

Mr. REID. Mr. President, when I came to work this morning, as I pulled into the Capitol, there were dogs under Capitol police control, sniffing to find out if there were explosives in the cars coming into the Capitol. There was an officer with a semiautomatic shotgun. As I proceeded, there was an officer on the Capitol steps with an assault rifle. As I came into the Capitol, there were police officers at the door. These are the same type of officers as the two who were gunned down, Chestnut and Gibson, a few years ago. These were police officers protecting us.

In this Chamber today, there are plain clothes Capitol police officers here for our protection. All of these police officers are trained to put our lives ahead of theirs.

When we, in recent days, have been directed to leave the Capitol, taken from the Capitol, there are police officers who wait behind to make sure everyone is out before whatever wrong is supposed to happen happens. They are the last here before the doors are closed.

I was a Capitol policeman. I was not trained to do any of the things these men and women are trained to do today. We are in an extremely vulnerable situation here in the United States Capitol complex. In every one of the office buildings, every place we go in the Capitol complex, there are evil people who are trying to do harm to us and the millions of visitors who come here every year.

That is why, as I read this morning the language in the Legislative Branch appropriation bill, I was offended. I was offended by the language in that bill, the insulting language about our Capitol Police. They are our Capitol Police.

This legislation is going forward. As a member of the Appropriations Committee—I was chairman of the Legislative Branch Appropriations Subcommittee for a number of years, and I enjoyed the service greatly—I feel that the Capitol Police have been wronged in this appropriations bill. The Capitol Police is an imperfect organization, similar to every organization. It is a big organization. I am sure the administration makes mistakes and things happen that should not happen within the Capitol Police force. However, I repeat, the men and women who put their lives on the line for us every day, 24 hours a day—for each of us, for the staff here, as I said before, for the thousands of people who are visiting today in this Capitol—their support, their protection is consistent and strong.

I resent this libel, by vague generality, that is contained in this conference report. The language in the Senate version of the Legislative Branch bill contained a number of constructive clauses and areas of improvement for the police, written in a way that is completely appropriate in an appropriations bill. What is returned from the conference is an anti-Capitol Hill Police screed that is unacceptable.

I am pleased the Senate was largely able to prevail on fiscal issues in this conference report. The Capitol Police will have most of the resources they need to protect Members, staff, and the visitors who come here. However, it seems that our conferees were forced, obviously, to swallow nasty report language about the Chief of Police, his deputies, and other police administrators in order to get adequate funding for them. This is absurd. I am happy to have the funding, but the trade is ridiculous.

It is unwarranted. There are problems in all large organizations. Let's work to solve them together, but not have the nasty tone of this conference report. For whatever reason, we have had a succession of people in the House of Representatives who do not like the Capitol Police force. They have stated so publicly and privately. But it is not getting better; it is getting worse.

This is the last year I will accept it. Maybe others will, but I will not. Let me be very clear. I will never ever allow a Legislative Branch conference report that is as nasty and relentlessly negative toward our Capitol Police as this one that is going to become law. One will never become law again. I am going to reach out to my friends on the House side, Congressman LEWIS and the Speaker and others, to see what we can do to improve this.

I support Chief Gainer, his deputies, his staff, and all his officers. They have my support and my devotion because they protect my life every day. They risk their lives every day to protect this institution, and they deserve better than the pettiness that I have read in these pages.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I ask unanimous consent the next three roll-call votes be 10-minute votes.

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

Under the previous order, there will now be 2 minutes of debate equally divided on the conference report to accompany H.R. 2985, the Legislative Branch appropriations bill. The Chair recognizes the Senator from Colorado.

Mr. ALLARD. Mr. President, I yield to the minority to speak first. Are there any additional comments?

The PRESIDING OFFICER. The Senator from Illinois is recognized for 1 minute.

Mr. DURBIN. I thank the Chairman again for his hard work on the bill, and I agree with Senator REID in every word he has said. What is in this conference committee report about the Capitol Police is totally undeserved and unwarranted. It is a shame there are some people in this Capitol, not necessarily on this side of the Rotunda, who unfortunately put that language in here. Remember, we are here safely today because they are literally risking their lives as we do our work. For goodness sakes, they deserve our appreciation, and they do not deserve the

condemnation that is part of this conference committee report.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I think we have a good bill for us. I ask everybody to vote "aye" on the conference report. We have been very generous with the police. We all recognize the hard work and sacrifice they have made on behalf of all of us, our staffs, and the many visitors who come to the Capitol.

We have taken a very strong position in support of the Capitol Police on this side of the Capitol. We worked closely with the minority side and appreciate their input as we move forward with this particular piece of legislation.

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 conference report.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 96, nays 4, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—96

Akaka	Dole	McCain
Alexander	Domenici	McConnell
Allard	Dorgan	Mikulski
Allen	Durbin	Murkowski
Baucus	Enzi	Murray
Bayh	Feingold	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Biden	Frist	Obama
Bingaman	Graham	Pryor
Bond	Grassley	Reed
Boxer	Gregg	Reid
Brownback	Hagel	Roberts
Bunning	Harkin	Rockefeller
Burns	Hatch	Salazar
Burr	Hutchison	Santorum
Byrd	Inouye	Sarbanes
Cantwell	Isakson	Schumer
Carper	Jeffords	Sessions
Chafee	Johnson	Shelby
Chambliss	Kennedy	Smith
Clinton	Kerry	Snowe
Cochran	Kohl	Specter
Coleman	Kyl	Stabenow
Collins	Landrieu	Stevens
Cornyn	Lautenberg	Sununu
Corzine	Leahy	Talent
Craig	Levin	Thomas
Crapo	Lieberman	Thune
Dayton	Lincoln	Vitter
DeMint	Lott	Voinovich
DeWine	Lugar	Warner
Dodd	Martinez	Wyden

NAYS—4

Coburn	Ensign
Conrad	Inhofe

The conference report was agreed to.

Mr. ALLARD. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

ENERGY POLICY ACT OF 2005— CONFERENCE REPORT—Resumed

The PRESIDING OFFICER. There will now be 2 minutes of debate on the conference report accompanying H.R. 6, the Energy bill. Who yields time?

Mr. DOMENICI. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The senior Senator from New Mexico.

Mr. DOMENICI. What is the issue before the Senate?

The PRESIDING OFFICER. The issue before the Senate now is the conference report accompanying H.R. 6. There is 2 minutes equally divided.

Mr. DOMENICI. I understand the distinguished Senator from Wisconsin desires to make a point of order.

Mr. FEINGOLD. Mr. President, I have 1 minute; is that correct?

The PRESIDING OFFICER. That is correct.

The Senate will be in order.

The Senator is recognized.

Mr. FEINGOLD. I have four fundamental concerns with regard to the Energy conference report: it digs us deeper into a budget black hole, it fails to decrease our dependence on foreign oil, it rolls back important consumer protections, and it undermines some of the fundamental environmental laws our citizens rely upon.

The conference report includes direct spending of more than \$2.2 billion over the 2006-2010 period, exceeding the amount allocated by the budget resolution, so I hope my colleagues will join me in sustaining a budget point of order.

Mr. President, I make a point of order that the pending conference report violates section 302(f) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Was the motion just made?

The PRESIDING OFFICER. A point of order was made.

Mr. DOMENICI. I move to waive the point of order subject to appropriate provisions of the Budget Act.

The PRESIDING OFFICER. The Senator from New Mexico moves to waive the budget point of order.

Mr. DOMENICI. Mr. President, I have 2 minutes; is that correct?

The PRESIDING OFFICER. One minute.

Mr. DOMENICI. One minute. First, this is almost not a point of order. It is \$40 million a year. That is because we had \$2 billion in direct spending, \$2 billion in this whole bill. What we did, when we ended up doing all of the estimating, it was 2.2. So anybody who thinks this point of order is a real budget point of order, it is a nothing point of order. Many times the budget process takes \$50 million and rolls it because they are trying to make things meet, and here we are having a point of order making it sound like a bunch—\$40 million.

The last comment is this bill reduces the deficit because the tax writing committee came in \$6 billion under. We are \$200 million a year over. Do the arithmetic. The bill reduces the deficit; it doesn't raise it. I think this is the very reason the waiver provisions in the Budget Act were provided, for mistakes like these in estimating. That is why we have a waiver section. Members should vote in favor of the Domenici motion to waive.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Mexico to waive the Budget Act.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 71, nays 29, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—71

Akaka	Dodd	McConnell
Alexander	Dole	Mikulski
Allard	Domenici	Murkowski
Allen	Dorgan	Nelson (NE)
Baucus	Durbin	Obama
Bennett	Ensign	Pryor
Bingaman	Enzi	Roberts
Bond	Feinstein	Rockefeller
Brownback	Frist	Salazar
Bunning	Graham	Santorum
Burns	Grassley	Sessions
Burr	Hagel	Shelby
Byrd	Harkin	Smith
Cantwell	Hatch	Snowe
Coburn	Hutchison	Specter
Cochran	Inhofe	Stabenow
Coleman	Inouye	Stevens
Collins	Johnson	Talent
Conrad	Landrieu	Thomas
Craig	Levin	Thune
Crapo	Lieberman	Vitter
Dayton	Lincoln	Voinovich
DeMint	Lott	Warner
DeWine	Lugar	

NAYS—29

Bayh	Gregg	McCain
Biden	Isakson	Murray
Boxer	Jeffords	Nelson (FL)
Carper	Kennedy	Reed
Chafee	Kerry	Reid
Chambliss	Kohl	Sarbanes
Clinton	Kyl	Schumer
Cornyn	Lautenberg	Sununu
Corzine	Leahy	Wyden
Feingold	Martinez	

The PRESIDING OFFICER (Mr. THOMAS). On this vote, the yeas are 71, the nays are 29. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to and the point of order falls.

The question now is on agreeing to the conference report.

Mr. DOMENICI. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the conference report.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 74, nays 26, as follows:

[Rollcall Vote No. 213 Leg.]

YEAS—74

Akaka	Allen	Bennett
Alexander	Baucus	Bingaman
Allard	Bayh	Bond

Brownback	Ensign	Murkowski
Bunning	Enzi	Nelson (NE)
Burns	Frist	Obama
Burr	Graham	Pryor
Byrd	Grassley	Roberts
Cantwell	Hagel	Rockefeller
Chambliss	Harkin	Salazar
Coburn	Hatch	Santorum
Cochran	Hutchison	Sessions
Coleman	Inhofe	Shelby
Collins	Inouye	Smith
Conrad	Isakson	Snowe
Cornyn	Johnson	Specter
Craig	Kohl	Stabenow
Crapo	Landrieu	Stevens
Dayton	Levin	Talent
DeMint	Lieberman	Thomas
DeWine	Lincoln	Thune
Dole	Lott	Vitter
Domenici	Lugar	Voinovich
Dorgan	McConnell	Warner
Durbin	Mikulski	

NAYS—26

Biden	Gregg	Murray
Boxer	Jeffords	Nelson (FL)
Carper	Kennedy	Reed
Chafee	Kerry	Reid
Clinton	Kyl	Sarbanes
Corzine	Lautenberg	Schumer
Dodd	Leahy	Sununu
Feingold	Martinez	Wyden
Feinstein	McCain	

The conference report was agreed to. Mr. DOMENICI. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

PROTECTION OF LAWFUL COMMERCE IN ARMS ACT

The PRESIDING OFFICER. The Senate will now resume consideration of S. 397, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 397) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

Pending:

Frist (for Craig) modified amendment No. 1605, to make clear that the bill does not apply to actions commenced by the Attorney General to enforce the Gun Control Act.

Frist modified amendment No. 1606 (to amendment No. 1605), to make clear that the bill does not apply to actions commenced by the Attorney General to enforce the Gun Control Act and National Firearms Act.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, we have now returned to S. 397. Under a unanimous consent agreement, there are four amendments to be debated, and three of the four will have relevant first degrees. My colleague from Kansas has asked to speak very briefly before we move to the first amendment.

I yield to Senator ROBERTS.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I thank the distinguished Senator for yielding.

There is not another thing, basically, on any of these amendments that has not already been said or that will change anybody's vote. I don't intend