to survive in their business and maintain our unique culture and way of life.

I have been very frustrated with the Commerce Department and the Customs Department efforts to comply with the Byrd amendment as it stands now. Commerce does not properly set the duty collection rates, and Customs is severely lax in collecting tariffs that are due. Seafood tariffs uncollected stand at over $200 million from China alone right now. As these tariffs are not collected as they should be, illegal dumping continues, and our seafood and other industries are not being paid what they are due under the law.

This bill supposedly has a phase out of CDSOA for 2 years, in which pending cases are supposed to be paid. I fear with the current record of collections and distribution, this 2 year phaseout won't give much relief. I do not feel that this phaseout is adequate, and the repeal this important law should not have been included in this bill. It is not right to use industries that are victims of illegal trade practices to carry a large burden of balancing the budget.

I urge my colleagues to help me force the bureaucrats to do their work, collect these tariffs, and make the already due payments under the Byrd amendment. While the law may be unwisely repealed in this bill, the previously due payment should be paid and paid quickly.

Mr. GREGG. 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 motion to concur in the House amendment with the Senate amendment.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 50, nays 50, as follows:

[Rollcall Vote No. 363 Leg.]

YEAS—50

Alexander	Dole	McCain
Allard	Domenici	McConnell
Allen	Ensign	Murkowski
Bennett	Enzi	Roberts
Bond	Frist	Santorum
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Specter
Burr	Hagel	Stevens
Chambliss	Hatch	Sununu
Coburn	Hutchison	Talent
Cochran	Inhofe	Thomas
Coleman	Isakson	Thune
Cornyn	Kyl	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	

NAYS—50

Akaka	DeWine	Leahy
Baucus	Dodd	Levin
Bayh	Dorgan	Lieberman
Biden	Durbin	Lincoln
Bingaman	Feingold	Mikulski
Boxer	Feinstein	Murray
Byrd	Harkin	Nelson (FL)
Cantwell	Inouye	Nelson (NE)
Carper	Jeffords	Obama
Chafee	Johnson	Pryor
Clinton	Kennedy	Reed
Collins	Kerry	Reid
Conrad	Kohl	Rockefeller
Corzine	Landrieu	Salazar
Dayton	Lautenberg	
Sarbanes	Smith	Stabenow
Schumer	Snowe	Wyden

The VICE PRESIDENT. On this vote, the yeas are 50, the nays are 50. The Senate being equally divided, the Vice President votes in the affirmative, and the motion to concur in the House amendment with a further amendment is agreed to.

Mr. FRIST. I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, the next hour, we will spend in our precloture period before proceeding to the cloture vote on the Defense appropriations bill. I believe the Democrat leader spelled out how that time will be used.

At this point, I ask unanimous consent that the time on our side be divided as follows: Senator MURKOWSKI, 5 minutes; Senator COCHRAN, 2 minutes; Senator LOTT, 3 minutes; Senator DOMENICI, 5 minutes; Senator GREGG, 5 minutes; Senator STEVENS be given the last 5 minutes of the debate; and 5 minutes to be designated by Senator STEVENS.

The VICE PRESIDENT. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank colleagues for their cooperation during the consideration of budget reconciliation. I especially thank the staffs on both sides, who spent several sleepless nights working on this matter. I very much thank my staff director, Mary Naylor, and all of my staff for their extraordinary effort.

I also salute my colleague, the chairman of the Committee on the Budget, for his professionalism as we considered the matter. Special thanks to his staff, as well. I know this has been an extraordinarily trying period. We appreciate so much the effort and work they put into it.

The PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I join the Senator from North Dakota in especially thanking our staffs, most of whom have not slept for a series of nights. They have done an exceptional job, led by Scott Gudes on our side and, obviously, Mary on the Democrat side. We have staff who put in huge hours to make us look effective and efficient around here, and they do an extraordinary job on our behalf.

I also thank the Senator from North Dakota. This bill has reappeared in the Senate sort of like Haley's Comet: it comes through about every 3 months as we try to deal with it and move forward in the reconciliation budget process. In each instance, the Senator from North Dakota has been extraordinarily professional, has moved forward in what I consider to be the tradition of this Senate, which is comity and cooperation, in order to make the Senate accomplish its business. I only wish he had more charts.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006—CONFERENCE REPORT—Resumed

The PRESIDENT pro tempore. Under the previous order, there will now be 1 hour of debate equally divided between the two leaders or their designees on H.R. 2863. The time has been allocated by the two leaders. The first will be designated to Senator FEINGOLD who is recognized for 2 minutes.

Mr. FEINGOLD. Mr. President, I hope today the Senate will side with rules, history, and future when it is time for this Senate to go on record as to whether it is okay to break the rules to do something you cannot otherwise get done.

My colleagues know I do not support drilling in the Arctic Refuge. But this is not simply a debate about oil, wildlife, and energy policy. The debate we are having and the vote we are about to have is about how this institution and this democracy operate. Some have said there is precedent for violating rule XXVIII. My response is simple: Abusing the process and breaking the rules in the past does not justify doing so now, especially knowing it was a mistake.

We worked in a bipartisan fashion to reinstate these very rules in 2000. We did this because these rules are designed to protect all of us against abuses of power. If Senators do not stand up to the current and very troubling tactics we are seeing, what hope is there of stopping future attempts to hijack other legislation to pass proposals that cannot stand on their own merits?

There are clearly Members who are determined to open the Arctic Refuge to drilling. I suspect every Member also has a couple of things we desperately want signed into law. However, we have a responsibility to respect the rules and traditions of the Senate. I urge my colleagues to vote against cloture and to vote to uphold the rules of this institution in which we are honored to serve.

I yield the floor.

The PRESIDENT pro tempore. Senator BOXER is recognized for 2 minutes.

Mrs. BOXER. Mr. President, if this Senate is going to operate and function, it has to follow its own rules. It is very obvious that including drilling in a wildlife refuge in a military bill is not following our own rules. It is no wonder the people in the country are cynical. It is wrong to do this.

Members should stand on line, do it the right way. If Members want a bill passed, do it the right way. This is not a Senate where one person can dictate how things get done.

I hope the Senate would understand when you are discussing a wildlife refuge, which was first set aside by President Eisenhower, that we would do better than putting it into a military bill

that is a must-pass piece of legislation. I am very pleased that Senator STEVENS said if he does not get his way on this, and the Senate decides not to include it here, that we will be able to strip that provision and get those funds where they need to go, to our troops.

I am very pleased about that. I hope the Senate will speak strongly in a bipartisan way and vote ''no'' on cloture.

I yield the floor.

The PRESIDENT pro tempore. The Senator from New Mexico, Mr. BINGAMAN, is recognized for 3 minutes.

Mr. BINGAMAN. Mr. President, I speak briefly in opposition to the motion to invoke cloture.

The point I want to make, which has not been made to an adequate extent here, is that the provisions to open the Arctic Wildlife Refuge that are contained in this conference report are very different from what the Senate adopted in the budget reconciliation. In fact, the version of the legislation that is before us has never passed the House. It has never passed the Senate. It has been substantially changed from what we previously sought.

First, the Department of Defense conference report language limits the ability of the Secretary to protect environmentally sensitive areas in the Coastal Plain to only 45,000 acres out of the 1.5 million-acre Coastal Plain. It cuts off the ability of the Secretary to withhold lands from leasing under other authority.

In addition, the language that is before us requires the Secretary to offer for lease no less than 200,000 acres of the Coastal Plain within 22 months of the date of enactment. That is new.

In addition, there are provisions with regard to judicial review that are new and unprecedented. Unlike the budget reconciliation language, the conference report prohibits review of a secretarial action in a civil or criminal enforcement proceeding of any action that the Secretary takes subject to judicial review under these provisions.

In addition, there is a new presumption put forth in this language that the Secretary's preferred action related to any lease sale is correct unless otherwise provided by clear and convincing evidence.

We should not be taking this action. We should clearly not be taking this action as part of a Defense appropriations bill, which is very much needed in order to provide the resources for our troops in harm's way today. I urge my colleagues to oppose cloture on this provision, on this conference report as it is currently constituted. We can come back at a time when we can actually look at the provisions we are being forced to vote on and consider them on their merits.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. Senator LIEBERMAN is recognized for 3 minutes.

Since he is not here, who seeks recognition?

Mr. REID. Mr. President, is there a quorum call in effect?

The PRESIDENT pro tempore. No, there is not.

Mr. REID. Whose time is running now?

The PRESIDENT pro tempore. The minority has one-half hour, as we understand it, and the time is running against that one-half hour.

Ms. CANTWELL. Mr. President, parliamentary inquiry.

The PRESIDENT pro tempore. Will the Senator repeat herself, please.

Ms. CANTWELL. Parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Washington.

Ms. CANTWELL. Is the agreement to have the time evenly divided between both sides and no specific request for how the sequencing of time is allocated under the order?

The PRESIDENT pro tempore. Under the previous order, there is an hour divided between the two leaders. The leader had designated that time. The first designation was made, but it is not—it is equally divided. There is no sequence.

Mr. REID. Mr. President, if the Senator from Washington will yield, I think what we would like is maybe to have some back-and-forth debate here. I am wondering if there is someone on the majority side who wishes to speak at this time and can use their time. There is somebody here who could yield that time, I am sure.

The PRESIDENT pro tempore. The Senator from Alaska is recognized for 5 minutes.

Ms. MURKOWSKI. Mr. President, thank you.

It is December 21. This is the shortest day of the year. On Alaska's North Slope today, it is pretty dark. The Sun went down, I was told, November 18 at 1:40 p.m. It is not going to rise again until January 23 at 1:01 p.m. Today's weather forecast on the North Slope is for it to be about 30 degrees below zero. Most of us would be hunkering down and hiding out from the cold and the dark. But right now Alaska's North Slope and the oil activities are humming because this is the time of year we do our work up there. And why do we do it? Do we do it because we like the cold, we like to be in the cold and in the dark? No. We do it because this is how we provide for the protections for the area. We explore and we work when the tundra is frozen. This is when we build the ice bridges. This is when we do the exploration. We do it because we care for the environment up there.

It hurts to hear some of the discussion and some of the argument and some of the misinformation about how we in Alaska derive our resources, how we pull the oil from the ground up North. We have been providing about 20 percent of this Nation's domestic oil from Prudhoe Bay for the past 30 years, and we have been doing a good job of it. We have been providing not only for the environment, we have been providing the jobs, and we have been providing the revenues. We have been helping this country in an effort to keep our balance of payments from booming even more than they already are. We are doing what this country needs when it comes to domestic production. We need the authorization of the Congress to do more, to open this small area up on the Coastal Plain to oil exploration and development.

There has been some discussion that in this bill, in the Defense bill, we are opening up in excess of the 2,000 acres we have agreed upon. The language is very clear. It says: 2,000 acres. It does not allow for the Natives to add additional acreage on top of the 2,000. It is a 2,000-acre limitation.

There has also been some challenge or some suggestion by the minority leader that somehow with this legislation the judicial review has been changed or altered in some way that would lesson the judicial review. That is absolutely not correct. There have been technical corrections in this legislation that differ from the earlier legislation that was introduced, but the judicial review remains in place.

There has been some suggestion that the State of Alaska will sue for a 90-percent share of the revenues rather than the 50–50 share.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter signed by the Attorney General of the State of Alaska that clearly provides that the issue has been settled in terms of the 50–50 split because the issue has been appealed all the way to the U.S. Supreme Court. The State considers the decision by the U.S. Court of Federal Claims to be settled law. So those arguments people will make that we should not move forward with opening ANWR at this point in time are simply not true.

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

STATE OF ALASKA, DEPARTMENT OF LAW, OFFICE OF THE ATTORNEY GENERAL

Anchorage, AK, December 20, 2005.

Senator TED STEVENS,
Hart Building,
Washington, DC.

DEAR SENATOR STEVENS: You have requested our response to a question that has arisen regarding the State of Alaska's previous claims against the federal government over oil revenues due to the State under the Alaska Statehood Act.

In 1993, the State sued the federal government over the right arising out of the Alaska Statehood Act to mineral revenues from federal leases. The State argued that the Statehood Act constituted a contract that entitled Alaska to 90% of gross mineral leasing revenues from federal mineral leases in Alaska. This issue was litigated in the United States Court of Federal Claims. *State of Alaska* v. *United States*, 35 Fed. Cl. 685 (1996). In 1996, the court found against Alaska. It stated that ''there was no promise on the part of the Federal Government to pay Alaska, in perpetuity, 90 percent of gross mineral leasing revenue from federal mineral leases in Alaska.'' ld. at 704.

The State then appealed this decision to the United States Court of Appeals for the Federal Circuit, which affirmed the Court of

Claims decision discussed above. *State of Alaska* v. *United States*, 1997 WL 382032 at *1 (Fed. Cir. July 8, 1997). Finally, the State petitioned the United States Supreme Court, which denied certiorari. *State of Alaska* v. *United States*, 522 U.S. 1108, 118 S. Ct. 1035 (1998).

Because the issue has been appealed all the way to the United States Supreme Court, the State considers the decision by the United States Court of Claims to be settled law.

Additionally, I would like to clarify an issue raised in the press and the Congress regarding the State's role, if any, in the lawsuit filed on December 19, 2005 by the Alaska Gasline Port Authority against ExxonMobil Corp. and BP P.L.C. et al, alleging violations of numerous laws, including the Sherman Act. The State of Alaska is not a 'Party to this lawsuit.

If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

DAVID W. MÁRQUEZ,
Attorney General.

Ms. MURKOWSKI. Mr. President, what ANWR represents to this country is energy security, national security, from the perspective of reducing our vulnerability on foreign sources of oil. When we talk about vulnerability in this country, and recognizing the vulnerability and the exposure of our men and women who are serving us over in Iraq, over in Afghanistan, we have to do everything we possibly can in this country to provide for their protection. Eighty percent of the Government's oil consumption is by our military. We need to keep this in mind. If we can do anything more to help with our domestic production so that we can decrease this reliance, we need to do so.

What ANWR offers to us is energy security, domestic security in the sense of jobs, and truly environmental security. I need to stress that. We have been doing a responsible job up North for the past 30 years. We want to continue that, to fill the pipeline that is now about half capacity.

Let me amplify a bit on why ANWR is so important for this Nation.

Since we debated ANWR during the budget resolution process this spring, we have finished a 14-year-effort to craft a new comprehensive energy bill. In that bill we have provided incentives and tax breaks to increase renewable energy: wind, solar, biomass, geothermal, ocean energy supplies. We promoted, by tax breaks, the purchase of hybrid and alternate clean cars to cut fuel consumption. We also mandated a doubling of the production of ethanol to help displace foreign oil.

We hiked the efficiency standards for a host of appliances to reduce electricity demand—hopefully by 40 percent, saving enough electricity to equal the output of 170 new 300-megawatt power plants. We promoted new technology, proposing to spend $3 billion to develop new hydrogen-fueled cars and to perfect the next generation of nuclear power.

We also made it easier to import more natural gas to ease our pending supply shortage. We approved $5.6 billion in tax breaks to promote energy efficiency and the growth of alternative fuels—more than twice what we spent to promote oil and gas production.

But outside of some minor changes that may speed oil leasing in the National Petroleum Reserve in Alaska—the Nation's last designated place for petroleum production—and a few very minor regulatory changes, we did little to directly increase domestic oil and gas production.

We delayed that action until now, when we hopefully will permit oil development from a tiny portion of the Arctic coastal plain in my home State of Alaska.

ANWR oil will certainly help stabilize our energy prices while generating more than $36 billion in Federal revenues within 20 years—$2.5 billion according to this reconciliation bill—money that is vital given our $319 billion deficit for fiscal year 2005 and the recent CBO forecast that we will still face a $314 billion deficit this year, not counting spending to counter the effects of Hurricanes Katrina, Rita and Wilma. While both numbers are down, we clearly need more revenues.

ANWR will reduce our balance of payments deficit because we won't be buying as much oil overseas. Last year we paid $166 billion to buy oil overseas—a quarter of our ballooning trade deficit. We are paying even more this year. Keeping those billions a year in America that ANWR oil production will equal at current prices is important.

It will produce hundreds of thousands of American jobs in most every State, with estimates ranging from a high of over 1 million total jobs to a low of 735,000.

These are jobs mostly in the lower 48 States; 12,000 jobs in Washington State; 80,000 jobs in California; 48,000 jobs in New York; 34,200 in Pennsylvania; 34,000 jobs in Florida, 5,500 jobs in Arkansas, even 2,700 jobs in Hawaii, our fellow non-contiguous sister State to the south, according to forecasts by Wharton Econometrics Forecasting Associates.

It is because of these jobs and the other economic benefits, that so many groups support ANWR development, from many in organized labor to farmers, and from truckers to manufacturers, all of whom know that ANWR oil will help stabilize everything from the cost of spring planting and fall harvesting to the thousands of products made from oil: from antihistamines to compact discs and from heart replacement valves to shampoo.

That is why groups from the U.S. Chamber of Commerce to the Americans for Tax Reform, from the Alaska Gas Association to the Alliance for Energy and Economic Growth, and unions such as the International Union of Operating Engineers, the Seafarers International Union, the Teamsters, the United Association of Plumbers and Pipefitters, the Laborers' International Union, the United Brotherhood of Carpenters and Joiners, and the Building and Construction Trades Department all are supporting ANWR's opening.

According to USGS estimates, ANWR's Coastal Plain has an even chance containing the second largest oil field in North America. During this debate opponents may well again repeat that there isn't enough oil there to be worth developing, that it only represents a tiny supply or only will decrease our dependence on foreign oil by a few percent.

Those arguments are utter nonsense. It is like saying we should never have produced the East Texas oil fields since the area only contained 5.3 billion barrels—a half to a third of ANWR's likely production. East Texas has produced oil, created jobs and protected our national security the past 75 years of through WWII, and Korea, Vietnam, and the Persian Gulf.

ANWR production is likely to provide all the oil that South Dakota will need for 499 years. It is likely to provide all the oil that Minnesota will need for 84 years, for New York for 34 years, for California for 16 years. That is a lot of oil.

When you consider that the American Farm Bureau Federation reports that American farmers in the 2003–2004 planting season lost $6.2 billion in income because of higher fuel and fertilizer costs—farmers facing an even bleaker price picture this fall given high prices and drought—then it's clear that all the oil and gas ANWR may produce will be precious to help hold down or reduce those costs in the future.

Remember that ANWR's oil would have offset the oil that we lost in the Gulf of Mexico because of hurricane damage—oil that could well have prevented prices from skyrocketing at the pump this summer and fall.

Discounting ANWR's likely oil is also like saying we as a nation should never have opened the neighboring Prudhoe Bay oil field in Alaska because Prudhoe Bay would only supply us with a 3-year supply of oil. Prudhoe Bay has provided America with up to a quarter of our domestic oil supply for the past 28 years. It has already saved us from spending more than $200 billion to buy imported oil and new technology has consistently raised the amount of oil the field will produce.

Initially Prudhoe was expected to produce only 35 percent of its oil. Now it's likely to produce more than 16.5 billion barrels—65 percent of its oil in place. The same increase in production might occur at ANWR and could raise production totals to between 10 and 27 billion barrels—the mean being nearly 18 billion barrels, if it happens.

We know industry has spent about $40 billion on the trans-Alaska oil pipeline and the wells and production facilities at Prudhoe Bay in the past three decades—78 percent of that spending going to states in the lower 48.

From just 1980 to 1994 California businesses received $3.2 billion in work because of Alaska oil development, Washington State firms $1.7 billion, New York $680 million, Minnesota businesses $100 million.

There is no question that ANWR oil development will be good for the country's economy and its national security. But it also will be good for the global environment and it won't harm Alaska's environment, wildlife or beautiful landscape.

Let me shock those on the other side of this issue. As a life-long Alaskan, a mother with two sons with a family that loves the outdoors, let me say again I would be the first to oppose ANWR's opening if I had any concerns about what oil development will do to our landscape, our air, our water and our wildlife. But I don't.

I have been to Prudhoe Bay, have seen the impacts of oil there and know that Prudhoe's development has not damaged Alaska's environment.

And I know that by using 21st century technology and advanced engineering that has been perfected since the field's construction 30 years ago, that ANWR can be developed safely and the environment even better protected.

First let's look again at Prudhoe's experience. There was much concern that development there would harm the environment and damage the Central Arctic Caribou herd that lives in the field. Neither happened.

The Central Arctic herd continues to calve and nurse their young in the area's oil fields. The herd has grown from 3,000 animals in 1974 to nearly 32,000 today. This 10-fold increase shows that caribou and oil production can co-exist quite nicely, thank you.

Wildlife studies have shown that several bird species have grown since the field was built—specifically brant, snow geese and spectacled eiders, although as the National Academy of Sciences reported last year some nesting distributions may have changed and brant and eiders in general are having problems, perhaps because of reach warmer climate conditions.

I'm sure someone will mention polar bears. I am quite prepared to talk about the very healthy condition of Alaska polar bear stocks. For the moment let me say that only two bears over the past 38 years have been harmed in Alaska because of oil development and with new infrared detection equipment, we can make sure that no bears will be disturbed during denning by ANWR's development.

Americans can be assured that opening the coastal plain will have even less impact on Alaska's environment. That is because new technology has reduced the impact on the environment and the footprint of development.

3–D and 4–D seismic that I mentioned earlier now allow us to locate oil without surface disruption.

Underground directional drilling allow us to recover oil 4 miles away and hopefully up to 8 miles away within a few years, meaning that only a tiny portion of surface habitat will be disturbed between drill sites.

The size of so-called well pads has decreased 70 percent to 88 percent since Prudhoe Bay. The proof can be seen in that the Tarn field was opened in 1998 disturbing just 6.7 acres. Not the 65 acres for a well-pad at Prudhoe Bay. The Alpine field that we in the Senate visited in March, today produces 120,000 barrels a day from a central well pad that is just 43 acres in size—67 if you count the attached air strip.

Ice roads today are used for winter drilling—roads that melt without any disturbance to the tundra in summer when the animals arrive on the coastal plain. New composite mats also can be used to reduce gravel fill and dust. And pipelines technically can be placed underground to prevent any surface disturbance to animals or birdlife, although there are no problems with above ground pipelines. There won't be a ''spider web'' of development as some have claimed.

Drilling restrictions will prevent noise in summer that might scare a mother caribou, and as insurance, development can be barred by the Secretary of the Interior to guarantee habitat for a core caribou caving area or for bird nesting areas.

Opponents often say that development will destroy ''America's Serengeti.'' We are proposing to limit the ''footprint'' of development to just 2,000 acres of Federal land. That is no more land than a moderately-sized American farm—the average farm in North Dakota is 1,400 acres—while an area larger than all of South Carolina will remain wild and protected. With the new technology it will be possible to leave nearly 100 square miles of undisturbed habitat between well sites. The animals of the African veld in Tanzania should be so lucky.

Opponents of opening ANWR always address two more issues: that oil spills on the North Slope of Alaska has shown that development should not be allowed, and that air quality from energy production should also prevent development. Let me briefly respond to both concerns.

Concerning oil spills opponents list numbers claiming a high number of spills, but fail to mention that companies have to report spills of most any substance more than a gallon in size, whether of water, or oil or chemicals.

According to the Alaska Department Environmental Conservation, there have been an average of 263 spills on the North Slope yearly during the past decade, but the average oil spill was just 89 gallons—2 barrels of oil—and that 94 percent of that oil was totally cleaned up. By comparison the rest of the state had seven times more spills per year than the Prudhoe Bay oil field.

According to the National Academy of Science's 2003 study, if you look at all oil spills from 1977 through 1999, 84 percent of all spills were less than 2 barrels in size and only 454 barrels of oil per year may have been released to the environment, compared to 378,000 barrels of oil that enter North American waters as a result of just urban runoff—those drips at filling stations and other spills. That may be less oil than enters the Alaska environment naturally because of oil seeps on the North Slope.

Concerning air quality, we have heard mention that Prudhoe Bay has destroyed the air quality. There is no truth to those claims.

It is true that the nation's largest oil field does add emissions into the air, mostly nitrogen dioxide and larger particulate matter. But field meets the stringent air quality standards in place for Class II attainment areas—areas where Congress has set higher standards to prevent any Significant Deterioration (PSD) of air quality.

Looking at nitrogen dioxide, in its worse year, 2000, such emissions were only a quarter of the public health standard for the area. For sulfur dioxide, in its worse year 1997, the Prudhoe Bay field emitted 16 times less sulfur dioxide than the public health standard and only a quarter of the tough standards for a Class II area.

For carbon monoxide, during its worse period, one eight-hour period in 1991 near Kuparuk, the field was 35 times lower than the public health standard. I could continue with particulate matter but the story is the same.

The truth is that the Prudhoe Bay area—the nation's largest oil field—releases eight times less nitrogen dioxide into the air than the metropolitan Washington area does per year, according to the Metropolitan Washington Council of Governments.

More important the releases have no impacts on the environment. There is no evidence that the releases are affecting the Arctic environment or the environment downwind. The air quality complaints are groundless.

To environmentalists who say we are harming Alaska, please remember that an area of more than 192 million acres, the size of all the states that stretch from Maine to Orlando, Fla.—almost the entire East Coast—are already protected in parks, refuges and forests in Alaska. We aren't proposing to touch any of those areas.

Now let me explain why I suggested that ANWR development is actually good for the global environment.

Right now America is using about 20 million barrels of oil a day and importing more than 11 million barrels of that oil. That oil is increasingly coming from countries with less stringent environmental standards than America. America has the toughest environmental standards in the world. We should be doing all we can to satisfy our oil needs at home, not exporting environmental issues overseas to Russia or Colombia or Venezuela.

Secondly, even with greater efforts at conservation—efforts that I strongly

supported in the just-passed comprehensive energy bill—we are still going to need oil.

We could park every car and truck in America tomorrow and we still will need ANWR's oil to meet our needs for plastics, road construction materials, roofing materials, and those petrochemical feed stocks that are the stuff of everything from soft contact lenses to aspirin and from house paint to toothpaste.

And in case anyone tries to argue that opening ANWR will somehow increase carbon dioxide and maybe, perhaps, increase global warming, let me say that if we don't open ANWR we will need to import ever more oil to America in foreign tankers. Those tankers will need to travel tens of thousands of miles farther to reach American shores. They run on diesel fuel and will produce far more carbon dioxide than transporting Alaskan oil to lower 48 ports will.

Thirdly, if we don't open ANWR we will need to import ever more oil. When we reach 68 percent dependency we will need the equivalent of 30 giant super tankers, each loaded with 500,000 barrels of crude oil a day, to dock at U.S. ports. That will be more than 10,000 shiploads of oil a year, most likely foreign-flagged and foreign-crewed tankers passing our rocky coastlines and entering our crowded harbors. Those ships create many more times the environmental risk to America's coasts than developing our own energy, using American technology, American doubled-hulled ships, whose performance is governed by American law.

For years the mantra of environmentalists has been ''Think globally, act locally.'' The best action we can take locally is to produce more of the oil we consume every day.

Let me briefly touch on whether Alaska Natives continue to support oil development on the coastal plain. Earlier this spring some questioned that support because of a petition that was signed by some in Kaktovik—the only village directly in the ANWR area, an area where 78 percent of residents, 2 years ago supported oil development, according to a community poll. While I have letters signed by a number of those who signed the anti-development petition—letters saying they were misled by the petition sponsor and that they do still support ANWR's on-shore oil development—let me just reassure my colleagues that Alaska Natives clearly support oil development in my State.

I have a letter from all members of the Kaktovik City Council and from its Mayor sporting oil development.

The latest statewide public opinion poll in Alaska by Dittman Research finds that only 23 percent of Alaskans oppose ANWR development. In this day and age, getting more than 70 percent of any body anywhere in support of anything is a major achievement.

The Alaska Federation of Natives—that is the umbrella for all Native groups in the State—is clearly on record supporting ANWR development.

I visited Kaktovik during August to see for myself the current level of support or concern with development in the coastal plain. I can say clearly that while villagers would like us to solve their Native land allotment concerns by next year—the 100th anniversary of when the land allotments were authorized and want us in Congress to protect subsistence whaling—and while they clearly want to be consulted on development and aided to avoid any impacts—that they generally support environmentally sensitive development onshore on the coastal plain.

Natives on the North Slope of Alaska have seen for themselves the impacts of oil development and have seen the benefits that oil can bring: good jobs, better schools, improved health care, modern water and sewer systems, adequate housing and better opportunities for their children and their grandchildren.

Natives who have lived in the area for thousands of years simply want to be consulted and to have their wisdom reflected in the regulatory decisions made to control energy development. That is a perfectly reasonable position for local residents to take and I certainly will support them to make sure their knowledge and wisdom are listened to.

They simply want respect and we in government clearly should respect their knowledge as oil development proceeds.

I As long as we include reasonable environmental and regulatory protections, Alaska Natives support responsible oil development on the Arctic coastal plain.

And this bill provides $35 million in impact aid, money that hopefully will alleviate any impacts from ANWR development and assist Alaska Native Corporations and their members who live along the Trans-Alaska oil pipeline corridor.

This amendment is largely based on an ANWR stand-alone-bill, S. 1891, that I introduced this fall. So that there is no mistaking the clear intent of this legislation as it is considered for final passage, let me state the following:

After 18 years of debate since release of the final environmental impact statement covering Arctic oil development in 1987, more than 50 hearings, dozens of field trips, passage of ANWR legislation in the 106th Congress, and passage of ANWR-opening legislation by the House in the 108th Congress and by both the House and Senate in the reconciliation act process in the 109th Congress, it is absolutely clear that it is the intent of Congress—should this bill pass—that oil and gas development be permitted in the entire ANWR coastal plain on an expedited basis. That means that development should be permitted on the Federal lands as permitted by this legislation without delay in order to be producing revenues within 5 years.

It is clearly the intent of Congress as spelled out in the provision, that the existing LEIS is sufficient to cover new preleasing activities and that it is the intent of Congress that the LEIS is still sufficient to govern oil development with modest updating.

Concerning the 92,000 acres of native-owned lands, lands owned by the Arctic Slope Regional Corporation and the Kaktovik Inupiat Corporation, Congress by this division in the Defense appropriations bill is authorizing immediate development as allowed by the 1983 land trade that allowed Natives to select lands in the coastal plain and as allowed by the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act.

Specifically, there should be no question that it is the intent of Congress that the phrase ''prelease activity'' is intended to include all activities that normally take place prior to a lease sale, including surface geological exploration or seismic exploration. The Secretary has promulgated regulations governing surface geological and geophysical exploration programs for the refuge's coastal plain pursuant to Section 1002 of ANILCA. These regulations, set out at Part 37 of Title 50 of the Code of Federal Regulations, are consistent with the LEIS and include adequate environmental safeguards. Although the primary purpose of those regulations was to governor the exploration necessary to produce the ''1002'' report to Congress, they include provision for additional surface geological and geophysical exploration ''if necessary to correct data deficiencies or to refine or improve data or information already gathered.'' 50 CFR Section 37.11.

This authority is adequate for the Secretary to process any requests for permits for prelease surface exploration, but is not the exclusive authority for processing such requests. This amendment provides independent and sufficient authority for the Secretary, acting through the Bureau of Land Management, to issue prelease permits for surface geological exploration or seismic exploration. Permits for prelease surface exploration, whether or not pursuant to Part 37 of Title 50, that incorporate environmental safeguards similar to those in Part 37 of Title 50 are consistent with the LEIS and the requirements of this section.

Another area I would like to clarify is relating to the provision that allows the Arctic Slope Regional Corporation to begin oil production from their lands. It should be clear that the section in this bill removes the prohibition in Section 1003 of ANILCA against the production of oil and gas and leasing or other development leading to production of oil and gas for lands within the ''1002'' Coastal Plain Area, as depicted on the map prepared by the U.S. Geological Survey entitled ''Arctic National Wildlife Refuge 1002 Coastal Plain Area,'' dated September 2005,

including both Federal lands private lands, primarily owned by Alaska Native corporations, and now or hereafter acquired within the 1002 Coastal Plain Area and preserves all rights of access to those lands, including for oil and gas pipelines, provided for in Sections 1110 and 1111 of ANILCA.

There is much more that I can say. For now let me just say that both Republicans and Democrats agree that American independence on foreign oil threatens our national security, and yet, we continue to import over half of our oil needs. And we haven't yet done enough to reverse that trend.

Only by passing ANWR, in conjunction with the other environmental steps we have already taken in the energy bill, can we produce more oil from American soil, with American workers; oil that will be used to heat American homes and power America's farms and industries.

In a sentence, ANWR is a part of the solution to America's dependence on foreign energy sources. Not the entire solution, but one real part of it. The one part not yet addressed by Congress this year.

ANWR is the place and the time is now.

I yield the floor.

The PRESIDENT pro tempore. Who yields time?

Senator COCHRAN is recognized for 4 minutes.

Mr. COCHRAN. Mr. President, I understood I had 2 minutes under the order.

The PRESIDENT pro tempore. The occupant of the Chair has additional time and is yielding the additional 2 minutes.

Mr. COCHRAN. I appreciate the generosity of the Presiding Officer.

I am pleased to advise the Senate that after a great deal of hard work, including Senators on both sides of the aisle, Members of the other body, we have been successful in adding to this conference report as an amendment a disaster assistance provision that makes money available now to those in the Gulf States region who have been seriously harmed, hurt, devastated by Hurricane Katrina and Hurricane Rita.

The Senators from Louisiana and Mississippi, of course, have been probably the most directly affected in terms of the demands being made on the Federal Government now for a sensitive and generous response to the needs of our region. We are very grateful to those who have joined with us and supported the addition of these funds, $29 billion in total amount in this bill, to provide disaster assistance to that region.

We appreciate the administration's sensitivity to this and the request that the President made for a reallocation of previously appropriated funds in the amount of $17 billion. We urged that be increased. The House agreed. The Senate agreed to support this. Our committee did. Now it is before this body. I hope all Senators will support this conference report. It is very important that this money be given to the region now. Any further delays are going to be not just frustrating but devastating to the economic well-being, the emotional stability of that region of our country that has been so harmed, in an unprecedented way, by this disaster. We appreciate the support of all Senators.

I thank the Chair.

The PRESIDENT pro tempore. The Senator from Louisiana is recognized for 4 of the minutes designated to me.

Mr. VITTER. I thank the Chair.

Mr. President, I stand in strong support of the motion to invoke cloture, and I ask all of my colleagues to come together, put the interests of the country, including the interests of the citizens of the gulf coast, first, ahead of politics, ahead of partisanship, and move this important legislation forward.

In the last 48 hours, we have heard a whole lot about this package and about this upcoming vote. So much of it has been about partisan ideology and politics and procedure. Let me tell you what this vote is about in my home in Louisiana. It is about another ''P'' word. It is about people, real people trying to live and survive and rebuild in the real world. Nearly 4 months ago, 1,000 people, my fellow Louisiana citizens, were killed during the devastation of Katrina. Today, 4 months later, nearly a million people are still reeling. They remain lost because of our continuing delay and inaction, people who have no homes, no cars, no jobs, in many cases all of their personal possessions gone.

My hometown was flooded. The city of New Orleans, once a thriving city of 450,000 people, is today, almost 4 months later, under 100,000 people. My neighbors want to come home. We want to rebuild in earnest. Tens of thousands of businesses want to reestablish themselves and offer jobs again to their hundreds of thousands of employees. This vote is crucial for that to happen. That is why it is not about partisan ideology and politics and procedure that we have heard about for so many days; it is about people, real people with enormous and real challenges in the real world.

The question is simple. It is, in Louisiana, whether those people will be flooded a third time. Why do I say a third time? The first time was because of mother nature, because of the ferocity of Hurricane Katrina causing untold flooding and damage in southeast Louisiana. But the second time was the day after Hurricane Katrina when the levees broke. That wasn't the biggest natural disaster in American history. That was the biggest manmade disaster in American history because of fundamental design flaws in that system.

Now we are on the Senate floor debating whether those same people will be flooded a third time, flooded by inaction, flooded by the results of partisan ideology and politics and getting all tangled up in arcane procedure. Let's not flood these good people a third time. Let's act—yes, late, but not too late—to give them a clear vision forward so they can rebuild their lives.

I urge all of my Senate colleagues to put real people, facing real challenges, the biggest of their lives in the real world, ahead of partisan ideology and politics and procedure. I urge my colleagues to vote yes on cloture.

I yield back my time.

The PRESIDENT pro tempore. The Senator from Washington is recognized for 12½ minutes.

Ms. CANTWELL. Mr. President, I yield 2 minutes of my time to the Senator from California.

The PRESIDENT pro tempore. The Senator from California is recognized for 2 minutes.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Washington, and I thank the Chair.

ANWR is an issue that arouses great passion on both sides of this issue, but there are strong arguments that underlie the belief that the opening of these critical 1½ million acres of pristine wilderness is small, from an oil production perspective, and very damaging environmentally.

First, the Arctic Refuge Coastal Plain, where the drilling would occur, is the ecological heart of the Refuge. It is the center of wildlife activity. If ANWR were opened for drilling, the wilderness would be crisscrossed by roads, pipelines, powerplants, and other infrastructure. The Department of Interior estimates that 12,500 acres would be directly impacted by drilling. I strongly believe that destroying this wilderness does very little to reduce energy costs, nor does it do very much for oil independence. It will produce too little oil to have a real impact on prices or overall supply, and it would offer a number of false hopes.

On average, ANWR is expected to produce about 800,000 barrels of oil a day and, in 2025, these 800,000 barrels per day would represent but 3 percent of the projected 25 million barrels of oil a day of U.S. consumption. By changing SUV mileage requirements to equal sedans, we produce a million barrels of oil a day savings.

I don't believe we can drill our way to energy independence. I urge a ''no'' vote.

The PRESIDENT pro tempore. Who yields time? The Senator from Washington was yielded 12½ minutes and has yielded 2½ minutes of that.

Ms. CANTWELL. Mr. President, I reserve the balance of my time. I see the Senator from New Mexico seeks recognition.

The PRESIDENT pro tempore. The Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. Mr. President, I rise today to talk about the bill before us in one respect. I want to talk about ANWR. Actually, ANWR has been waiting too long to become part of the United States of America's inventory of reserves of crude oil for our people and for our future.

I had the luxury of going up there in the extreme cold to see what this is all about. I want to share with my fellow Senators a couple of facts that seem to be unnoticed. First of all, all of the activity that takes place with reference to drilling, takes place with reference to preparing, takes place with getting the oil ready to put into a pipeline—all of that activity takes place in the dead of winter. That means the roads are built on ice. That means the holes are drilled in the ice. That means the oil comes to the surface to be put into pipelines while it is below zero and everything is frozen.

So when Senators or visitors are taken there in the warm climate and they see the soft ground that you cannot hardly put a truck on, the marshes that everybody wants to preserve, everybody should understand that there is no activity taking place under those conditions. Everything is done—the drilling, the preparation, the production—while it is all frozen. When the warmth comes, the activity disappears. What is left are a very few small signs of the activity of man that has produced oil.

I saw 60 acres of the Alaskan frozen tundra—60 acres—upon which an entire drilling operation took place, all in winter. That 60 acres was producing 150,000 barrels of oil a day. All that will be there are wellheads. Actually, as you drill, they look like little outhouses very close together, in which a well is drilled, and scores of underground wells are drilled from it, vertical and horizontal, taking the oil out of the ground, with no new holes. When you are finished, there will be the plugs on top of that and a station that pulls it together, and everything else will disappear, and out comes 150,000 barrels of oil.

Can you envision in this 1.5 million acres 2,000 acres of it being used in multiples of 60 acres to produce what is expected from ANWR? How will that harm anything—that 1.5 million acres? They always quote President Eisenhower. It was set aside and designated, written there that this might be important for our future because it has in it and under it petroleum and petroleum products. That was known when it was set aside. We have been sitting around waiting, this great country, to produce it.

The last point, they say it is not very important in terms of size. Mr. President, the reserves on that property, at $30 a barrel, were calculated to be the equivalent of the reserves in the State of Texas. Now we understand that at $60 a barrel it has probably doubled. That means it is more than the State of Texas. So for everyone who talks about a 1-cent impact on gasoline, maybe we could also say it is not very important, so why don't we close down all the wells in Texas; they are not very important. And they have a lot of environmental problems. They were drilled in a different era. If you are worried about the environment, take a flight over Texas—no aspersions on Texas because it is my State also. But that is a lot of oil, the equivalent of Texas, and to run around America and say it is not important is economic arrogance.

The United States needs oil that belongs to itself. We own it. I honestly believe, having seen it and studied it, that those who say we will destroy that part of the beauty of Alaska are missing the point. It will not even be seen. You will not be able to locate——

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. DOMENICI. You won't be able to see or locate what transpired. Yet America will be safer. I hope we do this. This is the appropriate vehicle. I hope cloture is imposed.

The PRESIDING OFFICER (Ms. MURKOWSKI). The majority has 16 minutes and the minority has 22 minutes left. Who yields time?

The Senator from West Virginia is recognized.

Mr. BYRD. Madam President, the issue of drilling in the Arctic National Wildlife Reserve is close to the heart, dear to the heart of the senior Senator from Alaska. I love him. I admire his unyielding commitment to the people of his State. I honor him for that. I consider him a dear friend, a friend over a long period of time, a friend who is close to my heart.

My remarks today do not reflect upon him or upon his efforts in regard to the people he represents. My concern is with the rules of the Senate. My concern is with the Senate rules in this book and how the rules are threatened—threatened—by what has been unfolding in recent days.

If cloture is invoked on the conference report, Senators have discussed raising a rule XXVIII point of order—that is what we hear—against the conference report. That point of order is expected to be sustained by the Chair. The question may then be put to the Senate to overturn the ruling of the Chair and, in effect, to negate—get this—in effect to negate rule XXVIII in order to retain ANWR provisions in the conference report.

It has been noted that if the Senate negates the rule, language included in the conference report would restore rule XXVIII by directing the Presiding Officer to apply the precedents of the Senate in effect at the beginning of the 109th Congress.

It is true that noncontroversial, extraneous matter is often included in conference reports. There is no doubt about that. It is true that Senators acquiesce on many occasions, choosing not to invoke rule XXVIII. That is true. That is a fact. It is also true that the Senate can reinterpret and set new precedents for the application of its rules whenever it pleases. The Senate can do that. That is as it ought to be. But what has been discussed in recent days is very different—hear me—very different.

It will allow a simple majority of Senators, as opposed to the two-thirds majority required by Senate rule V, to effectively suspend rule XXVIII by negating it and then restoring it so that the rule cannot be used to prevent the passage of the ANWR provisions that have been inserted into the conference report.

I say to my colleagues—hear me, hear me, my colleagues on both sides of the aisle—that I abhor, I abhor, I abhor this idea. Shame.

If such a scheme were carried into effect, it could seriously impair the Senate rules. Hear me. I know about the rules. I spent years in using the rules. Nothing would stand in the way of a majority—nothing—nothing would stand in the way of a majority, be it Republican or be it Democrat, from routinely negating and replacing Senate rule XXVIII in order to insert controversial legislation into a conference report. This is a very clever, a very clever, a very clever thing that is being put forth here.

Today, this process could be employed to suspend rule XXVIII, but tomorrow, it could be employed to suspend the rule XVI prohibition against legislation on appropriations bills, and the day after that, it could be used to suspend who knows whatever rules.

Mr. STEVENS. Will the Senator yield?

Mr. BYRD. Not yet. I will be happy to yield to my friend. He is my friend. I love him, I told him that, but I love the Senate better. I love the Senate more. I love this man from Alaska. I do, I love him. I feel my blood in my veins is with his blood. I love him, but I love the Senate more. I came here and swore an oath to uphold the Constitution of the United States, and I would die upholding that oath, just as the Romans honored an oath. And I feel the same about that. I love my friend from Alaska, I say, I love him, but I cannot go down that road. I have told him so. I love him, but I love the Senate more.

I know he is going to speak, and I would love to follow him, but I won't be able to, so let my words stand. The record stands.

If permitted today, the process could be utilized again and again and again, with terrible consequences for the Senate rules. I understand that Senators are working to avoid this scenario. I hope that effort is successful. Allowing this process to continue unfolding as it has in recent days would cause significant harm to the Senate as an institution.

Senators should realize that if negated in the next hour, rule XXVIII would not be restored in its current form until the President signs into law the Defense appropriations conference report, which could take as long as 10 days. In that time, any remaining conference reports, whether a rewritten PATRIOT Act or a continuing resolution, could include almost any—almost any—nongermane provisions without being subject to a rule XXVIII point of order.

It is ironic—oh, it is ironic.

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

Mr. BYRD. May I have 5 more minutes?

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I would not object as long as the majority's time is extended the same period of time.

Mr. REID. I don't think we will ask the time be extended. Madam President, does Senator CANTWELL have 5 minutes for him?

Ms. CANTWELL. Did I understand—

Mr. REID. Senator BYRD has asked for 5 more minutes out of the time of the Senator from Washington. Madam President, does she have it?

Ms. CANTWELL. I think I understand that the Senator from Alaska asked for additional time.

Mr. STEVENS. I did not hear the Senator.

Mr. REID. Madam President, I ask unanimous consent that the time for the majority and minority be extended 5 minutes each.

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

Mr. BYRD. Madam President, it is ironic that the Senator from Alaska and I find ourselves on opposite sides of this issue. In the year 2000, we worked together to restore rule XXVIII after it had been negated 4 years earlier. We agreed that it ought to be restored to try to facilitate a return to the regular order in the Senate. My friend remembers as I do the yearend Omnibus appropriations bills that would come back from conference where conferees had to accept all sorts of new matter never before considered by the House or Senate. We included an amendment in the fiscal year 2001 Consolidated Appropriations Act to restore rule XXVIII, with the support of the majority and the minority leaders. Now the question may be put to the Senate to negate rule XXVIII again.

I understand the passions surrounding the issue of ANWR, and I honor my friend from Alaska. He is standing up for his State, but I am standing for the Senate. I am standing for the Senate, the Senate's rules under the Constitution of the United States. I understand the passions surrounding the issue of ANWR, but we abandon and undermine these rules at a terrible, terrible price. What a price. This institution and the liberties that its rules protect must come first—must come first—before political party, whatever it be, Republican or Democrat, and before legislative maneuvering. Those battles are fleeting, but the Senate must stand forever.

I do not want to see the Senate, the forum of the States and the last exalted refuge that guarantees a voice to the minority among the din of an overwhelming majority, I do not want to see the Senate take the position that a majority of Senators are entitled to suspend the Senate rules whenever they prove inconvenient. So I urge my colleagues—please, listen, my friends on both sides of the aisle, Democrats and Republicans—I urge my colleagues to think carefully about this issue. The powerful abolitionist Senator Charles Sumner called the Senate rules the very temple, the very temple of constitutional liberty, and he was right. I plead with my colleagues to not dismantle that temple of constitutional liberty. I urge my colleagues to preserve rule XXVIII in its current form and, if raised, to oppose any motion to overturn the ruling of the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire has 5 minutes.

Mr. GREGG. Madam President, I rise to praise the Senator from Alaska for bringing this bill forward. This bill has a lot of very important language in it obviously dealing with our national defense, dealing with our ability to be energy independent. But there are two items I wish to focus on because if this bill fails, if the cloture motion does not occur, they are going to be dramatically impacted.

The first is the Low-Income Home Energy Assistance Program. There has been a lot of grandstanding in the Chamber over the last few months, with Members coming down here and offering proposals for how they were going to fund Low-Income Home Energy Assistance, otherwise known as LIHEAP.

Most of those proposals have come forward without any offsets, have added to the deficit and, therefore, have been subject to a 60-vote point of order, and the people offering them knew they were not going to pass, but they wanted to take a position.

This is the first bill that will increase LIHEAP, low-income energy assistance, and allow those people who are going to have a very tough winter to be able to pay for their energy costs. This bill has 2 billion additional dollars for low-income energy assistance in it, and it is paid for. It is done in a fiscally responsible way.

Without that money, we will go back to the LIHEAP funding levels which are traditional here, and we will not be able to pick up the extra costs of LIHEAP, which is low-income energy assistance, which is a function of increased oil costs—a very serious problem for a lot of low income people who are trying to figure out how they are going to be able to heat their homes this winter.

So if this bill goes down under the cloture motion, we lose the LIHEAP dollars, and all those folks who have come to the Chamber and claimed they were for LIHEAP will have to explain that.

Secondly, this bill has in it a major initiative in the area of defending our borders; $1.1 billion is put into this bill to upgrade the capabilities of the Border Patrol. The Border Patrol needs to be dramatically expanded as to personnel and detention facilities, but neither of those events can happen until the capital needs of the Border Patrol are improved so that the additional agents can be taken care of.

We as a Congress have increased the number of agents by 1,500 in the last year, the number of detention beds by 1,000, but we have not addressed the capital needs. They need new helicopters, new cars, new buildings and facilities to house people. They need some issues relative to their training facilities so that we can train more border patrol. All that money is right here.

Everybody who has come to this Chamber talking about the need for a better Border Patrol and better capacity to monitor who is coming into our country, well, it cannot be done without a strong Border Patrol, and this bill commits to that.

I congratulate the Senator from Alaska for putting in that money. We need to get it in the pipeline. We need to get it in the pipeline now so that the Border Patrol will have the capital resources it needs to make sure they can move forward with our goal, which is to secure the border so we know who is coming across the border and the people who are coming across the border illegally are apprehended.

It is a good bill. There are a lot of good proposals in this bill. But those two items—getting energy assistance money out to low-income individuals who need it, and as we head further into this winter, it is going to be critical that we have that money; and supporting the Border Patrol effort and making sure that our borders are secure through expanding the capital commitment to the Border Patrol with additional helicopters, additional housing, additional motor vehicles, and other physical activity they need down there, training facilities—are very critical elements of policy in this bill which will be lost potentially and most likely actually if this cloture motion is not agreed to.

Therefore, I strongly encourage our colleagues to vote for cloture.

I reserve the remainder of my time and yield it to the senior Senator from Alaska.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT. Could I inquire about the time remaining so we can keep some balance about how the time is divided?

The PRESIDING OFFICER. The majority has 16 minutes remaining, and the minority has 15 minutes remaining.

Mr. LOTT. Madam President, then I will take advantage of this time.

The PRESIDING OFFICER. The Senator is recognized for 4 minutes.

Mr. LOTT. Madam President, I say to my colleagues, so many of them have worked hard on this. They have produced a product that has some very important things in it. I know some people will be concerned about the process, as I am. I have been concerned, and I have been on both sides of the process question. But this is probably the biggest, most important bill of this year. We need to realize that.

Some people say: Oh, this is so unprecedented, and why are we here? I have been here a while—not as long as the distinguished Senator from West Virginia—but this is not unprecedented. This is where we are just about every year. Almost every year, we get down to the end and we have some sort of omnibus or combination of bills, and so there is nothing so unusual or outlandish about all of this.

I wish to take just a minute to thank all who have been involved in putting this legislation together, particularly my senior colleague from Mississippi, Senator COCHRAN. He held the line. He insisted on some reprogramming of the money that had been approved by the Senate earlier for installations that were damaged by the hurricane and to also include additional money when some people did not want to include the money that was needed for our people who are so desperate in the Katrina and Rita devastated areas. But he held the line, and he came up with a bill that has $29 billion in reprogrammed money out of money that was already there—this is reprogramming, not adding to the deficit—plus some funds for restoration of our eroding lands in Louisiana and Mississippi. This is so vitally important to our region.

I have hesitated speaking because I am concerned I am going to get emotional and not be able to get through this without showing the same feeling I hear from my constituents in Mississippi, people in Louisiana and Texas. We need this so desperately, and we need it now.

I know we have been arguing for years about ANWR. I am not going to rehash the merits of it. I think it is time we do this. We need the energy. I think a lot of the alarms that are expressed about it are not accurate. I admire Senator STEVENS for his tenacity and the leadership of Senator MURKOWSKI for trying to get this done. It is an awfully small piece of land. It is something we really need. I hope we would not allow this big, important bill to be defeated on this point.

The most important thing I wish to say today is how badly we need this help. There are people right now literally living in tents, small trailers, and double-wides who do not know what they are going to do with their lives. There are people living with their relatives miles and States away because they lost their home. They have a slab, a mortgage, no insurance. Many of them lost their job. Some of them lost loved ones. Some of them lost their truck and their dog.

I talked to a man yesterday who cried twice on the phone, pleading with me to tell him what he could do. They have hit the wall. Right now, they are at that moment of exhaustion, frustration, and decision. If we do not provide this help now, if it is put off another month or 2 months or 3 months, Heaven help us.

So I plead with my colleagues. I know we might not have designed this bill this way in a different time or a different set of circumstances. I do not begrudge anybody for what they have done, but I cannot let this day go without pleading that we get this done and get it done now.

I am scheduled to go home tonight to make a speech in the morning to the Biloxi, MS, Chamber of Commerce, an area that was devastated by this hurricane. I have done this for 32 years in a row. If we do not get this bill done, I cannot go home and face those people. Please help us, and I will help my colleagues as long as I can avoid this sort of situation in the future.

I thank my colleagues for their time and for the support they have already given us.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Louisiana.

Ms. LANDRIEU. I ask unanimous consent to speak for 1 minute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I rise following my colleague from Mississippi, to associate myself with his remarks. I see my colleague, Senator VITTER, on the Senate floor, and Senator COCHRAN is not too far away. This is a crucial vote for those of us along the gulf coast who have faced not just two killer storms but multiple levee breaks that have put this great economy of the Nation's only energy coast at risk. While we would not design the bill this way if left up to the four of us who have been negotiating this package with the help of many of our colleagues through the process, I add my voice to say it is imperative that we get this $29 billion of direct aid, not to FEMA but directly to our Governors and to our people to give them hope that this region can be rebuilt. Without this, it will be impossible, and they cannot wait another day.

I thank my Senate colleagues.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Madam President, is there time left? What is the situation with the time?

The PRESIDING OFFICER. The minority has 15 minutes. The majority has 12 minutes remaining.

The Senator from Washington.

Mr. REID. I ask unanimous consent the Senator from Alaska be given the last speech on this matter.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. I yield to the Senator from Massachusetts 3 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I have as passionate a feeling against the Arctic Refuge drilling as I know the Presiding Officer and the Senator from Alaska, the senior Senator, have for it. I do not believe, when you look at the facts dispassionately, on their face, that it is going to do any of the things that are promised. On its face, drilling in the Alaska National Wildlife Refuge does not help solve America's drilling problem. We are overly dependent. We have only 3 percent of the oil reserves in the world. There is no way for this to make a dent in the world oil supplies, in the supply or price of gasoline or America's energy independence. But that is not the debate today. The debate today is what the Senator from West Virginia was talking about.

Every so often in the Senate we have a gut check about what it means to be a Senator and why we are here and what our duty is—our duty. The arguments we have just heard from the Senator from New Hampshire and the Senator from Mississippi—we all agree we want border money. We all agree we want the money for our troops. We agree we want the money for those hurricane victims. Every single one of us in the Senate knows how this place works. If we say no to this breaking of the rules, which is what is creating this impasse, within hours we can pass this bill with the border money, with our troop money, and with the hurricane money. We can do that.

There is only one thing stopping us. What is stopping us is the fact that in an effort to do what they could not do by following the rules, they are now going to break the Senate rules for a matter of expediency.

Mr. BYRD. Shame.

Mr. KERRY. That is what is at stake. That is the vote.

Mr. BYRD. Shame.

Mr. KERRY. The whole reason this is being put on DOD is to make it tough on Senators. And it is tough—

Mr. BYRD. Yes.

Mr. KERRY. Because they fear going home and somebody says: You voted against the troops.

This is not about the troops. We are all supportive of the troops, and we can have the money for the Defense bill, but we should do it according to the rules of the Senate.

Mr. BYRD. Right.

Mr. KERRY. That is what we are here for. That is what this is about. There is not one Senator here who does not understand that if we say no to cloture now, this can be stripped out. The Senator from Alaska himself has said he would strip it out, that if it does not happen they can take it out, reconvene the conference, we come back, and if it means an extra day to preserve the rules of the Senate, we ought to take that extra day.

The fact is, this bill could have been passed 3 months ago, and it was held up because of a stubborn insistence on the issue of torture. Now it is being held up in order to break the rules in order to be able to do ANWR. I hope our colleagues will stand up for the Senate. It is not pro-ANWR or against ANWR. It is not protroops or against troops. It is for the Senate.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. I yield 1 minute to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. I thank my friend and colleague who has done such a wonderful job on this issue, the Senator from Washington.

I rise to oppose this motion and to clearly state, along with my colleagues, that we all support funding our troops. We support helping those in the gulf who have been hurt and are in such difficult times. We all support the Low-Income Home Energy Assistance Program. We have had the opportunity to vote on these. This is a question of whether something that cannot pass following the rules gets put into a bill that we all support on behalf of our troops, and somehow we are blackmailed into passing that in order to get the funding for the troops that we all want and that we all support.

I oppose this tactic. I appreciate that there are people on both sides of the aisle, well-meaning people who disagree on whether we should drill in the Alaska National Wildlife Reserve. I say no. But this is about whether we will support our troops and not allow the process to be hijacked. Let's vote no and get on about the business of funding our troops.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Washington.

Ms. CANTWELL. Madam President, if I could be notified when I have used 5 minutes.

I rise today to ask my colleagues to reject this cynical ploy that has brought us to this point today. Just a few days before the holidays, we are presented with this Defense bill that has become a Christmas tree. It is a Christmas tree decorated with giveaways and back-door exemptions, and special rules for the oil industry.

We have been debating the topic of ANWR for 25 years. No one should condone such a blatant maneuver as taking the bill that provides funding for our men and women in uniform, and stuffing into it a provision that was in neither the House nor Senate bills; a provision that gives away to the oil industry the ability to drill in the Arctic National Wildlife Refuge; a provision that hasn't gone through the normal rules and processes that any other business in the Senate would have to go through.

This Senator strongly objects to these provisions for Arctic drilling on the merits of the issue. I welcome a debate on the merits of the issue. But regardless of those issues, my colleagues should understand that every Member of this institution should object to the way this provision has been added to this legislation. These measures were slipped into the Defense spending bill, and they are a violation of the Senate rules. What is more, these provisions were changed after the bill was voted out of conference. After my colleagues had signed the conference report, the language related to ANWR was changed. So not only was it not in the House or Senate conference bills, it was changed after members had signed their names to the conference report.

Madam President, this is a frontal assault, as my colleague, the Senator from West Virginia said, on the institution, on the Senate, and I ask my colleagues to consider, what is next? If we are to allow legislation like this to move forward, what do we have to look forward to in the future? Will we be drilling off the coast of Florida? Will we be drilling in the Great Lakes? Will we be drilling anywhere, just because it can be put in a defense measure?

I ask my colleagues to make sure that we send a message that is loud and clear, that we are not for breaking Senate rules.

Over the last week or so there have been more than 20 different editorials from papers across the country, from New Hampshire to Oregon, from Minnesota to Florida and elsewhere around the country, talking about these issues and why we should not be in this situation.

From the Oregon newspaper—basically it said this is a shortsighted plan, and it is ''disgusting that lawmakers would try to equate oil profits with our Nation's true defense needs.''

Another newspaper in New York said it was an eleventh hour ploy in Congress by Republican leadership, lowering the bar and slapping Alaskan oil drilling onto a must-pass bill to pay for the Iraq war.

Another criticism from the Oregonian:

> A vote for the Arctic is not a vote against our Nation's military.

We are not going to be blackmailed into passing this legislation, just because someone at the eleventh hour sticks this language in.

I saw in a news commentary, the Scarborough Report—this from somebody who supports drilling in Alaska—who basically said that this provision is a ''politically toxic rider to funding our troops in Badhdad, in Iraq, in Afghanistan, and across the world. It is unforgivable,'' this tactic.

And the military, retired leaders sent a letter saying:

> . . . any effort to attach this controversial legislative language authorizing drilling to the Defense appropriations conference report will jeopardize Congress' ability to provide our troops and their families with the resources they need in a timely fashion.

We did not have to get to this point. We did not have to get to this point today, where Members are being forced to vote on drilling in the Arctic just because we have to pass a Defense appropriations bill.

I ask my colleagues to consider this. I do believe in a different view than this legislation when it comes to energy independence. I do believe that being dependent on foreign oil at more than 50 percent today is too much. There is no way we are going to drill our way to energy independence in the United States. God only gave the United States 3 percent of the world's oil reserves, so we should move off of that and on to other supply.

Today we are here as Senators to say whether we are going to allow the Senate rules to be broken; whether we are going to try to pass some language that never appeared in any Senate bill, but mysteriously appeared in this conference report at the eleventh hour.

I do not think we should give a green light to oil companies in this fashion, giving them the ability to circumvent seven Federal laws and countless regulations, regulations with which every other business in America has to comply.

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Ms. CANTWELL. I thank the Chair. I will consume another minute.

I hope the Senate will turn down this language, that we will make sure we do not give an exemption to oil companies from all these laws, and that we certainly do not do so on the backs of our military men and women.

I yield the floor and yield 3 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, when I first ran for the Senate in 1988, the question of whether to allow drilling for oil in the Arctic Refuge was an important choice before the voters of Connecticut. My opponent supported it. I opposed it. I opposed it because I wanted to protect this magnificent piece of America's land and life forever, pretty much as nature's God, as our Founders would have said, created it.

Second, I thought drilling for oil in the Arctic Refuge perpetuated a dangerous myth that we could drill our way out of energy dependence on foreign oil.

When I came to the Senate, I found, of course, many people who supported drilling for oil in ANWR as strongly as I opposed it. Over the last 17 years, we have had, almost every year, good, fair fights on this issue according to the rules. In most of them, those of us who oppose oil drilling in the Arctic Refuge have prevailed because the proponents have not been able to achieve the 60 votes necessary under the Senate rules. What they have done in the last year or so is attempted to suspend and circumvent those rules, first on the budget matters, circumventing the Byrd rule. In the Senate, they prevailed. In the House, a very courageous band of Republicans and Democrats stood up and said no.

At the eleventh hour, the proponents of oil drilling in ANWR have attached this provision where it does not belong—on the Department of Defense appropriations bill—in the hope that we will be intimidated into voting for something we don't believe is right because we don't want to be accused of threatening support for our troops. I have too much of a sense of responsibility, too much respect for the Senate,

and too much respect for my constituents to be intimidated to support something I believe is wrong and clearly in contravention of our rules.

Somebody said to me the other day: Senator LIEBERMAN, you are such a strong supporter of the military. How can you intend to cast this vote which will threaten funding for our troops in the middle of a war?

My answer is: I am not the one threatening support for our military in the middle of the war. It is those who have had the audacity and disrespect for our rules to attach this provision to funding for our troops who are endangering it.

Second, if we yield to this tactic this time on ANWR, next year it will be someone else's pet policy attached to the Department of Defense appropriations bill, and the year after, yet another.

In my opinion, if you support our military and you want security of funding, particularly in time of war, you will vote against cloture to protect the sanctity, if you will, the primacy of this funding for the military.

Finally, if, as I hope and believe, the Senate rises up and denies cloture, our troops will not lose their funding. Members of Congress of both parties and the President will not allow that to happen. My dear friend, the senior Senator from Alaska, is too much of a patriot, no matter how disappointed he is if cloture is denied, to take that anger out on our troops.

I appeal to my colleagues to vote against cloture. I am going to do it, not just because I am opposed to drilling for oil in the Arctic Refuge but because I support the U.S. military, and I refuse to have the military and its funding held hostage to this move in violation of the Senate rules.

I yield the floor.

Ms. CANTWELL. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. Two minutes.

Ms. CANTWELL. I yield the remaining 2 minutes to the Senator from Illinois, who has been hard working on this subject.

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

Mr. DURBIN. Madam President, I thank the Senator from Washington for her leadership, along with Senator LIEBERMAN, Senator KERRY, and others.

This vote on cloture comes down to two basic issues. The first is the issue of energy.

Fifty years ago, President Eisenhower set this land aside. He said this Wildlife Refuge will be here for future generations. We ought to protect it and preserve it. Now we are be being told that in the name of energy, we have no choice but to drill in this Wildlife Refuge.

What are we saying to Americans? What are we saying to our children? That we are so bereft of ideas, that we are so devoid of leadership, that we are so self-consumed, the only thing we can do to provide energy for America is to break our promise to future generations to protect this important piece of our heritage? I think not. The alternative is innovation. The alternative is conservation. The alternative is a real energy policy—not drilling in a wildlife refuge.

To think that we are bringing up this issue on the Defense appropriations bill—there was a time when this bill was considered in a sacred manner. It was usually the first appropriations bill. It was very rarely ever embroiled in a political controversy not directly related to the military. But this time, it is the second-to-last appropriations bill. It has become the vehicle for a variety of controversial political issues.

We show no respect for our men and women in uniform by taking this bill to this point in history where it becomes the showplace and the forum for all of these political squabbles. We should show respect for our men and women in uniform by defeating this cloture motion, by taking out this objectionable provision, and by quickly moving to pass this bill so we fully fund all that is necessary to help or men and women in uniform. The senior Senator from Alaska promised it, said that is what will occur.

I hope we prevail on the motion against cloture, that we can move very quickly to pass a clean Defense appropriations.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Madam President, Senator FRIST and I have spoken. After the distinguished Senator from Alaska gives the closing statement, Senator FRIST will speak, and then I will speak. We will use leader time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I hope the good Lord will help me hold my temper, and I think that will be the case.

The Senator from Illinois said some things that were not true. I have not promised him one single thing. As a matter of fact, I asked for his apology once; I wouldn't accept it now.

I wish to tell the Senator that I first went to the North Slope—and there are people from the North Slope right up in the gallery—I went to the North Slope first in 1953 as a young U.S. attorney. I have been going there ever since. My best friends in Alaska are up there. My first wife used to go up there and go on whaling trips and spend days with them. We know this Arctic. You don't know the Arctic at all. They will tell you, as I will tell you, that it is 2,000 acres of Arctic. Is that worth this fight? Did I bring this fight on? It was the minority in the House that refused to vote for the rule that we passed on the reconciliation bill. This provision was in the reconciliation bill. The majority voted for it. Every other time it has been brought up, except once, the minority has filibustered keeping the commitment made to me by two Democratic Senators in 1980, Senator Jackson and Senator Tsongas. They wrote the amendment; I didn't. They wrote the amendment that kept this area open for oil and gas leases.

I tell the Senator from Illinois that I was the one who drew the order that was issued creating an Arctic wildlife range in 1958 in which oil and gas leasing was specifically permitted. It has never been closed. The Jackson-Tsongas amendment kept it open for oil and gas exploration and development subject to an environmental impact statement being approved by both Congress and the President. But we are here today now.

As my good friend from West Virginia says, we are in the temple. I have lived in the temple now for 37 years. I have studied beside my friend from West Virginia. But I will tell him he is wrong. Nothing in this bill will allow the majority to go amok. No majority could do anything.

In the spirit of trying to prevent what happened before when the Chair was overruled in 1996—and it took 4 years before we restored rule XXVIII—in the spirit of that, we put a provision in this bill, at the suggestion of the former Parliamentarian, that we assured there would not be that hiatus. Should someone raise a point of order against this and the Chair would be overruled, we put a provision in it that would prevent rule XXVIII from being suspended again.

I have been called a lot of things in the last few weeks. I didn't think of putting this in the Defense bill. It was a group from the House, Members of the minority, who came to me and asked me to do this, put it in the Defense appropriations bill. I have managed the Defense appropriations bill, or my good friend from Hawaii now has managed it, since 1981. I challenge anyone in the Senate to say they have greater commitment to the military than the two of us.

As a matter of fact, as I look at the minority, I ask any one of you, has anyone ever come to me as chairman of the appropriations or any other function and told me that you needed help for your State, that I have turned you down? I have fought with you. I don't care whether it was Senator HARKIN, Senator BYRD, every Member. I have probably been the most bipartisan Senator on this side of the aisle in history other than Arthur Vandenberg.

Now, once again, let me say this. Every time this subject has come up—living up to the commitment of Senator Tsongas and Senator Jackson—but once, the minority has filibustered. That once we did get it passed and President Clinton vetoed it. So here I am now, after 25 years, and my two friends—they were friends, Senator Tsongas and Senator Jackson—they were friends so close that it caused people at home to place full-page ads in the paper saying: TED STEVENS, come

home. You don't represent us. We believe the Congress will keep this commitment.

That was made in 1980. I have labored here and I have never violated the rules. There is nothing I have done here that has violated the rules. Nothing in the bill before us violates the rules. I have lived by the rules.

Now I find myself second in age and second in seniority to my friend from West Virginia—at least I am the senior one on this side.

I will talk about this amendment. First, we cannot change the judicial review provision.

Mr. KERRY. Will the Senator yield?

Mr. STEVENS. I will not yield. No one yielded to me.

The impact of what I am saying is, we needed a new income stream.

I went to New Orleans with my friend Senator VITTER, and I sought Senator LANDRIEU's people down there. I saw the Gulf Coast States. They have lost everything. I have never seen a disaster such as that. I was faced with a question of how to find a revenue stream to help my friends. I know they are my friends. I know disasters when I see them.

I also was faced with a question from the border security people saying, they have to have money this year. We could not get it. We could not get approval of emergencies.

So I met with the Congressional Budget Office. I said, I think you have underestimated the income from ANWR, you have underestimated income from spectrum sales. I have a letter from CBO somewhere. I will be glad to put it in the RECORD. They said, yes, we did underestimate revenues from ANWR. It will be at least twice as much as estimated, but we cannot change it now. But it is true. They also agreed with me, making the assumptions I made, that there will be more money from spectrum. We allocated the spectrum money in the bill in excess to the amount committed in the bill just passed. We take care of those needs.

The first responders is the first group. When you look at the first responders group, they need equipment. There are people involved in homeland security. This bill has $3.1 billion for them in terms of the border security. There is $1.1 billion in emergency funds offset by future revenues from ANWR.

The second group deals with the first responders, particularly in New York and throughout the country. That tragedy made us aware that first responders could not communicate with one another. In this bill, we have allocated $1 billion for first responders. That is interoperable communications, equipment, grants. We know if that is there, they will be able to communicate with one another if, in fact, there is such a disaster.

We have also public safety people. They have come to me in the last week—this is a list of all the groups that have come to me now—in support of this bill. They need money to train and respond in the event we have another terrorist attack.

Also in this bill is money for home heating. Part of the income from ANWR is dedicated to home heating. The bill provides $2 billion in emergency money—yes, I said emergency—for 2006 in this bill.

If you take out ANWR, you take out that money. If you take out that money, you do not have money for LIHEAP this year other than what is in the bill just passed and that is what was available last year. As we all know, the price of energy has gone up.

Yes, a vote for this bill—and to bring cloture to this bill—helps our Nation's farmers—our State does not have many farmers. We have some great people out there trying to farm. They do a good job, but they do not have the problems of what I call the south 48. Their problems are high fuel prices, which we are paying, but also fertilizer. Fertilizer prices are off the wall. We do not have that.

We are able to get the money for disaster funding in this bill for farmers in dealing with the conservation programs that are so necessary to ensure productivity for the lands of our country for generations to come.

Some Members of the minority have challenged my sincerity with regard to this. I lived through an earthquake. I lived through the flood in Fairbanks in 1966. This vote is a vote for the people of Louisiana, Alabama, Texas, Florida, and Mississippi. As I said, I went down there. I viewed the damage of that city. I saw devastation in China in World War II where the Japanese wiped out cities, but I never saw devastation like I saw in New Orleans. It was mile after mile after mile of homes of ordinary people, not just damaged, but just not there. Not there.

When I came back, I made a commitment to the two Senators that I would help them. I have tried to keep that promise.

This bill provides on the Katrina side $29 billion for education, housing, reconstruction of disaster areas. It is very needed. The people of New Orleans cannot go home for Christmas. I cannot go home for Christmas. I have already canceled my trip. I spent one time before in the chair on New Year's Eve. I don't look forward to it. I want Members to know we will be here until we settle this problem. The severability clause in this bill is not new. It has been there before.

I am not a fair-weather friend. I have not turned down one person on that side of the aisle in my life without trying to help. I did not even go to you and say, Please help me. I did talk to one or more of you about the fact that I thought this was the thing to do. I don't deserve some of the comments that have been made by some Senators in this Senate right now.

We are going to stay here until this is finished. As I said, a vote for cloture is a vote for the troops. The Senator from Massachusetts says it is not. But the easiest way to get the money to troops is to vote for cloture. We will be home for Christmas if we do.

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. STEVENS. I say this to my friend from West Virginia: In all the time we have worked together I have great admiration for you and studied at your feet, but I do not believe I deserved that speech on the rules. I have not violated the rules. I do not ask the Senate to violate the rules. I ask them to vote for cloture, which is part of the rules, and see where we go from there.

Mr. REID. All time is expired; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I claim my leader time.

The PRESIDING OFFICER (Mr. ALEXANDER). The minority leader.

Mr. REID. Mr. President, the Senate is a body of process and a body of order. We have rules. These rules separate us from the House of Representatives. The Founding Fathers, visionary as they were, recognized that. That is why this Senate has worked so well, the Constitution. These rules separate us from the House of Representatives. The House is subject to partisan desires of the majority. We are not.

For more than 200 years, through Democratic majorities and Republican majorities, the Senate has lived by these rules. But twice this year—once this spring and now today—the Republican majority has shown us how far they are willing to go outside the rules to get what they want.

The first attempt to flex their muscle, to show their power and change the Senate rules, was the so-called nuclear option. This was stopped when courageous Senators, Democrats and Republicans, from both sides of the aisle stood against it.

We need to see this same bipartisan courage today. The majority is threatening to break the rules again—that is what this is all about—but this time they are holding the U.S. military—yes, those men and women, as we stand here, are standing up in Iraq and Afghanistan—our military is being held hostage by this issue, Arctic drilling.

Senator STEVENS is violating rule XXVIII in order to pass ANWR. The Senator knows he lacks the votes to get this boon for special interests passed the right way, so he is willing to break the rules to jam it through.

Yes, I have worked with Senator STEVENS all the time I have been in the Senate. I have great admiration and respect for the Senator from Alaska. But the bill does not leave just the ANWR provision standing out there like a sore thumb. Another gift to special interests is the drug immunity provision. The legislation was not included in either the House or the Senate versions of the Senate appropriations bill, and conferees were given written assurances it would not appear in the conference report. Yet here it is because

House and Senate leaders, in the middle of the night, insisted that the rules be broken to include it.

This process is not fair to the Senate, and certainly not fair to the U.S. military, and certainly—certainly—not fair to the American people. It is time we said no to an abuse of power, no to those who seek to abuse the rules in the name of special interests, and no to turning the Senate into the House of Representatives.

We have rules for a reason. We have rules in the Senate for a reason. Why? To create stability. It creates certainty. These rules serve the majority, and they serve the minority, and they should not be broken because of special interests. They should not be broken because of the powerful.

I am going to vote against cloture today. Now, I know there are some in the majority who have threatened various things if cloture is not invoked. But I say, Mr. President, thankfully, we have Senator STEVENS' own words to tell us what will happen. Here is what the distinguished Senator from Alaska said, the bill manager. He told the Fairbanks Daily News-Miner, this past Sunday:

> If a Senate filibuster over ANWR stops the defense bill, the legislation can be quickly modified and passed so there is no impact on the military's finances.

He went on to say:

> If we lose, then . . . ANWR will be out.

It is that simple. Senator STEVENS is a man of his word, as he stated on the floor today. And he said if we don't get cloture, the bill goes back to the conferees. Mr. President, I do not know how this vote is going to turn out. We all know it is very close. But I hope ANWR gets taken out. All of us stand with our troops. And all of us want to do what is right for the Senate and for our country. That is why our best course of action is to vote ''no'' on cloture and follow the roadmap Senator STEVENS himself has provided.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. America is watching what this body does. And America tells us to win the war on terror. Do not accept retreat and defeat. America is watching this body, and they are telling us to do something about energy prices, that of home heating oil and gasoline prices, and to increase the energy supply in this country.

America tells us to strengthen our porous borders, to enforce the laws of the land. We are a nation of laws. Yes, we are a nation of immigrants, a wonderful nation of immigrants, but a nation of laws.

America tells us to support the victims of Hurricanes Rita and Katrina, and what we are about to vote on in this bill is all of the above. The Democrats should not filibuster our Defense appropriations bill. And that is what we will be voting on in a few minutes.

We are a nation at war. Right now, our troops are engaged on the battlefield with a determined enemy. The consequences of failure to invoke cloture on this Defense appropriations bill, when we have troops in the field, are grave. We have a responsibility not only to fully support our troops when they are at war but a responsibility also to secure our economic viability. We need to reduce that dependence—that dangerous dependence—on foreign sources of oil.

The ANWR provision promises to unlock up to 14 billion barrels of oil, nearly 1 million barrels a day at full production. ANWR has been determined by experts to be the single largest and most promising onshore oil reserve in North America. We need to put these energy resources to work for America to reduce those prices, which every American feels, for our economic security and, indeed, for our national security.

The ANWR provision is responsible. It is reasonable. It is critical to meeting our economic and security priorities.

And then we have the victims of Hurricanes Rita and Katrina. They have suffered terrible loss—we have suffered with them—and devastation. This bill, the bill we are about to vote upon, includes a long-term funding stream for gulf coast recovery, as well as the most significant Katrina aid recovery package that Congress has yet allocated, including funds to immediately strengthen and repair the New Orleans levees.

The Defense bill provides $3 billion for border security to tighten those borders. We are a nation of laws. It is time to enforce them. There is $1 billion for interoperable communications equipment, the first priority of the 9/11 Commission.

We have long-term funding, as Senator GREGG has spoken to, to help low-income Americans pay their heating bills this winter. I am disturbed—disturbed—that there are Senators who believe it is a victory to kill, to filibuster, to stop, to block this bill.

I urge my colleagues to carefully consider the consequences of the vote they are about to cast and the profound reverberations it will have on America's economic and national security.

A vote for cloture is, indeed, a vote for our troops.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill 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 conference report to accompany H.R. 2863, the Department of Defense Appropriations Act of 2006.

Bill Frist, John Cornyn, John Thune, Jeff Sessions, Lindsey Graham, Saxby Chambliss, Richard Shelby, Jon Kyl, Mike Crapo, Mitch McConnell, Ted Stevens, Thad Cochran, C.S. Bond, Conrad Burns, Pete Domenici, Judd Gregg, John Warner.

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

The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 2863, the Department of Defense Appropriations Act of 2006, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 56, nays 44, as follows:

[Rollcall Vote No. 364 Leg.]

YEAS—56

Akaka	Dole	McConnell
Alexander	Domenici	Murkowski
Allard	Ensign	Nelson (NE)
Allen	Enzi	Roberts
Bennett	Graham	Santorum
Bond	Grassley	Sessions
Brownback	Gregg	Shelby
Bunning	Hagel	Smith
Burns	Hatch	Snowe
Burr	Hutchison	Specter
Chambliss	Inhofe	Stevens
Coburn	Inouye	Sununu
Cochran	Isakson	Talent
Coleman	Kyl	Thomas
Collins	Landrieu	Thune
Cornyn	Lott	Vitter
Craig	Lugar	Voinovich
Crapo	Martinez	Warner
DeMint	McCain	

NAYS—44

Baucus	Dorgan	Lincoln
Bayh	Durbin	Mikulski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Boxer	Frist	Obama
Byrd	Harkin	Pryor
Cantwell	Jeffords	Reed
Carper	Johnson	Reid
Chafee	Kennedy	Rockefeller
Clinton	Kerry	Salazar
Conrad	Kohl	Sarbanes
Corzine	Lautenberg	Schumer
Dayton	Leahy	Stabenow
DeWine	Levin	Wyden
Dodd	Lieberman	

The PRESIDING OFFICER. On this vote, the yeas are 56 and the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. FRIST. I enter a motion to reconsider the previous vote.

The PRESIDING OFFICER. The motion is entered.

Mr. FRIST. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

CORRECTING THE ENROLLMENT OF H.R. 2863

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the concurrent resolution correcting the enrollment of H.R. 2863