disaster in response to Hurricane Katrina or Hurricane Rita.

(3) HURRICANE KATRINA AND RITA DISASTER AREAS.—The term “Hurricane Katrina and Rita disaster areas” means the geographic areas designated as major disaster areas by the President between August 27, 2005, and September 25, 2005, in Alabama, Florida, Louisiana, Mississippi, and Texas pursuant to title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(4) MAJOR DISASTER.—The term “major disaster” has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(5) RELEVANT TOURISM ENTITIES.—The term “relevant tourism entity” means any convention and visitors bureau, nonprofit organization, or other tourism organization that the governor of Louisiana or the governor of Mississippi, as the case may be, after consultation with the Secretary of Commerce, determines to be eligible for a grant under section 3.

(6) SMALL BUSINESS CONCERN.—The term “small business concern” has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).

#### SEC. 4. TOURISM RECOVERY GRANTS.

(a) IN GENERAL.—The Secretary of Commerce, acting through the Assistant Secretary of Commerce for Economic Development, shall establish a grant program to assist relevant tourism entities to promote travel and tourism in Louisiana and Mississippi in accordance with this section.

(b) ALLOCATION OF FUNDS.—From the amounts appropriated pursuant to subsection (f), the Secretary shall allocate, as expeditiously as possible—

(1) \$130,000,000 to the State of Louisiana; and

(2) \$45,000,000 to the State of Mississippi.

(c) USE OF FUNDS.—Amounts allocated to a State under subsection (b) shall be used by the State to provide grants to any relevant tourism entity to—

(1) promote travel and tourism in the State; and

(2) carry out other economic development activities that have been approved by the Secretary of Commerce, in consultation with the State.

(d) CRITERIA.—Notwithstanding any other provision of law, a State, in awarding grants under subsection (c)—

(1) may use such criteria as the State determines appropriate; and

(2) shall not be required to apply eligibility criteria for programs administered by the Federal Government, including the Department of Commerce.

(e) ADMINISTRATIVE EXPENSES.—Not more than 1 percent of the funds allocated to States under subsection (b) may be used for administrative expenses.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$175,000,000 to carry out this section.

#### SEC. 5. ECONOMIC INJURY DISASTER LOANS.

(a) LOAN AUTHORIZATION.—

(1) IN GENERAL.—The Administrator may make a loan under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) to a small business concern located in the disaster area that can demonstrate that—

(A) more than 51 percent of the revenue of that small business concern comes from tourism; and

(B) such small business concern suffered direct economic injury from the slowdown in travel and tourism in the disaster area following Hurricane Katrina or Hurricane Rita.

(2) APPLICATION.—Notwithstanding any other provision of law, an application for a loan described in paragraph (1) shall be submitted not later than—

(A) 18 months after the date of the enactment of this Act; or

(B) such later date as the Administrator may establish.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

#### SEC. 6. FEDERAL GULF COAST TRAVEL AND MEETINGS FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund, to be known as the Federal Gulf Coast Travel and Meetings Fund (referred to in this section as the “Trust Fund”), consisting of such amounts as are appropriated to the Trust Fund pursuant to subsection (f) and any interest earned on investment of amounts in the Trust Fund pursuant to subsection (b).

(b) INVESTMENT OF TRUST FUND.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund that is not required to meet current withdrawals. Such investments may only be made in interest-bearing obligations of the United States or in obligations, whose principal and interest is guaranteed by the United States.

(c) OBLIGATIONS FROM TRUST FUND.—

(1) IN GENERAL.—The Secretary of the Treasury may obligate such sums as are available in the Trust Fund for the purposes described in paragraph (2).

(2) ELIGIBLE USES OF TRUST FUND.—Amounts obligated under this subsection may be transferred to Federal agencies to pay for—

(A) lodging, meals, travel, and other expenditures associated with conventions, conferences, meetings or other large gatherings attended by not less than 100 Federal employees and occurring within the Hurricane Katrina and Rita disaster areas; and

(B) other expenditures in the Hurricane Katrina and Rita disaster areas, in accordance with paragraph (3).

(3) PROHIBITED USES OF TRUST FUND.—Amounts obligated under this subsection may not be transferred to Federal agencies to pay for—

(A) Federal investigations;

(B) court cases; or

(C) events attended by less than 100 Federal employees.

(4) OTHER EXPENDITURES.—Amounts may not be obligated under paragraph (2)(B) before the date that is 30 days after the Secretary of the Treasury submits a report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives that sets forth the intended uses for such amounts.

(d) REPORT.—Not later than December 31, 2007, the Secretary of Treasury shall submit a report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives that sets forth—

(1) the balance remaining in the Trust Fund;

(2) the expenditures made from the Trust Fund since its inception;

(3) information on the applications of the Federal agencies whose requests from the Trust Fund have been denied;

(4) information on the applications that have been approved, including the amount transferred to each Federal agency and the uses for which such amounts were approved; and

(5) such additional information as the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives shall reasonably require.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$2,500,000 for fiscal year 2007 to be deposited in the Trust Fund.

By Mr. FEINGOLD:

S. 541. A bill to amend the farm Security and Rural Investment Act of 2002 to promote local and regional support for sustainable bioenergy and biobased products, to support the future of farming, forestry, and land management, to develop and support local bioenergy, biobased products, and food systems, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FEINGOLD. Mr. President, I laid out my vision for the legislation I introduce today, the Rural Opportunities Act of 2007, in an opinion piece that was published in the La Crosse Tribune at the end of last year. I ask unanimous consent that the article be printed in the RECORD after my statement.

My bill is a four part plan to increase opportunities for rural America. Despite its breadth, the bill is not meant to address all of the challenges facing farms, other working lands and rural communities. I know from the listening sessions that I hold across Wisconsin about the many challenges facing those communities, such as lack of access to affordable healthcare, threats from unfair competition abroad and at home and even misguided Federal policies such as the dairy pricing system that provides higher prices based on how far your farm is from Wisconsin. I will continue working to address these and other challenges. My current bill focuses on the future, by identifying and encouraging potential benefits for rural areas.

The first section of the Rural Opportunities Act of 2007 tries to fulfill the potential of bioenergy and the broader bioeconomy to be a value-added enterprise for farmers and communities by encouraging sustainable development with an emphasis on local, farmer and cooperative ownership. The second theme supports both the development of the next generation of farmers and other rural professionals and the areas of agricultural growth such as organic production that provide viable long-term models for family farms. In an exciting win/win situation, the third main section of my bill strives to improve both farmers' income and access to healthy foods by supporting local food systems. The final section, while less focused directly on working lands, would establish the goal of providing affordable broadband access to rural

and other underserved areas. Moreover, my proposal doesn't pass any extra costs on to the next generation, but is offset by reducing the payment limits for the largest corporate farms and transferring funds from other unobligated balances within USDA. I hope my colleagues will join me in supporting these common sense goals.

I will now explain both the details of my proposal and how I have modeled the proposal after programs that I have seen working in Wisconsin. My goal is to both boost resources for these programs and, where appropriate, establish partnerships to fulfill common goals and direction—ultimately encouraging similar opportunities across all of rural America.

Most of the incentives and support for the development of bioenergy and other bioproducts, or the bioeconomy, has been at the macro scale. I have supported these efforts, including the renewable fuels standard and broad goals such as providing 25 percent of our energy from renewable sources by 2025 and increasing our long-term security by becoming more energy independent. But I saw a gap in the amount of support at the local and regional level, especially with regard to making sure the bioeconomy develops properly.

There is a lot of excitement in rural America about the bioeconomy and potential for renewable fuel production especially to be the driver of a rural renaissance. But there is also concern, because while this potential is definitely there, it is still unclear how it will develop and whether the potential benefits to farmers, rural communities and even the environment will be fulfilled. This concern seems well founded, as these macro level incentives may fall short, perhaps opening up a new market for corn and driving more farms toward intensive corn production, but doing little to add value at the local or regional level especially if large agribusinesses take over.

From an environmental standpoint there is also this combination of risk and opportunity. Cellulosic ethanol produced from biomass has the potential to allow for the development of less intensive perennial systems especially on environmentally sensitive land, where the continuous cover would benefit the soil and water quality. But if the only incentive is to maximize bushels and dollars or remove too much biomass, environmental damage could clearly occur. For example, land that is not well suited for corn production such as that on steep slopes could be returned to production or taken out of pasture and put in corn production. Or where farmers have shifted to no-till corn production, the corn plant residue that now feeds the soil could be diverted to biomass for cellulosic ethanol. While these risks exist, there are also abundant win-win opportunities for farmers in following a sustainable approach. For example, the Wisconsin Farmers Union is leading efforts to establish a carbon credit program so the

improved soil qualities also mean a return to the farmer.

Taking these risks and opportunities into account, it seemed that more needed to be done to make sure that the development of the bioeconomy occurred in the best way to maximize the value to the public through an emphasis on sustainable local and regional research, extension and development. This emphasis isn't to say that conventional grain production and large agribusinesses don't belong, just that there needs to be balance. While many individuals have begun working to fulfill this potential in Wisconsin, there seems to be a gap at the Federal level. This is the gap my proposal aims to close both through some new initiatives and boosting and better focusing existing Federal programs.

My sustainable local bioeconomy proposal has six main parts, starting with \$30 million per year in matching funds to support implementation of collaborative State-based plans. States would be required to prepare a comprehensive energy plan and support the implementation of the plan through matching funds for research, extension, energy conservation, technical assistance and direct support. When developing the plan, a State would need to consider ways to encourage the development so as to best support the local communities and protect or even enhance the environment, with an emphasis in local, farmer and cooperative ownership of the new enterprises. Wisconsin has already taken significant steps in this regard, starting with the Governor's Consortium on Biobased Industry and Biobased Industry Opportunity (BIO) grant program. In the Governor's recent State of the State address, he has proposed to go even further building on these initial efforts. My proposal would allow the Federal Government to be a partner with him and every other State.

While charting the course of development of the bioeconomy should occur at a State and local level, research questions are often of regional or even national importance. That is why my bill provides \$20 million per year for regional research, extension and education. These multi-state partnerships would follow the existing USDA research and extension divisions. Specific projects would be determined by a regional board with broad representation from each State, the region's extension service, agriculture experiment stations, agriculture secretaries, farmers, foresters, businesses, cooperatives and non-profits. This cooperative regional effort will bring together the resources to make sure these new agricultural and forestry systems can be evaluated holistically at a landscape scale. Independent of my proposal, I understand there is a discussion ongoing to develop a similar partnership within the north central region which includes Wisconsin. My bill is specifically designed to allow existing or future consortiums

to coordinate or even become the regional body supporting these research and extension activities.

While there has been significant focus on agriculture as the means of developing the bioeconomy and biofuels such as ethanol and biodiesel especially, our forestlands can contribute significantly as well. While States and regions will likely include forestry components in their state energy and regional research and extension, my bill also provides \$10 million per year to support a pair of specific agroforestry pilot programs. The first would evaluate whether there needs to be a support mechanism for landowners during the establishment phase of a woody biomass system which can often take up to a decade to develop, though it may be the best long-term use of the land both for biofuel production and for the environment. The second project would assist in the development of at least one commercial scale cellulosic ethanol production facility using woody biomass as a feedstock. While I expect other regions with significant forestry resources to participate as well, with the Forest Products Lab in Wisconsin and the Governor recently proposing support for forestry-based cellulosic ethanol, Wisconsin is well positioned to be a leader in this area.

The Renewable Energy Systems and Energy Efficiency Improvements program, also known as Section 9006 of the 2002 Farm Bill, provides grants to farmers and ranchers to establish a wide range of wind, solar, biomass, geothermal, and conservation technologies on their farms. This direct support is important, which is why I propose a significant increase in funding to \$40m per year so farmers can do their part in this larger effort for energy independence farm by farm.

Another existing federal program that has been beneficial is the Value-added Production Grant (VAPG) program. These grants broadly assist farmers and ranchers in developing projects that help them retain more value from their crops and products, including many bioenergy projects. I propose providing an increase to \$60m per year and shifting the funding to mandatory spending because this program is so important in allowing farmers to be entrepreneurs and plan their own future. Specifically for the bioeconomy, I require that at least 10% of these funds be directed toward projects relating to bioenergy or biobased products.

Without the fundamental knowledge on how to convert biomass into other products such as fuel and the applied research on how to best implement this technology, the development of the bioeconomy may be limited. For this reason, I propose to double the spending within the USDA's National Research Initiative that is dedicated toward the development of the next generation of technology, including cellulosic ethanol. The institutions of higher education in Wisconsin are

ready to assist in this task and often work together or regionally toward this goal. For example, The University of Wisconsin—Madison and Michigan State University have recently submitted a proposal to establish a Great Lakes Bioenergy Research Center supported by the Department of Energy. It will take this type of collaboration and involvement of multiple Federal, State and local entities to fulfill the potential of the bioeconomy for increasing our national security and hopefully at the same time spurring a rural renaissance.

Finally, but still very important, we need to assess whether our current incentives for bioenergy production and utilization are performing as intended and having no negative side-effects. There is some concern that the current incentives may not be adequately reaching consumers and farmers. My bill requires the Government Accountability Office, GAO, to evaluate whether the current incentives are the most effective ways to encourage the production and use of bioenergy. I especially ask them to assess whether there are better ways to support local ownership and the local and regional benefits to communities, while preventing excessive payments.

There are many very positive efforts ongoing in Wisconsin to support the development of the next generation of farmers and ranchers and to provide viable models such as organic production for these new producers, which also benefit existing small and medium-sized farmers who are looking for other options. Like the sustainable local bioeconomy highlighted in the first section of my bill, I have designed my proposal so these positive projects in Wisconsin are supported and become the models for other states that may not be as far along.

There is a very strong Federal, State, university and non-profit involvement in supporting the future of farming in Wisconsin. It is heartening to see so many different groups and interests coming together to work together to support this common goal. I just wanted to highlight a few examples of many that make me proud.

From the Federal side, Wisconsin's State office of the USDA's Farm Service Agency leads the Nation or is the top five States for various loans provided to beginning farmers. Fully 37 percent of the loans in Wisconsin go to beginning farmers, a testament to the dedication of the State's FSA office.

The University of Wisconsin's Center of Integrated Agricultural Systems, (CIAS), continues to be both a leader in innovative ideas and research, but also in putting that knowledge to work for Wisconsin. To pick just one of many great projects, the School for Beginning Livestock and Dairy Farmers provides both the knowledge and the mentoring and support network to help beginning farmers get off the ground. I have followed CIAS' development and actions since my time in the Wisconsin

State Senate, and always appreciate their approach.

The future of Wisconsin's agriculture and rural communities has even been the focus of a project at the Wisconsin Academy of Sciences, Arts and Letters. The Future of Farming and Rural Life project has been going around the state holding forums on this important topic and I look forward to their recommendations. I think they have been hearing a lot of the same sort of comments I hear at listening sessions in rural areas.

Organic production, especially dairy production in southwest Wisconsin, has been a bright light in that corner of the State. The growth of this production and—potential for more growth shows a need for more significant Federal support in the Farm Bill. But in the meantime, the farmer-owned Organic Valley cooperative and groups such as the Midwest Organic and Sustainable Education Service, MOSES, are providing invaluable support for the revitalization of small dairy farming in the area.

The concept of cooperatives is very important in Wisconsin and often provides support for these developing models of agriculture. For example, the Edelweiss Graziers Cooperative in Dane and Green Counties was recently established with technical assistance of the Wisconsin Federation of Cooperatives. This effort combines managed grazing and cheese making from this grass-fed milk to support both the cooperative's members and the local economy.

In addition to supporting important projects, my proposal also improves on existing Federal programs. The first element of this section is \$30 million per year in funding for State-based collaborations to plan for and support beginning farmers, ranchers and other rural professionals. Specifically these State plans and projects should support, encourage the development of and reduce barriers for the next generation of farmers, ranchers and other important rural professions such as foresters. States would have flexibility to determine where to spend the funds, but required to take a broad approach that incorporates extension, public colleges, State agriculture agencies, non-profits, private-public partnerships and direct aid to support the farmers with tuition and capital.

The second main portion of the future of farming section of my bill would fund an important Federal effort from the 2002 Farm bill, which unfortunately has never been funded. My bill provides \$20 million per year in competitive grants for the Beginning Farmer and Rancher Development Program, BFRDP. These funds would be mandatory to make it more likely the program was funded. The BFRDP funds initiatives directed at new farming opportunities in the areas of education, extension, outreach, and technical assistance. The program is targeted especially to collaborative local, State, and regionally based networks and partnerships.

The third main element of my future of farming proposal seeks to evaluate and improve existing Federal programs. This includes directing the USDA to provide additional support for the Advisory Committee on Beginning Farmers and Ranchers to allow for increased meetings and outreach activities. It also proposes that this committee work with the USDA Secretary to oversee a series of pilot projects, which would use \$10 million per year to find ways to better support the credit and capital needs of beginning farmers and ranchers. Also along these lines, the GAO would conduct a study to evaluate the effectiveness of tax incentives, contract guarantees and other measures that could be used to support and encourage the transfer of land from retiring farmers to beginning farmers. Finally, my bill supports the bonus cost-share provided in conservation programs and highlights the importance of stewardship through the Conservation Security Program for beginning farmers as part of a broader review to ensure that all USDA farm assistance and conservation activities are accessible and useful for beginning farmers and ranchers.

Two exciting growth areas in agriculture have been the development of more sustainable agricultural systems and organic production, often driven by consumers' desire to be more responsible. This increased support includes more than doubling the authorized funding for Appropriate Technology Transfer for Rural Areas, ATTRA, to \$5 million per year and for the Sustainable Agriculture Research and Education, SARE, program to \$120 million per year. The boost for SARE would also include a dedicated mandatory fund of \$20 million per-year for the Federal-State matching grant program.

Organic agriculture has had the greatest growth in the past decade of any segment of agriculture. The funding for research, extension, technical assistance and direct aid to organic producers has not kept up. So my bill would provide significant increases for several existing organic programs and propose one new program. More specifically, existing research, extension and education programs would receive \$15 million per year and \$25 million in additional certification cost-share funds would be made available. A new \$50 million per year program to assist with the conversion to organic production and encourage conservation practices on the farms is also included. Since the integrity of the organic label is critical to the success of these efforts and there have been recent concerns about problems in this area, an annual report would also be required on USDA's activities to enforce proper use of the organic label and protect the integrity of the program.

Finally, no proposal on the future of farming would be complete without recognizing the need to foster more diversity within the farm community.

My proposal would quadruple the current funding for outreach to socially disadvantaged farmers and ranchers by providing \$25 million per year in mandatory funds. This also includes an added emphasis on encouraging the development of new farmers from these communities by requiring the USDA to periodically report to Congress on their efforts.

Local markets and especially food systems benefit farmers economically and consumers through access to food that is often fresher, riper, better tasting and more nutritious. Farmers benefit both by cutting out the middlemen and through differentiating their products to often get a premium price. My bill supports these local opportunities in several ways including giving local institutions more flexibility to preferentially select local products, providing additional funding and areas of emphasis for existing farmers markets, farm-to-cafeteria and value-added grants. A special emphasis of many of the programs my bill supports is to provide healthier food to schools and low-income populations that might not otherwise have access to local fresh produce.

More specifically, my bill allows local preference in procurement of fruits and vegetables by federally supported programs. The current procurement rules are often interpreted to prevent this local geographic preference, so I would clarify the food procurement rules for USDA and Department of Defense programs that support schools nutrition programs and other produce procurement, e.g., commissaries, to allow agencies to give a preference to locally produced products. This change would allow these institutions to select local produce which is often better tasting and more nutritious. In order to provide oversight of this modified rule, my proposal would also require any local agency that selects a bid that is more than 10 percent higher than the lowest bid to report this to the Federal agency for possible further review to help ensure the integrity of the system.

The Farm-to-Cafeteria program or, as it is also known, the Access to Local Food and School Gardens, was part of the Child Nutrition reauthorization. Unfortunately it has never been funded, but it would support projects like Madison's Homegrown Lunch that link local farmers to the cafeteria and often classroom as the students learn more about where their food comes from. My proposal dedicates \$10 million per year in mandatory funding toward this important program.

There are two important programs that let low-income individuals access healthy local fruit and vegetables at farmers markets which my proposal supports. The Seniors Farmers Market Nutrition Program would be increased to \$25 million per year to provide more vouchers to low-income seniors. Hunger Task Force in Milwaukee helps distribute these voucher and reports that

it is extremely popular and could be expanded. A similar program, the WIC Farmers Market Supplemental Nutrition Program, provides similar vouchers to low-income mothers, infants and children and would be increased to \$30 million per year.

The proposal also supports farmers markets directly as well and increases the funding for the Farmers Market Promotion Program to \$20 million per year. This program provides grants to assist with the development of new farmers markets and also helps farmers markets improve their services by doing things like installing EBT readers to accept Food Stamps.

The Value-Added Producer Grants, VAPG, program supports a variety of farmer-based enterprises including support for local food systems. My bill already increased the funding for this program to \$60 million per year and would also require that 30 percent of the VAPGs go to support local food, bioenergy and bioproducts. In addition, half of these funds would be dedicated to supporting mid-sized value-added chains, which establish ways for mid-sized farmers to differentiate their products and work with distributors and retailers along a supply chain. Many believe these mid-sized value-added chains are the key to accessing regional markets and expanding local food systems. There are several examples in Wisconsin of farmers and cheesemakers working together to establish this sort of relationship and value chain in producing specialty cheeses.

My proposal builds on the recommendations from the Community Food Security Coalition to expand the current Community Food Projects Competitive Grants by providing \$60.5 million per year. Community food projects fight food insecurity by increasing the access of low-income people to fresher, more nutritious food supplies along with projects that increase the self-reliance of communities in providing for their own food needs.

Numerous studies have shown that rural areas lag behind their urban and suburban counterparts in access to broadband Internet services. The United States is losing ground to other nations in broadband availability. For example in 2001, the United States ranked 4th out of nations in the Organization for Economic Cooperation and Development, OECD. The United States now ranks 12th.

From my trips to rural areas of Wisconsin, I can attest that broadband availability is spotty and a concern for local officials and residents. They tell me that the lack of broadband access can limit their opportunities for employment, entertainment, education and communication. There have been several different ways proposed to increase availability of affordable rural broadband. In this legislation, I do not take a specific stand on which solution is best, but I require efforts to better assess the problem and I set forth a

goal for the Senate in solving this problem.

More specifically, the Sense of the Senate finds that given the growing number of opportunities provided by broadband access, the digital divide affecting rural households and other underserved groups should be eliminated within a decade. The ultimate goal should be to provide affordable access to broadband nationwide.

The FCC data on rural broadband availability and affordability is limited in several regards, most importantly by not collecting detailed enough information. The zip-code level data now available does not have a fine enough resolution to fully understand which specific areas lack any affordable access to broadband.

Even several of the FCC Commissioners agree on that point. My proposal requires the FCC to improve this situation to get a better picture of the extent of the problem.

As technology improves and faster data transfer rates become the norm, the FCC should make sure their definition of broadband keeps up. My proposal requires a periodic review of what is standard in the marketplace and an update of the definition as warranted. Without this requirement, the government could potentially end up subsidizing an obsolete service.

The USDA Inspector General found a number of deficiencies within the Rural Utilities Service Broadband Grant and Loan Programs and set forth a series of recommendations in a report in 2005. My bill would require the USDA to update Congress on the progress of these changes so these important programs work efficiently and provide the increased access they are designed to support.

The Universal Service Fund helps ensure that rural areas have affordable access to telecommunications services such as telephone and 911. The program allows for the coverage to be extended to other services such as broadband Internet based on a review of a Federal-State Joint Board. My bill requires a new review by the Joint Board after receiving the updated and improved FCC data since they previously had limited data and have not done such a review in several years.

My proposal is fully offset by reducing payments to the largest farmers, transferring funds from unobligated balances within USDA and reallocating authorized funds that were replaced by mandatory funding in my legislation. This offset, especially the reduced payment limits, is consistent with my longstanding feeling that Federal aid should be directed toward the farmers and communities that need it instead of the largest producers who don't. In fact, I estimate that my proposal could even return a couple hundred million dollars to the treasury over 10 years.

All too often in agriculture we are filling breaches in the safety nets, combating unfair trade, seeking equity in the programs such as the dairy mar-

keting orders, or ensuring the large don't take undue advantage of the small. So it was a welcome change to propose ways to open doors and encourage development for family farmers and rural communities.

I worked with many Wisconsin-based groups and individuals along with others nationally and regionally in developing this legislation. I will work to include my proposals in the upcoming Farm Bill or other legislation.

I would especially like to thank the following groups and individuals who have supported my legislation: Wisconsin Farmers Union; Sustainable Agriculture Coalition; Stan Gruszynski, Director, Rural Leadership and Community Development Program, UW Stevens Point; the Community Food Security Coalition; and the Land Stewardship Project. The National Organic Coalition has also sent me a letter expressing support for the organic sections of my proposal.

I ask unanimous consent that the text of the bill and the letters from the Sustainable Agriculture Coalition, the Land Stewardship Project and the National Organic Coalition be printed in the RECORD.

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

[From the La Crosse Tribune]

(By Russ Feingold)

The strength of our rural communities is a big source of pride in our state. Wisconsin is known not just for its agricultural products, but for the special character of our small towns. With a changing economy and tough challenges for our hard-working farmers, it is going to take some new approaches to create more opportunities for people living in these rural communities that mean so much to our state.

The federal government has an important role to play in supporting America's small towns and rural areas, which contribute so much to our economy and to our strength as a nation. That is why, when the new Congress starts in January, I plan to introduce a bill to create more economic opportunities in rural America.

This initiative is the last in a series of proposals I have announced this year to address domestic issues raised by Wisconsinites; the first three proposals took steps to reform our health care system, fix our trade policy and create more affordable housing.

My bill will support rural America in four ways: supporting local bioproducts and food markets, encouraging local renewable fuels and bioproducts, expanding broadband Internet service in rural areas, and helping develop the next generation of farmers, ranchers and land managers.

Developing local markets is critical for the future of rural communities, since those markets help farmers get more for their products and counter the power of big agribusiness. My proposal would help schools link up with local farmers to supply their cafeterias with locally produced products. It would also provide additional funds for existing USDA programs, which help develop local markets and help farmers develop and sell products at these markets.

My bill would also boost funds to provide additional vouchers—like those distributed by the Hunger Task Force in Milwaukee—for low-income seniors to purchase items at farmers markets. This would both provide a

nutritional benefit for voucher recipients and help farmers see more value from their crops.

There is a lot of discussion about how renewable energies like ethanol and biodiesel will help rural economies, but for these opportunities to fulfill their potential, we need to make sure the benefits stay local. We need more technical assistance and other efforts to ensure that the benefits of turning agricultural and forest products into fuel go back into local economies.

Otherwise, ethanol and biodiesel plants could shift from value-added local and farmer ownership to multinational investment firms and energy corporations. My bill will provide flexible federal matching funds for extension, education and applied research purposes, as well as boosting funding to develop the next generation of biofuels.

Not surprisingly, Wisconsin is already well ahead of the curve in supporting biofuels. In addition to many other exciting developments statewide, Gov. Jim Doyle has established a Consortium on Biobased Industry. My bill would give a federal boost to such efforts in Wisconsin and every other state.

As we support local agriculture markets, we must also help rural economies grow in new directions, and broadband Internet access is key to that growth. As many Wisconsinites know, the availability of affordable broadband Internet service in rural areas of the state is spotty. The United States is falling behind some of our Western European and Asian counterparts who have supported more universal access to the Internet. My proposal includes a language encouraging improvements in existing programs to increase Internet access and a goal of universal affordable service.

Finally, no matter the type of farm, a common concern expressed by farmers across Wisconsin is this: "How we can support the next generation of farmers, and where will they come from?"

My bill will improve existing federal programs to better serve beginning farmers and ranchers, giving them more resources, and targeting those resources toward developing agricultural methods appropriate for small farmers, such as organic farming, farmers markets and grazing. It would also provide federal matching funds for states and regions to address their specific local needs.

I've designed my bill to allow Wisconsin to continue to build upon programs such as the University of Wisconsin's Center of Integrated Agricultural Systems' School for Beginning Dairy Farmers. There are even regional grants to encourage regional collaborations, and I could very well see Wisconsin becoming the regional hub for developing the next generation of dairy farmers, just as another region may focus on crop production or ranching.

In true Wisconsin style, my bill is fully offset so that it doesn't add to the deficit. The bill reforms our agricultural support system by reducing the subsidies paid to the largest farms, and uses the money to pay for the new assistance.

These efforts certainly don't address every challenge rural communities face. There is much more to be done for the small towns and rural areas across Wisconsin, and around the country, that represent America at its best—proud communities built by centuries of hard work and commitment.

SUSTAINABLE AGRICULTURE COALITION,  
Washington, DC, February 6, 2007.

Hon. RUSSELL FEINGOLD,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR FEINGOLD, The Sustainable Agriculture Coalition would like to congratulate you for introducing the Rural Opportunities Act of 2007, a bill that contains

many of the reforms members of the sustainable agriculture community would like to see manifested in the next Farm Bill, including important provisions addressing the health and sustainability of rural communities and small to mid-sized family farms.

Reauthorization of the next Farm Bill is a critical opportunity to support the revitalization of family farming and ranching in the United States. Among the positive transformations taking place in American agriculture is the growing consumer demand for high quality, sustainably produced foods from family farms. Programs that support new farmers, organic production, farmer's markets, community supported agriculture, and sustainably raised energy crops help to increase the economic vitality of local and regional economies, improve the environment, and ensure the continued growth of these new markets for the next generation of family farmers.

In particular, we want to commend you for including proposals in your new bill that would create or improve the Regional Bioenergy Competitive Research, Education and Extension Program, Renewable Energy Systems and Energy Efficiency Improvements Program, Value-Added Producers Grants program, Beginning Farmer and Rancher Development Program, Sustainable Agriculture Federal-State Matching Grant Program, National Organic Certification Cost-Share, National Organic Conversion and Stewardship Incentive Program, Farmers Market Promotion Program, and Community Food Grants. We also support the language to provide geographic preference for locally produced foods for federal procurement programs.

As you know, the Sustainable Agriculture Coalition represents grassroots farm, rural, and conservation organizations from across the country that together advocate for federal policies and programs supporting the long-term economic and environmental sustainability of agriculture, natural resources and rural communities. We are committed to supporting these programs and to working with your office to make certain they are included in the 2007 Farm Bill.

Sincerely,

FERD HOEFNER,  
*Policy Director.*

NATIONAL ORGANIC COALITION,  
*Alexandria, VA, February 7, 2007.*

Hon. RUSSELL FEINGOLD,  
*U.S. Senate,*  
*Washington DC.*

DEAR SENATOR FEINGOLD: I am writing to thank you for your introduction of the Rural Opportunities Act of 2007 and to express the strong support of the National Organic Coalition for the important organic provisions included in this legislation.

Specifically, your bill would:

(1) reauthorize and increase funding for the National Organic Certification Cost Share Program, which has been a critical program to help organic producers and handlers defray the annual costs of organic certification;

(2) create a new National Organic Conversion and Stewardship Incentive Program to provide incentives for farmers to transition their farms to certified organic operations, providing assistance during the transition period when farmers are incurring high costs, but are not yet receiving the price benefits that comes with final certification;

(3) reauthorize and increase funding for organic research through the Organic Agricultural Research and Extension Program; and,

(4) require USDA's National Organic Program to update Congress regarding its enforcement activities and its reforms in response to recent critiques by USDA's Inspec-

tor General and by the American National Standards Institute (ANSI).

All of these provisions address issues of high priority for the member organizations of the National Organic Coalition. We look forward to working with you toward their enactment.

Sincerely,

STEVEN D. ETKA,  
*Legislative Coordinator.*

LAND STEWARDSHIP PROJECT,  
*Minneapolis, MN, February 8, 2007.*

Senator RUSSELL FEINGOLD,  
*Hart Senate Office Building,*  
*Washington, DC.*

DEAR SENATOR FEINGOLD, The Land Stewardship Project is pleased to endorse and support the introduction of the Rural Opportunities Act of 2007. Our membership of farmers, rural residents and other concerned citizens, based primarily in the Upper Midwest, recognize your bill as sound public policy for our nation. The bill's focus on programs that support new farmers, organic production, farmers' markets, community supported agriculture, and sustainably-raised energy crops helps to increase the economic vitality of local and regional economies, improve the environment, and ensure the continued growth of new markets for the next generation of family farmers.

The introduction of the Rural Opportunities Act underlines Senator Feingold's leadership and commitment to a sustainable and economically prosperous rural America.

Particularly important are sections in the bill that provide resources to support new and beginning farmers getting started on the land, such as the reauthorization and funding of the Beginning Farmer and Rancher Development Program (BFRDP). The BFRDP, which was passed in the 2002 Farm Bill but which never received funds for implementation, has the opportunity to create partnerships between community-based organizations and public institutions and agencies to make a difference for beginning farmers and the land. We also strongly support the language to provide geographic preference for locally produced foods for federal procurement programs such as helping schools work in conjunction with local farmers to supply their cafeterias with locally produced products. It is also critical that the bill provides funding for the Farmers Market Promotion Program and Value Added Producers Grants program, which can contribute to building regional and local food systems as a growing economic sector for family farmers and rural communities.

As the next Farm Bill is being debated, we hope many elements of Rural Opportunities Act will provide direction and be included in the final bill. The Land Stewardship Project is committed to supporting these programs and to working with your office to win reforms that are good for our nation's communities, family farmers and the land.

Sincerely,

MARK SCHULTZ,  
*Policy and Organizing Director.*

S. 541

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Opportunities Act of 2007".

#### SEC. 2. DEFINITIONS.

Section 9001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101) is amended—

(1) by redesignating paragraphs (4) through (6), as paragraphs (5) through (7), respectively;

(2) by inserting after paragraph (3) the following:

“(4) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).”; and

(3) by adding at the end the following:

“(8) STATE.—The term ‘State’ means—

“(A) a State;

“(B) the District of Columbia;

“(C) the Commonwealth of Puerto Rico; and

“(D) any other territory or possession of the United States.”.

#### SEC. 3. LOCAL AND REGIONAL SUSTAINABLE BIOENERGY AND BIOBASED PRODUCT USE AND PRODUCTION.

(a) LOCAL AND REGIONAL SUSTAINABLE BIOENERGY AND BIOBASED PRODUCT USE AND PRODUCTION.—Title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) is amended by adding at the end the following:

##### “SEC. 9012. LOCAL AND REGIONAL SUSTAINABLE BIOENERGY AND BIOBASED PRODUCT USE AND PRODUCTION.

“(a) EXTENSION, EDUCATION, TECHNICAL ASSISTANCE, APPLIED RESEARCH, AND DEVELOPMENT.—

“(1) IN GENERAL.—The Secretary shall make grants to States to carry out extension, education, applied research, and development activities at appropriate institutions of higher education, State agencies, or partnerships in the States to support local and regional sustainable bioenergy and biobased product use and production.

“(2) ALLOCATION OF FUNDS.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), funds made available under paragraph (4) shall be allocated among the States in accordance with the terms and conditions of paragraphs (1) through (3) of section 3(c) of the Hatch Act of 1887 (7 U.S.C. 361c(c)) and subparagraph (C).

“(B) UNALLOCATED FUNDS.—

“(i) IN GENERAL.—The Secretary may use funds described in clause (ii) to provide bonus grants to States based on the need and merit of projects identified through annual reports submitted under paragraph (3)(E), as determined by the Secretary.

“(ii) RELEVANT FUNDS.—The funds referenced in clause (i) are funds that—

“(I) would otherwise remain unallocated under this subsection for a fiscal year;

“(II) remain unused by a State as of the end of the grant term, as determined by the Secretary; or

“(III) are returned to the Secretary in accordance with paragraph (3)(C)(ii).

“(C) ADMINISTRATION.—The Secretary shall use not more than 5 percent of funds made available under paragraph (4)—

“(i) to maintain a clearinghouse for projects funded under this subsection;

“(ii) to fund liaisons to provide technical assistance within—

“(I) the Department of Agriculture;

“(II) the Department of Commerce;

“(III) the Department of Energy;

“(IV) the Environmental Protection Agency; and

“(V) other appropriate Federal agencies as determined by the Secretary.

“(iii) to support studies, competitions, and administration required by this section; and

“(iv) to support the collection and sharing of local innovations between the State lead agencies designated under this section.

“(3) CONDITIONS ON RECEIVING GRANTS.—

“(A) LEAD AGENCY.—

“(i) IN GENERAL.—The Governor of a State shall designate or establish an agency, institution of higher education, or joint entity in the State as the lead agency for the distribution of grant funds.

“(ii) DUTIES.—A lead agency designated under clause (i) shall—

“(I) encourage collaboration between agencies, institutions of higher education, cooperative extension, and appropriate nonprofit organizations in the State;

“(II) support private- and nonprofit-public partnerships for purposes of the grant;

“(III) establish a local citizen and industry advisory board;

“(IV) improve the energy independence of the State; and

“(V) in consultation with the advisory board, develop a comprehensive statewide energy plan to increase energy independence described in clause (iii).

“(iii) COMPREHENSIVE PLAN.—The plan developed under clause (ii)(IV) shall—

“(I) support local and regional sustainable bioenergy and biobased product use and production;

“(II) provide flexibility for local needs;

“(III) support other renewable energy, energy efficiency and conservation activities, and coordination with other State and Federal energy initiatives (including the Clean Cities Program established under sections 405, 409, and 505 of the Energy Policy Act of 1992 (42 U.S.C. 13231, 13235, 13256));

“(IV) support a diverse array of farm sizes, crops (including agroforestry), and production techniques, with a particular focus on small and moderate-sized family farms;

“(V) have a goal of maximizing the public value of developing and using sustainable bioenergy and biobased products;

“(VI) include activities—

“(aa) to manage energy usage through energy efficiency and conservation;

“(bb) to develop new energy sources in a manner that is economically viable, ecologically sound, and socially responsible; and

“(cc) to grow or produce biomass in a sustainable manner that has net environmental benefits and considers such factors as relative water quality, soil quality, air quality, wildlife impacts, net energy balance, crop diversity, and provision of adequate income for the agricultural producers; and

“(VII) consider providing grant preferences to local and farmer-owned projects in order to retain and maximize local and regional economic benefits.

“(B) USE OF FUNDS.—

“(i) IN GENERAL.—Subject to clause (ii), a grant received under this subsection may be used to pay the Federal share of carrying out that support the establishment, growth, and use of local bioenergy and biobased products, including—

“(I) extension;

“(II) curriculum development;

“(III) education and training;

“(IV) technical assistance;

“(V) applied research;

“(VI) grants to support local production and use of bioenergy and biobased products;

“(VII) energy conservation or support for other renewable fuels, if identified as part of the comprehensive statewide energy plan developed under subparagraph (A)(ii)(IV);

“(VIII) support of bioenergy and biobased product cooperatives through education, training, technical assistance, or grants; and

“(IX) any other activity identified or approved by the Secretary as meeting those goals.

“(ii) ALLOCATION OF GRANT RESOURCES.—

“(I) IN GENERAL.—Each comprehensive statewide energy plan shall include a balanced allocation of grant resources to ensure support for each of research, education, extension, and development.

“(II) SECRETARIAL REVIEW.—If after review of a comprehensive statewide energy plan received under subparagraph (D)(i), the Secretary determines that the plan or allocation of resources is inadequate or inappropriate,

the Secretary shall request clarification or revisions.

“(C) MATCHING FUNDS.—

“(i) IN GENERAL.—A recipient of funds for an activity under this subsection shall contribute an amount of non-Federal funds (including non-Federal funds from nonprofit organizations, local governments, and public-private partnerships) in the form of cash or in-kind contributions to carry out the activity that is equal to the amount of Federal funds received for the activity.

“(ii) RETURN OF FUNDS.—A recipient of funds for an activity under this subsection that fails to comply with the requirement to provide full matching funds for a fiscal year under clause (i) shall return to the Secretary an amount equal to the difference between—

“(I) the amount provided to the recipient under this subsection; and

“(II) the amount of matching funds actually provided by the recipient.

“(D) ANNUAL REPORT.—

“(i) IN GENERAL.—Not later than February 1 of each year, each State receiving a grant under this subsection shall submit to the Secretary a report that—

“(I) describes and evaluates the use of grant funds during the preceding fiscal year; and

“(II) includes the comprehensive statewide energy plan, and any revisions to the plan, developed under subparagraph (A)(ii)(IV).

“(ii) PUBLICATION.—The Secretary shall make available to the public all reports received under clause (i).

“(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$30,000,000 for each of fiscal years 2008 through 2013, to remain available until expended.

“(b) STUDY.—

“(1) IN GENERAL.—The Comptroller General of the United States shall carry out a study that assesses—

“(A) changes to law (including regulations) and policies to provide or increase incentives for the potential production of bioenergy (at levels greater than in existence as of the date of enactment of this section) to maintain local ownership, control, economic development, and the value-added nature of bioenergy and biobased product production;

“(B) potential limits to prevent excessive payments, including variable support (such as reducing subsidies based on the price of bioenergy or a comparable conventional energy source); and

“(C) the use of existing and proposed incentives for particular stages in the bioenergy system (including production, blending, or retail), including an evaluation of which incentives would be most efficient and beneficial for local and regional communities and consumers.

“(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress the report under paragraph (1).

“(c) BASIC RESEARCH ON NEXT GENERATION TECHNOLOGY.—

“(1) IN GENERAL.—For each of fiscal years 2008 through 2013, the Secretary, acting through the National Research Initiative, shall use \$5,400,000 of funds of the Commodity Credit Corporation, to remain available until expended, to carry out additional research on biobased products and bioenergy production with an emphasis on developing and improving the next generation of products and production methods (such as cellulosic ethanol).

“(2) MAINTENANCE OF FUNDING.—The funding provided under this subsection shall supplement (and not supplant) other Federal funding for the National Research Initiative in those research areas.

“(d) SUPPLEMENTAL RURAL COOPERATIVE DEVELOPMENT GRANTS.—

“(1) IN GENERAL.—For each of fiscal years 2008 through 2013, the Secretary, acting through the Under Secretary for Rural Development, may use up to \$1,000,000 to supplement existing grants under the rural cooperative development grant program established under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)) (referred to in this subsection as the ‘program’).

“(2) REQUIREMENT.—The Secretary may award supplemental grants under this subsection to program grant recipients the applications or ongoing activities of which support, establish, or assist the establishment of, renewable fuels or biobased product-based cooperatives.

“(3) AMOUNT.—The amount of a supplemental grant under this subsection shall not exceed 20 percent of the amount of the base program grant.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$1,000,000 for each of fiscal years 2008 through 2013.

“(5) MAINTENANCE OF FUNDING.—The funding provided under this subsection shall supplement (and not supplant) other Federal funding for the program.”

(b) REGIONAL BIOENERGY AND BIOBASED PRODUCTS COMPETITIVE RESEARCH, EDUCATION, AND EXTENSION PROGRAMS.—Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.) is amended by adding at the end the following:

**“SEC. 412. REGIONAL BIOENERGY AND BIOBASED PRODUCTS COMPETITIVE RESEARCH, EDUCATION, AND EXTENSION PROGRAMS.**

“(a) IN GENERAL.—The Secretary shall establish regional funds in accordance with this section.

“(b) UNALLOCATED FUNDS.—

“(1) IN GENERAL.—The Secretary may use funds described in paragraph (2) to provide bonus grants to regional centers based on need and merit, as determined by the Secretary.

“(2) RELEVANT FUNDS.—The funds referenced in paragraph (1) are funds that—

“(A) would otherwise remain unallocated under this section for a fiscal year; or

“(B) remain unused by a regional center as of the end of the grant term, as determined by the Secretary; or

“(C) are returned to the Secretary in accordance with paragraph (3)(B).

“(3) MATCHING FUNDS.—

“(A) IN GENERAL.—A recipient of funds for an activity under this section shall contribute in the form of cash or in-kind contributions an amount of non-Federal funds to carry out the activity that is equal to the amount of Federal funds received under this section for the activity.

“(B) RETURN OF FUNDS.—A recipient of funds for an activity under this section that fails to comply with the requirement to provide full matching funds for a fiscal year under subparagraph (A) shall return to the Secretary an amount equal to the difference between—

“(i) the amount provided to the recipient under this section; and

“(ii) the amount of matching funds actually provided by the recipient.

“(C) WAIVER.—The Secretary may waive the matching funds requirement described in subparagraph (A) with respect to a project if the Secretary determines that—

“(i) the results of the project, while of particular benefit to a specific bioenergy or biobased product research question, are also likely to be generally applicable; or

“(ii)(I) the project involves a minor crop or production method and deals with scientifically important research; and

“(II) the grant recipient is unable to satisfy the matching funds requirement.

“(c) IDENTIFICATION OF REGIONS.—

“(1) IN GENERAL.—Regions under this section shall correspond with the regions of the Cooperative State Research, Education, and Extension Service of the Department of Agriculture.

“(2) SUBREGIONS.—Each regional board established under subsection (f) may establish up to 3 subregions based on common characteristics, including—

“(A) bioenergy production methods;

“(B) research questions;

“(C) the benefits in efficiency and coordination of identifying the same regions as are used by other Federal programs, such as regions used for sun grant centers under section 9011(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8109(d)); and

“(D) other factors important in fulfilling the goal of increasing local and regional sustainable bioenergy and biobased product use and production in the United States.

“(d) REGIONAL FUNDS.—

“(1) IN GENERAL.—The Secretary shall establish for each region identified under subsection (c) a regional fund.

“(2) ALLOCATION OF FUNDS.—Funds made available under subsection (g) shall be allocated among the regional funds in accordance with the proportional share of funds received under section 9012(a)(1) of the Farm Security and Rural Investment Act of 2002 by the States that constitute the appropriate region.

“(e) COMPETITION.—

“(1) IN GENERAL.—Not less often than once every 5 years, in conjunction with the appropriate regional board, the Secretary shall competitively award—

“(A) the funds in each regional fund to a regional center to carry out multi-State applied research, extension, education, and development; and

“(B) the designation of the regional center to an agency, institution of higher education, nonprofit organization, or joint entity in the region.

“(2) SHARED CENTERS.—An agency, institution of higher education, nonprofit organization, or joint entity may host more than 1 regional center if the appropriate regional board determines that shared administrative and other expenses benefits program efficiency.

“(f) REGIONAL BOARD.—

“(1) IN GENERAL.—The Secretary shall establish a regional board for each region.

“(2) MEMBERSHIP.—

“(A) IN GENERAL.—The membership of each regional board shall include—

“(i) representatives of—

“(I) the Agricultural Research Service;

“(II) the Cooperative State Research, Education, and Extension Service;

“(III) the Natural Resources Conservation Service;

“(IV) nonprofit organizations with demonstrable expertise in sustainable agriculture and sustainable bioenergy and biobased product use and production;

“(V) cooperatives engaged in bioenergy or biobased products production;

“(VI) agricultural producers involved in production of agricultural commodities for bioenergy and biobased products;

“(VII) landowners or businesses involved in forestry; and

“(VIII) agribusinesses; and

“(ii) 1 member from each State designated by the Governor of the State and approved by the Secretary who represents—

“(I) State cooperative extension services;

“(II) State agricultural experiment stations; and

“(III) State departments engaged in bioenergy and biobased products programs.

“(B) ROTATION.—The members of the board described in clause (i) shall regularly rotate among representatives of the groups described in subclauses (I), (II), and (III) in order that each regional board has equitable representation of each of those groups.

“(3) RELATION TO EXISTING OR FUTURE REGIONAL CONSORTIUMS.—If a regional consortium is developed that, as determined by the Secretary, fulfills the goals of this section and reflects, to the maximum extent practicable, the membership diversity described in paragraph (2), the regional consortium or a subpart of the regional consortium may act as the regional board for the purposes of this section.

“(4) RESPONSIBILITIES.—Each regional board shall—

“(A) promote the programs established under this section at the regional level;

“(B) establish goals and criteria for the selection of projects authorized under this section within the applicable region;

“(C) appoint a technical committee to evaluate proposals for projects to be considered under this section by the regional board;

“(D) review and act on the recommendations of the technical committee, and coordinate the activities of the regional board with the regional host institution; and

“(E) prepare and make available an annual report covering projects funded under this section and including an evaluation of the project activity.

“(5) PREFERENCES.—In determining regional priorities and making funding decisions, the regional board shall give preference to—

“(A) collaborative proposals;

“(B) research that adapts existing technology to local conditions;

“(C) proposals that include more than 1 of the components of education, extension, and research and development;

“(D) proposals that examine multiple factors (including economic, social, and environmental factors) at a landscape or watershed scale to maximize the public value; and

“(E) proposals that develop and evaluate more sustainable alternatives to traditional monocultures, including perennial continuous living cover systems and incorporating bioenergy or biobased product production on conventional farms in sensitive areas, such as perennial biomass production on watercourses.

“(6) OTHER DUTIES.—The regional board shall coordinate with other Federal programs (including the research, extension, and educational programs described in section 9011 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8109)) to support joint initiatives, encourage complementary priorities, and prevent duplication of effort.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$20,000,000 for each of fiscal years 2008 through 2013, to remain available until expended.”

(c) AGROFORESTRY CONVERSION AND CELLULOSIC PRODUCTION PILOT PROGRAMS.—

(1) AGROFORESTRY CONVERSION.—

(A) IN GENERAL.—The Secretary of Agriculture (referred to in this paragraph as the “Secretary”) shall carry out an agroforestry conversion pilot program under which the Secretary shall provide technical assistance, cost share assistance, grants, or loans to landowners during the establishment phase of a woody crop.

(B) SELECTION.—In providing assistance under this paragraph, the Secretary shall—

(i) use a competitive selection process; and

(ii) consider diversity of—

(I) region;

(II) production method;

(III) type of woody crop;

(IV) method of requested support.

(2) CELLULOSIC PRODUCTION PILOT PROGRAM.—

(A) IN GENERAL.—The Secretary shall carry a cellulosic production pilot program under which the Secretary shall provide loans, loan guarantees, or grants, or any combination thereof, to cooperatives, businesses, or joint ventures to produce cellulosic ethanol from woody biomass on a commercial scale.

(B) MULTIPLE PILOT PROGRAMS.—If there is sufficient funding for the Secretary to carry out more than 1 pilot program under this paragraph, the Secretary shall ensure, to the maximum extent practicable, that the pilot programs are geographically representative of the major forestry regions of the United States.

(3) REPORT.—Not later than October 1, 2013, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(A) describes the effectiveness of the pilot programs under this subsection; and

(B) recommends whether or not the pilot programs should be continued and at what funding level.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$10,000,000 for each of fiscal years 2008 through 2013.

(d) REAUTHORIZATIONS.—

(1) RENEWABLE ENERGY SYSTEMS AND ENERGY EFFICIENCY IMPROVEMENTS.—Section 9006(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106(f)) is amended by striking “section \$23,000,000” and all that follows and inserting “section—

“(1) \$23,000,000 for fiscal year 2006;

“(2) \$3,000,000 for fiscal year 2007; and

“(3) \$40,000,000 for each of fiscal years 2008 through 2013.”

(2) GRANTS FOR CERTAIN VALUE-ADDED AGRICULTURAL PRODUCTS.—Section 231(b)(4) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106-224) is amended—

(A) by striking “Not later” and inserting the following:

“(A) FISCAL YEARS 2003 THROUGH 2007.—Not later”; and,

(B) by adding at the end the following:

“(B) FISCAL YEARS 2008 THROUGH 2013.—

“(i) IN GENERAL.—Not later than October 1, 2007, and each October 1 thereafter through October 1, 2012, of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this subsection, \$60,000,000, to remain available until expended.

“(ii) USE OF FUNDS.—The Secretary shall ensure that not less than 10 percent of the competitive grants awarded during each of fiscal years 2008 through 2013 are awarded to producers of value-added agricultural products that use or produce biobased products or bioenergy.”

#### SEC. 4. FUTURE OF FARMING, RANCHING, AND LAND MANAGEMENT.

(a) IN GENERAL.—Subtitle D of the Consolidated Farm and Rural Development Act is amended by inserting after section 344 (7 U.S.C. 1991) the following:

#### “SEC. 345. FUTURE OF FARMING, RANCHING, AND LAND MANAGEMENT.

“(a) GRANTS TO SUPPORT THE FUTURE OF FARMING, RANCHING, AND LAND MANAGEMENT.—

“(1) IN GENERAL.—The Secretary shall make grants to States to support the development of the next generation of farmers, ranchers, and other land managers.

“(2) ALLOCATION OF FUNDS.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), funds made available under paragraph (4) shall be allocated among the States in accordance with the terms and conditions of paragraphs (1) through (3) of section 3(c) of the Hatch Act of 1887 (7 U.S.C. 361c(c)) and subparagraph (C).

“(B) UNALLOCATED FUNDS.—

“(i) IN GENERAL.—The Secretary may use funds described in clause (ii) to provide bonus grants to States based on the need and merit of projects identified through annual reports submitted under paragraph (3)(E), as determined by the Secretary.

“(ii) RELEVANT FUNDS.—The funds referenced in clause (i) are funds that—

“(I) would otherwise remain unallocated under this subsection for a fiscal year; or

“(II) remain unused by a State as of the end of the grant term, as determined by the Secretary; or

“(III) are returned to the Secretary in accordance with paragraph (3)(D)(ii).

“(C) ADMINISTRATION.—The Secretary shall use not more than 5 percent of funds made available under paragraph (4)—

“(i) to maintain a clearinghouse for projects funded under this section;

“(ii) to fund liaisons within each agency of the Department of Agriculture; and

“(iii) to support studies, competitions, and administration required by this section.

“(3) CONDITIONS ON RECEIVING GRANTS.—

“(A) IN GENERAL.—The Governor of a State shall designate or establish an agency, public institution of higher education (as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), or joint entity in the State as the lead agency for the distribution of grant funds.

“(B) DUTIES.—A lead agency designated under subparagraph (A) shall—

“(i) encourage collaboration between agencies, cooperative extension, local nonprofit organizations, agricultural organizations, and institutions of higher education in the State;

“(ii) support private- and nonprofit-public partnerships for purposes of the grant;

“(iii) establish a local citizen and industry advisory board;

“(iv) in consultation with the advisory board, develop a statewide plan to increase opportunities for, and reduce barriers to, beginning farmers and ranchers and, in accordance with subparagraph (C), other rural professions;

“(v) support the development of local community-based support and mentoring networks;

“(vi) to the maximum extent practicable, enable the transfer of family farms to children or other relatives of owners in order to allow family farms to be kept whole in cases in which the division of the farm would result in a less viable agricultural operation; and

“(vii) support small-scale models for farms or ranches for beginning farmers and ranchers and other rural professions, including models based on—

“(I) community-supported agriculture;

“(II) organic agriculture;

“(III) farmers markets;

“(IV) speciality agricultural products;

“(V) sustainable production;

“(VI) grazing;

“(VII) agrotourism; and

“(VIII) agroforestry.

“(C) OTHER RURAL PROFESSIONS.—A State that identifies other important rural professions in the State (including professions involving forestry, conservation, land manage-

ment, tourism, or a combination of those professions) may include those professions in the statewide plan under subparagraph (B)(iv).

“(D) MATCHING FUNDS.—

“(i) IN GENERAL.—A recipient of funds for an activity under this subsection shall contribute in the form of cash or in-kind contributions an amount of non-Federal funds to carry out the activity that is equal to the amount of Federal funds received for the activity.

“(ii) RETURN OF FUNDS.—A recipient of funds for an activity under this subsection that fails to comply with the requirement to provide full matching funds for a fiscal year under clause (i) shall return to the Secretary an amount equal to the difference between—

“(I) the amount provided to the recipient under this subsection; and

“(II) the amount of matching funds actually provided by the recipient.

“(E) USE OF FUNDS.—

“(i) IN GENERAL.—A grant received under this subsection may be used to pay the Federal share of carrying out the programs that support and develop the next generation of farmers, ranchers, and other rural professionals, including—

“(I) extension;

“(II) education, including targeted scholarships and loan forgiveness, for traditional degree and certificate courses and continuing education and short courses;

“(III) technical assistance, including support for development of cooperatives;

“(IV) grants to support transitional ownership, mentorships, apprenticeships, and peer-support networks;

“(V) support of matched-savings programs through individual development accounts that can be used for capitol expenses, land acquisition, or training for beginning farmers, ranchers, and other rural professionals;

“(VI) support of farmer land contract programs to provide payment guarantees to encourage retiring landowners to sell to beginning farmers, ranchers, and rural professionals; and

“(VII) any other activity identified or approved by the Secretary as meeting those goals;

“(ii) PREFERENCE.—In allocating grants and other direct assistance under this subsection, a lead agency shall give priority to limited resource and socially-disadvantaged individuals.

“(F) ANNUAL REPORT.—

“(i) IN GENERAL.—Not later than February 1 of each year, each State receiving a grant under this subsection shall submit to the Secretary a report that describes and evaluates the use of grant funds during the preceding fiscal year.

“(ii) PUBLICATION.—The Secretary shall make available to the public all reports received under clause (i).

“(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$30,000,000 for each of fiscal years 2008 through 2013, to remain available until expended.

“(b) ADVISORY COMMITTEE ON BEGINNING FARMERS AND RANCHERS.—To the maximum extent practicable, the Secretary shall use funds otherwise available to the Secretary—

“(1) to support the work of the Advisory Committee on Beginning Farmers and Ranchers established under section 5(b) of the Agricultural Credit Improvement Act of 1992 (7 U.S.C. 1929 note; Public Law 102-554) (referred to in this subsection as the ‘Committee’)—

“(2) to fund more frequent meetings of the Committee (including meetings at least twice per year); and

“(3) to increase the outreach activities of the Committee, including increased public

field hearings, if determined to be necessary by the Committee.

“(c) STUDY AND PILOT PROGRAM.—

“(1) BEGINNING FARMER AND RANCHER LOAN PROGRAM.—

“(A) IN GENERAL.—For each of fiscal years 2008 through 2013, the Secretary shall use funds made available under subparagraph (D)—

“(i) to study the provision under this Act of direct farm ownership and guaranteed loans to beginning farmers and ranchers;

“(ii) to carry out a pilot program to use additional resources to reduce the backlog of loan applications from beginning farmers and ranchers;

“(iii) to carry out a pilot program under which grants, rather than loans, are provided to support capitol investments or farm purchases at the same amount as the subsidy would be over the term of a comparable loan; and

“(iv) to carry out a pilot program under which direct and guaranteed loans are provided under this Act to beginning farmers and ranchers with no interest or payments due, and no accrual of interest, during a period of up to the first 36 months of the loans.

“(B) REPORTS.—

“(i) INITIAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

“(I) describes the results of the study under subparagraph (A)(i); and

“(II) recommends changes to improve the efficiency of the provision under this Act of direct and guaranteed loans to beginning farmers and ranchers.

“(ii) ADDITIONAL REPORTS.—Not later than 4 years after the date of enactment of this Act, and thereafter as appropriate, the Secretary shall submit to Congress a report that describes the effectiveness of the pilot programs described in subparagraph (A)(ii).

“(C) ADDITIONAL PILOT PROGRAMS.—After submission of the study under subparagraph (B)(i), the Secretary may use funds made available to carry out this subsection—

“(i) to continue the pilot programs described in subparagraph (A)(ii); or

“(ii) to carry out other pilot programs based on the conclusions and recommendations of the study.

“(D) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$10,000,000 for each of fiscal years 2008 through 2013.

“(d) GAO STUDY AND REPORT.—

“(1) STUDY.—The Comptroller General of the United States shall carry out a study of possible tax incentives, contract guarantees, and other measures to support the transfer of land from retiring farmers and ranchers to beginning farmers and ranchers.

“(2) REPORT.—Not later than 2 years after the date of enactment of this section, the Comptroller General of the United States shall submit to Congress a report that evaluates, and makes recommendations concerning, the effectiveness of measures studied under paragraph (1).”

(b) BEGINNING FARMER AND RANCHER DEVELOPMENT PROGRAM.—Section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) is amended—

(1) in subsection (c)(5)—

(A) in subparagraph (B), by striking “and” at the end;

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

(C) by adding at the end the following:

“(D) refugee or immigrant farmers or ranchers”; and

(2) by striking subsection (h) and inserting the following:

“(h) FUNDING.—

“(1) FEES AND CONTRIBUTIONS.—

“(A) IN GENERAL.—The Secretary may—  
“(i) charge a fee to cover all or part of the costs of curriculum development and the delivery of programs or workshops provided by—

“(I) a beginning farmer and rancher education team established under subsection (d); or

“(II) the online clearinghouse established under subsection (e); and

“(ii) accept contributions from cooperating entities under a cooperative agreement entered into under subsection (d)(4)(B) to cover all or part of the costs for the delivery of programs or workshops by the beginning farmer and rancher education teams.

“(B) AVAILABILITY.—Fees and contributions received by the Secretary under subparagraph (A) shall—

“(i) be deposited in the account that incurred the costs to carry out this section;

“(ii) be available to the Secretary to carry out the purposes of the account, without further appropriation;

“(iii) remain available until expended; and  
“(iv) be in addition to any funds made available under paragraph (2).

“(2) FUNDING.—For each of fiscal years 2008 through 2013, the Secretary shall use \$20,000,000 of funds of the Commodity Credit Corporation to carry out this section, to remain available for 2 fiscal years after the date on which the funds are first made available.”.

(C) IMPROVING AND TARGETING FARM SUPPORT AND CONSERVATION PROGRAMS FOR BEGINNING FARMERS, RANCHERS, AND RURAL PROFESSIONALS.—

(1) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the “Secretary”) shall carry out a study to identify and propose remedies to barriers to small, beginning, socially disadvantaged, and limited resource producers in conservation and farm support programs, including—

(A) the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.);

(B) the conservation security program established under subchapter A of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.);

(C) the farmland protection program established under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.) (commonly known as the “Farm and Ranch Lands Protection Program”);

(D) the wetlands reserve program established under subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.);

(E) risk management tools, such as insurance;

(F) commodity support programs;

(G) food purchases by the Agricultural Marketing Service;

(H) the provision of value-added agricultural product market development grants to producers under section 231(b) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106-224); and

(I) other programs identified by the Advisory Committee on Beginning Farmers and Ranchers established under section 5(b) of the Agricultural Credit Improvement Act of 1992 (7 U.S.C. 1929 note; Public Law 102-554).

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter, or otherwise on the recommendation of the Advisory Committee on Beginning Farmers and Ranchers established under section 5(b) of the Agricultural Credit Improvement Act of 1992 (7 U.S.C. 1929 note; Public Law 102-554), the Secretary shall submit to Congress a report that—

(A) describes the results of the study under paragraph (1);

(B) summarizes the participation rates for small, beginning, socially disadvantaged, and limited resource producers in the programs studied;

(C) recommends changes to make the programs studied more accessible and effective for limited resource and beginning farmers and ranchers; and

(D) for each report after the initial report, describes the status of changes recommended by previous reports.

(3) SENSE OF THE SENATE REGARDING CONSERVATION SECURITY PROGRAM.—It is the sense of the Senate that—

(A) the conservation security program established under subchapter A of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.) was intended to be an entitlement available to all agricultural producers, rather than available on a piecemeal basis;

(B) sufficient mandatory funds should be provided to the conservation security program to fulfill the promise of supporting conservation on working land; and

(C) the next reauthorization of the Farm Bill should—

(i) contain sufficient mandatory funding for the conservation security program; and

(ii) continue the 15 percent cost-share bonus for beginning farmers and ranchers for the conservation security program and the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.).

(d) SUSTAINABLE AGRICULTURE INITIATIVES.—

(1) APPROPRIATE TECHNOLOGY TRANSFER FOR RURAL AREAS.—There is authorized to be appropriated to the Secretary of Agriculture to carry out appropriate technology transfer for rural areas program under the same terms and conditions as funds provided under the heading “RURAL COOPERATIVE DEVELOPMENT GRANTS” under the heading “RURAL BUSINESS-COOPERATIVE SERVICE” in title III of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 (Public Law 109-97; 119 Stat. 2141) \$5,000,000 for each of fiscal years 2008 through 2013, to remain available until expended.

(2) SUSTAINABLE AGRICULTURE RESEARCH AND EDUCATION PROGRAM.—

(A) BEST UTILIZATION OF BIOLOGICAL APPLICATIONS.—

(i) IN GENERAL.—Section 1624 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5814) is amended to read as follows:

“SEC. 1624. FUNDING.

“(a) IN GENERAL.—There is authorized to be appropriated to carry out sections 1621 and 1622 \$75,000,000 for each of fiscal years 2008 through 2013, to remain available until expended.

“(b) FEDERAL-STATE MATCHING GRANT PROGRAM.—For each of fiscal years 2008 through 2013, the Secretary shall use \$20,000,000 of funds of the Commodity Credit Corporation to carry out section 1623, to remain available until expended.”.

(ii) MULTI-STATE REGIONS.—Section 1623 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5813) is amended—

(I) in subsections (a), (b), (c)(1), and (d)(1), by inserting “or multi-State regions” after “States” each place it appears;

(II) in subsection (a), by inserting “or multi-State” after “enhancement of State”;

(III) in subsection (b)(8), by inserting “or multi-State region” after “State”;

(IV) in paragraphs (1), (2), and (3) of subsection (c) and subsection (d)(1), by inserting

“or multi-State” after “State” each place it appears; and

(V) in subsection (d)(2)—

(aa) in the paragraph heading by inserting “OR MULTI-STATE” after “STATE”;

(bb) by inserting “or multi-State region” after “a State”;

(cc) by inserting “or multi-State” after “from State”;

(dd) by inserting “or multi-State” after “other State”;

(ee) by inserting “or multi-State region” after “the State”.

(B) NATIONAL TRAINING PROGRAM.—Section 1629 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5832) is amended by striking subsection (i) and inserting the following:

“(i) FUNDING.—There is authorized to be appropriated to carry out this section \$25,000,000 for each of fiscal years 2008 through 2013, to remain available until expended.”.

(e) ORGANIC PROGRAMS.—

(1) ORGANIC AGRICULTURE RESEARCH AND EXTENSION INITIATIVE.—Section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) is amended by striking subsection (e) and inserting the following:

“(e) FUNDING.—For each of fiscal years 2008 through 2013, the Secretary shall use \$15,000,000 of funds of the Commodity Credit Corporation to carry out this section, to remain available until expended.”.

(2) NATIONAL ORGANIC CERTIFICATION COST-SHARE PROGRAM.—Section 10606 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 6523) is amended—

(A) in subsection (a), by striking “\$5,000,000 for fiscal year 2002” and inserting “\$25,000,000 for fiscal year 2008”;

(B) in subsection (b)(2), by striking “\$500” and inserting “\$750”; and

(C) by adding at the end the following:

“(c) RECORDKEEPING REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary, acting through the Agricultural Marketing Service, shall—

“(A) keep accurate, up-to-date records of requests and disbursements from the program under this section; and

“(B) require accurate and consistent recordkeeping from each State or other entity receiving program payments.

“(2) FEDERAL REQUIREMENTS.—Not later than 30 days after the closing date for States to request funding under the program, the Secretary shall—

“(A) finalize records that describe—

“(i) each State that has requested funding; and

“(ii) the amount of each funding request; and

“(B) distribute the funding to the States.

“(3) STATE REQUIREMENTS.—Annual funding requests from each State shall include data from the program during the previous year, including—

“(A)(i) a description of which entities requested reimbursement;

“(ii) the amount of each reimbursement; and

“(iii) any discrepancies between requests and the fulfillment of the requests;

“(B) data to support increases in requests expected in the coming year, including information from certifiers or other data showing growth projections; and

“(C) an explanation if an annual request is made for an amount less than the amount requested the previous year.

“(d) REPORTING.—Not later than March of each year, the Secretary shall provide an annual report to Congress that describes, for

each State, the expenditures under the program under this section, including the number of producers and handlers served by the program in the previous fiscal year.”.

(3) NATIONAL ORGANIC CONVERSION AND STEWARDSHIP INCENTIVE PROGRAM.—The Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.) is amended—

(A) by redesignating sections 2122 and 2123 (7 U.S.C. 6521, 6522) as sections 2124 and 2125, respectively; and

(B) by inserting after section 2121 (7 U.S.C. 6520) the following:

**“SEC. 2122. NATIONAL ORGANIC CONVERSION AND STEWARDSHIP INCENTIVE PROGRAM.**

“(a) DEFINITION OF SECRETARY.—In this section, the term ‘Secretary’ means the Secretary (acting through the Natural Resources Conservation Service), in consultation with the National Organic Technical Committee established under subsection (h).

“(b) PROGRAM.—Not later than 180 days after the date of the enactment of the Rural Opportunities Act of 2007, the Secretary shall establish a national organic agriculture conversion and stewardship incentives program under which the Secretary shall provide cost-share and incentive payments and technical assistance to eligible producers who enter into contracts with the Secretary to assist the producers in—

“(1) developing and implementing practices to convert all or part of nonorganic farms to certified organic farms; and

“(2) adopting advanced organic farming conservation systems.

“(c) ELIGIBLE PRODUCERS.—

“(1) IN GENERAL.—To be eligible for a payment or technical assistance under this section, a producer shall enter into a contract with the Secretary under which the producer shall agree to develop and implement an organic system plan that—

“(A) describes the conservation and environmental purposes to be achieved through conservation practices and activities under the contract;

“(B) demonstrates an existing market or reasonable expectation of a future market for an agricultural product that is organically produced; and

“(C) meets the requirements of this title.

“(2) COMPLIANCE.—To be eligible for a payment or technical assistance under this section, a producer shall comply with organic certification requirements as verified by a certifying agent (as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502)).

“(3) CONVERSION PAYMENTS FOR CERTIFIED ORGANIC PRODUCERS.—A producer who owns or operates a farm that is partially a certified organic farm and who otherwise meets the requirements of this section shall be eligible for payments under this section to convert other parts of the farm to a certified organic farm.

“(4) APPEALS.—An applicant that seeks assistance under this section shall have the right to appeal an adverse decision of the Secretary with respect to an application for the assistance, in accordance with subtitle H of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6991 et seq.).

“(d) ELIGIBLE PRACTICES AND ACTIVITIES.—The Secretary shall provide payments and technical assistance to eligible producers under this section for—

“(1) carrying out—

“(A) organic practices and activities to convert all or part of a nonorganic farm to a certified organic farm, in accordance with an organic system plan that meets the requirements of this title;

“(B) advanced organic practices that are consistent with the organic system plan;

“(C) organic animal welfare measures, so long as the measures are—

“(i) necessary to implement an organic practice standard; and

“(ii) consistent with an approved plan to transition to certified organic production; and

“(D) other measures, as determined by the Secretary; and

“(2) developing an organic system plan that meets the requirements of this title.

“(e) PAYMENT LIMITATIONS.—

“(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), an individual or entity may not receive, directly or indirectly, cost-share or incentive payments under this section—

“(A) that, in the aggregate, exceed \$10,000 per year; or

“(B) for a period of more than 4 years.

“(2) SPECIALTY CROPS.—In the case of an individual or entity who annually produces 3 or more types of specialty crops (as defined in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108-465)), the individual or entity may not receive, directly or indirectly, cost-share or incentive payments under this section—

“(A) that, in the aggregate, exceed \$20,000 per year; or

“(B) for a period of more than 4 years.

“(3) DAIRY.—In the case of an individual or entity whose principal farming enterprise is a dairy operation, the individual or entity may not receive, directly or indirectly, cost-share or incentive payments under this section—

“(A) that, in the aggregate, exceed \$20,000 per year; or

“(B) for a period of more than 4 years.

“(f) TECHNICAL AND EDUCATIONAL ASSISTANCE.—

“(1) IN GENERAL.—The Secretary shall use not less than 50 percent of the funds that are made available under subsection (k) for each fiscal year to—

“(A) provide technical assistance to eligible producers to carry out eligible practices and activities described in subsection (d); and

“(B) enter into cooperative agreements with qualified nonprofit and nongovernmental organizations and consultants to carry out educational programs that promote the purposes of this section, as determined by the Secretary.

“(2) COOPERATIVE AGREEMENTS.—Of the amount of funds for a fiscal year described in paragraph (1), the Secretary shall use not less than 50 percent of the funds to carry out paragraph 1(B).

“(g) SUSPENSION AUTHORITY.—

“(1) ASSESSMENTS.—Not later than October 1 of each fiscal year, the Secretary shall publish in the Federal Register and otherwise make available an assessment for each organic product that analyzes—

“(A) the domestic production and consumption of the organic product;

“(B) the import and export organic market demand and growth potential for the organic product; and

“(C) the estimated number and total amount of new payments under this section for the fiscal year to be made to producers of the organic product.

“(2) SUSPENSION OF NEW CONTRACTS.—The Secretary shall not enter into contracts with new producers of an organic product under this section if the Secretary determines that entering into the contracts would—

“(A) produce an increased quantity of the organic product that the Secretary finds is reasonably anticipated to adversely affect the economic viability of producers who own or operate certified organic farms under this title; or

“(B) create an unreasonable geographic disparity in the distribution of payments under this section.

“(h) NATIONAL ORGANIC TECHNICAL COMMITTEE.—

“(1) ESTABLISHMENT.—The Secretary shall establish a National Organic Technical Committee to—

“(A) advise and assist the Secretary in carrying out the program established under this section; and

“(B) improve the interface between owners and operators of certified organic farms and other conservation programs and activities administered by the Natural Resources Conservation Service, including development of criteria for the approval of qualified organic technical advisors under this title.

“(2) MEMBERSHIP.—The National Organic Technical Committee shall consist of 9 members appointed by the Secretary, including—

“(A) 3 owners or operators of certified organic farms;

“(B) 2 certifying agents;

“(C) 2 inspectors of organic products;

“(D) 1 representative of an environmental organization that is knowledgeable concerning organic agriculture; and

“(E) 1 scientist with expertise in conservation planning.

“(i) ANNUAL REPORTS.—Not later than March 1 of each year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the operation of the program established under this section, including—

“(1) a State-by-State analysis of expenditures on assistance under this section, including the number of producers served by the program and the practices and activities implemented;

“(2) an assessment of the impact of the program on organic food production; and

“(3) any recommended modifications to the program.

“(j) NATIONAL PROGRAM REVIEW.—

“(1) IN GENERAL.—Not later than 4 years after the commencement of the program established under this section, the Secretary shall—

“(A) conduct a national program review (including public hearings) of the program established under this section; and

“(B) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the review (including any appropriate recommendations).

“(2) CONTENT.—In conducting the review, the Secretary shall evaluate and make recommendations to—

“(A) resolve any program deficiencies;

“(B) redress any underserved States, agricultural products, and regions; and

“(C) ensure that the program is contributing positively to the profitability of small- and intermediate-size producers and existing owners and operators of certified organic farms.

“(k) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$50,000,000 for each of the fiscal years 2008 through 2013, to remain available until expended.”.

(4) ANNUAL REPORT.—The Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.) is amended by inserting after section 2122 (as added by paragraph (3)) the following:

**“SEC. 2123. ANNUAL REPORT.**

“Each year, the Secretary shall submit to Congress, and make available to the public, a report that—

“(1) describes the enforcement activities carried out by the Secretary under this Act to ensure the integrity of organic labels; and

“(2) includes specific details on the number and investigative results of retail surveillance and oversight by certifying agents under this Act.”.

(5) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the progress in carrying out the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.) in implementing the recommendations contained in—

(A) the audit conducted in 2004 by the American National Standards Institute; and  
(B) the audit conducted in 2005 by the Office of the Inspector General of the Department of Agriculture.

(f) SOCIALLY DISADVANTAGED FARMERS AND RANCHERS OUTREACH AND TECHNICAL ASSISTANCE PROGRAM.—Section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279) is amended—

(1) in subsection (a)(4), by adding at the end the following:

“(C) FUNDING.—For each of fiscal years 2008 through 2013, the Secretary shall use \$25,000,000 of funds of the Commodity Credit Corporation to carry out this subsection, to remain available until expended.”; and

(2) in subsection (c)(1)(A), by inserting “, including beginning farmers and ranchers in those groups,” after “groups”.

#### SEC. 5. ENCOURAGING LOCAL MARKETS FOR FOOD, BIOENERGY, AND BIOPRODUCTS.

(a) GEOGRAPHIC PROCUREMENT PREFERENCE FOR DEPARTMENT OF DEFENSE AND DEPARTMENT OF AGRICULTURE.—

(1) FINDINGS.—Congress finds that—

(A) local produce, as compared to transported produce—

(i) is often harvested closer to full ripeness and can have higher nutritional quality;

(ii) can have improved ripeness, taste, or selection, which can increase rates of consumption of fruits and vegetables; and

(iii) is more efficient to store, distribute, and package;

(B) use of local produce—

(i) reduces dependence upon foreign oil by reducing fuel consumption rates associated with the production or transportation of fruits and vegetables;

(ii) can help to improve the ability of those using the procurement system to provide education on nutrition, farming, sustainability, energy efficiency, and the importance of local purchases to the local economy;

(iii) helps to maintain a robust logistics network for agricultural product procurement; and

(iv) promotes farm, business, and economic development by accessing local markets; and

(C) section 9(j) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(j)) directs the Secretary of Agriculture to encourage institutions participating in the school lunch program established under that Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) to purchase, in addition to other food purchases, locally produced foods, to the maximum extent practicable and appropriate.

(2) GEOGRAPHIC PROCUREMENT PREFERENCE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Department of Defense, the Department of Agriculture, schools, local educational agencies, and other entities may use a geographic preference to purchase locally produced fruits and vegetables for—

(1) in the case of programs carried out by the Department of Defense—

(I) the Defense Supply Center Philadelphia;

(II) the Department of Defense Farm to School Program;

(III) the Department of Defense Fresh Fruit and Vegetable Program;

(IV) the service academies;

(V) Department of Defense domestic dependant schools;

(VI) other Department of Defense schools under chapter 108 of title 10, United States Code;

(VII) commissary and exchange stores; and  
(VIII) morale, welfare, and recreation (MWR) facilities operated by the Department of Defense; and

(ii) in the case of programs carried out by the Department of Agriculture, schools, local educational agencies, and other entities—

(I) the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

(II) the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(III) the summer food service program for children established under section 13 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761); and

(IV) the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766).

(B) ADDITIONAL AUTHORIZATIONS.—A local food service director or other entity may include a geographic preference described in subparagraph (A) in bid specifications and may select a bid involving locally produced fruits and vegetables, even if that bid is not the lowest bid.

(3) SCOPE OF AUTHORITY.—The authority provided in paragraph (2) applies to the purchase of fruits and vegetables for both Department of Defense and non-Department of Defense uses.

(4) REPORTING.—A school, local educational agency, or other entity participating in 1 or more of the programs described in paragraph (2)(B) shall report to the Secretary of Agriculture if the school, local educational agency, or other entity pays more than 10 percent more than the lowest bid to purchase locally produced fruits and vegetables in accordance with this subsection.

(5) REVIEW.—The Secretary of Defense and the Secretary of Agriculture shall periodically review the program under this subsection to prevent fraud or abuse.

(b) ACCESS TO LOCAL FOODS AND SCHOOL GARDENS.—Section 18(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(i)) is amended by striking paragraph (2) and inserting the following:

“(2) FUNDING.—For each of fiscal years 2008 through 2013, the Secretary shall use \$10,000,000 of funds of the Commodity Credit Corporation to carry out this subsection, to remain available until expended.”.

(c) SENIOR FARMERS’ MARKET NUTRITION PROGRAM.—Section 4402(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007(a)) is amended—

(1) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary;”;

(2) by adding at the end the following:

“(2) SUBSEQUENT FUNDING.—Of funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$25,000,000 for fiscal year 2008, to remain available until expended.”.

(d) WIC FARMERS’ MARKET NUTRITION PROGRAM.—Section 17(m)(9)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(9)(A)) is amended by striking clause (ii) and inserting the following:

“(1) MANDATORY FUNDING.—Of funds of the Commodity Credit Corporation, the Secretary shall use to carry out this subsection

\$30,000,000 for fiscal year 2008, to remain available until expended.”.

(e) FARMERS MARKET PROMOTION PROGRAM.—Section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005) is amended by adding at the end the following:

“(f) MANDATORY FUNDING.—For each of fiscal years 2008 through 2013, the Secretary shall use \$20,000,000 of funds of the Commodity Credit Corporation to carry out this section, to remain available until expended.”.

(f) GRANTS FOR DEVELOPMENT OF LOCAL FOOD, BIOENERGY, AND BIOPRODUCTS SYSTEMS.—Section 231(b)(4)(B) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106-224) (as added by section 3(b)(2)) is amended by adding at the end the following:

“(iii) DEVELOPMENT OF LOCAL FOOD, BIOENERGY, AND BIOPRODUCTS SYSTEMS.—

“(I) IN GENERAL.—The Secretary shall ensure that not less than 30 percent of the competitive grants awarded during each of fiscal years 2008 through 2013 are awarded to producers of value-added agricultural products relating to developing local food, bioenergy, and bioproducts systems (such as supporting local markets, labeling of production location, local infrastructure, or local distribution).

“(II) SPECIFIC PROJECTS.—Not less than 50 percent of the grants specified in subclause (I) shall be used to fund projects that support the establishment of mid-tier food value-added chains intended to help mid-sized farms, through the marketing of differentiated products that adhere to sound social and environmental principles and equitable business practices at regional scales.

“(III) PROJECT DETAILS.—Projects described in subclause (II) should—

“(aa) facilitate partnerships between businesses, cooperatives, non-profits, agencies, and educational institutions;

“(bb) have mid-sized farmer or rancher participation;

“(cc) include an agreement from the eligible agricultural producer group, farmer or rancher cooperative, or majority-controlled producer-based business venture engaged in the food value-added chain relating to the method for price determination; and

“(dd) articulate clear and transparent social, environmental, fair labor, and fair trade standards.”.

(g) ASSISTANCE FOR COMMUNITY FOOD PROJECTS.—Section 25 of the Food Stamp Act of 1977 (7 U.S.C. 2034) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C), by striking “or” at the end and inserting “and”; and

(C) by adding at the end the following:

“(D) supply healthy local foods to underserved markets, including—

“(i) purchase of local foods by government and nonprofit institutions;

“(ii) provision of technical assistance for retail development in underserved areas;

“(iii) support of metropolitan production linked to community-based food services and markets (such as urban, community, school, and market gardens);

“(iv) provision of technical assistance for limited-resource and socially-disadvantaged applicants;

“(v) support of local purchase of foods by food banks and other emergency providers; and

“(vi) support of an information clearinghouse on innovative solutions to common community food security challenges; or”;

(2) in subsection (b), by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—For each of fiscal years 2008 through 2013, the Secretary shall use, of

funds of the Commodity Credit Corporation—

“(A) \$15,000,000 to make grants to assist eligible private nonprofit entities to establish and carry out community food projects;

“(B) \$10,000,000 to encourage eligible private nonprofit entities to purchase of local foods for community food projects;

“(C) \$10,000,000 to provide technical assistance under this section for retail development in underserved areas;

“(D) \$10,000,000 for the community food project competitive grant program to support metropolitan production linked to community-based food services and markets (urban, community, school and market gardens);

“(E) \$7,000,000 to provide technical assistance under this section for limited resource and socially disadvantaged applicants for community food project funds;

“(F) \$5,000,000 for the community food project competitive grant program to support food policy councils and food system networks to develop demonstration regional food authorities;

“(G) \$3,000,000 to support local purchase of foods by food banks and other emergency food providers under this section; and

“(H) \$500,000 to support an information clearinghouse on innovative solutions to common community food security challenges.”; and

(3) in subsection (h)(4), by striking “2007” and inserting “2013”.

#### SEC. 6. BROADBAND REQUIREMENTS.

(a) FINDINGS.—Congress finds the following:

(1) While data collection on broadband access and affordability could be improved, several reports indicate that both factors have led to a digital divide in the nation, with rural areas lagging behind suburban and urban areas.

(2) Even as early as 2000, a joint Department of Commerce and Department of Agriculture report demonstrated that there was a noticeable disparity in the availability of broadband access between rural and urban areas, with less than 5 percent of towns smaller than 10,000 people having broadband access, while 56 percent of cities with populations of 100,000 and 65 percent of cities with populations of 250,000 have broadband access.

(3) A February 2002 report by the Department of Commerce found that among Internet users, only 12.2 percent of such users located in rural areas had high speed connections versus 21.2 percent of such users located in urban areas. Furthermore, the report found higher income households were more likely to have broadband access than lower income households.

(4) A September 2004 report by the Department of Commerce evidenced growth in broadband subscribers among all Internet users, however, the broadband access gap between rural (24.7 percent) and urban areas (40.4 percent) remained.

(5) A May 2006 report by the Government Accountability Office found that 17 percent of rural households subscribe to broadband service, while suburban households had a broadband subscription rate 11 percent higher and urban households had a broadband subscription rate 12 percent higher than that of rural households.

(6) A May 2006 report by the Government Accountability Office found that data collected by the Federal Communications Commission on broadband subscribers at a zip code level was of limited usefulness for an accurate assessment of local availability of broadband service, especially in rural areas. Moreover such report found that this lack of reliable information was a key obstacle in analyzing and targeting Federal aid for increasing access to broadband service.

(7) Even with this limited zip code level data, the most recently released Federal Communications Commission data (for December 31, 2005) disclosed that 11 percent fewer of the lowest population density zip codes had at least 1 subscriber relative to the highest population density zip codes.

(8) A February 2006 report prepared for the Economic Development Administration of the Department of Commerce found that communities with early broadband availability experienced more rapid growth in employment, number of businesses, and number of information technology businesses.

(9) The United States is losing ground relative to other developed countries. According to the Organization for Economic Co-operation and Development, the United States now ranks 12th out of the 30 OECD countries in broadband access per 100 inhabitants. In 2001, the United States ranked 4th, behind only Korea, Sweden, and Canada. A similar worldwide ranking by the International Telecommunications Union put the United States even further behind at 16th in broadband penetration.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, given the growing number of opportunities provided by broadband access, the digital divide affecting rural households and other underserved groups be eliminated not later than 10 years after the date of enactment of this Act with the ultimate goal of providing nationwide universal access to affordable broadband.

(c) IMPROVING FCC DATA COLLECTION.—

(1) REPORTING REQUIREMENTS.—

(A) GENERAL REQUIREMENTS.—Not later than 180 days after the date of enactment of this Act, the Federal Communications Commission shall revise FCC Form 477 (relating to reporting requirements) to require each broadband service provider to report the following information:

(i) Identification of where such provider provides broadband service to customers, identified by zip code plus 4 digit location (in this section referred to as “service area”).

(ii) Percentage of households and businesses in each service area that are offered broadband service by such provider, and the percentage of such households that subscribe to each service plan offered.

(iii) The average price per megabyte of download speed and upload speed in each service area.

(iv) Identification by service area of such provider’s broadband service’s—

(I) actual average throughput; and

(II) contention ratio of the number of users sharing the same line.

(B) EXCEPTION.—The Federal Communications Commission shall exempt a broadband service provider from the requirements in subparagraph (A) if the Commission determines that compliance with such reporting requirements by the provider is cost prohibitive, as defined by the Commission.

(C) REPORT TO JOINT BOARD.—Not later than 1 year after the date of enactment of this Act, the Federal Communications Commission shall provide the Federal-State Joint Board established pursuant to section 410 of the Communications Act of 1934 with any and all data and analysis collected from the initial set of submitted revised Form 477s.

(2) DEMOGRAPHIC INFORMATION FOR UNSERVED AREAS.—The Federal Communications Commission, using available Census Bureau data, shall provide to Congress on an annual basis a report containing the following information for each service area that is not served by a broadband service provider:

(A) Population.

(B) Population density.

(C) Average per capita income.

(d) REVIEWS AND REPORTS.—

(1) DATA TRANSFER RATE.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Federal Communications Commission, in consultation with the Secretary of Agriculture and any other Federal agency that administers a broadband program, shall revise its definition of broadband to—

(A) reflect a data rate—

(i) greater than the 200 kilobits per second standard established in the Commission’s Section 706 Report (14 FCC Rec. 2406); and

(ii) consistent with data rates in the marketplace; and

(B) promote uniformity in the definition of broadband service.

(2) USDA REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture shall report on the adoption or planned adoption of the recommendations contained in the September 2005 audit report by the Inspector General of the United States Department of Agriculture entitled “Rural Utilities Service Broadband Grant and Loan Programs”.

(3) UNIVERSAL SERVICE.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Federal-State Joint Board in accordance with the authority granted to such Board under section 254(c)(2) of the Communications Act of 1934 (47 U.S.C. 254(c)(2)) shall recommend to the Federal Communications Commission whether advanced services such as broadband service should be included in the definition of universal service.

(B) DEFINITIONS.—In this paragraph:

(i) FEDERAL-STATE JOINT BOARD.—The term “Federal-State Joint Board” means the joint board established pursuant to section 410 of the Communications Act of 1934 (47 U.S.C. 410).

(ii) UNIVERSAL SERVICE.—The term “universal service” means services that are to be supported by Federal universal support mechanisms under section 254 of the Communications Act of 1934 (47 U.S.C. 254).

#### SEC. 7. OFFSETS.

(a) LIMITATIONS ON MARKETING LOAN GAINS, LOAN DEFICIENCY PAYMENTS, AND COMMODITY CERTIFICATE TRANSACTIONS.—Section 1001 of the Food Security of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (b), by striking “\$40,000” each place it appears and inserting “\$20,000”;

(2) in subsection (c), by striking “\$65,000” each place it appears and inserting “\$32,500”;

and

(3) by striking subsection (d) and inserting the following:

“(d) LIMITATIONS ON MARKETING LOAN GAINS, LOAN DEFICIENCY PAYMENTS, AND COMMODITY CERTIFICATE TRANSACTIONS.—

“(1) LOAN COMMODITIES.—The total amount of the following gains and payments that a person may receive during any crop year may not exceed \$75,000:

“(A)(i) Any gain realized by a producer from repaying a marketing assistance loan for 1 or more loan commodities under subtitle B of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.) at a lower level than the original loan rate established for the loan commodity under that subtitle.

“(ii) In the case of settlement of a marketing assistance loan for 1 or more loan commodities under that subtitle by forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

“(B) Any loan deficiency payments received for 1 or more loan commodities under that subtitle.

“(C) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for 1 or more loan commodities, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under that subtitle, with the gain reported annually to the Internal Revenue Service and to the taxpayer in the same manner as gains under subparagraphs (A) and (B).

“(2) OTHER COMMODITIES.—The total amount of the following gains and payments that a person may receive during any crop year may not exceed \$75,000:

“(A)(i) Any gain realized by a producer from repaying a marketing assistance loan for peanuts, wool, mohair, or honey under subtitle B or C of title I of the Farm Security and Rural Investment Act of 2002 at a lower level than the original loan rate established for the commodity under those subtitles.

“(ii) In the case of settlement of a marketing assistance loan for peanuts, wool, mohair, or honey under those subtitles by forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

“(B) Any loan deficiency payments received for peanuts, wool, mohair, and honey under those subtitles.

“(C) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for peanuts, wool, mohair, or honey, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under those subtitles, with the gain reported annually to the Internal Revenue Service and to the taxpayer in the same manner as gains under subparagraphs (A) and (B).”.

(b) RESCISSIONS.—

(1) SECTION 32.—Of the unobligated balances under section 32 of the August of August 24, 1935 (7 U.S.C. 612c), \$37,601,000 is rescinded.

(2) CUSHION OF CREDIT PAYMENTS PROGRAM.—Of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936 (7 U.S.C. 940c), \$74,000,000 shall not be obligated and \$74,000,000 is rescinded.

(c) TRANSFER OF FUNDS.—For each of fiscal years 2008 through 2011, the Secretary of the Treasury shall transfer to the Commodity Credit Corporation from unobligated funds made available under section 32 of the August of August 24, 1935 (7 U.S.C. 612c), \$125,500,000, to be used to carry out the amendments made by section 5.

**SEC. 8. REGULATIONS.**

(a) IN GENERAL.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement this Act and the amendments made by this Act.

(b) PROCEDURE.—The promulgation of the regulations and administration of this Act and the amendments made by this Act shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

By Mr. CRAIG:

S. 542. A bill to authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in the State of Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, I rise today to introduce a bill to authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in the State of Idaho. My State has experienced unprecedented growth in recent years. That growth, coupled with years of drought, has created a serious need for additional water storage. Of course, the first step in developing additional storage is the feasibility process.

This bill provides the consent needed for the Secretary to conduct further studies of the projects that are currently underway in the State of Idaho that will help to alleviate water shortages in three of our river basins. This bill authorizes \$3,000,000 to be used for the continuation of these studies.

I look forward to working with my colleagues to quickly move this much-needed bill through the legislative process.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 542

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. AUTHORITY TO CONDUCT FEASIBILITY STUDIES.**

(a) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Reclamation, may conduct feasibility studies on projects that address water shortages within the Snake, Boise, and Payette River systems in the State of Idaho, and are considered appropriate for further study by the Bureau of Reclamation Boise Payette water storage assessment report issued during 2006.

(b) BUREAU OF RECLAMATION.—A study conducted under this section shall comply with Bureau of Reclamation policy standards and guidelines for studies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out this section \$3,000,000.

(d) TERMINATION OF EFFECTIVENESS.—The authority provided by this section terminates on the date that is 10 years after the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 76—CALLING ON THE UNITED STATES GOVERNMENT AND THE INTERNATIONAL COMMUNITY TO PROMPTLY DEVELOP, FUND, AND IMPLEMENT A COMPREHENSIVE REGIONAL STRATEGY IN AFRICA TO PROTECT CIVILIANS, FACILITATE HUMANITARIAN OPERATIONS, CONTAIN AND REDUCE VIOLENCE, AND CONTRIBUTE TO CONDITIONS FOR SUSTAINABLE PEACE IN EASTERN CHAD, AND CENTRAL AFRICAN REPUBLIC, AND DARFUR, SUDAN

Mr. FEINGOLD (for himself, Mr. SUNUNU, and Mr. LEVIN) submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 76

Whereas armed groups have been moving freely between Sudan, Chad, and the Central African Republic, committing murder and engaging in banditry, forced recruitment of soldiers, and gender-based violence;

Whereas these and other crimes are contributing to insecurity and instability throughout the region, exacerbating the humanitarian crises in these countries and obstructing efforts to end violence in the Darfur region of Sudan and adjacent areas;

Whereas on January 5, 2007, the United Nations High Commissioner for Refugees (UNHCR) reported that cross-border attacks by alleged Arab militias from Sudan and related intercommunal ethnic hostilities in eastern Chad had resulted in the displacement of an estimated 20,000 people from Chad during the previous 2 weeks and posed a direct threat to camps housing refugees from Sudan;

Whereas these new internally displaced Chadians have strained the resources of 12 UNHCR-run camps in eastern Chad that are already serving more than 100,000 internally displaced Chadians and 230,000 refugees from Darfur and providing humanitarian support and protection to more than 46,000 refugees from the Central African Republic in southern Chad;

Whereas Chadian gendarmes responsible for providing security in and around the 12 UNHCR-run camps in eastern Chad are too few in number, too poorly equipped, and too besieged by Chadian rebel actions to carry out critical protection efforts sufficiently;

Whereas on January 16, 2007, the United Nations' Humanitarian Coordinator for the Central African Republic reported that waves of violence across the north have left more than 1,000,000 people in need of humanitarian assistance, including 150,000 who are internally displaced, while some 80,000 have fled to neighboring Chad or Cameroon;

Whereas in a Presidential Statement issued on January 16, 2007 (SPRST/2007/2), the United Nations Security Council reiterated its “concern about the continuing instability along the borders between the Sudan, Chad and the Central African Republic and about the threat which this poses to the safety of the civilian population and the conduct of humanitarian operations” and requested “that the Secretary-General deploy as soon as possible an advance mission to Chad and the Central African Republic, in consultation with their Governments”;

Whereas the Presidential Statement acknowledged “the position taken by the Central African and Chadian authorities in favor in principle of such a presence and looks forward to their continued engagement in preparing for it”;

Whereas a December 22, 2006, report of the United Nations Secretary-General (S/2006/1019) expressed a need to address the rapidly deteriorating security situation of Sudan, Chad, and the Central African Republic and to protect civilians in the border areas of Sudan, Chad, and the Central African Republic and recommended a robust mission that “would, among other tasks: facilitate the political process; protect civilians; monitor the human rights situation; and strengthen the local judicial, police and correctional system”;

Whereas the December 22, 2006, report went on to recommend that the force also be mandated and equipped to deter attacks by armed groups and react preemptively to protect civilians, including refugees and internally displaced persons, with rapid reaction capabilities;

Whereas on August 30, 2006, the United Nations Security Council passed Security Council Resolution 1706 (2006), authorizing a multidimensional presence consisting of political, humanitarian, military and civilian police liaison officers in key locations in Chad, including in the internally displaced persons and refugee camps and, if necessary, in the Central African Republic;

Whereas continuing hostilities will undermine efforts to bring security to the Darfur region of Sudan, dangerously destabilize volatile political and humanitarian situations in Chad and the Central African Republic, and potentially disrupt progress towards peace in southern Sudan;

Whereas a December 2006 United Nations assessment mission report outlined possibilities for a mission in Chad, including a force large enough to monitor the border, deter attacks, and provide civilian protection;

Whereas the United Nations Security Council has requested proposals for a United Nations force in Chad and the Central African Republic to help protect and provide humanitarian assistance to tens of thousands of civilians affected by the conflict that began in Darfur; and

Whereas a technical assessment mission was dispatched in January 2007 toward that end: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses concern for the more than 1,000,000 citizens of Sudan, Chad, and the Central African Republic who have been adversely affected by this interrelated violence and instability;

(2) calls upon the Governments of Chad and Sudan—

(A) to reaffirm their commitment to the Tripoli Declaration of February 8, 2006, and the N’Djamena Agreement of July 26, 2006;

(B) to refrain from any actions that violate these agreements; and

(C) to cease all logistical, financial, and military support to each others’ insurgent groups;

(3) urges the Government of Chad to improve accountability and transparency as well as the provision of basic services to redeem the legitimacy of the Government in the eyes of its citizens;

(4) urges the Government of Chad to take action to increase political participation and to strengthen democratic institutions to ensure that all segments of society in Chad can participate in and benefit from a transparent, open, and capable government;

(5) urges the Government of Chad, the Government of Sudan, and other key regional and international stakeholders to commit to another round of inclusive political negotia-

tions that can bring lasting peace and stability to the region;

(6) calls upon the President to advocate for the appointment of a senior United Nations official to direct and coordinate all international humanitarian activities on both sides of Sudan’s western border and expand the response to emergency needs related to the political and humanitarian situation in the Central African Republic;

(7) urges the President to utilize the resources and leverage at the President’s disposal to press for the immediate deployment of an advance mission to eastern Chad to lay the groundwork for a robust multilateral and multidimensional presence;

(8) urges the United Nations Security Council to authorize a multilateral and multidimensional peacekeeping force to eastern Chad with the mandate and means—

(A) to ensure effective protection of civilians, particularly refugees and internally displaced persons, including by preempting, preventing, and deterring attacks on civilians;

(B) to organize regular patrols along the western border of Sudan and implement practical protection measures for asylum seekers;

(C) to maintain the civilian and humanitarian nature of the internally displaced persons and refugee camps in Chad and facilitate the efforts of aid workers;

(D) to deter, monitor, investigate, and report attacks on humanitarian personnel and assets;

(E) to provide around the clock physical security in the camps and surrounding areas, including organized patrols to guarantee freedom of movement to all civilians and humanitarian workers;

(F) to coordinate and share information with humanitarian organizations, actively preserve unhindered humanitarian access to all displaced persons, and ensure the safety of all humanitarian workers in accordance with international humanitarian law;

(G) to collect and report evidence of human rights violations and perpetrators to the United Nations on a timely and regular basis; and

(H) to support domestic and multilateral initiatives to strengthen local judicial, police, and correctional systems in Chad; and

(9) urges the President and the international community to coordinate efforts to make available sufficient resources in support of this multilateral and multidimensional mission, as well as adequate assistance to meet the continuing humanitarian and security needs of the individuals and areas most affected by this conflict.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 237. Mr. REID proposed an amendment to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes.

SA 238. Mr. REID proposed an amendment to amendment SA 237 proposed by Mr. REID to the joint resolution H.J. Res. 20, supra.

SA 239. Mr. REID proposed an amendment to the joint resolution H.J. Res. 20, supra.

SA 240. Mr. REID proposed an amendment to amendment SA 239 proposed by Mr. REID to the joint resolution H.J. Res. 20, supra.

SA 241. Mr. REID proposed an amendment to amendment SA 240 proposed by Mr. REID to the amendment SA 239 proposed by Mr. REID to the joint resolution H.J. Res. 20, supra.

SA 242. Mrs. HUTCHISON (for herself, Mr. INHOFE, Mr. ALLARD, Mr. BAUCUS, Mr. BENNETT, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. CHAMBLISS, Mr. COBURN, Mr.

CORNBYN, Mr. CRAPO, Mr. DEMINT, Mrs. DOLE, Mr. ENZI, Mr. GRAHAM, Mr. KYL, Mr. LOTT, Mr. MARTINEZ, Mr. MCCAIN, Mr. ROBERTS, Mr. SESSIONS, Mr. THOMAS, Mr. VITTER, Mr. VOINOVICH, Mr. STEVENS, Mr. WARNER, and Mr. MCCONNELL) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 20, supra; which was ordered to lie on the table.

SA 243. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, supra; which was ordered to lie on the table.

SA 244. Mr. INHOFE submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, supra; which was ordered to lie on the table.

SA 245. Mr. INHOFE submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, supra; which was ordered to lie on the table.

SA 246. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, supra; which was ordered to lie on the table.

SA 247. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, supra; which was ordered to lie on the table.

SA 248. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, supra; which was ordered to lie on the table.

SA 249. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 237. Mr. REID proposed an amendment to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes; as follows:

At the end of the resolution add the following:

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

SA 238. Mr. REID proposed an amendment to amendment SA 237 proposed by Mr. REID to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes; as follows:

In the amendment strike 2 and insert 1.

SA 239. Mr. REID proposed an amendment to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes; as follows:

At the end of the resolution add the following:

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

SA 240. Mr. REID proposed an amendment to amendment SA 239 proposed by Mr. REID to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes; as follows:

In the amendment strike 5 and insert 4.

SA 241. Mr. REID proposed an amendment to amendment SA 240 proposed by Mr. REID to the amendment SA 239 proposed by Mr. REID to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes; as follows:

In the amendment strike 4 and insert 3.

**SA 242.** Mrs. HUTCHISON (for herself, Mr. INHOFE, Mr. ALLARD, Mr. BAUCUS, Mr. BENNETT, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. CHAMBLISS, Mr. COBURN, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mrs. DOLE, Mr. ENZI, Mr. GRAHAM, Mr. KYL, Mr. LOTT, Mr. MARTINEZ, Mr. MCCAIN, Mr. ROBERTS, Mr. SESSIONS, Mr. THOMAS, Mr. VITTER, Mr. VOINOVICH, Mr. STEVENS, Mr. WARNER, and Mr. McCONNELL) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 16 and 17, insert the following:

“Sec. 20815. (a) The amount appropriated or otherwise made available by section 20804 for ‘Department of Defense Base Closure Account 2005’ is hereby increased by \$3,136,802,000.

“(b) ACROSS-THE-BOARD RESCISSIONS.—There is hereby rescinded an amount equal to 0.73 percent of—

“(1) the budget authority provided (or obligation limitation imposed) for fiscal year 2007 for any discretionary account in this division (except chapters 2 and 8 of this title and the amounts made available by section 101 for ‘Department of Defense Base Closure Account 1990’, ‘North Atlantic Treaty Organization Security Investment Program’);

“(2) the budget authority provided in any advance appropriation for fiscal year 2007 for any discretionary account in any prior fiscal year appropriation Act; and

“(3) the contract authority provided in fiscal year 2007 for any program subject to limitation contained in any division or appropriation Act subject to paragraph (1).

“(c) PROPORTIONATE APPLICATION.—Any rescission made by subsection (b) shall be applied proportionately—

“(1) to each discretionary account and each item of budget authority described in this subsection; and

“(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President’s budget).”

**SA 243.** Mr. ALEXANDER submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, line 20, strike “of which not to exceed \$200,000” and insert “of which \$99,000,000”.

**SA 244.** Mr. INHOFE submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, between lines 11 and 12, insert the following:

“SEC. 20522. None of the funds made available by this division or any other Act

may be used by the Administrator of the Environmental Protection Agency to promulgate the final version of the rule entitled ‘NPDES Permit Fee Incentive for Clean Water Act Section 106 Grants; Allotment Formula’ (72 Fed. Reg. 293 (January 4, 2007)).

**SA 245.** Mr. INHOFE submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 51, strike line 14 and insert the following: the managers in Conference Report 109-188, except that—

“(1) not less than \$5,500,000 of those amounts shall be used by the Administrator of the Environmental Protection Agency to develop alternative technologies to comply with the national primary drinking water regulations for disinfection byproducts promulgated pursuant to section 1452(q) of the Safe Drinking Water Act (42 U.S.C. 300j-12(q)); and

“(2) using not less than \$11,000,000 of those amounts, the Administrator of the Environmental Protection Agency shall—

“(A) carry out a competitive grant program to continue the provision of technical assistance under section 1452(q) of the Safe Drinking Water Act (42 U.S.C. 300j-12(q)) to small public water system organizations; and

“(B) give priority for the provision of grants under the program to small public water system organizations that have the most support (or a majority of support) from small communities in each State.

**SA 246.** Mr. MARTINEZ submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes; which was ordered to lie on the table; as follows:

On 115, line 19, strike the colon and all that follows through the page 117, line 12, and insert a period.

**SA 247.** Mr. MARTINEZ submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, line 10, strike the period, and insert the following: “: Provided further, That notwithstanding any other provision of law, the renewal funding formula set forth under the third proviso under this section shall not apply in determining the funding for the calendar year 2007 funding cycle of any public housing agency located in any jurisdiction in which the President declared a major disaster or emergency between January 1, 2004 and December 31, 2005 in connection with a hurricane.”

**SA 248.** Mr. MARTINEZ submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, line 23, insert after “agency support programs” the following: “(with the Administrator authorized to reduce each subaccount as necessary to ensure full funding for exploration systems)”.

**SA 249.** Mr. MARTINEZ submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, beginning on line 19, strike “\$10,075,000,000” and all that follows through line 25 and insert “\$10,524,400,000, of which \$5,251,200,000 shall be for science, \$724,400,000 shall be for aeronautics research, \$3,978,300,000 shall be for exploration systems, and \$491,700,000 shall be for cross-agency support programs (with the Administrator authorized to reduce each subaccount as necessary to ensure full funding for exploration systems); ‘Exploration Capabilities’, \$6,234,400,000; and ‘Office of Inspector General’, \$33,500,000. Notwithstanding any other provision of this Act, the aggregate of the levels appropriated by this Act, other than the levels appropriated for the National Aeronautics and Space Administration, are hereby reduced by \$545,300,000, with the amount of such reduction to be allocated among the accounts and subaccounts funded by this Act in such manner as the President shall specify.”

## NOTICES OF HEARINGS/MEETINGS

### COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, February 8, 2007, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting to consider pending legislative business, to be followed immediately by an oversight hearing on diabetes in Indian Country, with particular focus on the Special Diabetes Program for Indians.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, I would like to inform the Members that the Committee on Small Business and Entrepreneurship will hold a hearing entitled “Alternatives for Easing the Small Business Health Care Burden,” on Tuesday, February 13, 2007 at 10 a.m. in Russell 428A.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, February 8, 2007, at 11:30 a.m. to mark up an original bill entitled “Public Transportation Terrorism Prevention Act of 2007.”

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

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing

during the session of the Senate on Thursday, February 8, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to evaluate the present and future of public safety communications.

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

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, February 8, 2007, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building. The purpose of the hearing is to receive testimony on issues relating to labor, immigration, law enforcement, and economic conditions in the Commonwealth of the Northern Mariana Islands.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 8, 2007, at 9:15 a.m. to hold a hearing on the fiscal year 2008 budget request for international affairs.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, February 8, 2007 at 10 a.m. in SH-216.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, February 8, 2007, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting to consider pending legislative business, to be followed immediately by an oversight hearing on diabetes in Indian Country, with particular focus on the Special Diabetes Program for Indians.

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

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, February 8, 2007, at 10 a.m. in Dirksen Room 226.

Agenda

*I. Nominations*

Norman Randy Smith, to be U.S. Circuit Judge for the Ninth Circuit; Marcia Morales Howard, to be U.S. District Judge for the Middle District of Florida; John Alfred Jarvey, to be U.S.

District Judge for the Southern District of Iowa.

*II. Bills*

S. 188, To revise the short title of the Voting Rights Act Reauthorization and Amendments Act of 2006, Salazar;

S. 214, To amend chapter 35 of title 28, To Preserve the Independence of U.S. Attorneys, Feinstein;

S. 316, The Preserve Access to Affordable Generics Act, Kohl, Grassley, Leahy, Schumer, Feingold; S. 236, The Federal Agency Data Mining Reporting Act of 2007, Feingold, Sununu, Leahy, Akaka, Kennedy.

*III. Resolutions*

S. Res. 23, National School Counseling Week, Murray;

S. Res. 36, Honoring women's health advocate Cynthia Doles Dailard, Snowe;

S. Res. 37, Designating March 26, 2007 as National Support the Troops Day, Stabenow;

S. Con. Res. 5, Honoring the life of Percy Lavon Julian, a pioneer in the field of organic chemistry and the first and only African-American chemist to be inducted into the National Academy of Sciences, Obama.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 8, 2007 at 2:30 p.m. to hold a closed hearing.

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

ORDERS FOR MONDAY, FEBRUARY  
12, 2007

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 1 p.m. Monday, February 12; that on Monday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business with Senators permitted to speak therein for up to 10 minutes each; that on Monday, Members have until 2:30 p.m. to file first-degree amendments and that the mandatory quorum required under rule XXII be waived.

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

PROGRAM

Mr. DURBIN. Today the Senate confirmed the nomination of GEN George Casey to be the Chief of Staff of the Army. Also, we began consideration of the continuing funding resolution, and cloture has been filed on the joint resolution. However, the majority leader has indicated on more than one occasion that we will continue to discuss

the parameters of how the Senate will conclude action on the legislation. There will be no rollcall votes Friday, nor will the Senate be in session. Also, there will not be any rollcall votes Monday. However, we will be in session and continue our discussions about several issues, including the issue of BRAC, which has been the subject of some debate today. Senators are advised that the cloture vote on the funding resolution will occur Tuesday morning.

Mr. President, at this point, in deference to the minority leader, to make sure there are not any housekeeping items that should be considered before we close business, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Mr. President, let me say to my good friend, the assistant Democratic leader, we appreciate the willingness of the majority leader and the Senator from Illinois to consider the amendments that we would like to offer to the continuing resolution. Members on my side of the aisle have been on the Senate floor all afternoon discussing what they believe to be the shortcomings of the continuing resolution as it is currently structured. I appreciate the majority taking a look at those amendments and allowing us to continue discussion about the appropriateness of making some adjustments to this massive \$464 billion bill.

I have also had some conversations with the majority leader about some nominations that we hope to wrap up next week. There is a circuit judge reported out of the Judiciary Committee today. I have an understanding with the majority leader that judge will be confirmed next week. There are some other executive branch nominations that we think should not generate any controversy that, hopefully, we can wrap up before the Lincoln recess.

Mr. President, with that I yield the floor.

Mr. DURBIN. Mr. President, I am looking forward to working with the minority leader on the business ahead. We want to pass this continuing resolution and make sure there is no interruption in the services of our Government. We face an extraordinary challenge because much of the work that we are doing now is work that should have been done previously. But in a positive, constructive, and bipartisan fashion, I am confident we can complete it in time and not risk any possibility of shutting down the Government. So I look forward, on behalf of the majority leader on our side, to working closely with the minority and its leader.

ADJOURNMENT UNTIL MONDAY,  
FEBRUARY 12, 2007, AT 1 P.M.

Mr. DURBIN. If there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:12 p.m., adjourned until Monday, February 12, 2007, at 1 p.m.

## NOMINATIONS

Executive nominations received by the Senate February 8, 2007:

## DEPARTMENT OF EDUCATION

WILLIAMSON EVERS, OF CALIFORNIA, TO BE ASSISTANT SECRETARY FOR PLANNING, EVALUATION, AND POLICY DEVELOPMENT, DEPARTMENT OF EDUCATION, VICE TOM LUCE, RESIGNED.

## DEPARTMENT OF ENERGY

STEVEN JEFFREY ISAKOWITZ, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF ENERGY, VICE SUSAN JOHNSON GRANT, RESIGNED.

## CONFIRMATION

Executive nomination confirmed by the Senate Thursday, February 8, 2007:

## IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF STAFF, UNITED STATES ARMY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C., SECTIONS 3033 AND 601:

*To be general*

GEN. GEORGE W. CASEY, JR.