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

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

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

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

SEC. 202. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE TMA AND ABIStIENCE EDUCATION PROGRAM.

Section 401 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–332, 120 Stat. 3984), as amended by section 1 of Public Law 110–18 (121 Stat. 244) and section 2 of the TMA, Abstinence, Education, and QI Programs Extension Act of 2007 (Public Law 110–90, 121 Stat. 894), is amended—

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

(2) in subparagraph (A) inserting “third quarter” each time it appears.

SEC. 203. EXTENSION OF QUALIFYING INDIVIDUAL QD PROGRAM.


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

(I) by striking “and” and placing a semicolon at the end of the sentence; and

(2) by striking “or” and placing a semicolon at the end of the sentence.

SEC. 204. MEDICAID DSH EXTENSION.

Section 1922(b)(6) of the Social Security Act (42 U.S.C. 1396d–6(b)(6)) is amended—

(I) by inserting “or” for a period in fiscal year 2008 described in clause (1)” after “fiscal year 2007”;

(2) in subparagraph (A)—

(A) in clause (i), by adding the end of the section under subclause (II) the following:

“Only with respect to fiscal year 2008 for the period ending on June 30, 2008, the DSH allotment for Tennessee for such portion of the fiscal year, notwithstanding such table or terms, shall be 3 of the amount specified in the Social Security Act for fiscal year 2007.”;

(B) in clause (ii)—

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

(ii) by inserting “and” and placing a semicolon at the end of the sentence;

(iii) by inserting “or” and placing a semicolon at the end of the sentence;

(iv) in the heading, by inserting “and fiscal year 2008” after “fiscal year 2007”;

(v) in subparagraph (B) inserting “third quarter” each time it appears;

(vi) in clause (ii) inserting “third quarter” each time it appears.

SEC. 205. IMPROVING DATA COLLECTION.

Section 1902(b)(2) of the Social Security Act (42 U.S.C. 1395t(b)(2)) is amended by inserting “before the period at the end the following: “(except that only with respect to fiscal year 2009, there are appropriated $20,000,000 for the purpose of carrying out this subsection, to remain available until expended)”.

SEC. 206. MORATORIUM ON CERTAIN PAYMENT LIMITATIONS.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to June 30, 2009, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to coverage or payment under title XIX of the Social Security Act for rehabilitation services or school-based administration and school-based transportation if such restrictions are more restrictive in any aspect than those applied to such areas as of July 1, 2007.

TITLE III—MISCELLANEOUS

SEC. 301. MEDICARE PAYMENT ADVISORY COMMISSION STATUS.

Section 1805(a) of the Social Security Act (42 U.S.C. 1395f–1(a)–(v) is amended by inserting “an agency of Congress” after “established”.

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

(a) SPECIAL DIABETES PROGRAMS FOR TYPE 1 DIABETES.—Section 330B(b)(2)(C) of the Public Health Service Act (42 U.S.C. 254c–3(b)(2)(C)) is amended by striking “2008” and inserting “2009”.

(b) SPECIAL DIABETES PROGRAMS FOR INDIANS.—Section 1805(a) of the Social Security Act (42 U.S.C. 1395s–3(a)) is amended by striking “2008” and inserting “2009”.

CORPORAL APPROPRIATIONS ACT, 2008—Continued

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

THE PRESIDENT. Mr. SALAZAR. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I note for those people listening, under this agreement, there should be a vote beginning about 5:30 p.m.

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

THE PRESIDENT. The Senator from Idaho.

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

I yield the floor.

The PRESIDENT. Mr. President, the Senator from Maine.

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

The PRESIDENT. Without objection, it is so ordered.

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

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

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

I am pleased with this downpayment on the LIHEAP program. It is a major step forward that is going to make a significant difference, but, frankly, it is simply not adequate to meet the overwhelming need.
in our State is $3.26 a gallon. That is a record in our State.

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

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

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

CLOTURE MOTION

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

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendments to H.R. 2764, the Department of State, Foreign Operations, and Related Programs Appropriations Act, for the fiscal year ending September 30, 2008.


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

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

The yeas and nays are mandatory under the rule.

The clerk will report the following Yeas and Nays:

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

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

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The roll call is closed.

The PRESIDING OFFICER. The amendment is printed in today’s Record under Consent Calendar. The PRESIDING OFFICER. The agreement contemplates a second-degree amendment, the Feingold amendment, where there will be 1 hour of debate equally divided on that amendment.

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

The PRESIDING OFFICER. The Republican leader.

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

Then General Petraeus stepped forward with a bold new plan. We confirmed General Petraeus unanimously for what seemed like one last effort at salvaging the mission. The agreement contemplates a second-degree amendment, the Feingold amendment, where there will be 1 hour of debate equally divided on that amendment.

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

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

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

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

I yield the floor.

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

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

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

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

AMENDMENT NO. 3873 TO AMENDMENT NO. 3874

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

The PRESIDING OFFICER. The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. Reid, Mr. Leahy, Mr. Dodd, Mr. Kennedy, Mr. Kerry, Mr. Harkin, Mr. Whitehouse, Mr. Wyden, Mr. Durbin, Mr. Schumer, Mr. Obama, Mr. Sanders, Mr. Menendez, Mr. Lautenberg, and Brown to H.R. 3764, the fiscal year 2008 Omnibus appropriation bill, as follows:

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

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

It requires the President to begin safely redeploying U.S. forces from Iraq within 90 days of enactment, and requires redeployment to be completed within 9 months. At that point, with the bulk of our troops safely out of Iraq, funding for the war would be ended, with four narrow exceptions:

- Proving security for U.S. Government personnel.
- Providing training for the Iraqi security forces, providing training and equipment to U.S. service men and women to ensure their safety and security, and conducting targeted operations limited in duration and scope against members of al-Qaeda and others affiliated with international terrorist organizations.
- Some of my colleagues complain that we spent too much time debating Iraq this year. They would rather talk about other things. There are a lot of important priorities, but nothing is more important to me or my constituents than ending this disastrous war.
Mr. President, Iraq appears to be no closer to legitimate political reconciliation at the national level than it was before the surge began. Equally worrisome is that, as part of the President’s plan, we appear to be deepening our dependence upon former insurgents and militia-infiltrated security forces with questionable loyalties. Supporting the sheiks in al Ambar—and elsewhere—may help to reduce violence in the near term, but by supporting both sides of a civil war, we are risking greater violence down the road. Such tactics are likely to undermine the prospects for long-term stability, as they could lead to greater political fragmentation and ultimately jeopardize Iraq’s territorial integrity. Again, without legitimate national reconciliation, violence may ebb and flow, but it won’t end, and we will be no closer to a settlement, no matter how long we keep a significant military presence in Iraq. That is not the fault of our heroic men and women in uniform. It is the fault of the administration’s disastrous policies.

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

When it announced the surge, the administration said its goal was to keep a lid on violence to give time and space for reconciliation in Iraq. Now that we are no closer to reconciliation, the administration is trying, once again, to shift the goalsposts. We don’t hear as much mediation now, and when we do, it sounds very different from the national reconciliation that was supposedly our goal—instead we hear about “bottom-up” reconciliation, whatever that means. All the administration can do is stall for time, just as it did in 2003, just as it did in 2005, and just as it did in 2006. The slogan may be different—“Mission Accomplished,” “Stay the Course,” “The New Way Forward” and even “Return on Success,” but each time we are told we are on the right road. If we just keep walking a little longer. Until, that is, we reach another dead end, and a new slogan is invented to justify heading in a new, but equally futile direction.

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

Instead of focusing on Iraq, we should be focusing on our top national security priority—going after al-Qaida and its affiliates around the globe. This administration has sadly proven that we cannot do both.

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

Because of its narrow focus on Iraq, the administration has been so distracted it has not adequately addressed the deteriorating security conditions in Afghanistan, where the reclusive Talib —the same movement that harbored and supported the terrorist elements that attacked our country on 9/11—are gaining ground. Violence may be down in Iraq, but it is up significantly in Afghanistan. There were 77 suicide attacks in Afghanistan in just the first 6 months of 2007, which is about twice the number for the same period in 2006 and 26 times higher than from January to June 2005. This worrisome escalation of suicide bombings is one of many signs that Afghanistan’s already tenuous stability is even shakier. And while earlier this week the Pentagon confirmed that the U.S. military and its NATO partners are reviewing plans for Afghanistan, it is awfully late in the game to try to put that country on a solid path to stabilization and development. Nonetheless, we have to try because we still have an opportunity to finish the job we started 6 years ago in Afghanistan—eliminating the Talib and destroying a safe haven for terrorist networks that seek to harm us. This opportunity is critical because until bin Laden and his reconstituted al-Qaida leadership are killed or captured, Afghanistan’s future cannot be separated from our own national security.

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

The President’s promise to redeploy a few battalions, while leaving 160,000 troops in Iraq, is not nearly enough.

That is why, once again, I am offering this amendment with Majority Leader Reid. It is up to us here in Congress to reverse what continues to be an intrac table policy. It is our job to listen to the American people, to save American lives, and to protect our Nation’s security by redeploying our troops from Iraq, because the President will not.

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

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

Some of my colleagues will oppose this amendment. That is their right. But I hope none of them will suggest that Feingold-Reid would hurt the troops by denying them equipment or support. There is no truth to that argument—none. Passing this legislation would result in our troops being safely redeployed within 9 months. And it would finally wind down the tragic policy and its tragic mistakes.

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

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

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

The President has made clear that if he has his way, U.S. troops would still be in Iraq decades hence. What a state-ment by a U.S. President. What a deadly-bankrupt legacy to leave. 2007 has already been the most deadly year in Iraq, with 5,000 U.S. deaths since the invasion began, and the year is not yet over. The number of U.S. deaths has reached 3,890, and the number of wounded has surpassed 28,000. The Iraqi Government has not passed any of the legislative benchmarks that would indi-cate progress toward national rec-o nciliation.

The economic rebuilding of Iraq con-tinues to lag, financed by U.S. tax-payer dollars and marked by waste, fraud, and abuse. Oil production is sputtering and shortages of basic needs, as electricity and water continue unabated, despite the boondoggle that this war has been for private contractors. Evidence of ethnic cleansing is growing, as Sunnis are forced out of Shia strongholds like Fallujah. The Iraqi Army and police forces remain riddled with sectarianism. U.S. forces continue to carry the bulk of the security bur-den, and while U.S. forces remain in Iraq, there is little incentive for the Iraqi Government to do its duty.

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

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

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

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

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

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Sen-a tor from Arizona.

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

The underlying House-passed bill is not only irresponsible to the facts on the ground in Iraq, it is simply ir-re sponsible. It fails to provide any fund-ing for our troops fighting in Iraq and actually contains an explicit prohibi-tion against the use of funds for Oper-ation Iraqi Freedom. The authors have again appended a big new spending and an even larger joint explanatory state-ment chock-full of unnecessary spend-ing, but they include not a dime for our troops in Iraq. They include not a dime for our troops in Iraq.

I would like my friends and col leagues and others to consider that the bill on the floor today contains $1.6 million for animal vaccines in Greenport, NY, but not a penny for our soldiers in Iraq. It funds for Barley Health Food Benefits but nothing for the troops in Iraq; $846,000 for the Fa-ther’s Day Rally Committee of Phila-delphia but not a dime for our sons and daughters who are fighting.

The bill contains $244,000 for bee research in Weslaco, TX, but not a dollar for our fighting men and women in Baghdad, Kirkuk, and Anbar. It is a sad day—it is a sad day, indeed—when in the middle of a war this country can must win, there is more money for funds for bee research than for the brave Americans risking their lives on our behalf.

For Congress to fail to provide the funds needed by our soldiers in the field is inexcusable under any cir-cumstances, but it is especially dis-appointing right now at the very mo-ment when General David Petraeus and his troops are achieving the kind of progress in Iraq that many dismissed as impossible a few months ago, includ-ing suspending disbelief in order to be-lieve the surge was working. One has to suspend disbelief to believe it is not.

As my colleague from Arizona proposes, a precipitous withdrawal of U.S. com-bat forces from Iraq regardless of con-ditions on the ground or the views of our commanders in the field, if that sounds familiar, so should sound familiar, my friends. The major-ity has thus far engaged in no less than 40 legislative attempts to achieve this misguided outcome.

The choice today is simple: Do we build upon the clear successes of our current strategy and give General Petraues and the troops under his com-mand the support they require to com-plete their mission or do we ignore the realities and legislative end to our efforts in Iraq, accepting thereby all the terrible consequences that will ensue?

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

I had the privilege, along with my colleagues, Senator LIEBERMAN of Connec-ticut and Senator GRAHAM of South Carolina, of spending Thanksgiving with our troops in Iraq. On that trip, I saw and heard firsthand about the remark-able transformation these brave men and women in uniform have brought about this year. After nearly 4 years of mismanaged war, our military, in the view of our commanders on the ground, has achieved a major victory, has achieved significant gains under the new American counterinsur-gency strategy, the so-called surge. Overall violence in Iraq has fallen to its lowest level since the first year of the invasion. LTOG Ray Odierno, the second in command in Iraq, said this week this improvement is due to the increase in American troops and better trained Iraqi forces—due to the in-crease in American troops and better trained Iraqi forces.

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

Improvised explosive device blasts, the foremost source of U.S. combat deaths, now occur at a rate lower than at any point since September 2004. This week, MG Joseph F1, the commander for Baghdad, stated that attacks in the city of Baghdad are down by some 90 per-cent over the same period, and vehicle-
borne bombs have dropped by 70 percent.

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

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

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

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

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

As General Odierno explained, with the new counterinsurgency operations, “we have been able to eliminate key safe havens, liberate portions of the population and hamper the enemy’s ability to conduct coordinated attacks.” Under the new strategy, General Odierno went on to add: “We have experienced a consistent and steady trend of increased security...and I believe continued aggressive operations by both Iraqi and coalition forces are the most effective way to extend our gains and continue to protect the citizens of Iraq.”

Given these realities, some proponents of precipitous withdrawal from Iraq have shifted their focus. While conceding, finally, that there have been dramatic security gains, they have begun seizing on the lack of an artificial timetable in the Iraq Government to insist that we should abandon the successful strategy and withdraw U.S. forces. This would be a terrible mistake. Of course, there is no question that Iraq’s national leaders must do more to promote reconciliation and improve governance and that the reduction in violence has created a window for political and economic progress that Iraqi leaders must seize, but let not these be our window. The likelihood that they make this progress would be vastly decreased—not increased—by a precipitous U.S. withdrawal. Whatever the failings of the imperfect democracy in Baghdad, they are not in terms of national interests or simple morality—abandoning it to the al-Qaida terrorists and Iranian-backed militias trying to destroy it.

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

Make no mistake: despite the progress I have outlined, there is no cause for complacency. Just as we have witnessed the success in Iraq had been successful earlier this year. Rather than hearing from our commanders and troops in the field about the enormous progress, the decline in violence, the Iraqis seeking to seize their chance, Madame Secretary Dirk Kempthorne which I ask you to appropria—

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Mr. DICKS. Mr. President, I would like to voice my concern regarding efforts to prohibit our Department from issuing regulations related to oil shale leasing.

Section 606 of the House-passed Interior appropriations bill would prohibit the use of funds to prepare or publish final regulations regarding a commercial leasing program for oil shale resources on public lands. The Energy Policy Act of 2005 (EPAct) was enacted with broad bipartisan support. The EPAct included substantive and significant authorities for the development of alternative and emergency energy supplies. Oil shale is one important potential energy source. The United States holds significant oil shale resources, the largest known concentration of oil shale in the world, and the energy equivalent of 2.6 trillion barrels of oil. Even if only a portion were recoverable, that source could be important in the future upon which private investors know what substantive and significant authorities for the development of alternative and emergency energy supplies. Oil shale is one important potential energy source. The United States holds significant oil shale resources, the largest known concentration of oil shale in the world, and the energy equivalent of 2.6 trillion barrels of oil. Even if only a portion were recoverable, that source could be important in the future upon which private investors know what will be expected of them regarding the development required the Department of Interior to host a commercial lease sale in February of 2008, the Energy Policy Act also requires the Department of the Interior to develop a programmatic environmental impact statement for oil shale by February of 2007 and to finalize oil shale regulations by August of 2007. Although these dates have slipped, many who are concerned with decreasing our country’s dependence on foreign sources of oil remain interested in seeing this process move forward. A regulatory framework is needed in order to clarify the range of development and demonstration projects that are likely to be needed prior to commercial leasing. While it may take many years of research to establish whether commercial leasing is viable, it is essential in guiding the scope of study and further analysis, including additional site-specific environmental impact statements that are likely to be needed prior to any commercial leasing.

Some have complained that it is too soon to begin drafting commercialization regulations or that the pace at which the development is moving is too quick. I am not advocating that we move forward inapropiately or in a way that is not sustainable. It should be noted that section 369 of the Energy Policy Act also requires the Department of the Interior to host a commercial lease sale in February of 2008, the Energy Policy Act also requires the Department of the Interior to develop a programmatic environmental impact statement for oil shale by February of 2007 and to finalize oil shale regulations by August of 2007. Although these dates have slipped, many who are concerned with decreasing our country’s dependence on foreign sources of oil remain interested in seeing this process move forward. A regulatory framework is needed in order to clarify the range of development and demonstration projects that are likely to be needed prior to commercial leasing. While it may take many years of research to establish whether commercial leasing is viable, it is essential in guiding the scope of study and further analysis, including additional site-specific environmental impact statements that are likely to be needed prior to any commercial leasing.

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

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

The first thing we ought to find out is does America want a chance to be independent of foreign oil. This is one that might do it. You can imagine that in 15 or 20 years, oil would be produced from this shale, and it can be taken right out of the ground and used, because they boil it in the ground. I am not very impressed with somebody who comes along on a bill such as this and deals with this kind of resource in a willy-nilly manner, to respond to those who just want to spend billions of dollars do you have to allow American service men and women are being held hostage in Iraq, and we have heard here in the last few hours the rather rosy picture about what is happening over in Iraq. I think everybody in this Chamber salutes the brave men and women, and women, bravery, and valor over the last 5 years. This war has been going on for 5 years. We do know there has been some progress made in recent times on the military aspect. But as every member of the Armed Services who understands, everyone who has had a responsibility in Iraq who appeared before the committee has said there are two dimensions for finally getting peace in Iraq: One is military, and one is political reconciliation. That has not taken place.

Day after day after day after day, our men and women are on the streets of Baghdad and around Iraq, and more American servicemen have lost their lives this year than in any other year of the last 5 years. We must find out about it. As we can see, these brave men and women in Baghdad, and all over, are still being targeted in Iraq. They are basically being held hostage by the Iraqi political establishment. American military personnel, American service men and women are being held hostage by Iraq’s political leadership, which refuses to come together and reconcile their differences and form a government.

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

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

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

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

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

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

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

Army LTC Mark Fetter put it this way:

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

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

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

It is wrong to neglect priorities such as these at home and pour hundreds of billions of dollars into the black hole that the Iraq war has become. It is wrong to give the President another huge blank check for the war in Iraq. Enough is enough.
I urge my colleagues to take a strong stand and vote against this gigantic blank check for more war.

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

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

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

The only way to begin to right the wrongs of the President's failed policy on Iraq. That better path involves effective diplomacy and a strong signal about our finite military presence in Iraq, not this senseless waste of money and lives.

The Feingold-Reid-Leahy Amendment offers the real promise of a long-term positive outcome for our security and the people of Iraq. I urge the amendment's adoption.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

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

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

We have been in Iraq longer than we were in World War II. It is time to bring our brave men and women home. Let them be with their families and let the Iraqis take care of Iraq.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Alabama is recognized.

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

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

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

Let's not object to the practical decisions of “General” FEINGOLD and “General” KENNEDY. We have a professional there who is achieving things beyond what I would have thought possible a few months ago, actually, I hoped and believed we were going to see progress, but the extent of it is remarkable.

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

The PRESIDING OFFICER. Who yields time?

The Senator from Wisconsin is recognized.

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

The PRESIDING OFFICER. The amendment is adopted.

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

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

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. McCONNELL. Mr. President, I urge my colleagues to oppose the Feingold amendment one more time.

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

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

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

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

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

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

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

The debate over supplemental war funding is nothing new.

Every year, President Bush comes to us demanding more and more funds for Iraq, with absolutely no accountability. This year, he requested a staggering $230 billion for Iraq and Afghanistan.

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

How will our country pay the bill for the Iraq war? A Cost that when all is done will likely exceed $2 trillion? President Bush has no idea. He has no plan or intention to pay the bill. He is simply sticking it in a drawer like an overdue credit card statement, leaving it to our children and grandchildren to pay for generations to come.

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

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

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

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

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

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

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I asked that the order for the quorum call be rescinded.
This year, we have already passed a $460 billion Defense budget—and this bill includes another $31 billion for Afghanistan and troop protection.

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

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

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

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

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

This argument is untruthful and beyond the pale.

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

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

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

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

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

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

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

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

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

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

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

The facts speak for themselves. We have always stood with our men and women in uniform. We always will.

But unlike Republicans, we believe that truly supporting our troops means beginning to bring them home to the hero’s welcome they have so bravely earned.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I welcome this review. But as long as more than 160,000 troops remain caught in the crossfire of the Iraqi civil war, our ability to address conditions in Afghanistan—and elsewhere—will be constrained.

The American people are rightly frustrated that more has not been done to responsibly end the Iraq war. I share that frustration.

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

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

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

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

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

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

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

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

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

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

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

Each and every time, they have chosen the President.

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

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mrs. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.
The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

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

[Rollcall Vote No. 4177 Leg.J.]

YEAS—24

Akaka            Harkin            Murray
Baucus           Coburn            Thune
Brown            Craig             Grassley
Byrd            Kyl                Johnson
Cantwell        Klobuchar          Specter
Cardin           Lautenberg         Snowe
Durbin           Leiby             Smith
Feingold         Manzullo          Webb

NAYS—71

Alexander       Bailey             Dodd
Allard           Bayh               Enzi
Barrasso        Bennett           Ewing
Baynes          Bingaman          Feingold
Bond             Boxer              Brown
Brownback       Bunning           Byrd
Carpenter       Chablis            Candy
Chambliss       Coburn            Casey
Cochrane        Coleman           Coburn
Collins          Conrad            Crapo
Conradson       Corker             DeMint
        ——

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

The Senator from Vermont.

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

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

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

The PRESIDING OFFICER. There is 1 hour.

Mr. LEAHY. Equally divided in the usual fashion?

The PRESIDING OFFICER. Equally divided.

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

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 3876 TO AMENDMENT NO. 3874

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of myself, Senator Reid, Senator Voinovich, Senator Hagel, Senator Snowe, Senator Reed, Senator Smith, and Senator Salazar, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan (Mr. Levin), for himself, Mr. Reid of Nevada, Mr. Voinovich, Mr. Hagel, Ms. Snowe, Mr. Reed of Rhode Island, Mr. Smith, and Mr. Salazar, proposes an amendment numbered 3876 to amendment No. 3874.

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

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

The amendment is as follows:

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

At the appropriate place, insert the following:

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

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

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

And we add—

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

The primary aim of this amendment is to keep the Iraqi politicians to do what only they can do: Work out compromises, as they promised to do long ago—to compromise the differences which divide them so as to ensure the currently relatively calm situation in many parts of Iraq, including Baghdad, remains calm.

Our sense of Congress language is aimed at pressuring the Iraqi politicians to seize the window of opportunity, as General Odierno put it, to avoid a return to the violence that characterized the pre-surge period.

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

From all accounts, the surge has already produced some military progress. The president of the surge has, up to this point, achieved some military progress, it has not accomplished its primary purpose, as announced by President Bush last January. President Bush said the surge’s purpose was to give the Iraqi Government “the breathing space it needs to make progress in other critical areas” and that “reducing the violence in Baghdad will help make reconciliation possible.”

The President also said “America will hold the Iraqi Government to the benchmarks that it has announced.” Well, the administration has not done what it said it would do—hold the Iraqi Government to the benchmarks that it has promised to do long ago, which were to have been completed by January of 2007, have not yet been kept by the Iraqi political leaders despite the breathing space the surge has provided.

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

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

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

Mr. President, how much time do we have?
The PRESIDING OFFICER (Mr. BROWN). The Senator from Michigan has 24 minutes.

Mr. LEVIN. I yield myself 3 additional minutes.

According to our own State Department, the key threat to our effort in Iraq are al Qaeda terrorists; the key threat facing the U.S. effort in Iraq rather than al Qaeda terrorists, Sunni insurgents or Iranian-backed militias.

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

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

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

The PRESIDING OFFICER. Who yields?

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

The PRESIDING OFFICER. The senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I do not support the Levin amendment. I rise in strong support of the amendment offered by our leader, Senator MCCONNELL, and the Senator from Connecticut, Mr. LIEBERMAN. That amendment will provide the Department of Defense with the resources they need to continue the mission they have been assigned. It will also eliminate the distinction proposed by the House to fund only those troops that are assigned to Afghanistan. In my view, it is unconscionable for Congress to send the message to our troops that they will only get what they need if they are lucky enough to be assigned to fight the war in Afghanistan. Why, if troops were assigned to Iraq? Should they go without funds?

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

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

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

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

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

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

There is also other equipment procurement funding to reset our forces returning from theater. This includes body armor and helmets for the National Guard and Reserve units. Specifically, the McConnell-Lieberman amendment would provide $1.1 billion military pay and benefits to include support for our wounded warriors and death gratuities; $50.2 billion for operation and maintenance activities to include fuel, spare parts, transportation, and equipment maintenance, including $500 million for the commander’s Emergency Response fund for equipment authorization, $2 billion for depot maintenance funding to reset equipment and maintain force readiness.

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

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

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

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

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. It also provides $141 million for increased fuel costs, $3.7 billion to continue to enhance our intelligence activities in the theater, $800 million for the Defense Health Program to provide for the care and recovery of our wounded servicemembers, and $193 million for counterdrug activities to curb production of opium in Afghanistan.

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

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

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

S15854 CONGRESSIONAL RECORD — SENATE December 18, 2007
$70 BILLION BRIDGE FUND

$1.1 billion for military pays and benefits to include support to wounded warriors, and death gratuities.
$60.2 billion for operation and maintenance activities to include fuel, spare parts, transportation, and equipment maintenance in the field and at our national depots.

Provides $1 billion for the Commander’s Emergency Response Program.
Provides $1.4 billion for Body Armor and Personal Protection Equipment.
Provides $1 billion for Depot Maintenance funding to reset equipment and maintain force readiness.
 Provides for the transfer of $110 million to the Coast Guard for support to GWOT.
Provides $300 million for Coalition Support.
$2.9 billion to continue our efforts to train and equip the Iraqi and Afghan security forces.
$4.3 billion for the Joint Improvised Explosive Device Defeat Fund to help our troops detect and defeat the number one killer of our troops in Iraq.
$6.1 billion for procurement of equipment, ammunition, vehicles, missiles, and aircraft.
Includes $1 billion for Army Aircraft; and $3.46 billion for Army vehicles and equipment.
Includes $700 million for Marine Corps vehicles and equipment.
Provides $265 million for Special Operations Forces equipment.
$1.9 billion for the Defense Working Capital Funds.
Includes $587 million to reset Prepositioned Stocks stationed around the world and greatly enhances our nation’s ability to respond to contingencies.
Provides $141 million for increased fuel costs.
$3.7 billion to continue and enhance our Intelligence activities in theater.
$600 million for the Defense Health Program to provide for the care and recovery of our wounded service members.
$193 million for Counter-Drug activities.

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

I yield the floor.

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

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

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

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

Mr. LEVIN. That is correct.

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

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

The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I rise today to speak in favor of the Levin amendment on Iraq. As my colleagues know, I have long supported a greater level of oversight in the war in Iraq. Many of us feel we should have done a better job of force oversight at the beginning of the war. I was quite taken with a quote from Condoleezza Rice recently, who said, “I wish we had known more about Iraq before we went in.”

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

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

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

I support the Levin amendment, and I am a cosponsor to this legislation because I believe it is a very simple piece of legislation that accomplished the goals we all share. It sends the message that we support the President’s declared goal of reducing our presence in Iraq over time so we can play a more supportive role, bring our forces home, and reduce the burden on our military. It is a sense of Congress and will not bind the President in any way or tie the commanders’ hands in the field. It is the surest way, if we have been working towards the goal of the Congress, the Congress intends to support this amendment so Congress can send that message that we are not simply funding a never-ending conflict in Iraq, we have a goal of reducing our presence there, and we are working toward it.

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

The PRESIDING OFFICER. The Senator from Virginia.

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

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

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

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

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

My view is that the lack of security has been the biggest impediment to reconciliation, and the security changes in Iraq give us the best hope we have had in 4 years of finding a way forward politically in Iraq. If we change by word or deed or perception over the military strategy that is currently working, we would be undercutting our best chance for reconciliation.
This amendment, this sense-of-the-Senate amendment, does not do anything positive. It sends the signal I have been trying to avoid for well over a year now. For 3½ years we had the wrong strategy. Finally we have the right strategy, and in my opinion, the best. That is a strategy that we could do is allow the surge to go forward without any interference, give General Petraeus and those under his command what they need to finish the job. They have done a wonderful job. We are going to try the holiday season here and every American, every political leader, should celebrate what I think has been the most outstanding military operation in counterinsurgency history, and we should not have any more debates about that. It is a fact now. We should support it without reservation.

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

This statement will be seized upon by people who are following this bill very closely and will send all of the wrong signals, and that is why it will be vetoed. The most sensible thing the Senate could do, and we should have done this 4 or 5 months ago, is allow the surge to go forward without political interference. This is not the time to take it off the table. It was done very adroitly by our military commanders; secondly, the fact that coincidentally but prophetically in Iraq, the tribesmen have finally figured out that al-Qaida is as much a threat to them as to anyone else, particularly Americans. They have banded together with us to attack al-Qaida elements here. How long that relationship of convenience lasts is a question that has not been resolved.

Within Baghdad, there has been significant ethnic cleansing. In fact, we have done all the structuring that we can do, thus far. They were told by the Government in Baghdad: Do not come back. You are going to provoke another destabilizing situation. That ethnic cleansing is one other factor.

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

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

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

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

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

Those are three discrete missions that can be done, should be done. There is no attempt in this amendment to cut off funding. There is an attempt, though, to focus our policy on a strategy that will work over time. What we have here is no simple situation in which we have not an al-Qaida rogue group we are going after. This is a very complicated situation.

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

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

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

I urge passage. The PRESIDING OFFICER. Who yields time?

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

Mr. LIEBERMAN. I thank my friend from Virginia.

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

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

But 9 months ago, people who cared about whether we won or lost in Iraq could argue about whether the surge strategy would work. After so many
Mr. LEVIN. Mr. President, I think I can almost speak for our side with certainty. I have a few comments, followed by perhaps a minute and a half by the Republican leader, and then that way we can yield back time. I will proceed to give my comments. I say to my good friend from Michigan that I picked one word out of his very impressive opening comments. I agree with his opening comments about the tragic situation by which the leadership in Iraq, their legislative body, has failed to act. But one word you said impressed me, and that is, I quote, “it is time for Peking to act.” That is an exact quote you used. You felt if we didn’t speak by adopting your amendment, there would be silence. I say to my good friend, the amendment by the distinguished Republican leader and the Senator from Connecticut, the McConnell-Lieberman amendment, will send a very strong message. Were we to adopt your amendment, it would be in conflict with that message. That is my concern. Therefore, I must say, I strongly support the McConnell amendment. I hope that will be voted on very shortly. I do believe, in all sincerity, your amendment would send a conflicting message. That message could be exceedingly troublesome. People would say we don’t understand the preface or “sense of the Senate.” Al-Qaeda would simply clip that off and then announce that we are going to leave in December, irrespective of the facts on the ground. Furthermore, we have not been in their position, not to dispute the fact that we are smaller in number, are no less important as a symbol of the united effort of many nations to achieve, first, sovereignty in Iraq, which has been a wonderful goal that has been achieved, and now to try to define how we are going to transfer responsibility to something which gets them out of the middle of a civil war. That is the one point I wish to make immediately to my good friend from Virginia. I yield 4 minutes to the Senator from California.

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

My dear friend from Virginia talks about the Brits. This is exactly what they have done. They are getting out. They have turned the keys of the city over to the Iraqis. They are ahead of us. In many ways, this resolution tracks what they have done. I read it. It is very simple. It is a sense of the Congress that the U.S. Armed Forces should be transitioned to a more limited set—counterterrorism, training, equipping, supporting Iraqi forces, and force protection. Yes, we are sending a message to the Maliki government get yourself together because we are not going to be here forever. The American people are generous and good people. But there is a limit to how much they can give in terms of blood and treasure. It is true that many people supporting this resolution are going to vote for the McConnell amendment. I will not be one of them. I wish to speak against it for my remaining time. I have a list of what we have already spent. A half a trillion dollars, that is what we have already spent, and we are about to go well over that mark, toward a trillion dollars. There comes a time when we have to ask ourselves: Where are we going in Iraq? If you listen to the President, it is to bring freedom. He said it was the weapons of mass destruction. Then he changed that. He said it was to get Saddam. We got Saddam. Then he changed it. He said we were taking our forces out. They had two. He said we have to reconstruct. We are spending money to reconstruct. It is now time to say enough is enough. I think the Levin resolution is good. It is something which gets them out of the middle of a civil war. That is the point.
If my colleagues want to be seen as occupiers, vote against this amendment because that is what is happening. We are seen as occupiers, when we want to be seen as liberators. If you want to be seen as liberators, you do what the Brits did. This is exactly what Senator LEVIN is doing. I am pleased to support this. I will be voting no on McConnell.

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

Mr. WARNER. Mr. President, I believe we are about ready to vote on this side. We are going to have our leader speak for a minute, and then we can proceed. I simply, once again, say to my distinguished colleague from Michigan, while we are waiting for the Republican leader, with due respect, this will send a very conflicting message. If the Senate acts upon this appropriation in the act that we have here, for a period of time, we will not have the troops, we are not going to reduce funding for them, and at the same time have a goal a year hence for when they transition to the more limited mission. There is the slightest inconsistency. It is not a conflicting message. If we are interested in success in Iraq, there is only one way to achieve it—for the Iraqi politicians to reach agreement on their differences which is the key problem. They are the major threat to our success. We all know it. Our military leaders have said it is the failure of the political leaders of Iraq to work out their differences, which is the key problem that keeps the battle going on between Iraqis. That is our State Department. Is that a conflicting message? I don’t think so.

It is the truth. Most of us recognize it. We are all completely unhappy with the Iraqi political leaders. Most of us are not happy when we go to Iraq, tell them that. The President of the United States has even said it is useful for that message to be delivered. Let us deliver it tonight.

The PRESIDING OFFICER. Who yields time?

The Republican leader is recognized.

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

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

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

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

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

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

(Dollars in thousands)

<table>
<thead>
<tr>
<th>TITLE I—MILITARY PERSONNEL</th>
<th>Military Personnel Army:</th>
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<tr>
<td>Pay and Allowances ..........</td>
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<td>Wounded Warrior .............</td>
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<td>Military Personnel, Navy:</td>
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TITLE II—OPERATION AND MAINTENANCE

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<th>Operation and Maintenance, Army:</th>
<th>Operating Expenses</th>
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<td>Wounded Warrior, Enhanced Care and Family Support</td>
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<td>Body Armor and Personal Protection Items</td>
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<td>Commander’s Emergency Response Program</td>
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<td>Total, O&amp;M, Army</td>
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<td>Total, O&amp;M, Navy</td>
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<td>Total, O&amp;M, Marine Corps</td>
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<td>Total, O&amp;M, Air Force</td>
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<td>Total, O&amp;M, Defense-Wide</td>
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Operation and Maintenance, Army Reserve: 68,036
Wounded Warrior, Enhanced Care and Family Support: 9,700
Total, O&M, Army Reserve: 77,736
Operation and Maintenance, Navy Reserve: 41,657
Operating Expenses: 46,158

Total, O&M, Marine Corps Reserve: 46,153
Total, O&M, Air Force Reserve: 12,133

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<tr>
<th>Item</th>
<th>Amount</th>
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<td>Aircraft Procurement, Army: Utility Fixed Wing Cargo Aircraft</td>
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<td>UH-60M Blackhawk—27 Aircraft</td>
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<td>AH-64 Apache—3 Aircraft</td>
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<td>CH-47 Chinook—11 Aircraft</td>
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<td>Common Ground Equipment</td>
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<td>Air Traffic Control</td>
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<td>Procurement of Weapons &amp; Tracked Combat Vehicles, Army</td>
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<td>Bradley Fire Support Vehicle (Mod)</td>
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<td>Bradley Fighting Vehicle Systems (Mod)</td>
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<td>Improved Recovery Vehicle (M68 Mod)</td>
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<td>Abrams Upgrade Program (M1A2 SEP)</td>
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<td>M290 Squad Automatic Weapon Machine Gun Mods</td>
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<td>M16 Rifle Modifications, Modifications Less Than $5,000 (WVCP-WVTC)</td>
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<td>Rocket, Hydra 70, All Types</td>
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<td>Air Traffic Control</td>
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<td>Total, Procurement of Ammunition, Navy &amp; Marine Corps</td>
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<td>Modification Kits—Tactical Concealed Video System</td>
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<td>Marine Air Command Control System</td>
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<td>Intelligent Support Equipment—Angels’ Fire Sensor Package</td>
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<td>Motor Transport Modifications—Medium Tactical Vehicle Replacement</td>
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<td>Ship Gun Ammunition</td>
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<td>Small Arms and Landing Party Ammunition</td>
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Total, Procurement, Marine Corps .......... 703,250
Aircraft Procurement, Air Force: P-16—AR-210 Beyond Line of Sight/Secure Line of Sight Radios .... 39,700
C-5—Aircraft Defensive Systems (12 Kits for C-5A’s) .......................... 11,700

Total, Aircraft Procurement, Air Force .. 51,400
Other Procurement, Air Force:
Halvorsen Loader ..................... 7,500
Berean Less Than $5 Million (Vehicles)—Counter Sniper Protection Kit .. 1,625
General Information Technology—Blue Force Trackers ............... 2,500
Air Force Physical Security System—CROWS and BDOC-T ........ 8,500
Tactical C-E Equipment—ROVER .......... 8,100
Night Vision Glasses .................. 2,500
Total, Other Procurement, Air Force ... 30,725
Procurement, Defense-Wide:
Defense Information Systems Network ......... 8,700
MH-47 Service Life Extension Program .... 34,400
C-130 Modifications ................... 11,000
SOF Ordnance Replenishment .......... 32,759
SOF Ordnance Ammunition ........... 39,600
SOF Intelligence Systems ............... 44,346
Small Arms and Weapons .............. 28,587
Tactical Vehicles ..................... 18,458
Unmanned Vehicles .................... 23,500
SOF Operational Enhancements ........ 34,393
Total, Procurement, Defense-Wide ... 274,743
Total, Procurement .................. 6,659,889

**TITLE IV—REVOLVING AND MANAGEMENT FUNDS**

Defense Working Capital Funds:
Defense Working Capital Fund—Army:
Army Preposition Stock ........................ 586,900
Spares Augmentation—Combat Losses ....... 63,000
Spares Augmentation—Demand Increase ... 70,000
Defense Working Capital Fund—Defense-Wide:
Fuel Transportation ..................... 96,000
Fuel Cost Increase ..................... 149,700
Combat Fuel Losses ................... 43,459
Total, Defense Working Capital Funds ... 1,000,000

**TITLE V—OTHER DEPARTMENT OF DEFENSE PROGRAMS**

Defense Health Program:
Operations ............................. 461,101
Wounded Warrior, Enhanced Soldier and Family Support ............. 114,600
Total, Defense Health Program ........ 575,701

Drug Interdiction and Counter-Drug Activities 192,601

Total, Department of Defense ...... 70,000,000
Mr. MCCONNELL. Mr. President, is there more time on this side?

The PRESIDENT OF THE UNITED STATES.
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Mr. MCCONNELL. Mr. President, I yield back the remainder of my time.

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The President has said that, if the amendment is approved, the amendment must be approved in order to get a Presidential signature.
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Is there more time on this side?
The PRESIDING OFFICER. Under the previous order, requiring 60 votes for the adoption of the motion, the motion is agreed to.

The majority leader is recognized.

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

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

AMENDMENT NO. 3877

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

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment No. 1 to S. Con. Res. 36, with an amendment numbered 3877.

The amendment is printed in Today’s Record under “Text of Amendments.”

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

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

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

The PRESIDING OFFICER. Who yields time?

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, the next vote is on AMT, paid for. We have had this vote several times. It requires 60 votes. I personally believe that the AMT relief we will be providing for here, the taxpayers will not have to pay additional AMT for 2007, should be paid for. I don’t think the votes are here. There are not 60 votes to pay for it. But once this goes down because it doesn’t have 60 votes, it is then my expectation that the House will then vote for AMT not paid for so that we can get AMT passed this year. Americans will know they will not have to pay the additional AMT tax, done in a way that is satisfactory.

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

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

The PRESIDING OFFICER. The Senator from Iowa is recognized.

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

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

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

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

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

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

About 47 days ago, the two tax-writing committee chairmen, Congressman RANGEL and Senator BAUCUS, and the ranking members, Congressman MCGRERY, and this Senator, wrote Secretary Paulson and acting IRS Commissioner Stiff and pledged to get an AMT patch bill to the President before the end of the year. We wrote the letter for a couple of reasons. The first reason is to spare 23 million middle-income families from an average tax increase of $2,000 per family. As everyone now agrees, this monster tax was not meant to hit 23 million middle-income families. The second reason was to assure the Secretary of the Treasury and the IRS Commissioner that we would do everything possible to minimize delays in refunds for another 27 million families and, individuals, on top of the 23 million who would be hit for the first time.

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

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

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

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

As the leaders of the Congressional tax-writing committees, we want to assure you that legislative relief is forthcoming so that no new taxpayers will be subject to the AMT for taxable year 2007. To accomplish this, we are committed to extending and indexing the 2006 AMT patch with the goal of ensuring that not one additional taxpayer faces higher taxes in 2007 due to the onerous AMT. In addition to allowing the personal credits against the AMT, the exemption amount for taxable year 2007 will be set at $44,350 for individuals and $88,700 for married taxpayers filing jointly.

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

Thank you for your immediate attention to this matter.

Sincerely yours,

MAX BAUCUS,
Chairman, Committee on Finance.

CHARLES E. GRASSLEY,
Ranking Member, Committee on Finance.

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

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

Mr. GRASSLEY. So we are not quite there yet, but the way we are going, we
might not get this year’s AMT patch done until the next Groundhog Day.

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

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

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

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

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

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

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

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

[Rollcall Vote No. 415 Leg.]

**YEAS—88**

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**NAYS—5**

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**Majority 1/5 Required**

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

Result Code: 1 (Bill Passed).

Vote title: H.R. 3996 as Amended.

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

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

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

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

Nearly all House and Senate Republicans have a problem with this amendment and its predecessor that failed in the Senate. The problem is not necessarily with the offsets themselves. Some of them might be acceptable tax policy to this Senator and others on our side. The debate and resistance on our side rests with a bigger principle. It is about accepting the notion that the unintended reach of the AMT should be permitted unless we find offsets that will hit 23 million American families, or allow 2 million families and individuals that face even longer delays in getting their refunds next year if they don’t get this bill passed, or even if we do get this bill passed, it is going to be delayed. Think of these hard-working taxpayers. Stop beating a dead horse and let’s get the people’s business done.

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

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

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

I yield to the Senator from North Dakota.

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

I say to the Senator from Iowa when he tells us that we should stop beating a dead horse, the picture he used shows that Trigger rides again. That wasn’t a dead horse. That horse is alive, and as well as that a dead horse is a waste of time, but that is what we are doing. We need to stop beating a dead horse. We need to show our good friends in the House Democratic leadership that this is needed to stop revisiting an offset AMT patch. It is a dead horse. Let’s stop beating it. Vote against this amendment.

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

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

I reserve the remainder of my time.

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

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

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

The bill before us says, yes, adjust the alternative minimum tax so more
people are not hit by it, but it also says something very important. It says pay for it; don’t go out and borrow the money, don’t go out and borrow billions more from China and Japan.

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

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

Mr. Greenspan:

Yes.

No qualifications, a simple clear statement in support of paying for fixing the alternative minimum tax. Why is this so important? Because if we fail to do so, we put it on the debt, and already the debt has skyrocketed under this administration, from $5.8 trillion in 2001 to, at the end of the fiscal year that just ended, a debt of $8.9 trillion.

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

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

This chart shows the revenue assumptions in the Bush budget. We find alternative minimum tax revenue assumed for each and every year of the 5 years of this budget. I won’t belabor the point. This is a question of whether we are going to be responsible. This is an opportunity to fix the alternative minimum tax, to prevent it from being spread to 23 million American families, but to do it in the responsible way: to offset it with other revenue so it does not get added to the deficit, so it does not get added to the debt, so we are not compelled to borrow even more billions from the Japanese and the Chinese and around the world.

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

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Ohio.

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

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

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

I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

Mr. BAUCUS. I yield back our time.

Mr. GRASSLEY. I yield back our time.

The PRESIDING OFFICER. The question is on agreeing to the motion. Mr. DURBIN. I ask for the yeas and nays.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

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

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

[Rollcall Vote No. 440 Leg.]

YEAS—48

Akaka                        Inouye
Baucus                      Johnson (NE)
Brown                        Kennedy
Bingaman                    Kerry
Boxer                        Klobuchar
Brown                        Kohl
Byrd                        Landrieu
Canwell                     Lautenberg
Caucus                       Leahy
Carper                        Levin
Casey                       Lieberman
Conrad                       Liechtenstein
Corker                        McCaskill
Donnelly                     Menendez
Ford                         Menendez
Feingold                    Mikulski
Harkin                        Murray

NAYS—46

Alexander                     Crapo
Allard                        DeMint
Barrasso                     Domenici
Bennett                       Dorgan
Bond                                Durbin
Brownback                     Enzi
Bunning                         Ensign
Buchanan                       Graham
Chambliss                     Grassley
Coburn                         Greg
Cochran                        Hagel
Collins                        Hatch
Collins                       Hatchett
Corker                        Inhofe
Corzine                        Johnson
Craig                         Kyl

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

The majority leader is recognized.

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

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

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

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

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

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

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

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

But now, this year, this President and these Bush-Cheney Republicans...
claim—after years leading our country down a path of fiscal ruin—they have been baptized into the church of fiscal responsibility.

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

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

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

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

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

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

Our Democratic priorities are different.

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

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

We refused to back down and we won that fight.

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

But our Democratic priorities are different.

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

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

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

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

But Democrats have different priorities here, too.

We believe that education is the great equalizer in America, and that every American child deserves the right to a quality education and the keys to a better future.

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

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

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

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

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

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

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

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

What are the Bush-Cheney Republicans doing? They cut more than $1 billion in homeland security grants for police, firefighters and medical personnel.

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

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

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

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

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

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

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

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

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

Following that, there is going to be a vote by a judge. I don’t know how much time Senator LEAHY and Senator SPECKER want on the judge, but whatever time they want, they can have it. But we will have a vote on the judge.
Tonight, when these speeches are finished, we will have one final vote, a vote on the judge. We are going to be in session tomorrow. There will be no rollcall votes after 9, unless something untoward happens that Senator McConnell and I do not expect. So will in session if somebody wants to come in and give some speeches. We have some nominations we are trying to clear, maybe some bills from the House. I do not expect any heavy lifting tomorrow, at least I hope not.

I want to express my appreciation to everyone for their cooperation in getting to the point where we are. As some have heard me say before, usually you recognize you have something that is OK when both negotiators are unhappy with what they have gotten. That is what we have. We are not happy with how we have been pushed into doing what we have done. The President is not happy, as his people say he has been pushed into doing things he does not want to do. We gain no ground if we are not. We are going to be able to finish our appropriations process, and we should all hold our heads high in that regard.

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

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

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

We focused on funding a short list of priorities, including $3.6 billion for VA medical care; $1.6 billion for State and local law enforcement; $620 million for the National Institutes of Health; and $1.4 billion to fight AIDS and malaria in the developing world.

That joint funding resolution was passed by the House and the Senate and signed into law by the President on February 15, 2007.

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

Unfortunately, the President found that the bill did not support his “stay the course” position and vetoed that bill on May 1, 2007. The Appropriations Committee produced another bill, totaling $120 billion, unfortunately this time stripped of the important guidance on the future of the war. That bill was again passed by the House and Senate, and this time the President signed it into law on May 25, 2007.

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

My reason for detailing the work of the Appropriations Committee this year is simple: I wish to convey my personal appreciation for all of the work and cooperation of the committee’s ranking member, Senator Cochran, and the professional skill and experience to bring credit upon himself, the committee, and the Senate as a whole.

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

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

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

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

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

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

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

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

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

Mr. CHAMBLISS. Surely.

Mr. LEAHY. Mr. President, I commend the distinguished Senator from West Virginia. In a few weeks, I will have been here for 33 years. Now, in Robert C. Byrd time, 33 years is but a moment. In Patrick J. Leahy’s time, it is a wee bit of time. But I remember coming here as a 34-year-old Senator—Senator Byrd was the majority whip at the time—and how much he taught me, and his colleague, the leader, Mike Mansfield, and then later when he was our leader, and, of course, sat on Appropriations. He had a laugh for all of those years. I appreciate his help.

His late wife Erma was a very special friend of my wife’s and mine, and I hope he does not mind me mentioning her at this time. I always thought we were very close friends and would meet at the grocery store that perhaps Bob and I were at a lower level. It went to a higher level when it was not Senator Byrd and Senator Leahy. But it was Marcelle and Erma talking about Bob and me, and what should we do to take care of those folks. Well, Robert C. Byrd has taken care of all of us these years. It has been a privilege to serve on the Appropriations Committee with him. It is especially nice, because one of the closest friends I have in the Senate, Thad Cochran, has been both chairman and ranking member of that committee, and those of us who have been here for over a third of a century, as I have, know the major- ity and minority good together.

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

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

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

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

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

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

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

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

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

The law also included legislation I authored called the Innocence Protection Act. That measure provides access to postconviction DNA testing in Federal cases, helps States improve the quality of legal representation in capital cases, and increases compensation in Federal cases so that the guilty are not set free.

It established the Kirk Bloodsworth PostConviction DNA Testing Program to help States defray the costs of postconviction DNA testing.

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

State and local authorities will be better able to implement and enforce victim's rights laws, including Federal victim and witness assistance programs. They can apply for grants to develop and implement victim notification systems so that they can share information on criminal proceedings in a timely and efficient manner.

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

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

Other subcommittees worked just as hard and in a similar bipartisan manner. More importantly, we are completely happy with the outcome. We had to make exceedingly difficult cuts to get to the President's number. But that is the nature of this process.

It is ironic that a President who said he would not trade national security for domestic policy but then it was within his self-proclaimed budget ceiling because he wants to keep a lid on spending, is asking Congress for another $70 billion in emergency funding to continue the war in Iraq.

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

Of course, we never threatened to veto any of the appropriations conference reports during the past 6 years. It is a political ploy after inheriting a balanced budget and tripling the national debt, but it is going to be hard felt by the American people. Cuts in funding for education, health care, public infrastructure, homeland security, environmental protection, transportation—no part of the federal budget was exempted except defense.

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

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

But, if the President gets his way, there will be tens of billions of dollars more to keep our troops bogged down in Iraq, while the Iraqi Sunnis and Shiites continue to fight among themselves.

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

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

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

Here are some of the highlights:

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

We provide $546 million for the Global Fund to Fight AIDS, Tuberculosis and Malaria. Added to funds in the Labor, Health and Human Services bill, this omnibus bill provides a total of $841 million for the Global Fund, an increase of $315 million above last year's level.

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

We provide $1.69 billion for United Nations peacekeeping, $350 of which will support the desperately needed UN-African Union force in Darfur.

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

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

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

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

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

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

There are several other important provisions in the Senate's Foreign Operations portion of this omnibus bill.

One would make long overdue reforms to current law by allowing thousands of persecuted refugees, barred because they were members of armed groups that were allied with the U.S., or who were forced to offer food, shelter or other services to terrorist groups, to seek asylum here.
This change was worked out by myself and Senator Kyl, and would provide relief to such Vietnam-era allies as the Hmong tribesmen of Laos and the Montagnards of Vietnam, for child soldiers and others who were forced against their will to provide support to terrorists.

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

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

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

This bill contains other provisions, some supported by the Senate, some by Republicans, which make important improvements in our foreign assistance programs.

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

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

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

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

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

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

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

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

I also worry that that is not something parents can say when they see parents and wives and husbands, children and — and so when they see their family members in a war that has lasted longer than World War II.

It is time to say: Come home, America. Come home, America, and face the problems in our country. Let the Iraqis face the problems. Let them stand at the plate. Let us address the fact that we have so many unanswered problems in health and science, in addressing our myriad diseases, education, infrastructure, and everything else in this country.

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

Mr. President, one important issue I wish to highlight today is an international border issue with our friendly neighbors in Canada, Mexico, and the Caribbean that could have severe implications for the social and economic well-being of the United States, Canada, Mexico, and the Caribbean will have great difficulty moving between our countries. Most importantly, a hasty implementation will undermine the intended goals of the program.

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

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

Mr. President, there is one item that was in the Senate passed version of H.R. 2764, the State and Foreign Operations Appropriations bill, that the conferees agreed to address in the explanatory statement accompanying the amended bill that is Division J of the omnibus bill, relating to Uganda. The language specifies certain issues to be addressed in the strategy. It also indicates that...
$5 million is provided to implement the strategy.

Due to an oversight, the $5 million was omitted from the funding table in the explanatory statement under the Economic Support Fund heading. However, as a result of the conference, that amount in unallocated Economic Support Fund assistance be made available for this purpose.

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

The PRESIDING OFFICER. The Senator from Georgia.

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

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

There is language included in this Omnibus appropriations bill that does not resolve the very complex problems that the three States continue to deal with, the allocation of water among them. Rather, the language in this bill seeks to, one, insert Congress into the middle of an ongoing dispute and attempts to pick winners and losers in the midst of an ongoing dispute and at the negotiating table finding a way forward on this very difficult issue.

I commend them for doing so during these types of negotiations and agreements which are the most knowledgeable about their own water resources and which they are required to do by statute. Regardless of the size or scope, they always get very complicated quickly.

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Drought Talks to Speed Up

By David Royse

TALLAHASSEE, Fla.—The governors of three Southeastern states agreed Monday to speed up talks on sharing water during scorchings, hoping to end a nearly 18-year fight over the issue by March. The governors of Florida, Alabama and Georgia and federal officials also agreed not to reduce for now the minimum amount of water that will flow into the Apalachicola River, which is the major oyster breeding ground in the Florida Panhandle. That eases the minds of some fishermen and Florida officials—they had feared the flow could be further reduced to meet drinking water needs in Atlanta. Florida’s Charlie Crist, Georgia’s Sonny Perdue and Alabama’s Bob Riley said they agreed that their staffs will continue to work together to come up with a plan for doling out the region’s water by March 15.

That was hopeful news to fishermen along the Panhandle and in the Florida Panhandle, who are looking at the prospect of water flows remaining lower than they say they can tolerate until June 1, when an interim agreement on flow levels might be set to expire. Now, there’s a possibility of agreeing on raising the amount of water coming into Florida earlier.

“We’re cautiously optimistic,” said Kevin Begos, the director of the Franklin County Oyster & Seafood Task Force.

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

“This was real. It was meaningful,” said Kempthorne. “The atmosphere today reinvigorated that we can get this done.”

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

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

The Panhandle and Florida area also are looking at the prospect of water flows remaining lower than they say they can tolerate until June 1, when an interim agreement on flow levels might be set to expire. Now, there’s a possibility of agreeing on raising the amount of water coming into Florida earlier.

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“This was real. It was meaningful,” said Kempthorne. “The atmosphere today reinvigorated that we can get this done.”

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

“We’re talking about solving something we’ve been working on for 18 years within the next two months,” Riley said.
The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am advised that there are between both sides nearly an hour and a half left to debate. My colleagues have been asking when we might vote on this and on the judgment who is also to be voted on. If my friends on the other side are willing to yield all of their time on this bill and then yield back everything but 1 minute per side on the judicial nomination and go straight to a vote on that. Do I hear any takers?

I ask unanimous consent that all time be yielded back on both sides and then yield back everything but 1 minute per side on the judicial nomination and go straight to a vote on that.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. I object.

The PRESIDING OFFICER. Objection is heard.

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

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

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

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

Mr. LEAHY. Then I will not yield back.

The PRESIDING OFFICER. Who yields time?

The Senator from South Carolina.

Mr. DEMINT. Mr. President, hopefully, we can cut the time short. We insist on some comments about this bill because it is probably the largest bill that has ever passed in the Senate. It was received yesterday. Normally it is a courtesy in the Senate that the bills we are debating are placed on every Senator’s desk so that we can at least have the pretense that we have looked at them. But you will notice that this bill is not on any desk in the Senate, and there is not one single Senator here tonight who can say they have read this bill.

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

Mr. DEMINT. No, sir. I am going to make my statement. I know we are all tired and ready to go home. I do appreciate the work of my colleagues. I wish them all a very Merry Christmas and a wonderful time with their families. But this is the last bill of the year. It is not just any bill. We began the year, all of us, very hopeful. Oftentimes a change is helpful as we rethink how we do things. In fact, I began this year introducing one of Speaker PELOSI’s bills that provided more transparency to the American people than any other better than ours. I introduced it on the Senate side. But, unfortunately, as we have gone through the year, we haven’t been able to get our work done. We like to say we are the world’s greatest deliberative body. We have to ask our colleagues tonight, on the largest bill we have ever considered, the most expensive bill we have ever considered, what deliberation?

We don’t even know what is in this bill. It has not been part of the history of the Senate. This growth in earmarks is not a constitutional function. It has not been part of the history of the Senate. This growth in earmarks is a perversion of the purpose of this Congress, where we have changed our focus from national interests, the future of this country, to parochial, special interests that we work on every year and hardly even talk about those issues that challenge our Nation—such as a Tax Code that is sending jobs overseas; entitlement programs, where we do not have a clue how we are going to pay for them; health care, when people cannot receive it in our country. We are fighting over bike paths and museums and little special projects all year long.

This year, with the new majority, we are way down in the second highest level in history of the number of earmarks, special project earmarks, that we are supporting in this bill right here, and we do not even know everything that is in it as yet. It contains at least $20 billion in budget gimmicks and so-called earmarks. I could go down the list. It would put a lot of people to sleep. There are a number of ridiculous provisions that we are just finding.
The serious debate over immigration came down to at least one starting solution: that we are going to secure our borders. We voted the money to build fence and barriers on our borders. But this bill changes what we have already passed. It allows for only a single-layer fence, while we made three layers for the location of the fence in States, that the money cannot be released until 15 new requirements authored by the Appropriations Committee are satisfied. It is just designed to delay what the act of the American people was doing earlier in the year. They want us to have a country with secure borders. This bill changes that. It also provides $10 million to pay for lawyers for illegal aliens.

The English requirement. The Senate passed language earlier in the year to ensure that employers are not subjected to Government-funded lawsuits if they require English in the workplace. This bill takes that protection away from employers and exposes them to lawsuits because they used English spoken in the workplace.

Sanctuary cities. The prohibition against sanctuary cities was taken out. There are special earmarks for the AP-L. We could go down the list. Again, we are just starting to find out what is in the bill. I know very few Senators here tonight know what is really in it.

The organizations that are watching this Congress stop to identify waste are going to be key voting this tonight. I think my colleagues know they consider that a very serious issue. The Citizens Against Government Waste are saying vote no. The Club for Growth says vote no. The American Conservative Union says vote no. The Americans for Prosperity: No. National Taxpayers Union. We can continue to go down the list. All the organizations that have unloaded this off the Web last night and began looking through it within an hour or two found things that made it unacceptable.

It is an unacceptable bill, and it should not be part of the world’s greatest deliberative body tonight. But I think we agreed—I think the American people asked the new majority to end business as usual. I hope we can do that tonight. I hope we can give the American taxpayers a real Christmas present and not waste their money, stop breaking the promises. While we are making all the new promises in here, we are not making provisions to keep the promises we make.

I know most of my colleagues believe this is not the way we should be running the Senate and that they would like for there to be a better way. We do not have to vote against the troops to vote against this bill. I would encourage my Democratic colleagues, many of them who have stood with us this year before, that is one reason alone to vote against this bill: the policy changes, the moving more money to Planned Parenthood, the compromising of our border security. The list is getting longer and longer, and we are not even a quarter of the way down the bill yet.

I encourage my colleagues to join the American people and help us stop this wasteful spending. This is the least bill of the bills. It is the last vote. It is going to say a lot about this Congress and what we have accomplished. This is our chance to at least say: No more business as usual. We are not going to do business this way, where we pile things on a deck, in 24 hours, and ask the Senators of this country to vote for it without even knowing what is in it. It is not the way to run a Senate. It is not the way to run a country.

I plead with my colleagues, let’s leave this year on a positive note. Vote against this omnibus and give Americans a real Christmas present.

Thank you, Mr. President. I yield back.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, for 46 hours and 8 minutes—for 46 hours and 8 minutes—the Senator from South Carolina has had an opportunity to go to the Internet and see this bill in its entirety. The Senator can go to every page—46 hours and 8 minutes. For this Senator to suggest on the floor that we are sneaking this bill in, that people have not had a chance to see it, I would just say to the Senator from South Carolina that he is not speaking to the world of the Internet. This bill has been posted since 12:15 a.m. Monday morning on the Internet for your perusal. That is early to get up, I understand. It is an early time to be reading the bill. But, please, do not come to the floor and suggest that this is a mystery bill which no one has seen. For 2 days, this has been posted on the Internet. You have had your chance. Every Senator has had a chance. And incidentally, this bill was passed pursuant to a budget resolution.

Mr. DEMINT. Has the Senator read the bill? Have you read the bill?

Mr. DURBIN. Regular order, Mr. President. The Senator from South Carolina would not yield for my questions, and ordinarily I do, but I am going to make this quick because it is late at night.

I say to the Senator from South Carolina: Welcome to the Senate where we present bills. We did that this year. It is new to the Senate. We did not do that last year. Welcome to the Senate where we are going to pass appropriations bills. It did not happen last year. The Senator may recall when he arrived that the Republican-controlled Senate failed to pass 11 appropriations bills, and we had to pass them when we arrived in the new Senate.

So for him to suggest that what we are doing here does not give the American people a chance to see what has happened—this has been the most transparent approach to passing these bills. In fact, I might say to the Senator—he has probably followed this—the Senate Appropriations Committee has considered all of the bills that are contained therein. There have been changes, for sure, but those that came to the floor—about 7 of them—passed with over 75 votes apiece. So to suggest that this is a mystery document is to ignore the Internet, ignore the availability, and ignore the obvious. The last time, the Republican majority passed two appropriations bills. Congratulations. We want to pass them all. This is your chance. You can vote no. That is your right as a Senator.

Let me say a word about earmarks. About 4 inches of the document in front of you consists of complete disclosure on earmarks—the most detailed disclosure in the history of Congress. And your chart, unfortunately, tells the story from the wrong angle. The total dollar amount of the earmarks contained in those appropriations equals 48 percent of the earmarks contained in the Republican appropriations bills of 2 years ago. A 43-percent reduction in the dollar value of earmarks, total transparency, total disclosure— I thought that is what you were asking for when you stood up during the ethics debate.

Let me also say that the Senator is opposing the removal of authorization language from appropriations bills. That is a point under our rules that is debated all the time. It happens. It happened in my bill, in my appropriation bills. This happened because the White House tells us they do not want the language.

The last point I want to make to you is that to suggest that this bill is wasteful spending comes at just the right moment—just the right moment—after the Senator from South Carolina voted for $70 billion on a war that is not paid for. And the Senator joined in opposing our efforts to pay for a reduction in taxes. Wasteful spending? What was paid in those two votes is to pass billions of dollars in debt on to future generations.

I would urge the Senator, discover the Internet, discover the opportunity to read these bills. And when you do, you will see that this information has been available now for 46 hours and 13 minutes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, in this discussion of earmarks, of course, the elephant in the room—and I do not necessarily mean that as a pun—are the hundreds of billions of dollars of earmarks from the President of the United States: the blank check to the war in Iraq; the blank check to the people who are hired as contractors, various companies—Halliburton is one that comes to mind, but many others, Blackwater and others. These blank checks—nobody wants to talk about those.

But every President—not just this President but every President—has
hundreds of billions of dollars in earmarks in the bill. This President has had trillions of dollars. That is why this President, who inherited the largest surplus in the Nation’s history, has turned it into the largest deficit in the Nation’s history. And it is why I am very concerned about the obligation of his deficits and his war in Iraq, he is just paying the interest on the Bush administration’s debt and the war—just the interest and the cost of the war.

Every day, 7 days a week, 365 days a year—an leap year—we spend $1 billion every single day—every single day—in interest and the war in Iraq. That is money that does not go to education, does not go to finding a cure for cancer or Alzheimer’s or diabetes or AIDS. It is $1 billion a day that does not go to educate our children and our grandchildren. It is $1 billion a day that does not go to find a way to make sure our schools can start competing again with schools around the world. It is $1 billion a day that does not go to paying down the national debt.

So those are the earmarks we do not talk about.

Mr. President, I yield to the senior Senator from Florida.

Mr. NELSON of Florida. Mr. President, I thank the distinguished Senator from Vermont. I will be very brief. I will vote for this bill. There are good things in the bill and there are bad things. One bad thing, as the Senator from Vermont points out, is the amount of things that have not been adequately funded, is the fact that the widows and orphans of the people who have served our Nation in uniform are not being compensated a paltry $1,200 a month due to an offset between what they paid—what their spouse paid for in the spouse’s benefit, and what, under the dependents indemnity compensation, they are entitled to by law.

This bill, to its credit, tries to address that. It has a $50 per month for those widows and orphans. It was President Lincoln who said a Nation has an obligation for widows and orphans. Widows and orphans of those who went to war to care for the widows and orphans. Widows and orphans are a cost of war, and we have denied that cost and we still do so again tonight. We have only been working on this for 7 straight years, and at least we got a paltry $50. But there is much more that needs to be done to right this wrong.

In the 2006 mid-term elections, the Democrats addressed it with a paltry $50 per month for those widows and orphans. It was President Lincoln who said a Nation has an obligation for those who went to war to care for the widows and orphans. Widows and orphans are a cost of war, and we have denied that cost and we still do so again tonight. We have only been working on this for 7 straight years, and at least we got a paltry $50. But there is much more that needs to be done to right this wrong.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I see the Senator from Iowa, who obviously has the right to speak. Let me ask again how much where we are willing on both sides.

The PRESIDING OFFICER. The majority controls 30 minutes and the minority controls 32 minutes.

Mr. LEAHY. Mr. President, I hope we can quickly reach a point where Senators are willing to finish speaking. Obviously, I am not going to ask to cut off anybody’s time. As soon as there is no Senator seeking recognition, I will move again to yield back all time on this vote and all time on the judge’s vote, so we can go to both those votes back to back.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. BURBANK. Mr. President, I do need to rise to speak in strong opposition to what folks in Wyoming have figured out is an ominous omnibus appropriations bill, and they think there are literally billions of reasons to vote against this bill, and that is what I intend to do when I vote on it.

We are nearly a quarter of the way through fiscal year 2008 and only one of the 12 appropriations bills is law. The remaining 11 bills are stuck together in this bill. There is one-half trillion dollars of spending in the 3,000-page bill. Now, when I was going to school, we spent a lot of time figuring out what a million was, and I think I kind of figured that out after I got here. But we talk mostly about billions, and that is $1 billion. And when I talked about billions of dollars of spending ago, we are talking about 1959. If we are talking about a billion dollars ago, Christ was our age. We are talking about billions of dollars of spending ago, we are talking about 8 hours and 20 minutes, the way we are spending it right now.

There was some comment about not having access to the bill. Well, the Web site had the bill the way the House was to address it 2 days ago. I suspect you can get through the 3,400 pages if you stayed up the whole 48 hours and read it, but we didn’t know what that bill was going to be after their action until less than 12 hours ago—perhaps a few more than that, considering the time of night it is now. But this is a real unreal state of affairs and it has become the norm. It has been pointed out that this isn’t the only year we have done an omnibus bill, but this is exhibit No. 1 on what is wrong with government in this country, and I don’t want to condone it. Every year this happens, every year we drive an omnibus, we get closer to financial ruin when we do that. What have we been spending our time on this year? Political votes, not policy votes. And the American taxpayer is paying the price here in the eleventh hour to the tune of billions of dollars.

In the 2006 mid-term elections, the American people called on us to stop business as usual. They called on us to stop overspending. They called on us to change. That is the message we gave them, that we were going to change. But instead of change, we have seen Washington run in a more partisan manner than ever before. This bill contains 3,400 pages, and I can’t imagine that many of my colleagues have read it, even those who knew it was on the Web site 48 hours ago.

In the crazy world that is Washington, the bill complies with the spending level set forth by President Bush, but it does so in a way that uses budget gimmicks and hides billions of dollars in extra spending. As the only accountant in the Senate, I can tell you the Federal Government’s budgeting is criminal. If a private company were to go against their budget, the CEO would go to jail.

I support some of the funding in this bill. I support full funding for our veterans. I support providing money for border security. Almost all of these provisions are worth by areas for Federal funding. But we cannot spend money on everything we want and call ourselves fiscally responsible. If the money is needed for these programs, maybe we should cut out the more than 9,000 earmarks that were in the bill to pay for them. At some point, someone will have to pay for our overspending, and I would ask: Where do my colleagues think that money comes from? This money is coming from mothers working at the mall or fathers plowing their fields. They do not work so hard so they can serve up a dish of pork to people thousands of miles away without their consent. But that is what the architects of this bill are doing.

Mr. President, I will be very brief. I yield to the senior Senator from Florida.

Mr. NELSON of Florida. Mr. President, I yield to the distinguished Senator from Wyoming, the bill complies with the spending level set forth by President Lincoln.
patients. Well, there is legislation in this bill that changes that formula, and it never received a hearing before a congressional committee, it has never been marked up, and it was inserted in the House bill without a full debate or even a vote.

We struck that part over here. We struck that part by a very significant vote because it was mostly 7 cities stealing from 42 other cities. That is not what we need. So this part that did occur in the Senate by a significant vote. So much for transparency and sunshine in Washington.

The Labor-HHS section of the bill is not the only section that includes problems for legislation. The bill includes provisions that allow a 2-percent deduction of State mineral royalty payments to help cover administrative costs at the Department of Interior. Let’s see, what does the Department of Interior do? Get a check from Wyoming companies, collected by the State of Wyoming, audited by the State of Wyoming, and they take half of it and send us a check back for the other half. That check is going to cost us $20 million.

Whoever heard of paying somebody $20 million to write you a check? Well, maybe there is some accounting they have to do to figure out whether the money sent was exactly right. You know, accountants are not allowed to take a percentage of the money. That is what lawyers do. Accountants are supposed to stay on flat fees, and I guarantee nobody ever got $20 million for that work. That is another example of the Government taking money that is owed to States to pay for the unrelated Federal priorities because a majority in Congress doesn’t control spending.

The bill also contains provisions to prohibit the Department of the Interior from issuing final regulations for oil shale development, even though the process for development was laid out in a very bipartisan way. We have to do what we said in 2005 as a necessity for getting energy going in this country. We said: Get the process set up. We didn’t say: Do the process. We said: Get the process set up.

Well, there is language in this bill that says: You can’t set it up. You can’t do what we said in 2005 as a necessity for getting energy going in this country. Now, there are plenty of possibilities for stopping that process through things that are already in place. This is legislation in this bill that says: We don’t want energy. We don’t want you to even consider energy. We don’t even want you to set up the regulations for how you might proceed in an orderly way so that we can object to that orderly way if we want to.

It also includes the new $4,000 fee for each application for a permit to drill oil and gas wells, with no guarantees that the permits will move forward in an expeditious manner so they can produce more domestic energy. If we don’t produce more energy, the price, I guarantee you, will go up. You cannot constrain the supply and get the price to go down.

It is unfortunate that Congress waited until December 18 to advance these appropriations bills. Without the ‘gotcha’ politics part, they could have been completed in months ago. They could have been completed in a very bipartisan way. We have to quit playing ‘gotcha’ politics. Congress wasted countless weeks writing and debating bills that were never going to be signed. The President has been quite vocal about his objections. People on both sides of the aisle have expressed objections on a lot of the things we have voted on.

So here we are today a week before Christmas, cramming through in 1 day a project larger than several Manhattan phone books, and that most of my colleagues have not had the time to read and review, and that is even if they saw it up. All their staff had and had them look at all the parts they are familiar with. So I am telling you I am offended by the process. I am disappointed in the institution. I vote ‘no’ on the bill. I want us to change it.

Mr. President, I yield the floor.

Mr. HARKIN. Mr. President, I am disappointed with the omnibus appropriations bill that is before us today. With the McConnell amendment, this bill is written yet another blank check—this one for a whopping $70 billion—for the President to spend on wars in Iraq and Afghanistan. At the same time, this bill will grossly underfund urgent priorities here at home—everything from cancer research to law enforcement to home heating assistance.

And why is this happening? It is happening because President Bush has refused to compromise, refused to negotiate, refused to respect Congress as a coequal partner in the budgeting process.

The President claims that he is standing on principle, the principle of budget restraint and fiscal conservatism. But this claim is laughable.

Think about it: Mr. Bush provoked a bitter confrontation with Congress over the $22 billion that we proposed spending on urgent domestic priorities above his budget. Democrats offered to split the difference, lowering that amount to $11 billion. But Mr. Bush still refused to negotiate or compromise.

Meanwhile, he and his allies have insisted on vastly more than that—a total of $14 billion—for the war in Iraq this year, all of which will simply be added to the deficit. At the same time, he demands a $50 billion AMT fix—which we all favor—but he insists that we not pay for it. That’s another $50 billion piled onto the deficit.

So the President has forced Congress to cut $22 billion in domestic funding from the budget, and he turns right around and demands that Congress add more than 10 times that—more than $200 billion—for wars and tax cuts, all of it unpaid for, all of it added to the deficit. And this is what he calls budget restraint and fiscal conservatism? And he said that claim is simply laughable.

Actually, this is not so much laughable as it is shameful. Bear in mind that in October the Senate passed an appropriations bill for Labor, Health and Human Services by an overwhelming 75 to 19 margin, including a strong majority of Republican Senators. That bipartisan support reflected the fact that the bill funded essential, life-supporting, and life-saving services for millions of people in this country. That bill reflected the values and priorities of the American people.

But even before we brought the health and education appropriations bill to the floor, President Bush threatened to veto it. He dismissed the bill as ‘social spending,’ as though it pays for Saturday night socials or something. Then, on November 13, in one fell swoop, Mr. Bush vetoed the bill, and insisted, again, that we bend to his budget demands.

Let me remind our colleagues what Mr. Bush was demanding. The President demanded that we cut cancer research and other medical research at the National Institutes of Health.

He demanded that we slash funding for Community Health Centers, preventing 225 new centers from opening.

He demanded that we dramatically cut funding for law enforcement and the COPS program.

He demanded that we cut funding for special education and Head Start.

I am pleased to say that we did not allow these heartless, misguided priorities to prevail entirely. The President has refused to compromise, refused to negotiate—and, no question, this is going to hurt millions of Americans, including the most vulnerable of us. Nonetheless, I am pleased with what we have been able to salvage in this bill.

The omnibus bill before us today technically yields to the President’s top-line number of $515.7 billion. But I am pleased to report that it shifts funding in order to address some of the bottom-line priorities of the American people and of the Democratic majority in Congress.

Even within the constraints of this bill, the final Labor-HHS-Education section of the omnibus includes significant increases above the President’s budget. For instance, it includes: an
addition $607 million for the National Institutes of Health, additional $758 million for LIHEAP, the home-heating assistance program for low-income families.

It provides a $77 million above the President’s budget for community Health Centers, allowing more than 50 new centers to be opened.

It provides an additional $855 million for Head Start, Title I, special education, and teacher quality. It also provides an additional $150 million for the Social Security Administration to help clear out the backlog of disability claims.

However, because of the President’s veto threat and refusal to compromise, law enforcement remains woefully underfunded, in particular support for local police departments. Fewer community health centers will be opened and fewer children will be vaccinated. More than 80,000 fewer children will be served under Title I.

Every dime of additional funding in this bill goes to meet basic, essential needs here at home—needs that have been sadly neglected in recent years, even as we have squandered hundreds of billions of dollars in Iraq.

I opposed the McConnell amendment to provide another $70 billion in funding, mostly for Iraq. The war in Iraq has not reduced the threat of another terrorist attack in America, it has increased that threat. It has not defeated Islamic terrorists, it has increased the threat and refusal to compromise, families.

Bear in mind, by the way, that this AMT problem is not a surprise to anyone. The 2001 tax cut bill deliberately created an issue in the tax code in order to squeeze in hundreds of millions of dollars in additional tax cuts, overwhelmingly for the well-off. Mr. Bush used the AMT to mask the true cost of the tax cuts. But, in doing so, he left the AMT as a ticking time bomb that would soon double the number of Americans subject to the tax.

Today, that time-bomb is exploding, threatening to hurt millions of middle-class families. We need an alternative Minimum Tax fix costing $50 billion. Yes, we need to fix the AMT, and we need to do so in a responsible way. But, Mr. Bush has a different idea. He refuses to pay for the AMT fix. He has used the AMT as a ticking time bomb, dumping it on our children and grandchildren.

Mr. HATCH. Mr. President, today I rise to discuss an unintended oversight by my office in connection with the disclosure of a congressionally directed funding project in the House message to accompany H.R. 2764, the Omnibus appropriations bill. When I filed my original requests for funding for projects in May of this year, I did not realize the letter included a request to fund the Old Dominion Renovations project in Riverton, UT. Subsequently, with the enactment of Public Law 110-81 on September 14, 2007, along with other Members of the Senate, I was asked to sign, and did sign, various certification letters in connection with our requests for project funding.

Upon a review of our files last night, with respect to the forthcoming House message to accompany H.R. 2764, the Omnibus appropriations bill, I determined that the certification letters sent to the committee may have been incorrect, as a member of my family may be deemed to have an indirect pecuniary interest in one of the items represented in my letter. On April 5, 2007, I forwarded a letter to the attention of Appropriations Committee chairman, ROBERT BYRD, and ranking Republican member, THAD COCHRAN, which I believe to be in accordance with the facts now known to me.

I have chosen to address these issues openly on the floor of the Senate to clear up any facts regarding this completely unintended and unfortunate oversight. I want my colleagues to know that I always have and will continue to do everything possible to ensure I meet all ethics laws, rules, and requirements here in the U.S. Senate.

For the reasons I have outlined and in an effort to meet the highest ethical standards, I will be voting present on the Omnibus appropriations bill when I otherwise would have supported the legislation.

Mr. COCHRAN. I appreciate this colloquy and your intent to meet all the new, as well as old, ethics requirements regarding earmarks in appropriations bills. This is the first year for implementation of many of these new ethics rules and there has been some not unexpected confusion over how some of the new requirements must be implemented. I applaud your aggressiveness in making sure that everything within your knowledge and power to ensure that you have complied with all the rules and requirements that are specified by the rules of the Senate with regard to the use of earmarks. Our earmarks provide the type of transparency intended by the ethics rules and should satisfy all requirements with regard to letters of pecuniary interest and earmarks as they relate to your situation.

Mr. HATCH. I ask unanimous consent that a copy of my letter to Chairman BYRD and Ranking Republican Member COCHRAN be printed in the RECORD.
Mr. BAUCUS. Senator HARKIN, I agree with you that this is an issue we need to address. As you know, I intend to work with Senator GRASSLEY to move a Medicare reform package early in 2008. Given the importance of this issue, I am committed to working with you to find solutions that will assist these hospitals within the context of our Medicare efforts.

Mr. HARKIN, I appreciate that commitment. I look forward to working with both of you early next year to move legislation to assist these hospitals, in Iowa and throughout the country.

ADVANCED TECHNOLOGY LOAN GUARANTEES

Mr. LEVIN. Mr. President, I would like to ask the distinguished chairman of the Energy and Water Development Appropriations Committee, Senator DORGAN, to clarify for me the scope of the budget authority contained in the fiscal year 2008 Consolidated Appropriations Act for the Department of Energy’s guarantee loans for development of advanced energy technologies.

I believe there is tremendous potential for new technologies to produce ethanol from cellulosic materials through all phases of development, including pretreatment. An important step toward proving these technologies will be the development of pilot-scale facilities. Is it the chairman’s understanding that a range of technologies and pilot-scale demonstration facilities would be eligible for a loan guarantee issued by the Department of Energy using the budget authority included in this Consolidated Appropriations Act?

Mr. DORGAN. Yes, cellulosic ethanol projects are consistent with the intent of title XVII of the Energy Policy Act of 2005 and would clearly be within the scope of technologies that would be eligible for a loan guarantee from the Department of Energy.

Mr. LEVIN. I am also very interested in ensuring that advanced battery technologies would also fit into the scope of manufacturing technologies contemplated by the language in the Consolidated Appropriations Act of 2008 and should be consistent with the intent of title XVII of the Energy Policy Act of 2005.

Mr. KYL. Mr. President, I rise today to comment on section 691 of the Consolidated Appropriations Act, 2008. This provision amends section 601(b) of the 2005 National Defense Authorization Act in order to allow the executive to make REAL ID immigration bars, inapplicable to individuals or groups whose presence in this country would not pose a threat to the United States, while continuing to bar from the United States all persons who are tied to the worst terrorist organizations. The provision also gives automatic exemptions to the Hmong and Montagnard soldiers who fought alongside the United States during the Vietnam war, providing overdue relief to the members of these armies. And section 691 also designates the Taliban as a Tier I terrorist organization for immigration purposes, eliminating exceptions to the applicability of REAL ID immigration bars for members, combatants, and others tied to the group that harbored Al Qaeda at the time when that organization was plotting the terrorist attacks of September 11, 2001.

Section 691 is the result of a negotiated compromise between Senator LEAHY and me a compromise that was encouraged and assisted by Senator Grassley and others.

Under current law, the REAL ID immigration bars can only be deemed non-applicable to an alien if the alien is a representative of a political or social group that endorses terrorism, has himself endorsed terrorism, or has given material support to a terrorist group, and may only be extended to a group if that group is a Tier III group that only has a subgroup that engages in terrorism. The amendment expands the non-applicability determination authorization to all terrorism-related bars, except that the bars cannot be deemed non-applicable if an alien is expected to engage in future terrorism, is a member or representative of a Tier I or II group, voluntarily and knowingly engages in terrorist activities, or endorses terrorism on behalf of a Tier I or II group, or has voluntarily and knowingly received military-type training from a Tier I or II group. Also, no group nonapplicability determinations could be applicable to threats to democratic countries or intentionally engages in a practice of attacking civilians.
Section 691’s expansion of section 212(d)(3)(B) nonapplicability authority generally draws a line between Tier I and II terrorist organizations, on the one hand—groups which have been designated as Foreign Terrorist Organizations by the State Department or other agencies of the Federal Government and Tier III organizations, on the other hand, which are swept into the definition of “terrorist organization” as a result of their conduct. The State Department’s PTO list includes some of the most bloodthirsty terrorist organizations on the planet. The list includes groups such as al-Qaida, Hamas, Hezbollah, and the Salafist Group for Call and Combat. By precluding non-applicability determinations with regard to persons tied to these groups, section 691 not only helps to protect the U.S. homeland from terrorism—it also contributes to making these groups radioactive in the foreign countries where they are based. Joining or helping one of these groups or accepting training from them will bar an individual from ever being allowed to enter or reside in the United States, in all cases and without exception. And making these groups radioactive makes it more difficult for them to recruit members or to carry out terrorist attacks.

Information that has been developed in hearings before the Senate Judiciary Committee explains why it is imperative that the United States discourage individuals providing anything other than aid or material support to foreign terrorist organizations. In an April 20, 2005, hearing before the Terrorism Subcommittee, for example, Barry Sabin, the Chief of the Counterterrorism Section of the Justice Department’s Criminal Division, explained how the provision of material aid to terrorist groups is critical to the functioning of these organizations. Mr. Sabin noted:

We know from experience that terrorists need funding and logistical support to operate. To obtain funds, open bank accounts to transfer money, and to communicate by phone and the Internet. They need travel documents. They need to train and recruit new operatives, and provide means to achieve their ends. By attending a camp, an individual lends critical moral support to terrorist organizations. In an April 20, 2005, hearing before the Terrorism Subcommittee, Mr. Sabin explained why there is no such thing as “good” aid to a terrorist organization, because all aid is fungible and can be converted to evil purposes, and because even humanitarian aid can be used by a terrorist organization to help it to recruit new members. These points were developed in detail by written statements provided by Chris Wray, the Assistant Attorney General for the Criminal Division, following a May 5, 2004, hearing before the Judiciary Committee. Mr. Wray explained why there is no such thing as benign material support for a designated foreign terrorist organization:

First, because material support of any kind is fungible and frees up resources that may then be used to promote violence, the provision of any material support facilitates and furthers the organization’s unlawful and violent activities regardless of the benign intent of the donor. Second, courts have held that even expressions of hope and assurance that their money is not used being used directly for terrorism are nevertheless providing groups such as Hamas with the type of support needed in order to operate successfully as terrorists.

Section 691 of the Consolidated Appropriations Act also bars the extension of a non-applicability determination to any alien who has voluntarily provided material support from a Tier I or II terrorist organization. Again in his April 20, 2005, testimony before the Terrorism Subcommittee, Chief Barry Sabin explained why individuals who have received such training are dangerous to the United States and why an individual’s participation in such training benefits the terrorist organization. Mr. Sabin explained:

Section 691 also clarifies that the decision to extend or to not extend a non-applicability determination to a particular group or individual is not subject to judicial review. As the Ninth Circuit has explained, whether a particular individual or group that would otherwise be within the scope of a section 212(a)(3)(B) bar should instead be deemed outside the scope of that bar is a decision that is inherently executive in nature. Such a decision will often involve consideration of classified information that would be compromised if litigated in open court, and it will involve sensitive judgments about which terrorist groups are more dangerous than others.

Vesting this discretion solely in the executive allows executive officers to consider the full range of information about a particular group that is available to the State Department, the Justice Department, the CIA, other intelligence agencies. It allows the executive to decide that some groups are less dangerous and therefore the REAL ID bars may be deemed to not apply to activities tied to that group, and that other groups are extremely dangerous and that even tenuous connections to such a group should serve as grounds for exclusion, with no exceptions allowed.

Were decisions about nonapplicability to be made on a precedent-based system of decision-making would require the courts to extend the same “rights” to members of one group as had extended to the last group whose case was reviewed. What is sufficient to justify a nonapplicability determination with regard to the FARC in Colombia, for example, would also be good for al-Qaida. By keeping these non-applicability decisions out of the courts, section 691’s amendments to INA section 212(d)(3)(B) allow the President to make a common-sense approach of treating different groups differently based on how violent they are and how much of a threat they pose.
to the United States. For that reason, section 691 does not allow judicial relief from an executive determination. Rather, it is the executive alone that will decide whether a bar should be applicable—that it should not even apply. The first question one may con- tinue to face a fierce and determined enemy—and this bill does not fund their mission. The omission of Iraq funding is no more than a political stunt—and we all know it. What kind of messages do we send to those brave men and women in the field?

Unfortunately, little has changed over the years. Here we are again, nearly 3 full months into fiscal year 2008, and we have before us another appropriation monster. Let me remind my colleagues that, because of our inability to get much done around here under the regular order, we have been forced to consider huge omnibus appropriations bills and one long-term continuing resolution in 5 of the last 6 fiscal years. The bill before us today is more than 1,400 pages long and is accompanied by a joint explanatory statement that was so big they couldn’t even number the pages. This bill consolidates 11 of the 12 appropriations measures into a price tag of nearly $475 billion. Amazingly, this bill contains 9,170 earmarks. Add those to the 2,161 earmarks that were contained in the Defense appropriations bill and the grand total for fiscal year 2008 earmarks amounts at 11,331 unnecessary, wasteful, run-of-the-mill pork barrel projects. And that is just for the House and Senate-passed bill. I can only imagine what this will look like when it comes out of conference.

A New York Times/CBS News poll that was released today shows that the approval rating of Congress stands at 21 percent. Can we blame the American people for holding us in such low esteem? Let’s look at how we are spending their hard earned tax dollars.

Here is just a sampling of some of the earmarks contained in this bill: $150,000 for the STEEED, Soaring Toward Educational Enrichment via Equine Discovery, Youth Program in Washington, DC. Basically this is an earmark of $150,000 so that disadvantaged kids can ride horses; $50,000 for the construction of a National Mule and Packers Museum in Bishop, CA; $100,000 for Cooters Pond Park in Prattville, AL; $362,500 for the Forensics Necropolis Cemetery right here on Capitol Hill; $1.95 million for the City College of NY for the Charles B. Rangel Center for Public Service; $975,000 for the Clinton School of Public Service at the University of Arkansas, Little Rock, AR; $1.628 million for animal vaccines in Greenport, NY; $477,000 for barley Health Food Benefits in Beltsville, MD; $244,000 for Bee Research in Weslaco, TX; $10 million to Nevada for the design and construction of the Derby Dam fish screen for use in the fish sensitive training for law enforcement in Los Angeles; $1.786 million to develop an exhibit for the Thunder Bay National Marine Sanctuary in Michigan; $846,000 to the Father’s Day Rally Committee in Philadelphia, PA; $125,000 for International Mother’s Day Shrine in Grafton, WV; $470,000 for an Oyster Hatchery Economic Pilot Program, Morgan State University, MD; $446,500 for Horseshoe Crab Research, Virginia Tech, VA; $125,000 for the Polish American Cultural Center in Philadelphia, PA; $400,000 for the National Iron Worker’s Training Program; $737,000 for leafy spurge control in North Dakota; $1.725 million for the Hudson Valley Welcome Center in Hyde Park, NY.

This omnibus was made available just yesterday, yet approved by the House last night. Imagine that—a 1,445 page bill, with a joint explanatory statement that is nine inches tall and costs $475 billion was made available and voted on by both chambers in less than 48 hours. Simply incredible. It is impossible for us to know exactly what is in this thing, and we are expected to simply take the appropriators word that it is all okay. Well, I have been here long enough to believe that a bill of this size, put together behind closed doors and rammed through at the last minute, cannot be all good. And I know it will be a long time before all of the hidden provisions in this legislation are exposed.

I fully recognize that it isn’t necessarily the fault of the appropriators that we are forced into this new pattern of adopting omnibus appropriations measures. Overly partisan politics has largely prevented us from following the regular legislative order, and that fact must change. But while it may not be the appropriators fault that we are forced to consider omnibus appropriations measures, it is their duty and responsibility to ensure that each and every one of these measures are already the subject of a carefully de-
within this section of the joint explanatory statement are 741 locality-specific earmarks costing nearly $180 million. These pork barrel projects are spread out over 42 pages and fund everything from construction of coastal trails, nature education centers, public parks and renovations for museums and theaters.

On defense matters, the omnibus appropriations bills propose funding $1.18 billion in military construction projects that were not requested by the President. Of that amount, $584 million was vetted by both the Senate Armed Services and Appropriations Committees to ensure that the services’ critical unfunded priorities requirements were met. On the Senate floor, those projects were further reviewed, and approved in the Senate versions of the authorization and appropriations bills.

However, this bloated omnibus appropriations bill also includes another $580 million in “air-dropped” construction projects, that is, funding for projects that were not included in any previous appropriations bill passed by the House or Senate. The House appropriators have once again waited until the last minute to present these new projects to skimp on their responsibility for their pork spending. Mr. President, in the ethics reform law we passed with much fanfare earlier this year, we amended Senate rule 44 specifically to discourage such “airdropping” of new construction projects.

In an unprecedented and unfortunate act, the majority accepted $238 million of airdropped military construction authorizations into the recently passed national defense authorization bill. It was in part for this reason that I reluctantly decided not to sign the defense authorization conference report. I could not then, and cannot now, support the parachuting of new spending items into final reports that have not been debated on the floor of Congress. I am very disappointed that we in the Senate continue to condone this irresponsible practice in light of our efforts to prevent it with ethics reform.

The omnibus appropriations bill also earmarks over $40 million for the planning and design of pork military construction projects requested by Members of Congress. Congress normally authorizes funding annually for each military construction project and their future construction priorities. This bill disregards the military’s priorities and earmarks funds towards specific projects—without the Department being given the opportunity to determine whether or not those projects should reflect actual military requirements.

Even more egregious is that we are proposing to pay for this airdropped pork by cutting over $900 million from the amount of $3.1 billion requested by the President to carry out the critical military construction activities related to the 2005 defense base closure and realignment report. The Department of Defense and the local communities affected by BRAC need enough funding to meet the statutory deadline of September 2011. To underfund BRAC in order to pay for earmarks is a sad reflection on the priorities of this Congress, which has again unabashedly put parochial interests above the needs of the Defense Department, our local communities and the American taxpayer.

We simply must start making some tough decisions around here if we are serious about improving our fiscal future. We need to be thinking about the future of America and the future generations who are going to be paying the tab for our continued spending. It is simply not fiscally responsible for us to continue to load up appropriations bills with wasteful and unnecessary spending, and good deals for special interests and their lobbyists. We have had ample opportunities to tighten our belts in this town in recent years, and we have taken advantage of every time. We can’t put off the inevitable any longer.

In a report on our long-term budget outlook issued this month, the Congressional Budget Office states this: “Significant uncertainty surrounds long-term fiscal projections, but under any plausible scenario, the federal budget is on an unsustainable path—that is, federal debt will grow much faster than the economy over the long run.” Significant changes in policy, rising costs for health care and the aging of the U.S. population will cause federal spending to grow rapidly.”

The report goes on to say that: “If outlays increased as projected and revenues did not grow at a corresponding rate, deficits would climb and federal debt would grow significantly. Substantial budget deficits would reduce national saving, which would lead to an increased borrowing from abroad and lower levels of domestic investment that in turn would constrain income growth in the United States. In the extreme, deficits could seriously harm the economy. Such economic damage could be averted by putting the nation on a sustainable fiscal course, which would require some combination of less spending and more revenues than the amounts now projected. Making such changes sooner rather than later and on a sustainable fiscal path poses to the economy.” Again—this is not my dire prediction, it comes from our own CBO.

To underscore the urgency of the problem, in a speech at The National Press Club just yesterday, David Walker, the Comptroller General of the United States announced that—for the eleventh straight year—the Federal Government failed its financial audit. Mr. Walker said that “the federal government’s total liabilities and unfunded commitments benefit payments promised under the current Social Security and Medicare programs are now estimated at $33 trillion, in current dollar terms, up from about $20 trillion in 2000. This translates into a de facto mortgage of about $455,000 for every American household and there’s no house to back this mortgage. In other words, our government has promised a whole lot more than that, and in the long run, it cannot possibly keep without huge tax increases.”

The Comptroller General also highlighted a specific program that serves as an example of the problems we face. He said: “The prescription drug benefit alone represents about $3 trillion of Medicare’s $34 trillion gap. Incredibly, this number was not disclosed or discussed until after the Congress had voted on the bill and the President had signed it into law. Generations of Americans will be paying the price—with compound interest—for this new entitlement benefit.” He went on to note that: “Unfortunately, once federal programs or agencies are created, the tendency is to fund them in perpetuity. Washington rarely seems to question the wisdom of its existing commitments. Instead, it simply adds programs and agencies to the top of the old ones. This continual layering is a key reason our government has grown so large, so expensive, so inefficient, and in some cases, so ineffective.”

Mr. Walker ended his speech by saying “If all of us do our part, and if we start making tough choices sooner rather than later, we can keep America great, ensure that our future is better than the past, and our great nation is the first republic to stand the test of time. To me, that is a cause worth fighting for.” I agree wholeheartedly. And I say to my colleagues: Let’s start making those tough choices today. We have to face the facts, and one fact is that we can’t continue to spend taxpayer’s dollars on wasteful, unnecessary pork barrel projects or cater to wealthy corporate special interests any longer. The American people won’t stand for it, and they shouldn’t. They deserve better treatment from us.

ST. JOHN’S BAYOU/NEW MADRID FLOODWAY

Mrs. BOXER, Mr. President, I wish to speak to the intent of section 123 of title I of division C of the bill, which addresses the Corps of Engineers project—Saint Johns Bayou/New Madrid Floodway. As the chairman of the Committee on Environment and Public Works with jurisdiction over the Corps of Engineers, the Clean Water Act and the National Environmental Policy Act. I offer my understanding of section 123. Section 123 does not interfere with or overturn any court decision concerning this project, or either or both of the Clean Water Act and the National Environmental Policy Act. The language provides that the project as described in the June 2002 Revised Supplemental Impact Statement, implementing the March 2006 Revised Supplemental Environmental Impact Statement 2 is determined to be economically justified.
The language does not affect the application of the Clean Water Act and NEPA to this project. Because of the specific reference to the project documents, the language in section 123 does not alter legal requirements regarding cost/benefit analysis for subsequent or revised project documents, including environmental impact statements, or any requirements with regard to NEPA and the Clean Water Act.

Mr. President, nearly a year ago, when President Bush announced his decision to send 30,000 additional troops to Iraq, he predicted that increased U.S. troop levels would stabilize the country so that its national defense could reach political and military agreement. More troops would enable us to accelerate training initiatives so that the Iraqi army and police force could assume control of all security in the country by November 2007. According to this plan, the Iraqi army and police force were to assume control of all security last month.

Well, the information before us in December, like the reports before us in September and July, show us that President Bush’s troop escalation hasn’t delivered on the President’s promises. It has failed to stem the civil war going on in Iraq, failed to allow Iraqi forces to take control over their own security, and failed to lead to political reconciliation. That failure was clear when I last came to the floor to discuss this issue in September, and it is clear today.

With troop levels still 24,000 above where they were a year ago, and with no plans to lower them below pre-surge levels, not even President Bush’s claims that substantial progress toward the ultimate goal of the escalation—political reconciliation—has occurred. Then, there have been no agreements on de-Ba’athification reform, oil revenue sharing, provincial elections, or amnesty laws, nor has the Iraqi government or the Administration offered a clear plan for achieving a sustainable political solution. Just 22 months ago, LTG Raymond Odierno, the No. 2 commander of U.S. forces in Iraq, was quoted pleading with the Iraqi government to make progress on national reconciliation and improving basic services.

Our country’s resources remain locked in Iraq. Iran is emboldened. Insurgent violence is at its highest level in Afghanistan since U.S.-led forces first entered the Taliban and our military reports signs of al Qaeda is returning to Afghanistan from Iraq. Pakistan is facing political turmoil and Turkey has begun military incursions into Iraq’s Kurdish regions.

We must change our mission in Iraq. The cost of further delay in lives, matériel, treasure, and our standing in the world is too great. The United States cannot impose the political reconciliation necessary to bring long-lasting security to that nation. It is time to direct our resources toward the rest of the region and to needs here at home.

A new policy begins by removing our troops from the middle of a civil war and giving them a more realistic mission, one that is in the best interests of Iraq and the United States. Given the facts and the realities independent reports provide us, I continue to support an amendment by Senators Feinstein and Reid, to change our mission in Iraq from providing security and services to a focus on training, counter-terrorism and force protection.

I voted against an amendment to add $40 billion to the omnibus spending package without any limits on the President’s use of that money. The military has no immediate need for additional funds for Iraq. Congress just passed a $456 billion Defense Appropriations bill. The omnibus provides the Army and Marine Corps an additional $20 billion. Given the Department of Defense’s ability to shift funds, this money should pay for the war through 2009. There is no need to vote on additional funding next year when we will have more information about trends on the ground in Iraq.

Further, while negotiating this year’s spending levels this President has vetoed additional education funding and refused to negotiate over a modest increase in overall appropriations to fund critical needs here at home, and he continues to insist Congress fund a failed strategy in Iraq. The President’s intransigence undermines our credibility in the world and has left this Congress fewer resources to direct toward priorities here at home. Those are the wrong priorities for our nation.

The world has an interest in a safe and secure Iraq. It is time to take steps to protect our troops and all volunteers, change the mission, step up our diplomatic efforts, and internationalize the effort to bring stability to that country and to the Middle East.

We don’t need additional funds for Iraq, we need a new direction.

Mr. President, I yield the floor.

Mr. LAUTENBERG. Mr. President, I rise to discuss one provision of the fiscal year 2008 Omnibus appropriations bill which is of great importance to the security of our nation, and of particular importance to my State of New Jersey. That is Section 534, which will overturn the Department of Homeland Security’s efforts to preempt the rights of States and local governments to adopt chemical security protections stronger than the standards adopted by the Federal Government.

The effort by DHS to prevent States from going beyond the measures adopted by DHS to protect their residents from terrorist attacks on chemical facilities was never authorized by Congress, and the inclusion of my provision overturning the Department’s effort represents a strong rejection by Congress of the Department’s attempt to do so.

Opposition to the Department’s effort has been widespread and bipartisan, including from the National Governor’s Association, the National Conference of State Legislatures and the Chairmen of the 9/11 Commission, Representative Lee Hamilton and former New Jersey Governor Tom Kean. Nevertheless, DHS continues to assert that its partnership with industry rather than a partnership with States—will be sufficient to protect the American public. By including this provision in the omnibus bill, Congress is making clear that its role of States and local governments is not to be undermined by the Department of Homeland Security.

The provision included in the omnibus bill amends Section 550 of the Department of Homeland Security Appropriations Act, 2007 to clarify that DHS does not have the authority to preempt State or local governments from adopting chemical security measures stronger than those adopted by DHS. The language in this bill will allow States to go beyond the Federal regulations as long as there is no conflict with the Federal regulations. This means that unless it is impossible to comply with both State and Federal law, the State law is not preempted. Determinations on whether it is impossible to comply with both State and Federal law are properly decided by the Federal courts, and DHS should not be prejudging or interfering with this determination.

While we all wish it were not so, the threat of terrorists using our chemical plants as a mechanism for killing hundreds or thousands of citizens is not far-fetched. It was reported as far back as December 2001 that chemical trade publications had been found in a hideout in Afghanistan used by Osama bin Laden. Numerous Government agencies and independent bodies have identified the Nation’s chemical facilities as an attractive target for terrorists. And New Jersey has good reason to be concerned about a terrorist threat to a facility storing large amounts of dangerous chemicals. The FBI has called the stretch between Port Newark and Liberty International Airport “the most dangerous two miles in America.” According to a 2005 CRS report, 7 of the 111 sites identified by EPA that could put more than 1 million people at risk in the event of an attack or serious accident are in New Jersey. According to the same report, up to 7 facilities in New Jersey put up to 1 million people at risk. And the sites identified by EPA pose a risk to up to 100,000 people.

I want to thank the leadership of the Appropriations Committee and my colleagues in the Senate and the House for their support for including this critically important national security provision in the Omnibus appropriations bill.

Mr. SANDERS. Mr. President, like many of my colleagues, I worked very hard to assure that, given the threats of President Bush, the Omnibus appropriations bill was as strong as it could be. In that regard, we have made some real progress. Unfortunately,
however, this bill contains $40 billion for Iraq operations, with no strings attached the money to be used as the President wishes, with no accountability for when our involvement in Iraq will end. With expenditures of $12 billion a month, it is now estimated that the total cost of our Iraq involvement will end up being more than $1 trillion.

I cannot support providing more money for continuing our ill-conceived and tragic presence in Iraq, money provided with no requirements for plans as to when the redeployment will begin, when it will be concluded, and what our future course in Iraq will be. Consequently, I will vote against the Omnibus appropriations bill.

My vote against this bill also reflects genuine concern regarding last-minute additions of loan guarantees for questionable energy sources, which move us in exactly the wrong direction. More specifically, the report language accompanying the Omnibus appropriations bill provides $18.5 billion in loan guarantees for nuclear powerplants, $2.0 billion in loan guarantees for uranium enrichment, $6.0 billion in loan guarantees for coal gasification, which I have previously expressed to be the very letter to all fossil fuel generation, not just single out coal-fired generation.

Colleagues, I have no illusions that my attempt here today to bring about discipline on the spending process will have merit, and I would be happy to work with the sponsors, as would, I am sure, Chairwoman Boxer, during the authorization process, but doing it now is wrong. It violates our rules, it removes discipline from the process.

Mr. NELSON of Nebraska. Mr. President, I rise today to speak in support of the consolidated appropriations bill before the Senate and to discuss one small part of the bill that is an important component to our many efforts to advance the biofuels industry and to wean our nation off of its reliance on oil.

In the Energy and Water Appropriations bill, the Senate Appropriations Committee provided $2 million to the Department of Energy for "E-85 infrastructure development." I want to highlight the importance of this funding and stress the need for DOE to utilize this money in the most cost effective and efficient manner possible.

E85 is an alternative form of transportation fuel that consists of 85 percent ethanol and 15 percent gasoline. It has been developed, in part, to address American’s air quality issues and its dangerous dependence on foreign oil.

Currently, there are 2 billion E85 capable vehicles on the Nation’s highways, and the use of E85 in these vehicles has the potential to significantly reduce the Nation’s dependence on foreign oil, add billions to total farm income, help improve rural and the American economies, and help reduce levels of greenhouse gas emissions.

regular order process for the consideration of climate change legislation. To include these provisions now, at the last minute on an omnibus, is a total affront to that process.

The proposed registry language is a complete standardless grant to the EPA, possibly an unlawful delegation of Congress’s power to legislate. The language directs EPA to develop a mandatory reporting program of greenhouse gas emissions “above appropriate thresholds in all sectors of the economy of the United States” and to provide for a National Registry of GHG Sources. There are no other standards or directions to the Agency, there are no standards by which a reviewing court can judge EPA’s actions.

This registry language should be removed or, at a minimum, allowed to sunset at the end of fiscal year 2008 without implementation or effect.

In another provision, the appropriators express concern about proposed new power plants in Texas. This provision is the very letter to all fossil fuel generation, not just single out coal-fired generation.

Colleagues, I have no illusions that my attempt here today to bring about discipline on the spending process will have merit, and I would be happy to work with the sponsors, as would, I am sure, Chairwoman Boxer, during the authorization process, but doing it now is wrong. It violates our rules, it removes discipline from the process.

Mr. INHOFE. Mr. President, now December 18 and we are all anxious to get home. Additionally tomorrow is my 49th birthday. That’s why I want to get home. Standing in our way is final disposition of the 2008 appropriation bills. The leadership has brought before us an omnibus bill that combines the remaining 11 regular appropriation bills not yet signed by the President. That’s why I want to get home.

Before I close, I would like to point out that this omnibus appropriations bill that attempted to fund projects either not previously authorized, or above their authorized level. As I made clear in my statements on September 24 prior to passage of the Energy Appropriation Act on September 23 and November 8, prior to the Senate’s override vote, the authorization process is the foremost mechanism we have to control spending. We are violating it in this bill.

In addition to these increases in spending, the omnibus includes numerous provisions authorizing or modifying other projects and policies of the Corps in nonspending ways. These legislative provisions, too, should be decided within the authorization process, not in an omnibus appropriations bill.

Just over a month ago, we authorized $23 billion in projects for the Corps of Engineers, and Chairwoman BOXER and I have already begun discussions on a new authorization bill for 2008. So, I have to ask why are we violating not only the authorization law of the Senate, but creating an opportunity for criticism on our ability to control spending. It makes no sense and it is not necessary and I have not gone to the heart of why the public has such a low opinion of Congress. They don’t trust us. Why should they, we cannot seem to follow our own rules.

Before I close, I would like to point out that our也算 irresponsible legislating in this omnibus appropriations bill. There are several provisions to address climate change scattered throughout the bill. These provisions include creation of new requirements and a new mitigation incentives fund for the Economic Development Administration, in title I of Division B; a sense of Congress with respect to green energy tax credits; in title II of Division B; a sense of Congress with a call for a mandatory program to reduce greenhouse gases emissions, in Division F; and the creation of a municipal greenhouse gas emissions reduction program in title II of Division F, which appropriates money for the Environmental Protection Agency. We are in the middle of a
Recognizing the importance of E85, President Bush and Secretary of Transportation Mary Peters participated with the CEOs of General Motors, Ford, and Chrysler in an event on March of 2007, where they announced the growth in the production of flexible-fuel vehicles, FFVs, on E85.

The automakers pledged to double their existing production of flexible fuel vehicles by 2010. They also pledged that by 2012 fully 50 percent of all vehicle production would be FFVs.

However, was predicated on the fact that adequate fueling infrastructure would be available by that time to fuel the millions of additional E85-compatible vehicles.

It is the responsibility of Congress to provide adequate funding to help advance the deployment of E85 fueling infrastructure. I was encouraged then that the Senate elected to set aside $2 million for this purpose in the Energy and Water Appropriations bill. Once finalized, it will become the Department of Energy’s responsibility to allocate this funding to the entity that can provide the most effective and cost-efficient service.

As Governor of Nebraska I helped create the Governors’ Ethanol Coalition. In 1997, this coalition, along with the National Corn Growers Association, domestic automakers, and others, established a group named the National Ethanol Vehicle Coalition, NEVC, that can function as the nation’s primary advocate for the use of E85 ethanol as an alternative to oil-based transportation fuel.

Working with its many partners, NEVC maintains the primary national database on E85 fueling locations, E85 fuel providers, and comprehensive data on the technical requirements necessary to install E85 fueling systems. NEVC also provides the marketing and promotional materials used by all E85 fueling stations in the nation.

NEVC accomplishes all of these actions in a cost-effective, timely, and prudent manner. In addition to having assisted with the opening of 1,413 existing stations, NEVC has provided assistance to station operators for securing reasonably priced supplies of ethanol. NEVC has also provided assistance regarding State and Federal tax credits and the materials needed for proper marketing and promotion by these stations.

NEVC has an extensive background, high level of technical competence, and vast experience in establishing and maintaining E85 fueling facilities, and they have proven themselves capable of effectively delivering assistance in a cost-efficient manner.

I note that there is broad consensus that additional alternative fueling infrastructure is needed in this country, and I stress the need for DOE to wisely use the limited funds we have made available.

As such, Mr. President, I strongly urge the Department of Energy to work closely with NEVC and give them all due consideration when it is expending the funding Congress has provided to meet the needs and goals for E85 fueling stations.

Mr. CORNYN. Mr. President, it is no secret that every Senator who comes to Washington, DC, comes with a few pet issues in mind which he makes his own, and which he takes a particular interest in. For me, open and transparent government has been one of those issues.

From my time as a Texas lawyer, supreme court justice, and attorney general I know firsthand the importance, but also the difficulty of creating and enforcing open government and the free flow of information. I have always taken to heart, however, the words of James Madison, who once declared: “The advancement and diffusion of knowledge is the only guardian of true liberty.”

Of course, I have the advantage of coming from Texas, one of the strongest States in terms of free information and open government. In Texas, it is a matter of principle that everyone should be able to quickly and easily find out what their government is doing and how.

That is why I was so pleased last week when the Senate passed the Openness Promotes Effectiveness in our National Government, or OPEN Government Act of 2007. Now, the House has likewise passed this important bill, and I eagerly await the President signing it into law.

I have to thank my colleagues, the chairman of the Judiciary committee, Senator LEAHY, and Lydia Griggsby of his staff; Senator KYL, and Joe Matal of his staff; and two of my former chief counsels, James Ho and Reed O’Connor. Without their hard work, we wouldn’t be celebrating this legislative victory today.

I have spoken on several occasions in this Chamber about the importance of reforming and updating the Freedom of Information Act, so that undue delays and onerous burdens which plague American citizens looking for information that they by right should have. After 40 years of FOIA there still remain pending requests for information more than a decade old. And many requests result in costly and drawn out lawsuits which effectively prevent the average citizen from receiving the information they deserve.

This bill will restore this most fundamental principle of a free and informed citizenry. It reinforces Lincoln’s notion of a government “of the people, by the people, for the people,” placing information back in the hands of Americans. It is nothing short of a victory for democracy.

This bill restores meaningful deadlines with real consequences to the FOIA system, ensuring Government agencies will provide timely responses to requests. It creates a new system for tracking pending FOIA requests and an ombudsman to review agency compliance. At the same time it closes loopholes and strengthens FOIA law ensuring all journalists have equal access to information.

These reforms are long overdue, and are but a part of creating a government focused on openness. Still, I look forward to the President signing this bill and placing half a century of transparency in America. In my home of Texas, we have worked hard to establish the ideals of openness and transparency, and I know that the Nation can follow suit. It is in everyone’s best interest to throw a little more sunlight on Washington.

Ms. SNOWE. Mr. President, I rise today to draw your attention to a critical amendment that I am offering to the Omnibus appropriation bill. As ranking member of the Subcommittee on Oceans, Atmosphere, Fisheries, and the Coast Guard, I am working with my colleagues in the New England delegation to seek support for this amendment. Our amendment would allow fisheries disaster relief funds to be made available to hard-hit fishermen in New England. Recognizing the importance of E85, we have worked hard to establish the ideals of openness and transparency, and I know that the Nation can follow suit. It is in everyone’s best interest to throw a little more sunlight on Washington.

From the time the first Europeans arrived in the region that would become New England, fish—particularly groundfish such as cod and haddock—were the fundamental natural resource. It was said that fish were once so bountiful that one could walk across the Gulf of Maine on the backs of codfish. But today, our centuries-old tradition of groundfishing is at a critical juncture, and many of our fishermen are increasingly finding that they can no longer find enough fish to make a living in an industry that has sustained their families for generations. This is because ongoing requirements to rebuild New England’s groundfishing stocks have resulted in severe economic impacts to our fishing communities. Since 1996, groundfishermen in the Northeast Multispecies Groundfish Fishery have seen their allotted days-at-sea slashed by over 75 percent, from an average of 116 to just 24 days a year. This effectively closes the fishery 93 percent of the time.

I understand the need to reduce catch on a temporary basis in order to allow the stocks to rebound from decades of overfishing, but if we are going to have any fishermen left to harvest those rebuilt stocks, we must have Government assistance to sustain the fleet through this rebuilding period. The Maine groundfishing fleet already has been halved over the past several years, from more than 220 boats in 1994 to just 110 today. Groundfish landings in Maine are down 58 percent over that same time period. shore-side support industries such as fish processors, and ice, bait and fuel suppliers have suffered a similar loss in fish processing and wholesaling dropping 40 percent, from nearly 3,000 jobs to less than 1,800 today.
Because of these severe economic impacts and their ramifications to shore-side infrastructure and the overall health of coastal communities, earlier this year the Governor of Maine appealed to the Secretary of Commerce, asking to officially declare "fisheries failure" in this region. Such a declaration under existing law would allow the release of vital disaster assistance to help minimize the devastating losses our fishing communities are experiencing.

Unfortunately, the Secretary of Commerce failed our fishermen, when he failed to make this declaration. He misinterpreted Congress's intent when, in the most recent reauthorization of the Magnuson-Stevens Fishery Conservation Management Act, we authorized disaster relief funding for fisheries crippled by overly onerous regulations.

And that mistake was fueled by his decision to cherry-pick numbers and timeframes that provided a rosier analysis of the true cumulative economic impact of the groundfish regulations.

It was his contention that the fishery was "rebuilding." While this may be true, the fact remains: today, our fishermen are only allowed to work 24 days a year. If these are the regulations we consider a failure, let the Secretary of Commerce by denying this relief where it is most needed.

Throughout the past decade, New England States have been placed on the list of areas that the Secretary of Commerce believe are "less than critically depleted," despite the fact that New England fisheries are experiencing collapses that are of concern to all New England States. The fishery is in a state of collapse and without taking action, fishing opportunities are experiencing a new era of short runs and without seeing that this is a regional fishery. Massachusetts fishermen are already suffering at the hands of the Secretary of Commerce by denying this relief where it is most needed.

New England States, especially Maine, New Hampshire, Rhode Island and Connecticut would simply be unable to compete with their counterparts in Massachusetts, who will soon find themselves awash in an influx of cash, boosting their bottom lines and increasing their competitiveness. This would be a grievous injustice—one that we cannot countenance.

For the sake of the hard-working groundfishermen throughout the other New England States, who have already endured years of costly regulations and are working hard to help stocks recover, I implore my colleagues to support this amendment. Congress must right the wrongs that continue to be carried out on our hardest hit fishermen and coastal communities.

Mr. LIEBERMAN. Mr. President, I rise today to support the fiscal year 2008 omnibus appropriations bill. I have worked closely with Senators KERRY and KENNEDY—as well our colleagues from other New England States—to develop and put forth a comprehensive, consistent, regional approach for achieving the goal of fairly and effectively helping our groundfishermen. The fact of the matter is this: the regional fishery. Massachusetts fishermen are chasing the same fish as their Maine or Rhode Island or New Hampshire counterparts. And I am deeply troubled to see that this regional, commonsense approach has been abandoned by my colleagues from Massachusetts, and they now choose to "go it alone" without seeing that this is a regional crisis. After all, considering that devastating economic impacts have hit all New England States, especially Maine, it is simply unfair and unreasonable to keep this funding contained to one State.

We first worked to remedy this situation and restore a strong regional solution last October. When the Senate passed our Commerce-Justice-Science Bill, S. 3093, we included a Sununu amendment, which I cosponsored, that would have directed $15 million of the funds provided to the National Oceanic and Atmospheric Administration to be available to carry out disaster relief activities of the Magnuson-Stevens Act. To my great dismay—and without consultation to the New England delegation—we no longer contain the Senate-passed language allowing this disaster relief for New England’s groundfishermen. The Senate must now act to restore this funding.

If we fail to do the right thing today, the result will be that disaster relief funding will go to only Massachusetts—arguably the State that needs it the least. For example, the port of New Bedford, MA consistently ranks first in the nation of the New England groundfish landings. Fishermen brought $231.2 million worth of fish to New Bedford alone in 2006, continuing a 7-year trend of increasing value of landings. Top of that—Massachusetts fishermen are already receiving approximately $6 million of additional fisheries mitigation funding from operators of a liquefied natural gas facility.

If Congress does not act to remedy this situation, we could be sounding the death knell for groundfishermen in other New England States. The fishermen in Maine, New Hampshire, Rhode Island, and Connecticut would simply be unable to compete with their counterparts in Massachusetts, who will soon find themselves awash in an influx of cash, boosting their bottom lines and increasing their competitiveness. This would be a grievous injustice—one that we cannot countenance.

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would appear to be overkill. Conceding, detective Curtis Stephenson agrees, the purchase of bulletproof vests and According to Bastrop Daily Enterprise, the hidden within this 3,400 page omnibus bill, which combines the 11 unfinished appropriations bills to fund the Federal Government’s operations in fiscal year 2008, provides approximately $151.7 billion in discretionary spending. The bill also adds approximately $11 billion in emergency spending, of which $3.7 billion is contingent emergency spending for veterans programs. This bill was approved by the House of Representatives last night, and the Senate is expected to vote on it today, even though it has only been available now for 36 hours. The bill is more than 3,400 pages, and I am fairly certain that not a single Member of either chamber of Congress, or anyone else, for that matter, has read it in its entirety. What is most shocking, however, is that the eagerness of Members of Congress to recess for the year and to satisfy the desire to secure pork projects has taken precedent over our responsibility to properly manage the Nation’s finances and set national spending priorities.

While this bill does not provide the funding that is needed for our brave men and women in uniform fighting on the front lines in Iraq, it does contain over 9,000 special interest pork projects, known as “earmarks.” “An earmark Christmas, Lawmakers deck out omnibus with many a spending project,” proclaims the front page of the Roll Call, “Earmark Extravaganza. Nearly 9,000 Requests in Omnibus,” exclaims the front page of Roll Call.

Nearly 300 of the earmarks in this bill costing over $800 million were air dropped into this bill during closed-door meetings not open to the public or most Members of Congress. Among the thousands of earmarked projects tucked into this bill are: $110,000 for rodent control in Alaska; $213,000 for olive fruit fly research in France; $1,645,000 for the City of Bastrop, LA. According to Bastrop Daily Enterprise, “The money is officially earmarked for the police and fire, but the $2,113,000 is for pork projects. The police and fire department is a handmade body armor. Bulletproof vests only cost about $700-800, however, so the $1.6 million would appear to be overkill.” Police detective Curtis Stephenson agrees, conceding, “There’s no way we’d need that kind of money just to put all our people in vests.” $200,000 for a Hunting and Fishing Museum in Pennsylvania; $150,000 for a Louis Armstrong Museum in New York; $700,000 for a bike trail in Minnesota; $1,000,000 for river walk in Massachusetts; $300,000 for a post office museum in downtown Ohio; $1,000,000 for an earmark requested by a House Member who has been indicted on Federal charges of racketeering, money-laundering and soliciting bribes; $259,000 for alternative salmon products; $166,000 for an aquarium in South Carolina; $1,000,000 for managing weeds in Idaho; and $37,000 for the Lincoln Park Zoo in Illinois.

It is hard to argue that any of these are national priorities or more important than funding the troops in Iraq or worth increasing the national debt. Members of Congress have, however, learned to rationalize the practice of earmarking, but the truth is every earmark diverts funds away from more important national priorities.

I filed two amendments to this bill that would have prevented this point that I had hoped to offer but was blocked from doing so. These amendments would have given Congress the opportunity to choose between improving deficient roads and bridges and providing health care to women and children before steering funds toward special interest earmarks.

The first amendment, 3860, would have allowed the Department of Transportation to redirect earmarked funds to improve unsafe roads and bridges.

On August 1, 2007, the Interstate 35 West, I-35W bridge over the Mississippi River in Minneapolis, MN, collapsed during rush hour, killing 13 people and injuring another 123. This tragedy exposed both a nationwide problem of deficient bridges as well as misplaced priorities of Congress, which has focused more on funding earmarks than improving aging infrastructure.

According to the U.S. Department of Transportation, one out of every eight bridges in our Nation is structurally deficient. Of the 597,340 bridges in the United States, 154,101 bridges are deficient. Yet, instead of addressing needed bridge maintenance, Congress has prioritized earmarks for politicians’ pet projects which do not even involve roads or bridges.

The second amendment, 3861, would have allowed the Department of Transportation to redirect earmarked funds to improve unsafe roads and bridges.

The $286 billion, 5-year Transportation authorization bill approved by Congress in 2005, for example, included 6,373 earmarks, totaling $24 billion, including the infamous “Bridge to Nowhere” in Alaska. The Senate rejected a similar amendment in October, and this bill demonstrates once again that while Congress may talk about prioritizing children’s health care, the real priority of Congress is its own special interest pork projects.

There are plenty of other examples in this bill of Congress’s misplaced priorities. The bill, for example, terminates the Baby AIDS Program that provides resources to prevent perinatal HIV transmission and care for children with HIV, while ensuring that San Francisco receives funding for deceased AIDS patients. The bill provides another $100 million for the 2008 political party conventions. It allows the Department of Justice to again provide Federal financial support for groups linked to terrorism by removing the prohibition passed by the Senate in October.

Who knows what other travesties are hidden within this 3,400 page omnibus spending bill that Congress is expected to pass without having time to read, review, or amend? Members of Congress may never know, and apparently few seem to care.
It should come as no surprise to anyone that the approval ratings of Congress have reached all-time historical lows.

Congress has ignored the needs of our troops in combat, the looming bankruptcy of Social Security and Medicare, and the nearly insurmountable national debt that threatens the future prosperity of our Nation while showing virtually no restraint on spending, especially for parochial pork projects.

Mr. CRAPO. Mr. President, I rise today to offer my distinct dismay with the outcome of what has become omnibus funding legislation for 11 of the 13 appropriations bills for fiscal year 2008. H.R. 2764 is a sad testament to Congress's inability to draft and pass responsible Federal funding legislation. I am very disappointed that critical funding for drug abuse education efforts, crime victims and, more specifically, victims of domestic violence has been left out of this bill. In fact, I will lose more than 10 percent of Victims of Crime Act funding, money, incidentally, which was never supposed to be subject to the appropriations process in the first place. Furthermore, funding for programs that help victims of sexual abuses in Idaho, a program that has helped thousands of Idaho schoolchildren learn of the dangers of Internet predators have been eliminated during the conference process on this omnibus spending bill. Justice committee reports have been significantly reduced. The Office of National Drug Control Policy Youth Anti-Drug Media Campaign was significantly cut, which jeopardizes important anti drug and, particularly anti meth media messaging for Idaho's youth. Although I have supported important funding along the way in these bills including veterans funding, border funds and other Idaho priorities, in my view, victims of crime and our youth are the clear losers in this legislation and because of this and other substantial concerns I have with this, I have to vote against the bill.

Mr. PRYOR. Mr. President, I would like to express my support for a provision of the Consolidated Appropriations Act, 2008. Specifically, I would like to take this opportunity to highlight and clarify language included in Division E, the Department of Homeland Security Appropriations Act of 2008 that affects the secure handling of ammonium nitrate.

This legislation reduces the risk of large quantities of ammonium nitrate falling into the wrong hands, while ensuring access for agriculture professionals and farmers who use this fertilizer for legitimate purposes. It requires that ammonium nitrate sellers and purchasers register and receive a registration number in order to distribute or buy the product. Doing so reduces the possibility that ammonium nitrate will fall into the hands of terrorists. It also allows Department of Homeland Security and relevant law enforcement agencies to know who has access to ammonium nitrate. Second, it requires registration number applicants to be matched against the terrorism screening database before being authorized to buy or sell ammonium nitrate. Finally, by making the sale or purchase of ammonium nitrate more difficult, it deters acquisition of this explosive precursor by dangerous persons.

Farmers who use ammonium nitrate in agriculture production normally obtain the ammonium nitrate from a retail fertilizer dealer. At a retail fertilizer dealership that stores and sells ammonium nitrate would have to register under this legislation. The intent of this legislation is “track and trace” — to provide law enforcement officials with the ability to know where ammonium nitrate is being stored and the establishment of a prescreening process before a person can purchase and take away ammonium nitrate.

Retail fertilizer dealerships provide many services for farmers and one of those services is custom application. Many farmers buy the fertilizer, but never physically take possession of the ammonium nitrate. Instead, farmers purchase the services of a dealer who spreads the ammonium nitrate on their fields. In the United States, nearly 90 percent of the 41,800 tons of ammonium nitrate purchased is directly applied to the field from the custody of the fertilizer dealer or applicator company. Only 10 percent of the ammonium nitrate sold in the southeastern United States is ever under the direct control and possession of the farm customer.

Businesses and employees who provide custom application services would be subject to the registration requirements of the legislation. It is not the intent of this legislation to require registration by individuals who use custom application services but never physically control any ammonium nitrate.

I believe this bill will help keep ammonium nitrate out of would-be terrorists' hands while allowing farmers to use it for legitimate purposes.

Mr. BROWNBACK. Mr. President, I rise to discuss the Omnibus appropriations bill that is before us today. Although I am supportive of a number of important items in the bill, I have serious concerns and reservations about how this voluminous package was put together and I want to reiterate this point. As we are all aware, none of the 11 bills in this package have ever been considered on the floor of this chamber. I believe this is a travesty and entirely contrary to our democratic process. I, for one, believe that next year we must make it a priority to consider all of the appropriations bills in regular order so that all Members can participate in the process. We are appropriating nearly $933 billion through this bill and only a select few Members in both Chambers have participated in the allocation of those dollars.

Despite my deep concerns about the process of putting this bill together, I have chosen to support it because it is within the President's budget request, it provides bridge-funding to support our troops in Iraq and Afghanistan, and it contains a number of other items that I support.

I am pleased that the bill contains funds to continue Marriage Development Accounts in the District of Columbia. We began this program in fiscal year 2006 as a way to stem the erosion of marriage. I believe marriage is all but disappearing in low-income communities in this city and across the country because couples lose important benefits such as food stamps, low-income housing credits, Temporary Assistance to Needy Families, and Medicaid merely for taking a wedding vow. In addition, these couples often have to pay higher taxes when they choose to marry. For most low-income couples, the welfare system has made marriage a bad economic decision. MDAs are one way we are making marriage a good economic decision. With an MDA, a low-income couple can save for a house, for higher education, or to start a small business and will match those funds 3-to-1 with two Federal dollars and one private matching dollar. In just its second year of operation, over 100 DC residents have opened MDAs and 7 have already bought houses with their matched savings.

I am also pleased that we were able to include language in this bill requiring the U.S. Mint to return the words “In God We Trust” to the face of the $1 Presidential coin to replace the Sacagawea coins. “In God We Trust” is our national motto and since the beginning of our Nation, America's citizens have acknowledged how God is very much a part of the founding principles and traditions of our democracy. I would like to note that in 1861, Secretary of the Treasury Samuel P. Chase ordered that coins bear a motto expressing the American people's trust in God. The first coin with the phrase “In God We Trust” were minted in 1864. In 1955, the phrase was required for all new coins, and in 1956 Congress officially endorsed “In God We Trust” as the national motto. Therefore, I was troubled to learn that the words “In God We Trust” do not appear on the face of the new Presidential coins. These words are barely visible and almost hidden on the edge of the new coins. To rectify this situation, we have included language that will require the U.S. Mint to return our national motto to the front of the coin.

I would like to note that we have provided $80 million for the Consumer Product Safety Commission, an increase of $17 million over the fiscal year 2007 level. I believe that this increase is important and necessary because it will allow the CPSC to hire additional inspectors to ensure that toys and other consumer products entering our country are safe. I am deeply concerned over the flood of shoddy and dangerous products entering our ports. Most troubling is that
many of these products are designed for our smallest and most vulnerable consumers: everything from baby cribs and strollers to children’s toys and baby teething rings have been recalled just this past year. I believe these addition funds will help CPSC address this growing problem.

I am supportive of the $60 million available in this bill to support democracy in Iraq and Afghanistan. The amendment that Senator McCauley has offered today contains those important and necessary funds. We are making progress in the war in Iraq and we must continue to provide our brave service people and servicemen all the armor and ammunition and support they need to continue to secure our peace in that region.

I reiterate my deep concerns and consternation with how this omnibus bill was put together. To say that this behemoth bill was cobbled together in the dead of night among just a few Members with no explanation, such an approach is undemocratic and dangerous. Although I will vote for the bill, I must insist that we abandon this undemocratic process and return to the regular order when we take up next year’s appropriations bills.

Ms. Mikulski. Mr. President, I rise today to discuss the Commerce, Justice, Science and Related Agencies, CJS, division of the Omnibus appropriations bill before the Senate. The CJS bill that this bill is is bipartisan, bicameral compromise that is a product of hard work and tough choices. In order to meet a very stringent allocation mandated by the President, we had to cut $2.6 billion from the Senate CJS bill, which passed the Senate on October 16, 2007.

Although we were forced to make substantial cuts, we protected the subcommittee’s priorities. First, security—keeping Americans safe from threats of terrorism and crime. We are promoting competitiveness—developing new technologies that create jobs for the future. Finally, providing congressional oversight by demanding accountability from the agencies funded in this bill to ensure they act as good stewards of U.S. taxpayer dollars. Significant improvements to the President’s budget were made in this bill to make America safer and stronger and ensure taxpayer dollars are being spent wisely.

Despite the tough choices we had to make, there are accomplishments for which we can be proud. First, the CJS subcommittee’s top priority is to protect America from terrorism and violent crime. The subcommittee provided the Federal Bureau of Investigation (FBI), our domestic counterterrorism agency, $133 million above the President’s request, for a total of $6.7 billion. This closes the FBI’s efforts to fight emerging cyber security and terrorist threats and provide for 160 new FBI agents to track and dismantle terrorist cells in the United States. For the Drug Enforcement Administration, DEA, we provide $53 million more than the President’s request, for a total of $2.1 billion. These funds will lift the hiring freeze and give DEA the resources they need to hire 200 additional specialist agents. These agents will fight illegal drugs like heroin and methamphetamine that are destroying our communities and disrupt the poppy trade in Afghanistan, which funds terrorist activity.

In addition, the President’s budget tucked guns out of local law enforcement by $1.5 billion from last year’s level. The CJS agreement provides a total of $2.7 billion to help State and local law enforcement fight crime, drugs and gangs. The agreement includes $1.2 billion more than the President’s request for limited resources the subcommittee had, we were able to make modest increases to critically important State and local law enforcement programs. For example, we provided $20 million to put 260 new police officers on the streets in local communities; $400 million to keep women and children safe from domestic violence; $383 million to keep children safe from child predators, gangs and drugs; and $15 million to put cops in schools to fight the rising trend of violence on school grounds. These are critical programs and I wish we could have provided more funds to keep our children safe, protect our communities and provide those on the thin blue line the resources they need to do their jobs.

The CJS agreement continues the subcommittee’s commitment to the development of new technologies that create jobs for the future. The CJS agreement fully funds the President’s request of $17.3 billion for NASA. NASA is our premier innovation agency that is creating new technologies and inspiring future scientists and engineers. The CJS agreement maintains our commitment to the space station and included in the Senate bill $170 million to keep the shuttle to flight after the Columbia accident. The need for emergency funding to reimburse NASA for the costs of returning the space shuttle to flight after the Columbia accident. This funding had bipartisan support in the Senate, but the House did not agree to it. The consequence will be a continued gap in time between shuttle retirement and development of our new vehicle.

Second, I included a provision in our Senate bill to extend the H-2B returning worker exemption. This was a simple, common-sense piece of current law. On a bipartisan basis, the Senate wanted to do away with it. I regret
that the House would not agree to the extension.

Overall, the CJS agreement is a bipartisan effort, a product of hard work and tough choices in order to meet a very tight allocation. Even within the tight allocation, we are providing funding to keep America safe, we secure America’s competitiveness, and we provide strong oversight and accountability to ensure stewardship of taxpayer dollars. I want to thank my ranking member, Senator SHELBY for his collegiality and cooperation. I also want to thank Chairman BYRD and Ranking Member COCHRAN for their hard work and advocacy. And I thank their staff, specifically, Art Cameron, Chuck Kieffer, and Bruce Evans. I encourage my colleagues to support of the CJS agreement.

Mr. KERRY. Mr. President, I rise in support of the Feingold amendment because the strategy it mandates gives us the best chance to succeed in Iraq and strengthen America’s security around the world. In fact, recent developments in Iraq and Afghanistan have made it clear that this amendment is as important now as it was when Senator FEINGOLD and I first introduced a similar measure almost a year and a half ago.

I have heard the arguments that the escalation has worked, that we no longer need to change the mission, and that we are now on the path to victory in Iraq. Everyone one of us agrees that the troops are accomplishing the mission and that our overstretched military requires us to do: training Iraqi security forces, conducting targeted counter-terrorism missions, and protecting U.S. forces and facilities. And most importantly, it is the decision by Moktada al-Sadr to tell the Iraqis to finally take advantage of the opportunity they have before them. That’s what the Feingold amendment does. It changes the mission to one that can be sustained even as we draw down troop levels, which our stretched military requires us to do: training Iraqi security forces, conducting targeted counter-terrorism missions, and protecting U.S. forces and facilities.

In fact, if you look closely at what has occurred over the past few months in Iraq, it is clear that a significant amount of the progress we have seen in terms of reducing violence has been the result of political decisions. That’s not to understate the key role our troops have played it’s simply to recognize the realities of this type of counterinsurgency mission.

We all know that the Sunni tribal leaders in Anbar province made a calculated decision, based on their own self-interest, to turn against al-Qaeda in fact, that many argued for some time the Iraqis themselves would never tolerate foreign extremists in their midst.

We also know that one of the key factors in reducing the violence has been the election of Sheikh and Istanbul, but we need to stand by his side.

We must learn the right lessons. We must act now. In Iraq and in Afghanistan, time is not on our side. We must seize this moment to put America on course to a safer and more secure future.

Mr. DURBIN. Mr. President, the fiscal year 2008 appropriations bills do not adequately address all of the long-term needs of the American people. There is no one to blame but the President and his Republicans allies who have chosen to stand by his side.

The bills we drafted and passed out of the Appropriations Committees on a bipartisan basis went far beyond what we have here today, but the President has made it clear he would veto any cuts in rural health initiatives by 50 percent, cuts for crucial Department of Education programs by $1.2 billion, and...
cuts in Homeland Security Grants for police, firefighters, and medical personnel by $1.1 billion.

This is what we were presented with take it or leave it. The President refused to compromise and instead made it very clear that in his eyes, cuts for health care, education, jobs, and homeland security are nonnegotiable. For the cost of what we spend in 2 months in Iraq, the President was more than willing to sacrifice a year’s worth of badly needed investments into health research, our children’s education, worker safety, and homeland security.

The President has done all of this under the banner of fiscal responsibility. This is hard to believe from a President who increased spending 50 percent since he came to office, saddled our children and grandchildren with $3.3 trillion in new debt, doubled the size of foreign debt held by other countries, and asked for another $25 billion for the war in Iraq without paying for it.

This President also had no problem with a Defense spending bill that was 11 percent more than he asked for. He has been telling us for a big check to fund war in Iraq. This is a President who says it is OK to increase spending for those in other countries, but not here at home. When it comes to raising money for our needs at home his answer comes with a stroke of his new-found veto pen.

When the President drew his line in the sand, we reached out to our Republican counterparts in an effort to build a bipartisan coalition to overcome his veto, but Republicans gave us the cold shoulder and have decided to stand with the President. These are the same Republicans who last Congress failed to pass a budget or complete any of its work on domestic funding bills. They have criticized us for the size of this bill, but compared to nothing, I will take our work here.

We realize we have an obligation to the American people to fund the important programs the Federal Government needs to finish our work as a Congress. To complete these bills we had to make tough decisions in the face of the President’s unreasonable demands and work toward prioritizing the needs of the country.

Even within the unreasonable constraints of the President’s budget numbers, we still put veterans first. This bill added $3.7 billion above the President’s request for veterans and their health needs. This $3.7 billion in veterans spending is a proposal the President once threatened to veto. These funds will be used for medical and prosthetic research, health services, and the construction of new medical facilities to help those returning home from Iraq and Afghanistan. The additional $3.7 billion for veterans is contingent on Presidential action. The President must make an emergency spending request by January 18, 2008.

Within the President’s overall budget numbers, we were still able to increase spending for health, education and workers by $3.9 billion. That is $3.9 billion for our needs here for Americans at home. Even with the President’s hard-line position on his overall budget numbers, the fiscal year 2008 Consolidated Appropriations Act better reflects American priorities.

Democratic increases above the President’s budget request include $3.7 billion for veterans healthcare, $613 million for medical research, $3 billion for education, $896 million for renewable energy, $775 million for heating assistance for low-income households, $1.6 billion for highways and bridges, $1.2 billion for State and local law enforcement, $1.8 billion for homeland security, and $17 million for consumer protection.

I am also very pleased and proud of what we were able to do with very limited funding within the Financial Services and General Government Appropriations Subcommittee.

Our bill provides $41 billion in funding for the Department of the Treasury, the Internal Revenue Service, the Executive Office of the President, the Federal judiciary, the District of Columbia, and an array of 20 independent agencies, including the Consumer Product Safety Commission, the General Services Administration, the Federal Communications Commission, the Federal Election Commission, the Federal Trade Commission, the Postal Service, the Securities and Exchange Commission, and the Small Business Administration.

Therefore, while I would like to highlight some of the features in the Financial Services title, I note that the circumstances that led to the final bill forced us to make regrettable cuts, because of the President’s insistence on his overall bottom line on domestic spending.

I am pleased this bill provides $80 million for the Consumer Product Safety Commission, a 30-percent increase of $17.3 million above the fiscal year 2007 enacted level and $16.75 million above the budget request.

This increase in funding will allow the agency to hire employees, find space for additional employees, and make critically needed IT improvements.

In addition, the bill includes $115 million for election reform programs to be available for States for assistance in meeting the requirements of the Help America Vote Act of 2002. The amended bill also provides $10 million for an election data collection pilot program.

Within the IRS, funding of $2.15 billion is provided for the Taxpayer Services account. This is $11.7 million above the fiscal year 2007 enacted level, $40.9 million above the President’s request, and $800,000 above the Senate committee-reported level. The President’s budget sought to cut Taxpayer Services below the fiscal year 2007 level. The bill also establishes a new $8 million pilot grant program to improve the Community Volunteer Income Tax Assistance Program to serve underserved populations and hardest-to-reach areas.

The bill boosts funding for Treasury’s Community Development Financial Institutions, CDFI, Fund to $94 million, representing an increase of $44 million over the fiscal year 2007 enacted level, $65.4 million above the President’s request, and $4 million above the Senate committee-reported level. The President’s request would have decimated the fund, which promotes access to credit and investment in and by expanding lending, investment, and services offered by banks and thrifts within underserved markets.

The Federal judiciary receives a 4.3 percent increase over fiscal year 2007 in both mandatory and discretionary funding. Within the Judiciary title, the bill provides $410 million—an 8.3 percent increase over the President’s request—for court security. The bill also authorizes a pilot program to permit the U.S. Marshals instead of the Federal Protective Service to provide security for seven Federal courthouses including the Dirksen Courthouse in Chicago.

Finally, among an array of general provisions applicable government-wide in Title VII of Division D, the bill provides for a 3.5 percent cost-of-living adjustment for civilian Federal employees as included in both the House-passed and Senate committee-reported bills.

I am frustrated that we were not able to do more and that the process has been delayed, but the fiscal year 2008 funding levels we consider this evening reflect America’s priorities and I am pleased to support the final package.

Mr. REID. Mr. President, with the Senate’s passage of the Omnibus appropriations bill for fiscal year 2008 and H.R. 6, the Energy Security and Independence Act of 2007, the Department of Energy must now finally understand that its irrational hostility toward geothermal energy research and development has come to an end, pursuant to these two acts of Congress.

First, H.R. 6 will become law ahead of the omnibus and thereby controls the primary use and priorities for funds provided by Congress following its enactment. As Senators may know, the United States and particularly Nevada and the West have tens of thousands of megawatts of clean power generation potential from geothermal energy sources just waiting to be developed. In title VI, H.R. 6 contains very important research and development provisions collectively referred to as the Advanced Geothermal Energy Research and Development Act of 2007 that will help realize that enormous potential and create significant sustainable economic growth in rural areas throughout America.

The Department must, by law, comply with the program direction provided in H.R. 6. The Department staff...
Given the work of the Senators serving on the Judiciary Committee, we will have exceeded the yearly total in each of the last 3 years when a Republican-majority managed the Senate and the consideration of this Republican President's nominations. Indeed, with the confirmation today of Judge Tinder to replace Judge Daniel A. Manion, like that of Reed O'Connor who was confirmed last month to the Northern District, we are proceeding to fill vacancies before they even arise.

The progress we have made this year in considering and confirming judicial nominations is sometimes lost amid the partisan sniping over a handful of controversial nominations and attempts to appeal to some on the far right wing. When we confirm the nomination we consider today, the Senate will have confirmed 40 nominations for lifetime appointments to the Federal bench this session alone. That is more than the total number of judicial nominations that a Republican-appointed Senate confirmed in all of 1996, 1997, 1999, 2000, 2004, 2005 or 2006. It is 23 more confirmations than were achieved during the entire 1996 session, more than double that session’s total of 17, when Republicans staled consideration of President Clinton’s nominations. It is seven more than the confirmations in the second to last year of President Clinton’s final term.

We continue to make progress on circuit court nominations. We began the year by resolving an unnecessary controversy over Judge Norman Randy Smith’s nomination to one of California’s seats on the Ninth Circuit. That nomination could easily have been confirmed—and a judicial emergency addressed—in the last Congress had the Bush administration chosen the commonsense approach of nominating Judge Smith, who is from Idaho, to Idaho’s seat on the Ninth Circuit. After many months of delays, Republicans, Senator Bush finally did the right thing at the beginning of this Congress by pulling the controversial Myers nomination to Idaho’s Ninth Circuit seat and nominating Judge Smith, instead. He was confirmed in February. We could make even more progress if the President would make a California nomination to fill the long-vacant California Ninth Circuit seat left open by Judge Stephen Trott’s retirement this past year.

We continued through the year to consider and confirm district and circuit court judges. In October, the Senate confirmed the nominations of Judges Jennifer Walker Elrod and Judge Leslie Southwick, who became the fourth and fifth circuit court nominees confirmed this year.

After this confirmation today, the Senate will have confirmed six circuit court nominees, matching the total circuit court confirmations for all of 2001. We will also have exceeded the circuit court totals achieved in all of 2004 when a Republican-led Senate was considering this President’s circuit