

million people who now live in the shadows of America out into the sunlight of America. Those people are here working today, as they have been for many years. Their reality has in fact been recognized but somehow ignored. We need to find a way to make sure that we bring those people from the shadows into the sunlight, and the only way we will be able to do that is with a comprehensive immigration reform package that we pushed forward last year and, hopefully, we will have another opportunity to push forward in the manner of the bill introduced today by Senator REID.

I very much look forward to working with my colleagues, both Democrats and Republicans, in this body as we address the major issues facing our Nation and our world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized for such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

MILITARY CONSTRUCTION APPROPRIATIONS

Mr. INHOFE. Mr. President, I have a couple of concerns here. One is a driving concern. After having served on the House Armed Services Committee before and for the last 12 years on the Senate Armed Services Committee, I am deeply distressed that we did not get our MilCon Appropriations bill passed. I don't think a lot of people realize how significant it is that we get it passed for this fiscal year, 2007.

The partisan issues that some people are trying to tie up on the floor are nowhere near as important as this issue, and I am talking about some of the other bills. It is true that we need to have the DC appropriations bill, but it is not life-threatening and certainly not going to result in the loss of lives of our fighting troops. Labor-HHS is important but not as important as this bill. Commerce-State-Justice—a lot of those items can be put into a CR. I would have no problem with a continuing resolution. But as far as this bill is concerned, if we don't do it now, there are a lot of items in conjunction with our BRAC process that are not going to happen and have to happen and are life-threatening to our troops.

I compliment Senator HUTCHISON, who was chairman of the Subcommittee on Military Construction. She tried so hard in the last 2 days of the last session to get this bill through. Quite frankly, it wasn't really a problem in the Senate as much as it was in the other body. We tried very hard. We talked with a number of people and were unable to get that bill done.

Over the past few years, the military has sought to reshape itself out of a Cold War footing into a modern, more modular force. It has tried to reconsti-

tute its equipment, while at the same time fighting a war in Iraq and Afghanistan. It has been forced to come to Congress for supplementals to meet just the bare minimum requirements of fighting the war and rebuilding the military as is so necessary.

So we have stretched them every way we can. We have cut into almost every program, essential initiatives such as the Future Combat System. That is a recognition, after the 1990s, when we let our modernization slide and a lot of our military needs, to bring us up so that when we send our kids into battle, we send them with the very best of equipment. If we look at some of our ground equipment, such as our artillery pieces, it is World War II technology. It is the old Paladin where they actually have to swab the breech after every shot.

The Future Combat System came up, and there was a recognition that we should have an army, a ground force that is faster, more agile, more transportable, more modern than it is today. Every week that goes by that we don't get this done, it is causing the Future Combat System—there are about 19 elements of it—to move to the right and delay this from taking place.

The fiscal year 2007 Military Construction appropriations bill was not passed into law. The continuing resolution, as currently enacted, does not allow the Department of Defense to proceed with over \$17 billion in new construction and BRAC projects authorized by Congress in the 2007 authorization bill.

Let me mention what will happen if we don't do this. There are so many things having to do with the BRAC process. I opposed the last BRAC round. We went ahead and had it, and I think that is probably the last we will have for a long period of time. It has a deadline of 2011. If we don't get this bill passed—by the way, I have introduced S. 113. We have a number of cosponsors. Most of the Republican members of the Senate Armed Services Committee are on it.

The 1st Armored Division will have to stay in Germany if we don't get this passed. If that happens, we are not going to be able to have the two modular combat brigade teams we so critically need on the front lines. We are talking about the war that is taking place right now and why we need to get this MILCON appropriations bill passed.

The Army National Guard and Reserve lack \$1.1 billion to construct and replace aviation support facilities. They cannot function without these facilities. The postponement of construction of 250 new homes at the naval base in Guam and the Marine Corps logistics base in Barstow, CA, are just some of the housing needs that will not be able to be continued. Of course, they will cost more money the longer we put them off.

We opened up some serious shortfalls in our UHF—that is, ultra high fre-

quency—satellite communications capabilities. Two of the \$6.5 million mobile user objective systems ground control tracking stations were slated for Hawaii and Sigonella, Italy. Without the stations, the already-funded satellites—we have the satellites ready to go—cannot launch until we get this bill passed.

We went through months of agonizing discomfort in deciding what are we going to do with the F-22, C-17, C-5, C-9, and C-40 in terms of the new locations. That has all been determined. It has been outlined in BRAC, but we can't do it until we have the hangars to take care of them, to get them into the new areas.

What we are talking about are items that directly affect the warfighting effort. The Predator, for example, has the tactical air control program that should be supporting the Army brigade combat teams.

I think we all know our ground forces have to have support, either close air support or artillery support on the ground. We can't do the close air support if we don't have the appropriations bill passed.

The Predator mission—a lot of people are not aware of this; they think of it as being intelligence-gathering agencies and a communications system targeting and retargeting on the ground. While that is very important and it has to be done, a lot of people don't realize the Predator also has the capability of firing a rocket. So we need to have that program. We cannot have it unless we get this bill passed.

The military is going to lose a lot if we don't get this bill passed. When we look at the military construction that is going on in the continental United States and we see the community support—in my State of Oklahoma, we have five major military installations. They are located near major cities. Vance Air Force Base is at Enid, OK. Then we have Altus, Lawton, McAlester, Oklahoma City, and Midwest City. We have always done well in our BRAC process because we have greater community support than most other installations. But when you have a community that has made a commitment toward MILCON predicated on the assumption that we are going to pass our Military Construction appropriations bill and then we don't do it, they could very well renege on their commitment for housing, hospitalization, and childcare. It is far more significant than most people realize. If we don't pass the needed funding, the results will be very serious.

I have in front of me a letter signed by Army Secretary Harvey and General Schoomaker:

The potential negative effects on operational readiness cannot be overemphasized; the Army's ability to prosecute the Global War on Terrorism and to prepare for future conflicts would be severely hampered.

Another letter from Navy Secretary Donald Winter and Marine Corps Commandant GEN James T. Conway and ADM Michael G. Mullen:

The lack of construction money “is precluding our ability to provide modern, government owned or privatized quality housing to our Sailors, Marines and their families at a time when the Global War on Terror is placing enormous stress on our military and our military families.”

I am going to be looking for every opportunity to get this bill up for consideration. Again, I am concerned about all appropriations bills, and a continuing resolution, as far as I am concerned, at least is going to take care of those needs. But the one thing it cannot do is take care of the military construction needs we will have to address.

That bill is S. 113. I look forward to it coming up for consideration. We already have, as I mentioned, most members of the Armed Services Committee cosponsoring this legislation.

POLAR BEARS

Mr. INHOFE. Mr. President, I do not see anyone else in the Chamber right now. I wish to speak on a totally different subject.

Up until I guess today, turnover day, as the Presiding Officer knows, I have chaired the Environment and Public Works Committee for 4 years. I have enjoyed that very much. I will be turning that over now to Senator BARBARA BOXER. We will still be working very closely together.

One thing that happened a few days ago that I think is worth getting on the record and talking about a little bit, because this is something which is going to come up in our discussions in that committee, is, as you probably noticed, Mr. President, the U.S. Fish and Wildlife Service recently took some action to begin formal consideration of whether to list the polar bear as a threatened species under the Endangered Species Act. Over the next year, they are going to be working on this issue, making a determination as to whether the listing should take place. So right now we are starting that 1-year period.

The question the Service has to answer is this: Is there clear scientific evidence that the current worldwide polar bear population is in trouble and facing possible extinction in the foreseeable future? As the Service reviews the issue over the next year, I am confident they will conclude, as I have, that listing the polar bear is unwarranted at this time.

In the proposal, the Fish and Wildlife Service acknowledges that for 7 of the 19 worldwide polar bear populations—this is very significant. There are 19 populations worldwide for the polar bear. For seven of those populations, the Service has no population trend data of any kind. For more than a third of the known populations out there, we don't have any information. The other data suggests that for an additional five polar bear populations, the number of bears is not declining but is stable. Two more of the bear

populations showed a reduced number in the past due to overhunting, but these two populations are now increasing because of new hunting restrictions.

Other sources of data mentioned in a recent Wall Street Journal piece—just this past Tuesday—suggest that “there are more polar bears in the world now than there were 40 years ago.” I have to say there are quite a few more, almost twice the number from 40 years ago.

The Service estimates that the polar bear population is 20,000 to 25,000 bears, whereas in the fifties and sixties, the estimates were as low as 5,000 to 10,000 bears, and most of that was due to sport hunting at that time, and most of that has been banned.

A 2002 U.S. Geological Survey study of wildlife in the Arctic Refuge Coastal Plain noted that the polar bear populations “may now be near historic highs.”

So if the number of polar bears does not appear to be in decline, then why are we considering listing the species as threatened? Because the Endangered Species Act is broken. It needs to be fixed. We tried to fix it for the past 4 years. We have been unable to reach a consensus.

The ESA allows the Fish and Wildlife Service to list the entire range of polar bears as threatened and thereby extend a wide array of regulatory restrictions to them and their habitat despite the dearth of data and a lack of scientific evidence that polar bears are, indeed, in trouble.

The law also allows for the Fish and Wildlife Service to justify its proposal on a sample from a single population in western Hudson Bay in Canada where the populations have decreased by 259 polar bears in the last 17 years. Stop and think about this. This is the western Hudson Bay in Canada, 1 of 19 sites. This is the one which is the most severe.

The population has decreased by 259 polar bears in the last 17 years; however, the figures that the International Union of Conservation of Nature and Natural Resources says that 234 bears have been killed in the last 5 years alone. If you figure that 234 have been killed in the last 5 years, the total in the last 17 years is 259, you have to assume that more than the 259 were actually shot. Ironically, Canada now is liberalizing a lot of their hunting in that area, and it is going to allow more hunting. This is something they need to address.

At this point, I would like to say that while I support hunting as a general matter, we need to fully understand its impact on the polar bear population before we blame global warming for changes in bear population. I already said we can document pretty well—scientifically it is documented—that the number of bears has actually increased except in areas where hunting is more prevalent.

I think there are a lot of people who want to somehow insert global warm-

ing as a crisis in everything and use polar bears for that reason, and we are not going to let that take place.

The Fish and Wildlife Service asserts that the reason for the decline in the western Hudson Bay population is climate change-induced ice melting. To make that assertion, they rely on hypothetical climate change computer models showing massive loss of ice and irreparable damages in the polar bear's habitat. The Service then extrapolates that reasoning to the other 18 populations of polar bears. There are 19 populations, 1 of them is in trouble, but they use that as the model, and they take that and apply that same extrapolation to the other 18 populations of polar bears, making the assumption all bears in these populations will eventually decline and go extinct.

Again, this conclusion is not based on field data but hypothetical modeling, and that is considered perfectly acceptable scientific evidence under the Endangered Species Act.

That is why it should be changed. I don't believe our Federal conservation policy should be dictated by hypothetical computer projections because the stakes of listing a decision under ESA could be extremely high. The listing of the polar bear is no exception. The ESA is the most effective Federal tool to usurp local land use control and undermine private property rights. As landowners and businesses have known for decades, when you want to stop a development project or just about any other activity, find a species on that land to protect and things will slow down and many times they stop. It could be the bearing beetle, the Arkansas shiner, and now it could be the polar bear. This is because section 7 of the ESA requires that any project that involves the Federal Government in any way must meet the approval of the Fish and Wildlife Service before the project can move forward. The Federal Government's involvement in the project can take the form of a Federal grant, an environmental permit, a grazing allotment, a pesticide registration or land development permit or a number of other documents. The law requires that Fish and Wildlife intervene and determine if the project may affect an endangered or threatened species.

So in the case of the polar bear listing, oil and gas exploration in Alaska, which accounts for 85 percent of the State's revenue and 25 percent of the Nation's domestic oil production, is immediately called into question. Likewise, the State's shipping, highway construction or fishing activities will also be subject to Federal scrutiny under section 7.

Furthermore, because the Fish and Wildlife Service has linked the icefloe habitat concerns of polar bears to global climate change, all kinds of projects around the country could be challenged. Some would say this isn't possible or that I am exaggerating. But if