

CARE Act, then they shouldn't be eligible and the State doesn't need the money. The fact is we are counting the people who are getting services. They don't exceed the amount of money that they get, but they would like to keep the extra. In fact, today, the reason that they would like another year is they would like to keep on counting to see if they can get their numbers up to match the amount of money that they get.

The Senators from New York don't care about the fact that in 2006 the national funding per AIDS case was \$1,613. Yet in New York, the average was \$2,122 per case. In North Carolina, it is a little over \$1,200 a year. The other States that get a disproportionate share of money per case exist, but they acknowledge that that disproportionate share is unfair. They realize it is unequal, and so they are willing to support this bill. Let me tell my colleagues that Connecticut gets \$2,887 per AIDS patient, while South Carolina gets \$1,364; Minnesota, \$2,903, while Arkansas gets \$1,239; Louisiana, \$2,069, while North Carolina gets \$1,166.

Mr. President, I thank those Members who are willing to support this legislation, who are willing to let their numbers help others who will die without this funding.

I yield the floor.

Mr. ENZI. Mr. President, for the last few seconds I am going to just mention that the bill by the Senators from New York and New Jersey was introduced on Tuesday. Surely they have had time to think about having that amendment debated and voted on in that amount of time. I am really disappointed that they won't give some kind of an answer that will allow a vote on that amendment. If that is what they need for cover, that is OK with me. I just need to get this done.

New York and New Jersey are stealing the future from those with HIV, and that just cannot happen in the U.S. Senate. We have to worry about all the people from all of the United States, and that is what the reauthorization would do. That is why it is important to do it. I have asked those questions numerous times now trying to find a way to bring this bill up for a vote, and am being denied in every way—I am not being denied—those with HIV, those with AIDS, their families are being denied the right to have a vote on this bill in the U.S. Senate.

The PRESIDING OFFICER. The order is for the Senator from Minnesota to be recognized for 20 minutes.

Mr. BAUCUS. Mr. President, will the Senator from Minnesota yield to me?

Mr. DAYTON. For the purpose of asking a question.

Mr. BAUCUS. Mr. President, under regular order, after the Senator from Minnesota speaks, are there other speakers lined up?

The PRESIDING OFFICER. The Senator from Texas then has 15 minutes.

Mr. BAUCUS. Mr. President, I ask unanimous consent that following the

statement by the Senator from Texas, the Senator from Iowa, Mr. GRASSLEY, be allowed to speak for 20 minutes; following Senator GRASSLEY, myself for 15 minutes, and following Senator GRASSLEY, Senator MURRAY for 15, Senator HARKIN for 10, and Senator MENENDEZ for 15.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object, with the understanding, Mr. President, that if a Republican Member wishes to speak, his time would be allotted in between the times of the Democratic Members.

The PRESIDING OFFICER. Does the Senator from Montana so modify his request?

Mr. BAUCUS. First of all, I would like that not to be the case—well, that automatically would be the case because Senator GRASSLEY and myself would follow Senator HUTCHISON. Following the Senator from Texas, then the Senator from Iowa, and then myself, and then I am asking following myself, that Senator MURRAY and Senator HARKIN be recognized. There will be three Republicans right in a row there already, at least two, so I am just suggesting that at least Senators MURRAY and HARKIN be able to follow myself.

Mr. GREGG. Maybe we can reserve this and discuss it for a second.

Mr. BAUCUS. I would like to lock in Senator GRASSLEY and myself because we have been seeking this for some time.

Mr. GREGG. I would like to have the opportunity to make sure the Republicans would have an equal amount of time.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, I would modify the request to suggest that following myself and a Republican Senator to be recognized, and a Republican Senator between Senator HARKIN and Senator MENENDEZ if they so request.

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

The Senator from Minnesota is recognized for 20 minutes.

SECURE FENCE ACT

Mr. DAYTON. Mr. President, I rise tonight to address the legislation that is before the Senate, the legislation that would establish a fence along the southern United States border. I intend to support this legislation, despite its serious flaws. I agree that a physical barrier is necessary along some parts of our country's southern border.

Last month I visited southern border communities in Texas, New Mexico, and Arizona, and I recognize the very serious need for additional security measures there. In El Paso, TX, for example, there is a fence along the U.S.-Mexican border for about half the city. But then that fence abruptly ends because, I was told, of lack of funding to

extend it. That is nonsensical: A security fence that only covers about half of the city that it is supposed to secure.

The day before I toured this area, that one Border Patrol station in El Paso, TX had apprehended 268 people trying to enter our country illegally. That is unacceptable, and that is the reason I will support this legislation. But it is only part of the solution. I asked Border Patrol agents across the southern border, or the real experts about what is effective and what is not to protect our border and our citizens, whether a fence is a good idea. They replied that in some places it was and in other places it was not. They said it was one of several additional actions necessary for effective border control.

Yet this is the only measure contained in this legislation. It bears little resemblance to a comprehensive bill that the Senate previously passed to strengthen border security and stop illegal immigration. Its effectiveness, the border control experts told me last month, would be severely reduced by the absence of a comprehensive approach. It will further waste taxpayer dollars by mandating a fence where a fence will not be effective. In short, it suffers from the defects of being the hastily drafted, last-minute election ploy that it is, rather than the comprehensive, intelligent, and effective border security bill that our country needs and our citizens deserve.

Previous attempts to secure our Nation's southern border have failed for precisely this reason. They were only partial steps where only a complete solution will be successful. It is stupid for Congress to pass something that will fail, and shameful for Congress to do it for short-term political benefits rather than the long-term national interest. I have no doubt this legislation will pass and that it will be used by those it benefits between now and the November 7 election.

So I plead with my colleagues and with the House to finish this job when we return after the elections. Let's have the Homeland Security Committee on which I serve and other committees claiming jurisdiction to ask the border security experts themselves what else must be done to make this fence effective. Let's get the House to drop their political pre-election posturing and deal with the present and future realities of our illegal immigration problem by passing key parts of the Senate bill.

It is necessary to be tough on illegal immigration, but being tough and stupid is stupid. Let's challenge the House to get tough and smart about protecting our southern border, as President Bush has proposed and as the Senate has enacted. But let's not fool ourselves and let's not try to fool the American people that this legislation by itself will solve or even substantially reduce the very serious flood of illegal aliens crossing our southern border.

This bill is also incomplete and inadequate because it does nothing to strengthen our national security along our country's northern border, even though that border spans 5,500 miles and is over three times longer than our 1,800-mile southern border. Our northern border has not, as yet, experienced the same volume of illegal traffic as the southern border. Yet it is even more unguarded and thus unprotected. There are over 11,000 Border Patrol agents stationed along our 1,800-mile southern border. There are only 950 agents along our entire 5,500-mile northern border.

If you are what the Border Patrol agents call an economic immigrant, meaning someone who is coming into this country for a job, and you live south of the United States, you will probably try to cross our southern border. The Border Patrol agents with whom I talked last month in Texas, New Mexico, and Arizona estimated that over 95 percent of the people crossing our southern border illegally are doing so for economic reasons.

The really dangerous illegal entries are by criminals trafficking people, narcotics, and other illegal activities—and most dangerously, possibly terrorists. Our northern border is just as much a target of those most dangerous criminals, and many of them are smart and sophisticated enough to know that their chances of illegal entry are increasingly better along our northern border than along our southern border.

Border security for our Nation is not one border or the other—it is both. Yet until now most of the attention, most of the policy, and most of the funding has gone only to southern border security. As I mentioned before, there are over 11,000 Border Patrol agents stationed along our southern border, and the major training facility for all of them is located in New Mexico. But there are only 950 agents along our entire northern border and no training facility is devoted to that specialized training.

So I am very pleased that the fiscal year 2007 Homeland Security appropriations bill directs 10 percent of its funding and 10 percent of the new agents hired to be committed to our northern border. That is almost \$38 million and over 150 new Border Patrol agents, which is most of what my amendment that was adopted by the Senate would accomplish. It is a 15-percent increase in the number of northern Border Patrol agents. It is an essential first step in the right direction. However, it is only a first step. Much more must be done, and hopefully will start to be done when we return in November.

I also want to comment briefly on the military tribunal bill passed by the Senate last night, a bill that I voted against. I want to be tough against terrorists, as that legislation claims to be. But I also want to be smart about it, and that bill is not. Its worst provisions would be applied not only to

known al-Qaida members, but also to almost 500 other detainees at Guantanamo who have been imprisoned without trials for over 4 years, and to over 1,400 Iraqi citizens who are now imprisoned indefinitely in that country.

Many of them will be eventually found innocent of anti-American activities and will be released. However, most of them, their families, and their friends, will hate the United States for the rest of their lives after being imprisoned for months or years, denied any due process, many of them tortured or abused, and most of their families refused information about their whereabouts or even whether they are still alive.

The recently unclassified National Intelligence Estimate concluded that the war in Iraq has greatly increased anti-American feelings throughout the Arab world and has created a new generation of terrorists. The barbaric treatment of thousands of Muslims has undoubtedly fueled some part of that growing hatred toward Americans and has added to the increased threat of terrorist attacks against us.

This legislation allows the continued torture of detainees, denies them the basic rights to challenge their indefinite incarcerations, and even strips from U.S. courts their constitutional authority to review this legislation and the treatment of detainees under it.

It is absolutely untrue—let me say that again—it is absolutely untrue that providing detainees with those rights would require their release from military prisons. Under the rules of the Geneva Conventions, even if an enemy combatant could not be prosecuted, or even if he were acquitted in a trial, he could still be held indefinitely as a prisoner of war until the President of the United States declared that the war against terrorism was concluded.

Finally, providing humane and just treatment to detainees protects our own service men and women and our intelligence operatives around the world. A great Republican Senator, Mr. MCCAIN from Arizona, who was held prisoner in North Vietnam for 5.5 years and who was tortured by his captors, has said repeatedly that we cannot insist other countries abide by the Geneva Conventions and treat our citizens humanely if we do not do so ourselves. In other words, we must follow the Golden Rule:

Do unto others as you would have others do unto you.

I believe that legislation which we passed last night, which I opposed, will ultimately be considered one of the darker acts in our Nation's history, one that has been enacted only a handful of other times and, in every one of those instances, was regretted and repudiated later because it violates the values and the principles of this great Nation.

It is the attempt of terrorists and their desire to drive us away from those values and principles within our own country, and as we treat others

around the world, so we then become perceived by others around the world.

We are the greatest Nation on this Earth. We are the most powerful Nation on this Earth. We are looked to by other countries around the world as the leader of this world. We need to be true to that requirement, and we need to be true to our own values and our history. I believe we failed to do so, tragically and regrettably, last night.

Mr. President, I yield the floor.

Mr. President, may I ask how much time I have remaining?

The PRESIDING OFFICER. The Senator has 8½ minutes.

Mr. DAYTON. Mr. President, I yield the remainder of my time to the Senator from New Jersey.

The PRESIDING OFFICER. Is there objection to the Senator yielding his time to the Senator from New Jersey?

Mr. GRASSLEY. He wasn't going to come in between us anyway. He wants the 8½ minutes but not right now.

The PRESIDING OFFICER. Is there objection? Is there objection to the Senator from Minnesota yielding his 8 minutes to the Senator from New Jersey?

Mr. GRASSLEY. Reserving the right to object, the only objection is about what Senator BAUCUS set up; that we were going to come in line afterwards. I don't object to him having the time.

The PRESIDING OFFICER. The Senator from Minnesota still has a little under 8 minutes on his time, and he is asking to yield that time to the Senator from New Jersey. Is there objection?

Mr. GRASSLEY. It is better to let it go rather than argue about it and use it up.

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

Mr. LAUTENBERG. I thank the Senator from Iowa. I thank my colleague for yielding time, his time. I do not want to take too much time, aside from my response to what comments I heard here, but I do want to say that I regret this is among the last opportunities we will have to meet on the floor with our distinguished colleague from Minnesota, who has always been forthright on the issues, sticking up for what he believes, no matter what the penalty.

Mr. President, I want to talk to another issue. I want to respond to these challenges that I hear on television about where are the—essentially, and I will inject the word; they don't use it, but they say—cowards who won't come down on the floor to defend their position? Who are they? Challenge me on cowardice? You have to look at my record before they start that stuff.

I was an original cosponsor of the Ryan White CARE Act. That was back in 1990. I have been an active supporter of this legislation for many years now. So I do not appreciate some of the lectures I have been hearing from people who claim that this is a principled issue with them and that we are being cruel and unfair and all kinds of

things. It is nonsense. Let's discuss the issue rationally and see where they have been all these years when we have had practically flat funding on this critical issue for some 4 years now, not even meeting the growth in inflation.

I have heard lectures about the effect on minorities. I will tell you something. The National Minority AIDS Council opposes this bill and supports our objection.

I ask unanimous consent that a communication from them be printed in the RECORD.

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

THE RYAN WHITE HIV/AIDS TREATMENT
MODERNIZATION ACT OF 2006

DEAR MEMBERS OF CONGRESS: On behalf of the National Minority AIDS Council (NMAC) and our national constituency of more than 3,000 minority community based organizations on the front lines of the fight against HIV/AIDS in their communities, we would like to thank Congress for its efforts to reauthorize the Ryan White Comprehensive AIDS Resources Emergency Act (CARE Act).

NMAC supports the legislation's goal to retain the current structure of the CARE Act while seeking to protect care infrastructures and responding to demographic shifts in the HIV epidemic.

However, we are concerned that the legislation, as drafted, does not address the need of all minority populations infected and affected by HIV/AIDS nationwide, and believe it needs several improvements before passage in order to gain our support.

As the nation's largest discretionary spending program aimed at providing care, supportive services and treatment for individuals and families infected and affected by HIV/AIDS who would not otherwise receive access to these services, full funding for the CARE Act is essential and the appropriate authorized funding levels should be a high priority of the Congress in the reauthorization of the law.

Unfortunately, the CARE Act has been flat-funded for a number of years, even as the rate of new HIV infections is consistently reported at approximately 40,000 per year.

Full funding for the CARE Act is critically important to communities of color that have been devastated by the epidemic. Without a fully funded CARE Act, at \$2.6 billion, many men, women and children of color will not have access to this care and gaps in health disparities will grow exponentially.

NMAC supports the direction of additional funding to areas with high HIV incidence; however, with the absence of additional funding states like New York, California, Florida, Texas and New Jersey that have historically been epicenters of the epidemic may be faced with the destabilization of systems of care. We believe regions of the country should not have to advocate for additional funding to the detriment of other areas seeking to care for those affected by the disease.

NMAC is also opposed to several other provisions of the bill, including the inclusion of the Early Diagnosis Grant Program and the lack of additional funding and resources for the Minority AIDS Initiative.

If you have any concerns or questions about our concerns, please feel free to contact Damon Dozier, NMAC Director of Government Relations and Public Policy at (202) 234-5120 extension 308 or HYPERLINK "mailto:didozier@nmac.org".

Mr. LAUTENBERG. The Ryan White CARE Act reauthorization legislation

that is before us now would shift already inadequate Ryan White money away from States such as New Jersey where the epidemic first appeared and where the need is still growing, to States where the epidemic is emerging.

I have been to an AIDS ward in a hospital in Jersey City. I have looked in those cribs where those little things are, twitching and moving because they come from mothers who have been HIV-infected, and the effect is horrible to witness. These are poor people.

In this State of mine we have five of America's poorest urban centers. That is where we see the dominance of the HIV/AIDS epidemic.

This bill pits cities against cities, States against States, women against men, and urban areas against rural areas. That is not the way to do it, if you really care. We need to fully fund the Ryan White CARE Act. But the majority is not willing to do that. So they are trying to steal the funds away from States that have the need and already have the population to serve.

It is less than amusing for me to hear people who oppose adequate funding for this program suddenly act like this is the primary concern to them, that everybody else who doesn't agree with them is cowardly. And these four Senators they keep identifying—I am one of the four, proud to be one of those four. If there is a newly emerging problem in rural areas, then there is one answer—add money, add funding. But instead of funding AIDS treatment, the Senators on the other side of the aisle who are not here to defend the tax giveaways or the cost of the war—they voted to give away AIDS funding money to wealthy Americans, the wealthiest among us, in massive tax cuts. That's OK. Give that money to the rich so these poor little things, shivering in their cribs, can just do with a little bit less than they have. How about, instead of the estate tax cut for Paris Hilton—substantial funds—I ask my colleagues, why don't they come out here, protest that, and say let's give that money to help people with AIDS?

The majority has allowed President Bush to turn Iraq into such a mess that we are spending over \$2 billion a week. Our whole program is \$2 billion a year. So why don't we cut back for a couple of weeks, give it to support treatment for HIV/AIDS. What if we could take just 1 week's worth of spending in Iraq for AIDS treatment?

We still have a massive problem in our States, and maybe they have an emerging problem. My suggestion, with all my heart, fund it. Find the money for it. But don't take it away from a neighbor or another State where the problems are overwhelming as well.

In my home State of New Jersey, we have the highest proportion of cumulative AIDS cases in women. We rank third in cumulative pediatric AIDS cases. Furthermore, we have consistently ranked fifth in overall cumulative AIDS cases since the beginning of this epidemic.

Yet under the reauthorization proposal, we stand to lose \$70 million. It is unacceptable. It is not acceptable for us to simply say this is a formula fight and there will undoubtedly be winners and losers because the losers in this case pay a terrible price.

With the Ryan White CARE Act, when we talk about losers we are talking about lives being lost. I for one will not settle for such an outcome. I object to this process and to this bill because it is a shortsighted approach to how we take care of HIV and AIDS patients in the future.

This bill will take hope away from people living with HIV/AIDS to urban areas in large States. I will not let it happen on my watch, no matter how challenging or how vitriolic the suggestions are made talking as if we are afraid to come out. We are not afraid at all to defend our position. We just think theirs is wrong.

Come out and tell the truth about how you feel about it and say, let's find more money. Let's have a debate about higher funding for the Ryan White CARE Act and see if we can get the necessary means to cover our needs.

I don't think you are going to hear that from the Senators who were so bold in their accusations.

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

Mr. LAUTENBERG. Mr. President, I thank you. I will continue to object to going forward with this bill.

THE PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, would you signal to me when I have used 15 minutes of my 20 minutes?

THE PRESIDING OFFICER. The Chair will do so.

SORRY FATE OF TAX EXTENDERS
IN "TRAILER" PACKAGE

Mr. GRASSLEY. Mr. President, we've hit the end of the road on trying to pass the trailer bill separately. It is pretty clear we won't get a bill to the President's desk before we recess for the upcoming mid-term elections.

From my perspective the right thing to do is to pass legislation that resolves two important tax policy issues. The issues are a permanent death tax relief package and the trailer bill which contains a retroactive extension of several tax relief provisions. Those provisions expired on December 31, 2005. That is the right date—December 31, 2005. Taxpayers have lived with uncertainty on these bipartisan, widely-supported provisions for almost 9 months or three-quarters of a year.

How did we get here? How come we can't get a permanent death tax relief deal when it is clear that more than 60 Senators are on record in support of repeal or significant relief? How come we can't get a resolution of expired tax provisions that are overwhelmingly supported in both the House and Senate? This uncertainty is solely the responsibility of the leadership of both